



July, 24<sup>th</sup>, 2020

**Senator Scott D. Wiener**  
**Chair, California Senate Housing Committee**  
**State Capitol, Room 2209**  
**Sacramento, CA 95814**

**RE: AB 3107 (Bloom, Ting) Support if Amended**

Dear Chair Wiener,

The undersigned organizations write to express our support for AB 3107 if amended to address specific issues outlined in this letter. AB 3107, by Assemblymembers Bloom and Ting, authorizes higher-density, mixed-income housing as an allowable use on underutilized commercially zoned land throughout California, as specified. The undersigned organizations greatly support the intent of this legislation to promote more equitable, transit friendly, walkable mixed-use development, and we thank the authors for their attention to this important issue amid California's escalating affordable housing crisis.

We would like to see additional constraints to these provisions to ensure that the intent of the bill is realized without undercutting our jurisdictions' ability to meet California GHG and VMT reduction goals, and without inadvertently perpetuating historic patterns of segregation. We recognize that AB 3107 currently does include provisions that prioritize affordability and also includes some conditions to protect public health, and with the additional changes outlined in this letter we are happy to support this legislation.

The provision to allow residential uses on underutilized commercial land should be constrained to Low-Vehicle Miles Travelled (VMT) zones, wholly within Urban areas and Urban clusters as defined by the Census Bureau, for both cities and unincorporated areas. "Low-VMT zones" (per the OPR Technical Advisory on SB 743 (2013) CEQA Guidelines) are areas exhibiting per capita VMT performance of -15% of city or regional average.

By limiting the coverage of these provisions to these location-efficient areas, we will ensure we are not promoting densification in areas that lack non-auto transportation options, which would in turn lead to increases in VMT and inhibit our ability to meet California's GHG reduction mandates. Further, while we greatly appreciate and strongly support the requirement that development on these sites shall include no less than 20% of housing to be affordable to low-income households, limiting coverage to low VMT zones would additionally ensure that we are not inadvertently incentivizing the location of low-income housing in commercial zones on the urban fringe, isolated from transportation options and opportunity.

We very much appreciate the provision that sites adjacent to industrial uses be excluded from applicability of the allowable use change, but we would further recommend that known hazardous sites be excluded as well, with language similar to that of PRC 21159.21: The bill should exclude any sites on a list of facilities and sites compiled pursuant to Section 65962.5 of the Government Code, and all sites allowed by these provisions should be subject to a preliminary endangerment assessment prepared by an environmental assessor to determine the existence of any release of a hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity; If a release of a hazardous substance is found to exist on the site, the release shall be removed, or any significant effects of the release shall be mitigated to a level of insignificance in compliance with state and federal requirements; If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to a level of insignificance in compliance with state and federal requirements.

We look forward to working with the bill authors and sponsors to address these amendments which will result in our support of AB 3107 and appreciate the consideration of these amendments by the committee.

Again, we thank the authors' attention to this important issue, and we hope these recommendations are found to be constructive. Thank you for your consideration.

Sincerely,



Matthew Baker  
Policy Director, **Planning and Conservation League**



Melissa Romero  
Legislative Affairs Manager, **California League of Conservation Voters**



Brian Nowicki  
California Climate Policy Director, **Center for Biological Diversity**