



# **2015 LEGISLATIVE WEBINAR UPDATE**

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- 2015 SESSION ENDED 9/11/15
- TWO-YEAR BILLS CAN BE RESURRECTED IN 2016 – NOTHING DIES IN THE FIRST YEAR
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## **HOT BILLS – WHAT HAPPENED?**

- Authorizes local agencies to form a Community Revitalization Authority (CRIA) within a community revitalization and investment area
- Provides a redevelopment replacement for the most disadvantaged and poorest areas of CA
- CRIA'S are authorized to invest the property tax increment of consenting local agencies (other than schools) and other available funding to:

# **AB 2 (ALEJO) COMMUNITY REVITALIZATION AUTHORITIES**

- improve conditions leading to increased employment opportunities, including reduction of high crime rates
- repair deteriorated and inadequate infrastructure
- and develop affordable housing

## **AB 2 (ALEJO) COMMUNITY REVITALIZATION AUTHORITIES**

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- Powers and responsibilities mirror those of former redevelopment agencies but have been tightened:
- no impact on school funding
- agencies involved must consent
- affordable housing set-aside increased to 25%
- new and rigorous accountability criteria added
- input by affected landowners and residents expanded with extensive public hearing process and opportunity to submit formal protests and vote
- former redevelopment assets subject to pending litigation cannot be affected by the creation of a CRIA

## **AB 2 (Alejo) CRIA's**

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- Like redevelopment agencies CRIA's can:
- issue bonds
- acquire land
- construct facilities
- use eminent domain
- But only in areas with high unemployment, crime rates, and physical deterioration

## **AB 2 (Alejo) CRIA's**

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- Substantially the same as AB 2280 from last year, which the Governor vetoed – he objected to the CRIA provisions being placed within the former redevelopment statutes
- AB 2 places CRIA's in a new area of the codes
- Governor signed this bill the same day he signed SB 107, his redevelopment budget bill
- ***APA California Position: Support***
- ***Location: SIGNED BY THE GOVERNOR***

# **AB 2 (ALEJO) COMMUNITY REVITALIZATION AUTHORITIES**

- The League President and APA California President submitted and op ed to the Sacramento Bee
- Counters a Dan Walter's column bashing AB 2 as just another redevelopment scam
- The op ed defends AB 2 but more importantly defends the Governor's signature of the bill
- and tees up the Governor for additional economic development funding options in the future

# **AB 2 LEAGUE AND APA CALIFORNIA OP ED**



- Adds provisions to EIFD (Enhanced Infrastructure Financing District) law to clarify the procedures for replacing dwelling units that are removed or destroyed within an EIFD
- Makes a number of other technical and clarifying changes to update EIFD law
- SB 628 (Beall), signed into law in 2014, authorized a city or county to create an EIFD, in order to finance specified facilities and infrastructure projects, using tax increment

## **AB 313 (Atkins) Clean up for EIFD Law**

- SB 628 expanded existing IFD law to add to the public capital facilities/other projects of community-wide significance that could be financed by an EIFD including:
- brownfield restoration and other environmental mitigation
- the development of projects on a former military base
- transit priority projects, and
- projects that implement a sustainable communities strategy
- *APA California Position: Support*
- *Location: SIGNED BY GOVERNOR*

# **AB 313 (Atkins) Clean up for EIFD Law**

## • A QUICK LIST OF CRIA VS EIFD DIFFERENCES

- **CRIA:** Authorizes property tax increment to finance the implementation of a community revitalization plan with consenting local agencies
- **EIFD:** Authorizes property tax increment to finance implementation of an infrastructure financing plan to repay bonds and requiring every consenting local agency contributing its tax increment to approve the EIFD plan – 45 year life

# CRIAs VS EIFDs

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- **BOTH** Prohibit:
- schools from participating
- redevelopment successor agencies from participating
- a city or county from participating unless former redevelopment agency has received a finding of completion from DOF

## **CRIAs VS EIFDs**

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- **CRIA:** Requires that at least 80% of CRIA has an annual median household income that is less than 80% of statewide annual median income and meets 3 of the following 4 conditions:
  - Non-seasonal unemployment at least 3% higher than statewide median
  - Crime rates 5% higher
  - Deteriorated or inadequate infrastructure
  - Deteriorated commercial or residential structures

## **CRIAs VS EIFDs**

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- **CRIA:** Powers include dedicating funding to:
- specific infrastructure
- low- and mod-income housing
- brownfield cleanup
- seismic retrofits
- property acquisition
- direct assistance to businesses for industrial and manufacturing uses
- within former military bases with deteriorated/inadequate infrastructure/structures

## **CRIAs VS EIFDs**

- **EIFD:** Powers include issuing bonds to pay for:
- public capital facilities or other projects of communitywide significance that provide significant benefits to the district or surrounding community including:
- highways, transit, water systems, sewer projects, flood control, child care facilities, libraries, parks and solid waste facilities

## **CRIAs VS EIFDs**

- **BOTH:** Subject to Brown Act, Public Records Act, Political Reform Act
- **CRIA:** Requires at least 25% of all tax increment revenues must be used to increase, improve and preserve low and mod income housing available at affordable housing cost
- **EIFD:** No set aside requirement

## **CRIAs VS EIFDs**

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- **BOTH:** If activities destroy or remove low- and mod-income housing, must be replaced and authority must relocate displaced families
- **CRIA:** Long-term affordability covenants required on dwelling units at affordable housing cost to, and occupied by, persons and families of moderate-, low- or very-low income, for not less than 55 years for rental units, 45 years for owner-occupied units and 15 years for mutual self-help housing units
- the same for replacement low- and very-low income housing

## **CRIAs VS EIFDs**

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- **EIFD:** Long-term affordability covenants required for housing units built that must be available and occupied by persons and families of low-or moderate-income households not less than 55 years for rental units and 45 years for owner-occupied units
- in lieu of a 45-year covenant or restriction, the district may subject owner-occupied units to an equity sharing agreement

## **CRIAs VS EIFDs**

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- **CRIA:** Requires authority to conduct a protest proceeding every 10 years:
- if 25%-50% of residents and property owners file protest, authority must not initiate any new projects until an election of property owners and residents is held
- if majority votes against the authority, it must not take any further action to implement the plan

## **CRIAs VS EIFDs**

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- **THE MAJOR DIFFERENCE: EIFD VOTE REQUIRED**
- Once local agencies approve the plan, the city or county is required to get 55% approval of voters in the EIFD (within the district boundaries) to issue bonds
- If there are fewer than 12 registered voters within the EIFD, the vote on the proposed bond issuance must be by the landowners in the EIFD, with votes weighted by the number of acres the landowner owns within the EIFD
- If voters defeat the bond, the authority must wait at least one year before another vote
- **The vote for EIFD's makes it much less user friendly**

# CRIAs VS EIFDs

- Part of a legislative package
- Increases the state Low Income Housing Tax Credit by \$100 million
- Creates access to new federal resources for the state with the goal to create thousands of new affordable homes and jobs
- ***APA California Position: Support***
- ***Location: VETOED BY THE GOVERNOR***

# **AB 35 (CHIU/ATKINS)**

## **AFFORDABLE HOUSING FUNDING**

- References the shot clock section of the 2009 FCC Ruling on wireless infrastructure siting
- Shot clock timeframes are 90 days to approve an application for collocations and 150 days to approve an application for brand new site
- Bill goes beyond the Ruling by adding a deemed-approved provision for brand new sites – something that the FCC denied twice
- Author sited examples of jurisdictions ignoring applications, however that was not the case

# **AB 57 (QUIRK) CELL TOWER PERMITTING**

- Also, bill doesn't clearly state the ability to toll the clock or address how CEQA review completion could affect the timeframe
- Carriers could run the clock out to get permit approval, even if important aspects of the application are not complete
- Could force jurisdictions to deny applications to meet the shot clock deadline, rather than work with carriers to develop a safe and esthetically appropriate design
- ***APA California Position: Oppose***
- ***Location: SIGNED BY GOVERNOR***

# **AB 57 (QUIRK) CELL TOWER PERMITTING**

- The three bills set up a regulatory framework for the regulation of medical marijuana
- Departments of Consumer Affairs, Health and Food and Agriculture will create the regulations and oversee the program
- Specially allows a county or city to enforce local zoning and permitting of medical marijuana dispensaries
- Local jurisdictions retain the power to assess fees and taxes on facilities that are licensed

## **AB 266 (Bonta)/AB 243 (Wood)/SB 643 (McGuire) Local Regulation of Medical Marijuana**



- Previous legislation in this area pre-empted local zoning and permitting
- During the last few weeks of session the Department of Consumer Affairs and the authors of the bills worked with the Governor to finalize the language
- APA supported the bills to ensure that local governments continue to have a prominent role in any framework for medical marijuana
- *APA California Position: Support*
- *Location: SIGNED BY GOVERNOR*

## **AB 266 (Bonta)/AB 243 (Wood)/SB 643 (McGuire) Local Regulation of Medical Marijuana**

- Prohibits local governments from prohibiting or penalizing sleeping or resting in a lawfully parked motor vehicle
- Author's goal was to use cars to deal with the absence of adequate shelter beds in California
- Provides exemptions that still allow a law enforcement officer to arrest or cite an occupant of a motor vehicle:
  - for any criminal activity or violation of the vehicle code
  - or to enforce local ordinances that restrict the use of public streets for vehicle storage

## **AB 718 (Chu) Right to Use Vehicles for Human Habitation**

- Because the bill states that the vehicle must be “a lawfully parked motor vehicle”, the bill does not prevent local governments from:
- establishing local parking regulations to address the hours a vehicle can be parked on the street or
- prohibiting overnight parking unless a vehicle obtains a residential permit

## **AB 718 (Chu) Right to Use Vehicles for Human Habitation**

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- The bill does outlaw local ordinances that prohibit people from using a vehicle parked or standing on any city street or parking lot as living quarters either overnight, or day-by-day
- consistent with the US Court of Appeals for the Ninth Circuit in June 2014 in *Desertrain v. City of Los Angeles*
- In that case, the court found that LA's ordinance paved the way for law enforcement to target the homeless and was therefore unconstitutionally vague

## **AB 718 (Chu) Right to Use Vehicles for Human Habitation**

- Bill was not able to get enough votes on the Senate floor to pass
- Could be taken up again in January
- However, looks like the focus of legislation next year will be on the broader issue of how to deal specifically with homelessness – APA California will be involved with those discussions
- ***APA California Position: Oppose***
- ***Location: Two-Year Bill***

## **AB 718 (Chu) Right to Use Vehicles for Human Habitation**

- As originally drafted would have eliminated parking minimum requirements for density bonus housing projects, special needs housing and senior housing if the housing is near a transit rich area
- APA shared the author's goal to encourage infill housing by not overburdening development near active transit
- However, APA requested several amendments to:

# **AB 744 (Chau) Parking Minimums**

- target the no minimum parking mandate in the bill to 100% affordable housing projects where studies have shown residents do have/use fewer cars
- ensure the housing has parking alternatives available to residents
- and access to unobstructed transit near the housing so reduced parking would not negatively impact surrounding uses with spillover parking and
- allow cities and counties to still require parking minimums up to the current Density Bonus parking minimums based on a recent traffic study

# **AB 744 (Chau) Parking Minimums**

- However, the Legislature pushed the author to include some parking minimum for even 100% affordable projects to ensure projects would not be entitled to “no parking
- The bill as it went to the Governor includes APA’s suggested amendments except for alternative parking requirements, and prohibits local governments from requiring minimum parking ratios that are:
- greater than 0.5 spaces per bedroom for a development that includes, at least 20% low income or 11% very low income housing units and is within one-half mile of a major transit stop

# AB 744 (Chau) Parking Minimums



- greater than 0.5 spaces per unit for a development that is entirely composed of low or very low income rental housing units and is within ½ mile of a major transit stop
- greater than 0.5 spaces per unit for a development that:
  - is a senior citizen development renting to individuals 62 years of age or older
  - is entirely composed of low or very low income rental housing units, and
  - has paratransit or is located within one-half mile of a bus line that runs at least eight times per day

# AB 744 (Chau) Parking Minimums

- greater than 0.3 spaces per unit for a development that:
  - is a special needs housing development, defined as a development for the benefit of persons with mental health needs, physical or developmental disabilities, or those at risk of homelessness
  - is entirely composed of low or very low income rental housing units, and
  - has paratransit or is located within one-half mile of a bus line that runs at least eight times per day

# **AB 744 (Chau) Parking Minimums**

- These ratios include parking set asides for guests and handicapped spaces
- Bill also allows local governments to impose a parking ratio up to the ratios allowed under existing density bonus law:
  - zero to one bedroom: one onsite parking space
  - two to three bedrooms: two onsite parking spaces
  - four and more bedrooms: two and one-half parking spaces
  - IF

# **AB 744 (Chau) Parking Minimums**

- the local government makes findings that a higher parking ratio is needed, based on findings in any parking study conducted for the area in the past seven years that demonstrates the need
- ***APA California Position: Support***
- ***Location: SIGNED BY GOVERNOR***

# **AB 744 (Chau) Parking Minimums**

- Prohibits cities and counties including charter cities from enacting or enforcing any ordinance or regulation that prohibits the installation of drought tolerant landscaping, synthetic grass or artificial turf on residential property
- Allows a local agency to impose reasonable restrictions on the type of drought tolerant landscaping provided that those restrictions do not:

# **AB 1164 (Gatto) Fake Grass Ordinances**

- substantially increase the cost of installing drought tolerant landscaping, synthetic grass, or artificial turf
- effectively prohibit the installation of drought tolerant landscaping, synthetic grass, or artificial turf or
- significantly impede the installation of drought tolerant landscaping, including, but not limited to, a requirement that a residential yard must be completely covered with living plant material
- ***APA California Position: Support***
- ***Location: SIGNED BY GOVERNOR***

# **AB 1164 (Gatto) Fake Grass Ordinances**

- An urgency measure, provides for an automatic 24-month extension for unexpired subdivision maps approved after January 1, 2002, and not later than July 11, 2013
- Requires the extension of older approved or conditionally approved subdivision maps approved on or before December 31, 2001, upon application by the subdivider at least 90 days prior to the expiration of the map, if the map is determined to be consistent with applicable zoning and general plan requirements in effect when the application is filed
- Extensions only apply to counties that meet the following criteria:

## **AB 1303 (Gray) Map Act Extension for Disadvantaged Jurisdictions**

- the annual mean household income within the county is less than 80% of the statewide annual mean income
- the county's annual non-seasonal unemployment rate is at least 3% higher than the statewide annual non-seasonal unemployment rate
- or the poverty rate within the county's population is at least 4% higher than the statewide median poverty rate
- ***APA California Position: No Position***
- ***Location: SIGNED BY THE GOVERNOR***

## **AB 1303 (Gray) Map Act Extension for Disadvantaged Jurisdictions**

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- Enacts the Building Homes and Jobs Act
- Imposes a fee of \$75 to be paid at the time of recording of every real estate transaction, **except housing purchases**
- Fee too be used as an ongoing source of funding for affordable housing
- Speaker has expressed support for including a permanent source of affordable housing funding as part of the Special Session on Transportation

## **AB 1335 (Atkins) Permanent Source of Funding for Housing**

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- Establishes a process for school districts to override local zoning ordinances in the siting of charter schools at the charter school's request
- Public schools have a process to do this already and school districts can act for charter schools to do the same but not required to take any formal action when a request is received
- Charters could have appealed to two higher levels if the school district didn't act. But it was not clear that those two entities would have to follow the same notification process as public schools
- ***APA California Position: Oppose***
- ***Location: Two-Year Bill***

## **AB 1344 (Jones) Charter School Ordinance Override**

- Son of AB 32, GHG emission reduction targets
- **AB 32:** Sets GHG emissions limit equivalent to the statewide GHG emission level in 1990 to be achieved by 2020
- **SB 32 Original:** Sets a 2030 GHG limit of 40% below the 1990 level and 80% by 2050
- **SB 32 End of Session:** Eliminated the 2050 target
- and authorized Legislature to review, modify, reject or delay some or all of future scoping plans before approval by CARB

## **SB 32 (Pavley) 2030 & 2050 GHG Reduction Targets**

- Couldn't pass the Assembly and was caught in SB 350 controversies
- APA supports concept of further GHG reductions but concerned about target level and strategies to get there
- *APA California Position: Support if Amended*
- *Location: Two-Year Bill*

## **SB 32 (Pavley) 2030 & 2050 GHG Reduction Targets**

- Amended on the second to the last day of session and is the Governor's/Department of Finance's redevelopment "clean up" measure
- Includes additional provisions to "clarify" and amend existing law related to the dissolution of redevelopment agencies (RDAs) and the wind-down of their existing activities and obligations
- Addresses several ongoing issues relating to state-local fiscal disputes
- The late amendments made it difficult for many cities and counties to determine the actual impact in time for the votes on the floor

# **SB 107 (Leno/Governor)**

## **Redevelopment Law Changes**

**45**

- However, there is general agreement that the bill will result in winners and losers, which has placed differing cities and counties on both sides of the bill
- Senator Leno agreed to put in a Letter to the Journal clarifying:
- that the \$5 million infrastructure loan repayment cap in the amended bill would apply per each loan, not per jurisdiction (it isn't cumulative)
- that the bill will not result in denial of a loan previously approved prior to the effective date of the bill, or impact the Watsonville and Glendale lawsuit decisions

# **SB 107 (Leno/Governor)**

## **Redevelopment Dissolution**

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- and, will not prohibit a nonprofit from collecting attorney fees if it is successful in any action against a successor agency
- Did the Governor renege on or clarify the previous dissolution deal?
- Main issue: the loan repayment provisions were helpful to some cities and looked at as improvements over AB 113, but other cities determined the changes would cause clear and significant financial harm
- And, many of the provisions that appear to benefit may not depending on how they will be interpreted by DOF:

## **SB 107 (Leno/Governor)**

# **Redevelopment Dissolution**

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- **Loan repayment limits** (max \$5 million per loan reimbursement agreement and city's agreement with a third party made "on behalf of the RDA")
- **Transfers of real property** (city must have transferred real property to CRA for use by CRA and CRA is required to pay city for real property interest)
- **Cash** (DOF's original proposal in AB 113 – cash loans recognized if there is a "required repayment schedule")
- **Interest rate on loans**( recalculated from origination at 3% simple interest, less than what local agencies could otherwise recover based on existing law and Glendale decision)

# **SB 107 (Leno/Governor)**

## **Redevelopment Dissolution**

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- **Due process and legal costs** (DOF exempted from Admin Procedures Act, local agencies restricted to admin cost allowance as the sole funding source for legal costs, city may loan funds to successor agency but may only recoup funds if litigation successful)
- **New types of enforceable obligations** (two: state highway infrastructure improvements, and loan from city to CRA of federal grant/loan funds such as CDBG/Section 108)
- **Changes affecting housing successor** (increased from 2% of value of property to 5% amount that can be spent by housing successor on admin costs, allows use of 100% of housing bonds)
- **Countywide Oversight Boards** (won't begin until 2018 instead of 7/2016)
- **APA California Position: Watch**
- **Location: SIGNED BY THE GOVERNOR**

# **SB 107 (Leno/Governor)**

## **Redevelopment Dissolution**

- Allows for a **concurrent preparation of the administrative record** at the request of a project applicant and with the consent of the lead agency
- APA supports this option but suggested amendment to exclude emails from online posting that could eventually become part of an administrative record (requires a huge amount of staff and lawyer time to stay on pace)
- Amendment was not accepted, but given this process is at the discretion of the lead agency, feasible processes for posting should be able to be put in place that are directly related to the administrative record

# **SB 122 (Jackson/Hill) CEQA Reform**

- Requires lead agencies to **submit environmental documents to OPR be available on-line** to the public
- Improves public access to these documents, although APA suggested further streamlining strategies that could be accomplished once the website is up and running (no posting at county, paying F&G CEQA fees on line)
- Originally stated the intent to deal with **late hits** by establishing an extra 30-day public review period for a final environmental impact report.
- Too controversial and considered ineffective, so taken out of bill

## **SB 122 (Jackson/Hill) CEQA Reform**

- APA supports a remedy to address the problem of written comments submitted to the lead agency late in the CEQA process or during the final hearing –
- late comments don't allow adequate time for the lead agency to review and analyze what can be volumes of material
- that in many cases could have been provided much earlier in the process
- Held in the Assembly Appropriations Committee but author believes she will be able to move the bill in early 2016
- ***APA California Position: Support if Amended***
- ***Location: Two-Year Bill***

# **SB 122 (Jackson/Hill) CEQA Reform**

- States intent to have a cohesive and comprehensive adaptation response with OPR serving as the coordinating body for regional and local efforts with state strategies
- Requires the Director of OPR to establish the Program by January 1, 2017
- to coordinate regional and local efforts with state climate adaptation strategies with emphasis on climate equity and strategies that benefit both GHG emission reductions and adaptation efforts

## **SB 246 (Wiekowski) State & Local Climate Adaptation Coordination**

**53**

- Establishes an advisory council to support OPR by providing scientific and technical support and to facilitate coordination among state, regional, and local agency efforts to adapt to the impacts of climate change
- Requires OPR to establish a clearinghouse of climate adaptation information to guide decision makers when planning and implementing climate adaptation projects
- ***APA California Position: Support***
- ***Location: SIGNED BY THE GOVERNOR***

## **SB 246 (Wiekowski) State & Local Climate Adaptation Coordination**

- Requires utilities to generate half of their electricity from renewable sources by 2030
- Requires regs to double the energy efficiency in all buildings by 2030
- Part of Governor Brown's executive order
- Forced to remove provision to reduce demand for petroleum use in vehicles by 50% by 2030 after mod dem opposition and oil company media blitz
- Fails to specify how to get to 50% fossil fuel use in cars
- ***APA California Position: Watch***
- ***Location: SIGNED BY GOVERNOR***

## **SB 350 (De Leon) Clean Energy & Pollution Reduction Act 2015**

**55**

- Requires cities and counties to review and update their safety elements to address climate adaptation and resiliency strategies applicable to the city or county
- APA worked with the author and stakeholders to allow cities and counties to tier off of an existing Hazard Mitigation Plan (HMP) process when it is amended every five years
- adding planning-related strategies in the Safety Element as appropriate and including the HMP by reference

## **SB 379 (Jackson) Climate Adaptation in Safety Element**

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- For cities and counties that do not have an HMP, requires the Safety Element to be reviewed and updated as necessary beginning on or before January 1, 2022, rather than tying it to the next Housing Element revision
- Equivalent local Climate Action Plans or other climate adaptation documents or plans can be used to meet the SB 379 requirements
- The Office of Emergency Services is also changing its checklist for HMPs to ensure planning and building departments are at the table when the HMP's are updated or adopted
- ***APA California Position: Support as Amended***
- ***Location: SIGNED BY GOVERNOR***

# **SB 379 (Jackson) Climate Adaptation in Safety Element**

- Provides that persons experiencing homelessness shall be permitted to use public spaces without discrimination based on their housing status
- Extends civil and human rights afforded in the home and other private places to public areas where homeless persons live
- Provides that a person whose rights are violated pursuant to this Act may enforce those rights in a civil action and may be entitled to damages

- Author agreed to revise this bill next year to deal directly with homeless issues rather than this extremely broad rights approach
- The goal will be to work on things that will actually get people off the streets. She would like to put together a package that could include:
  - More funding to assist with emergency shelters
  - Better coordination with existing resources
  - Highlighting the problem of children on the street
- ***APA California Position: Watch***
- ***Location: Two-Year Bill***

- APA/ECAT have already provided comments to OPR
- Overall, a great effort and proposed changes are well done
- OPR has prepared a very detailed “discussion draft” with explanations of what they are trying to accomplish that is very helpful
- Many changes are those in line with APA/ECAT proposals

# CEQA Guidelines

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- **Areas of concerns from Curtis Alling and Terry Rivasplata:**
- Page 21 – program EIR amendments could prevent use of MNDs
- Page 35 – Consideration of “historic use” too broad
- Page 43 – Need to evaluate “jobs/housing fit” might require major analysis to determine “fit”
- Page 50 – Changes to Aesthetics questions need rewording
- Page 62+ - New combined open space section includes too many environmental subjects under one heading

- Page 67+ - VMT questions don't reflect regulatory programs for increasing ZEVs
- Page 78+ - Energy analysis doesn't consider increase in renewable energy and terms not defined
- Page 141 – Attempt to qualify the exclusion from the emergency exemption for planning emergency projects creates a big loop-hole that can be abused
- Appendix G: Al Herson: Existing organization of Initial Study checklist should be retained – proposed revisions would cause major confusion and inefficiencies in CEQA document preparation
- Comments were due to OPR October 12

- SB 743 Guidelines draft comments were extended to November 21, 2014
- May 1, 2015, OPR released the comments received (there were plenty!)
- Next Steps: OPR is developing a revised draft for further review and comment
- Notice of further drafts will be distributed through the CEQA Guidelines listserv

## **SB 743 Guidelines –**

Developing VMT Alternatives to  
Level of Service

- Notice of Availability of Discussion Draft of Proposed Changes to Appendix G of the CEQA Guidelines Incorporating Tribal Cultural Resources sent out Tuesday
- Copy of the discussion draft and background info is available here: [opr.ca.gov/s\\_ab52.php](http://opr.ca.gov/s_ab52.php)
- Public workshop on the draft scheduled for Friday, December 11, 2-5 pm at CalEPA building in Sacramento
- Comments due by 5 pm on December 18, 2015 to [CEQA.Guidelines@resources.ca.gov](mailto:CEQA.Guidelines@resources.ca.gov)

## **AB 52 TRIBAL RESOURCES**

## **CEQA GUIDELINES**



- Draft General Plan Guidelines now available as well as a PP on the OPR website describing the changes
- Comments due December 18<sup>th</sup>
- OPR has scheduled numerous workshops throughout CA – you can register online
- Planning Roundtable provided extensive comments before the draft was finalized

# **GENERAL PLAN GUIDELINES**

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- HCD has suggested new requirements on housing elements, and more/optional HCD review including conditional approvals
- Not (yet) concentrating on getting housing built
- Most changes so far recommended would be regulatory, not legislative
- Continuing to participate and provide comments (Thanks to Barb Kautz!)

# **HCD Housing Advisory Group**

- Emergency regs due by June 1, 2016
- 10 Topics being developed including Topic 3: Land Use and County Involvement
- Discussion papers have been completed
- Next step: public meetings will be held in early 2016
- APA will continue to monitor the regs and will provide comments when the draft regs are available

# **Groundwater Sustainability Plan Regs**

- **Vision: Reducing GHG emission to 40% below 1990 levels by 2030**
- **Reduction focus areas:**
- Short-lived climate pollutants
- Energy efficiency
- Natural and working lands
- Electricity
- Transportation and land use

- Carbon sequestration in the land base
- Increase building energy efficiency
- Ensure natural working lands are carbon sink
- Sustainable Ag Lands Conservation Program
- Forest Legacy Program
- Land Use Planning: land protection & avoided VMT plus urban greening, infill, mixed use, TOD, mass transit/bike/freight facilities
- Action Plans: Forest Carbon, Bioenergy, Water, Wildlife, General Plan Guidelines, Safeguarding CA

# 2030 SCOPING PLAN

- **Specific 2020 land use implementation goals:**
- Implement Sustainable Communities Strategies
- Hit GHG reduction targets for 2020 and 2035
- Deploy SCS strategies to reduce trips and trip length
- Results: more compact urban form, TOD, transportation choices
- CEQA streamlining encourages more infill and TOD
- SB 743: shift to VMT metric

# 2030 Scoping Plan

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- **Land use goals for 2030 and 2050:**
- Continue to support planning to reduce vehicle activity by 2035 and beyond
- Incentivize and catalyze compact development
- Encourage local governmental implementation of regional SCSs
- Provide guidance for sustainable development practices – General Plan Guidelines update

# 2030 Scoping Plan

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- **Implementation tools and funding for land use:**
- Financing tools for infill development
- Improve technical modeling tools
- Provide tools and resources for local SCS implementation
- Update targets in 2016

# 2030 Scoping Plan

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- Cleanup to AB 2222, density bonus changes, to better define terms and process
- Allow F&G CEQA fees to be filed on line to OPR or F&G
- Changes to encourage building of affordable housing: by-right housing consistent with housing element/planning/zoning/non-discretionary design guidelines in urban areas if project has affordability component
- Contracts for consultants: indemnification clauses/exemptions for planners

# **APA-California Sponsored Legislation in 2016?**

- New sources of revenue to fix and maintain roads and infrastructure to deal with continuing reduced gas tax revenues – **now how to spend cap & trade funds**
- No deal before end of session
- New transportation infrastructure joint committee to be meeting in December to listen to ideas
- Permanent source of housing funding may be in the mix
- CEQA exemptions/restrictions on challenges also being circulated for transportation and related infrastructure projects including those related to goods movement

# **Special Session on Transportation Funding**

- Just send an email to  
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**75**