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July 12, 2017

The Honorable Scott Weiner  
State Capitol, Room 4066  
Sacramento, CA 94249-0053

**RE: SB 35 (Weiner) Planning and zoning: affordable housing: streamlined approval process. – OPPOSE AS AMENDED**

Dear Senator Weiner:

The Association of California Cities – Orange County (ACC-OC) would like to express its opposition to the proposed legislation, Senate Bill 35 (Weiner), which seeks to impose burdensome reporting requirements, and change the discretionary housing permitting process currently practiced by cities. A significant priority of ACC-OC and our members is to ensure that housing solutions strike the right balance of increased production without diminishing local control. Unfortunately, SB 35 does not address the affordable housing shortfall without negatively affect the ability for cities to best serve the needs of their communities.

This bill would authorize developers who meet specific requirements of outlined planning standards to receive streamlined, ministerial approval for qualifying projects, also excluding the issuance of conditional use permitting. Some of these qualifications include; the requirement that the development is a multifamily housing structure that contains two or more residential units, or if the proposed development is located on a site that satisfies both being an urban infill is also zoned for residential use or residential mixed-use with at least two-thirds of the square footage designated for residential use. AB 35 would also limit the authority of a local government to impose parking standards or requirements on a streamlined development. This process eliminates input from the community, removes traditional environmental reviews, and eliminates the ability for a city to negotiate maintenance and benefits with development stakeholders. We have seen this process try to be implemented before, and share many of the same concerns we had voiced towards the Governor's past streamlined, ministerial approval proposal, [here](#).

Another cause for concern is the potential liability and litigation that could result from the new reporting requirements and the information that will be mandated to be included within a city's general plan, outlined in this bill. SB 35 would require municipalities to include in their annual report to the Office of Planning and Research specified information regarding units of net new housing, including rental housing and housing designated for home ownership, and the report may include the number of units that have been substantially rehabilitated, converted from non-affordable to affordable by acquisition. If a court finds that a city failed to submit a report within 60 days of the established deadline or included outlined information within their housing



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element portion, the court shall issue an order compelling compliance with this section within 60 days or face sanctions to ensure that the policies in this bill are fulfilled.

Ultimately, ACC-OC is supportive of the need to increase affordable housing opportunities, especially in Orange County where housing costs are at the highest unattainability for middle-income earners. The ACC-OC remains committed to legislation that maintains maximum local control for cities in all areas of its responsibility and operations, and to addressing the statewide housing shortfall while retaining this tenant. For this and the reasons described above, the Association of California Cities – Orange County opposes AB 35. Should you have any questions about our position or about the ACC-OC, please contact Diana Coronado, ACC-OC's Legislative Affairs Director, at (714) 953-1300 or at [dcoronado@accoc.org](mailto:dcoronado@accoc.org).

Sincerely,

Heather Stratman  
Chief Executive Officer  
Association of California Cities – Orange County

CC:

ACC-OC Board of Directors  
Orange County State Legislative Delegation