



PCL Sets 2017 State Legislative Priorities

This week, the legislature finishes one of its busiest months. Multiple committee hearings occur 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. Last month, 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.

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