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Legislative Update

Julie Snyder, Senior Governmental Affairs Specialist

The California Legislature finishes one of its busiest spring seasons in years. Multiple committee hearings occurred at the same time, with legislators, staff, lobbyists, and members of the public running between them to keep up.

PCL is deep in the race, focusing on high-impact CEQA, natural resource, local initiative, and land use bills. This spring, we reviewed 2,757 introduced bills, identified more than 50 affecting our core interests, and prioritized 15 of them based on their impact. In addition, we are tracking another 26 and may engage on them if necessary to prevent negative impacts on the environment.

In this edition, we highlight our top 9 priorities:

Land Use

This is the Year of Housing in the Capitol (not officially, but you wouldn't know it from the more than 130



bills introduced on the subject). After decades of underproduction of environmentally-friendly housing types, escalating housing prices have fully-caught legislators' attention. More than 51 legislators from both parties have jumped on the bandwagon.

The proposed solutions are all over the map, some focused on promoting homeownership without any location restrictions and others aiming to increase cities' supply of apartments and condos that most Californians can afford. PCL has joined progressive allies in the tenant and affordable home development communities to support two key bills advancing the latter:

AB 1505, by [Assemblymember Richard Bloom](#), restores the ability of cities and counties to require every residential rental development to contain a mix of affordability levels. Also known as "inclusionary zoning" or "mixed income zoning," these local policies increased the housing stock for people on modest budgets without public investment.

PCL supports this approach because it produces a more-balanced housing stock and allows low-wage workers to live closer to their jobs – thereby reducing wear and tear on our highways and unhealthy air pollution.

[Senator Nancy Skinner's SB 166](#) is our other high-priority land use bill. This measure ensures construction of high-end apartments and condos doesn't consume all of the sites zoned for multifamily development.

Natural Resources Bonds

Voters last passed a statewide bond for parks, clean water and natural resources protection in 2006 (Proposition 84). This year, legislators are pushing two measures to place a \$3 billion bond on the June 2018 ballot: **SB 5**, by [Senate President pro Tem Kevin de Leon](#), and **AB 18**, by [Assemblymember Eduardo Garcia](#).

PCL supports both measures.

SB 5 provides \$1 billion for clean water programs, \$600 million for local parks, \$500 million for flood protection, and \$400 million for climate adaptation projects, with the remaining \$500 million for a variety of natural resource projects.

AB 18 includes \$1.4 billion for local parks, \$600 million for climate adaptation projects, \$330 million for state parks, \$180 million to protect coastal and ocean resources, and \$500 million for a range of other natural resource projects.

Governor Jerry Brown is wary of incurring new General Fund debts, so the bills' prospects aren't clear.

CEQA

PCL is thrilled to be partnering with Santa Barbara-based Environmental Defense Center to co-sponsor **SB 224**, authored by environmental champion [Senator Hannah-Beth Jackson](#). The bill passed its first committee, Senate Environmental Quality Committee, on a 5-2 vote last week.

SB 224 eliminates a loophole in state law that allows project proponents to avoid environmental review

by undertaking unauthorized or illegal work before the CEQA process is initiated. The project proponents then argue that the alterations constitute the new environmental baseline from which the CEQA analysis must be done. SB 224 directs agencies doing environmental review to use the pre-alterations site as the baseline instead.

In [AB 890](#), [Assemblymember Jose Medina](#) is tackling the 2014 case *Tuolumne Jobs & Small Business Alliance v. The Superior Court of Tuolumne County*. In *Tuolumne Jobs*, the California Supreme Court attempted to reconcile CEQA requirements with Elections Code sections addressing voter-sponsored local initiatives.

The court's solution allows a developer to gather signatures to qualify an initiative in favor of a project and the city council to then approve the project without doing an environmental review.

PCL believes collusion between developers and city councils to bypass environmental review for large development projects is not in the public's best interest. Assemblymember Medina's constituents are bearing the brunt of increased air pollution – e.g. more kids developing asthma, others forced to play inside only – from the use of this tactic to approve the World Logistics Center in Moreno Valley. Despite being the largest warehouse in the U.S., with a flotilla of trucks rumbling along local roads every day, the developer qualified an initiative for the ballot and the council approved the warehouse without doing an environmental analysis.

This end-run around community health protections and detrimental public impacts is unacceptable. PCL strongly supports reversing the *Tuolumne Jobs* decision and is working with the Center for Biological Diversity, the sponsors and the author on amendments that will allow us to be strong supporters of the bill.

[SB 35](#) ([Wiener](#)) and [AB 73](#) ([Chiu](#)) revisit last year's proposal by Governor Brown to reduce local approval and environmental review processes for residential developments meeting defined criteria. Among other requirements, developments would have to be apartments or condos on infill sites with at least 10% of the units reserved for low-wage households.

PCL is part of a working group with other environmental, housing, tenant, and labor organizations. We are developing proposed amendments to the bills that balance the bill's benefits – increasing the supply of compact housing on infill sites affordable to more households – with its downside – reduced environmental review.

Local Initiatives

[SB 609](#) ([Vidak](#)) falls into the “strange bedfellows” category: it's sponsored by the Howard Jarvis Taxpayers Association and supported by PCL and the California Cannabis Industry Association. What all three of these organizations have in common is experience with city councils or boards of supervisors angling to keep citizens initiatives off the ballot.

In PCL's case, we saw the El Dorado County Board of Supervisors using a provision of the state Elections Code to keep growth-control Measure E off the November 2014 ballot. A majority of the board opposed Measure E and pushed it off to the June 2016 ballot, perhaps hoping the issue would fade in voters' minds after 18 months. (It didn't and Measure E passed.)

The taxpayers association compiled 10 similar cases occurring over a five-year period.

SB 609 attempts to preserve local voters' constitutional rights by requiring cities and counties to put

measures that secure the required number of signatures directly onto the ballot.

The bill failed in Senate Elections and Constitutional Amendments Committee on April 18th, but can be voted on again in January. PCL will be working closely with the other proponents to build a better case for it and secure passage next year.

For more information on any of these measures, please see leginfo.legislature.ca.gov.

John Van de Kamp – The passing of a California hero

Jan Chatten-Brown, Past PCLF Board Chair

Former California Attorney General and Long Time PCL Leader Will be Sorely Missed

John Van de Kamp unexpectedly died on March 8 at the age of 81. John was a long time PCL Board Member, Past President of the Board, and a current PCLF Board Member. His judgment and generosity will be greatly missed.



Growing up in Pasadena and Altadena, John relished the open spaces, mountains and streams. It was there that he developed his passion for protecting the natural world.

John had a long and illustrious legal career. He graduated from Stanford Law School, where he took a class from future fellow PCL Board member, Byron Sher. He worked in the United States Attorneys' Office and was the first Federal Public Defender in Los Angeles. John was later appointed as L.A. District Attorney, and elected as California Attorney General in 1986.

John has been repeatedly recognized for the many innovations he brought to the A.G.'s office, and law enforcement. But what many PCL members especially appreciated was the rigorous enforcement of environmental laws by the Attorney General under John's leadership.

After the A.G.'s office, and unsuccessfully running for Governor (many say he was too principled), John entered private practice, but continued his public service in a myriad of ways.

Upon his death, the LA Times and New York Times recognized that John was a towering figure in California law. Current Attorney General Xavier Becerra, who worked at the A.G.'s office during John's tenure, said "John Van de Kamp lived for the values of justice and opportunity that define the State of California. . . John understood the higher calling of public service. He performed for the people of California like few others." Gov. Jerry Brown said Van de Kamp "was a wonderful public servant and had a real sense of justice." According to Harvey Rosenfield, founder of the advocacy group Consumer Watchdog, John "exemplified all that is best about public service. He was a determined advocate but always gracious and thoughtful. John represented a golden era of politics, when the public's interest was always the priority over partisan gain." Los Angeles City Attorney Mike Feuer called John "An

extraordinary leader of impeccable integrity . . . never backed away from taking strong, principled stands on tough issues. John was supremely effective at everything he did — always with a quiet confidence and devotion to public service that inspired generations of lawyers.”

What many PCL members may not know about John was that he had a great baritone voice, and a keen sense of humor. He was also a huge sports fan, especially for the Oakland A's. Several hundred people who knew, respected, and admired John attended the funeral mass at the St. Andrew Catholic Church in Pasadena on March 30, where he was an active member. The two-hour service was filled with beautiful music—which John would have loved—and the praises of many speakers, both famous and intimate friends.

John is survived by his wife, Andrea, and daughter, Diana, both of whom he adored.

California Environmental Assembly

Matthew Baker, PCL Policy Director

PCL Federal Threat and Opportunity

Assembly Feedback Briefing

Matthew Baker, Policy Director



On February 18th of this year the Planning and Conservation League hosted a day of professionally facilitated workshops across multiple sectors and issue areas in an attempt to develop an assessment of the threats and opportunities that the current Federal administration poses for California policy, and to begin to identify ways that we can work better together to address these questions in the months and years to come.

If you were in attendance that day, we thank you greatly for your participation in what turned out to be a compelling and inspiring conversation. If you were not able to attend, we hope that you will be a part of the conversation moving forward. What follows is a synthesis of the huge amount of input that was captured at the event, highlighting the themes that emerged across the workshops in identifying key areas of concern and opportunities for coordinated action. You can get the full report and download the one page summaries of the workshops from [the assembly page on our website](#).

First and foremost, what emerged from the day is that there is a lot of fear out there—but also that, despite great challenges ahead, we as Californians are very prepared to protect our values from the federal administration, and to continue to be a leader for the nation and the world. Participants were loud and clear that they do not want to be so distracted by what is happening in D.C. that we lose focus on what we can do here, at the state level, and locally.

There was an emphasis that we should rely on the existing coalition infrastructure, rather than create a new one—but that better coordination between existing networks and across sectors is needed. And there was a pointed emphasis on building new partnerships—to bridge human rights and environmental movements, to work better with the private sector and with government at all levels.

While the lack of band-width for those of us in the advocacy community was roundly recognized, there

was also an expressed sense of urgency for the need to continue this conversation.

The Highlights

Diversity, diversity, diversity – There is more interest than ever to broaden participation in our movements, and to foster better cooperation between human rights and environmental advocacy communities.

Focus on opportunities, not threats – Be pro-active, not reactive. The primary policy recommendation of the day was that Californians should work to enact state and local policy that will safeguard (or go beyond) Federal protections we now rely on.

Build on, and improve, what we have - We want to build upon the great work already being done by California's existing framework of organizations and coalitions, but we need to develop the tools for better, nimble, coordination and communication between coalitions and interests.

Next Steps

Looking forward, PCL is prepared to host a series of periodic **roundtable** discussions to address the three major recommendations above. We want to bring together a spectrum of coalition representatives and cross-sector stakeholders to track concerns as they evolve and further identify key opportunities to fortify California policy and practice. However, in order to do this work more effectively moving forward, we want the primary function of this roundtable to be the exploration of how the suggested coordination/communication platform could take shape. If you would like more information on this roundtable, please [contact us](#).

While this effort has an explicit purpose to provide better coordination around the Federal questions we currently face, this is also about building a faster, stronger, more inclusive movement for the future that speaks to all of our interests.

PCL is committed to facilitating a conversation around how best to shape such a communication platform in an ongoing **roundtable** of coalition representatives and stakeholders across interest and sectors. In cooperation with new and existing partners, we hope to identify and develop a feasible, effective and efficient coordination tool that will not only help us track and anticipate Federal concerns, but build a wider stronger progressive movement well into the future.

To read the full report and workshop summaries visit [our assembly page](#).

California on the Leading Edge

Howard Penn, PCL Executive Director

Dear Members,

My email box is packed with current legislative correspondence and the bill language that constantly goes through multiple amendments and updates on a weekly basis. Late nights by "lamp oil" and early morning coffee meetings before committee sessions are daily standards. All this to say that we are

working hard to help develop legislation that promotes our environmental strategies and protects the good work we have done to date. Your support is absolutely necessary to continue this hard work since advocacy in the Capitol is hard to fund from traditional foundations. We appreciate your unrestricted donations to fund the resources necessary to keep us working and watching hundreds of bills each year.



This year there has been significant attention at the Capitol focused on the housing crisis in California. I'm sure you have seen news articles about it in local media. PCL is at the negotiating table on a number of bills that are trying to "expedite or streamline" the development process with minimal to no consideration for environmental and community impacts. We passionately support affordable housing options and want to help promote sustainable and financially effective ways to meet our housing needs as we strive to balance the impacts with the demands and pressures of growth. It is at a critical tipping point with climate change, open space and habitat, transportation systems, and access to clean air and clean water all at stake. We will all have to work better together with our shared value allies to navigate these challenges and protect our communities and environment for generations to come all while trying to help create affordable housing for all Californians. It is not an easy puzzle but it is absolutely necessary if we are going to leave a positive legacy for the next generations.

We have 50+ years of experience and passion to help solve these big challenges in California and we appreciate all the continued involvement and support you give us each day. We couldn't do it without you!

Thank you for your support,
Howard Penn
Executive Director



SAVE THE DATE

PCL's 2018 Assembly & Symposium

Will Be Held Saturday

February 24th 2018

at the McGeorge School of Law in Sacramento

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