



CITY OF OCEANSIDE  
DEVELOPMENT SERVICES DEPARTMENT / PLANNING DIVISION

AGENDA NO. 4

Memorandum

To: Planning Commission

From: Jeff Hunt, AICP, City Planner *JH*

Date: October 23, 2017 Meeting

Subject: 2017 Legislative Update

This memo provides a summary of the major legislative bills that have been signed by the Governor that affect planning and land use matters. This list is non-exhaustive and relies in part on analysis provided by outside parties (i.e. Legislature, Governor's Office, League of Cities, State APA, media, etc.)

In recent years, the State Legislature has adopted more and more legislation that contain mandates that prescribe and/or limit the actions that cities may take regarding certain land use actions involving housing, climate change, transportation, wireless facilities, equity, etc. In regard to this year's housing package bills, the Assembly Speaker was quoted as saying "this is just a start".

Staff will provide further details regarding these bills in the future, as additional analysis becomes available; along with the City's obligations regarding implementation and next steps.

**MISCELLANEOUS**

**SB 1 (Beall)** – Increases gasoline sales and excise taxes to provide \$5bil annually for transportation infrastructure including \$200mil for maintenance, \$100mil for active transportation, and \$400mil for State highways.

**SB 94 (Mendelsohn)** – Addresses and clarifies many medical and recreational cannabis regulations; replaces all references to "marijuana" with "cannabis".

**SB 231 (Hertzberg)** – Defines "sewer" in the Prop 218 Omnibus Implementation Act so that stormwater fees may be collected by cities.

**SB 498 (Skinner)** – Requires purchase of 50% of State vehicle fleet to be zero emission by 2025.

**SB 649 (Hueson)** – VETOED - Would have required small wireless facilities to be a permitted use within city right of ways and authorized with only an encroachment permit or building permit.

**AB 398 (Garcia)** – Addresses the existing cap and trade program that allows GHG emissions permits, including extending the program to 2030.

**AB 805 (Fletcher)** – Affects SANDAG by modifying voting structure, creating an auditor position and requiring annual reports.

**AB 863 - VETOED** – Would have required projects that receive funding from the Affordable Housing Sustainable Communities Program to employ local workers.

**AB 890 (Medina)** – VETOED – Would have required CEQA approval of certain land use decisions that are currently exempt if a voter initiative had been approved.

**AB 1452 (Muratsuchi)** – Authorizes cities to dedicate on-street public parking spaces for the exclusive use of charging a parked electric vehicle.

### **HOUSING PACKAGE**

**SB 2 (Atkins)** - Requires a real estate transaction fee that will raise \$250mil annually for affordable housing.

**SB 3 (Beall)** - Puts a \$4bil bond on the 2018 ballot; to primarily finance low income (60% AMI) housing projects.

**SB 35 (Weiner)** – Requires cities that have not constructed housing units per their RHNA to ministerially approve affordable housing projects that contain 10 units with 1/2 at 80% AMI, outside of coastal zone.

**SB 166 (Skinner)** – Requires cities to assure no net loss of affordable housing availability as housing is developed, through rolling rezonings if necessary.

**SB 167 (Skinner)** – Requires cities that deny affordable housing projects to make findings based on a “preponderance of evidence”, instead of the current “substantial evidence”; enhanced fines.

**SB 540 (Roth)** - Allows cities to identify Workforce Housing Opportunity Zones near jobs and transit, where projects will be streamlined and exempt from CEQA.

**AB 72 (Santiago)** – Provides the State Department of Housing & Community Development with authority to review city actions inconsistent with its Housing Element; and refer for legal action.

**AB 73 (Chiu)** – Allows cities to designate a Housing Sustainability District which streamlines review of projects with 20% low income units, if near transit.

**AB 571 (Garcia)** – Facilitates farmworker housing regarding tax credits and operational costs.

**AB 678 (Bocanegra)** – Identical to SB 167.

**AB 879 (Grayson)** – Requires cities to include in annual reports to State HCD the number of housing development applications, units approved/denied, and sites rezoned for housing; and requires the Housing Element to include an analysis of constraints regarding adopted ordinances and non-governmental constraints and city efforts to remove them.

**AB 1397 (Low)** – Requires sites in a city’s housing element to be realistic (have infrastructure); and cities to demonstrate efforts to remove non-city constraints (land costs, rental rates, etc.).

**AB 1505 (Bloom)** – Provides that cities can require affordable housing rental units, that *Palmer* court ruling had prohibited.

**AB 1515 (Daly)** – Requires housing projects to be protected under the Housing Accountability Act if there is substantial evidence a reasonable person would use to conclude the project is consistent with a plan.

**AB 1521 (Bloom)** – Provides experienced housing organizations with first right of refusal to purchase existing affordable housing units that are put up for sale.

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