



DRAFT

June 24, 2021

Assembly Member Cecilia Aguiar-Curry
Chair, Assembly Local Government Committee
1020 N Street, Room 157
Sacramento, California 95814

RE: SB 6 (Caballero et al.) Oppose Unless Amended

Dear Chair Aguiar-Curry,

The Planning and Conservation League writes to express our opposition to SB 6, unless amended to address significant concerns with the bill.

SB 6 establishes housing as an allowable use on any lot for office or retail commercial uses. We greatly support the intent of this legislation to better utilize underutilized commercial land, and we thank the authors for their attention to this important issue amid California's escalating affordable housing crisis.

However, we feel it is necessary to provide some additional constraints to these provisions, in order to ensure that the intent of the bill is realized without undercutting our jurisdictions' ability to meet California greenhouse gas (GHG) and vehicle miles travelled (VMT) reduction goals, and without perpetuating historic patterns of segregation.

These provisions should include the following:

- The provision to allow residential uses on underutilized commercial land should be constrained to Low-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.
- These provisions 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.
- A cumulative municipal services review should be undertaken by the jurisdiction to assess infrastructure readiness before these provisions are enacted.
- The inclusionary requirement currently left blank in the legislation should require that at least 20 percent of the units created pursuant to these provisions have a deed restricted affordable housing cost and or affordable rent for lower income households.

We find that these constraints are necessary to ensure that we can meet our affordable housing needs in a way that ensures healthy, safe places to live that provide equitable access to opportunity while achieving California's climate mandates. Inadvertently incentivizing housing on commercial property far from jobs centers and services will not serve our state's climate or equity goals.

SB 6, if implemented correctly, could offer a powerful strategy to meet our housing needs in a sustainable, equitable way, but until these concerns are addressed we must regrettably oppose the proposal.

Sincerely,



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