

Date of Hearing: April 12, 2023

ASSEMBLY COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

Buffy Wicks, Chair

AB 1287 (Alvarez) – As Amended March 21, 2023

SUBJECT: Density Bonus Law: additional density bonus and incentives or concessions: California Coastal Act of 1976

SUMMARY: Requires a city, county, or city and county to grant additional density and concessions and incentives if an applicant agrees to include additional moderate income units on top of the maximum amount of units for lower, very low, or moderate income units, and applies Density Bonus Law (DBL) to the Coastal Act without limitation. Specifically, **this bill:**

- 1) Provides that when an applicant for a density bonus proposes to construct the maximum amount allowed under existing law, meaning 24 percent of the base density units to lower income households, 15 percent of the base density units to very low income households, or 44 percent of the total units to moderate-income households, and an applicant includes additional moderate income units above the maximum thresholds, then the city, county, or city and county is required to provide an additional density bonus calculated as follows:

Percentage Additional Moderate-Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35
12	38.75
13	42.5
14	46.25
15	50

- 2) Requires a city, county, or city and county to grant the following number of concessions and incentives for projects that include the maximum amount of density for lower, very low, or moderate income households and the additional moderate income units as outlined in 1) above:
 - a) Four incentives or concessions for projects that include at least five percent of the total units for persons and families of moderate income;
 - b) Five incentives or concessions for projects that include at least 10 percent for persons and families of moderate income; and
 - c) Six incentives or concessions for projects that include at least 15 percent for persons and families of moderate income.

- 3) Deletes the provision that states that nothing in DBL supersedes or in any way alters or lessens the application of the Coastal Act of 1976 (the Coastal Act).
- 4) Provides that any density bonus, concessions, incentives, waivers or waivers of development standards, and parking ratios to which an applicant is entitled under density bonus law are permitted notwithstanding the Coastal Act.

EXISTING LAW:

- 1) States that nothing in Density Bonus Law supersedes or in any way alters or lessens the application of the Coastal Act. (Government Code (GC) Section 65915(m))
- 2) Provides that any density bonus, concessions, incentives, waivers or waivers of development standards, and parking ratios to which an applicant is entitled under density bonus law shall be permitted in a manner that is consistent with the Coastal Act. (GC 65915(m))
- 3) Defines “concession or incentive” as:
 - a) A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required, that results in identifiable and actual cost reductions to provide for affordable housing costs or for rents for the targeted units;
 - b) Approval of specified compatible mixed-use zoning in conjunction with the housing project that will reduce the cost of development; and
 - c) Other regulatory incentives or concessions proposed by the developer or the local government that results in identifiable and actual cost reductions to provide for affordable housing. (GC 65915(k)(1)-(3))
- 4) Requires a city, county, or city and county to grant a concession or incentive requested by an applicant unless the city, county, or city and county makes a written finding based upon substantial evidence of any of the following:
 - a) The concession or incentive does not result in identifiable and actual cost reductions necessary to support the affordable housing costs or rents for the affordable housing units required;
 - b) The concession or incentive would have a specific, adverse impact upon public health and safety or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households; or
 - c) The concession or incentive would be contrary to state or federal law.

- 5) Requires cities and counties to grant a density bonus, based on a specified formula, when an applicant for a housing development of at least five units seeks and agrees to construct a project that will contain at least one of the following:
 - a) Ten percent of the total units of a housing development for low-income households;
 - b) Five percent of the total units of a housing development for very low-income households;
 - c) A senior citizen housing development or age-restricted mobilehome park;
 - d) Ten percent of the units in a common interest development (CID) for moderate-income households, provided the units are available for public purchase;
 - e) Ten percent of the total units for transitional foster youth, disabled veterans, or homeless persons; or
 - f) Twenty percent of the total units for lower income students in a student housing development, as specified. (GC 65915(b) – (b)(1))

- 6) Specifies that applicants for a density bonus can receive the following number of incentives or concessions:
 - a) One incentive or concession for projects that include:
 - i) At least 10 percent of the total units for lower-income households;
 - ii) At least five percent for very low-income households;
 - iii) At least 10 percent for moderate-income persons and families in a development in which units are for sale; or
 - iv) At least 20 percent of the units for lower-income students in a student housing development.
 - b) Two incentives or concessions for projects that include at least 17 percent of the total units for lower-income households, at least 10 percent for very low-income households, or at least 20 percent for moderate-income persons and families in a development in which units are for sale;
 - c) Three incentives or concessions for projects that include at least 24 percent of the total units for lower-income households, at least 15 percent for very low-income households, or at least 30 percent for moderate-income persons and families in CIDs; and
 - d) Four incentives or concessions for a project with at least 80 percent of the total units for lower-income households and no more than 20 percent of the total units for moderate-income households. (GC 65915(d)(2)(A) – (E))

- 7) Establishes the Coastal Commission (Commission) in the Natural Resources Agency and requires the Commission to consist of 15 members (3 non-voting and 12 voting). (Public Resources Code (PRC) Section 31004)
- 8) Requires a person planning to perform or undertake any development in the coastal zone to obtain a coastal development permit (CDP) from the Commission or local government enforcing a local coastal program (LCP). (PRC Section 30600)
- 9) Defines “development” to mean, among other things, the placement or erection of any solid material or structure on land or in water. “Structure” includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line. (PRC 30106)
- 10) Defines the “coastal zone” as the land and water area of the State of California from the Oregon border to the border of the Republic of Mexico, extending seaward to the state's outer limit of jurisdiction, including all offshore islands, and extending inland generally 1,000 yards from the mean high tide line of the sea. In significant coastal estuarine, habitat, and recreational areas, the coastal zone extends inland to the first major ridgeline paralleling the sea or five miles from the mean high tide line of the sea, whichever is less. In developed urban areas, the zone generally extends inland less than 1,000 yards. The coastal zone does not include the area of jurisdiction of the San Francisco Bay Conservation and Development Commission, nor any area contiguous thereto, including any river, stream, tributary, creek, or flood control or drainage channel flowing into such area. (PRC 30103)
- 11) Provides that nothing in the Act shall exempt local governments from meeting the requirements of state and federal law with respect to providing low- and moderate-income housing, replacement housing, relocation benefits, or any other obligation related to housing imposed by existing law or any law hereafter enacted. (PRC 30007)
- 12) Provides that the Legislature finds and declares that it is important for the Commission to encourage the protection of existing and the provision of new affordable housing opportunities for persons of low- and moderate-income in the coastal zone. (PRC 30604)
- 13) Requires the Commission to encourage housing opportunities for low-and moderate-income households. Provides that the Commission may not take measures that reduce the density of a housing project below the level allowed by local zoning ordinances and state density bonus law unless the Commission makes a finding that there is no feasible method to accommodate the density without creating a significant adverse impact on coastal resources. (PRC 30604)
- 14) Provides that the scenic and visual qualities of coastal areas must be considered and protected as a resource of public importance. Permitted development must be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government must be subordinate to the character of its setting. (PRC 30251)

FISCAL EFFECT: Unknown.

COMMENTS:

Author's Statement: According to the author, "While we must continue to support more affordable housing for low-income families, a holistic approach to the housing crisis requires we also tackle housing unaffordability for middle-income earners. AB 1287 does this by creating moderate income benefits, which would stack on top of the existing Density Bonus Law benefits.

Importantly, AB 1287 requires that a project maximizes the production of Very-Low, Low, or Moderate Income units, as allowed by current Density Bonus Law, before they can take advantage of the incentives in AB 1287. This structure ensures that the new Moderate Income Bonus never undermines existing incentives under Density Bonus Law. In fact, it even creates new economic reasons to maximize deeply affordable unit production, by offering an additional sweetener in the form of the stacked bonus and additional concessions."

Density Bonus Law: DBL was originally enacted in 1979 as an incentive to encourage housing developers to produce affordable units which can be offered at below market-rates. In return for including a certain percentage of affordable units, housing developers receive the ability to add additional units for their project above the jurisdiction's allowable zoned density for the site (thus the term "density bonus"). In order to qualify for a density bonus a developer of multifamily housing (5+ units) must agree to build housing that includes at least one of the following:

- 10 percent of all units for lower-income households;
- 5 percent of all units for very low-income households,
- Specified senior housing;
- 10 percent of all units in a CID for moderate income individuals and families;
- 10 percent of all units for transition age foster youth, disabled veterans, or individuals experiencing homelessness; or
- 20 percent of all units for lower-income students within in student housing development.

The affordability requirements for units built via density bonus run for a minimum of 55 years. Additionally, DBL specifies concessions and incentives around development standards (e.g., architectural, height, setback requirements) and reductions in vehicle parking requirements that projects can receive to offset the cost of building affordable units. Both market rate and 100 percent affordable housing projects can use the provisions and all local governments are required to adopt a density bonus ordinance. However, failure to adopt an ordinance does not exempt a local government from complying with state density bonus law.

Concessions and Incentives: Density bonus law provides more density and incentives and concessions to developers the more affordable units provided and the more deeply affordable the units. A developer can get three concessions and incentives for including the maximum amount of lower income (24%), very low income (15%) and moderate income units (44%) in a development. A developer that makes 100 percent of the units affordable can get four concessions and incentives if located within one-half mile of a major transit stop or a designated low vehicle-miles-travelled (VMT) area. This bill would give up to six concessions and incentives if a developer met the maximum unit amount described above and includes the additional moderate income units above those thresholds. Moderate income households can make up to 120 percent of the area median income (AMI). A developer could use this bill to build a development where 59 percent of the units are limited to moderate income housing and

receive a 100 percent density bonus over the base density. In this scenario, in a development with a base density of 100 units, the developer would be allowed to build 200 units, and 59 percent would be moderate income while the remaining would be market rate. Does it makes sense to provide the most concessions and incentives to a development that could be solely moderate income, and in some case market rate housing?

Moderate Income: Density bonus law only applies to moderate income for-sale housing. Although the bill is not currently drafted to apply to moderate income rental housing, the sponsor shared that is their intent. Moderate income is defined as a household that makes 120 percent of the AMI. In some jurisdictions, moderate income is market rate. The purposes of density bonus is to support the inclusion of affordable housing in a development by providing enough density and concession and incentives to offset the cost of the affordable housing without additional ongoing subsidy – in effect, to “pay for” those additional affordable units. It is not clear that moderate income housing is more costly to build than lower income housing, such that it warrants up to six concessions or incentives. The committee also may wish to consider requiring any moderate income rental housing produced under this bill to be below market rate by requiring the units to be rented at some percentage below 120 percent of the AMI.

Statewide Housing Needs: According to the California Housing Partnership (CHP), the rate of severe cost burden (paying over half of income in rent) among moderate-income households remains low statewide at just six percent. It jumps to 24 percent for lower-households, 53 percent for very low-income households, and 78 percent for extremely low-income households. In addition, a recent study by CHP found that in most of the state, median-income renters (those at 100 percent of AMI, the midpoint of the moderate-income range) can afford average rent in 55 out of 58 counties. For very low-income renters there are only four counties where average rent is affordable, and there are no counties affordable to extremely low-income renters. The study further found that median-income households can afford average rent in all but 399 of California’s 2,125 ZIP codes. Of those unaffordable ZIP codes, 227 are in Southern California, 67 are on the Central Coast, 47 are in San Diego, 42 are in the Bay Area, 10 are in the San Joaquin Valley, and six are in Greater Sacramento.

According to the Department of Housing and Community Development’s (HCD’s) Housing Element Data Dashboard, in the 5th Regional Housing Needs Allocation (RHNA) cycle so far, jurisdictions across the state have permitted the following:

- 19.9 percent of the very low-income RHNA
- 29.9 percent of the low-income RHNA
- 55 percent of the moderate-income RHNA
- 142.2 percent of the above moderate-income RHNA

The chart below breaks down permitting by regional Councils of Government (COGs). Although there is a dire need for very low-income and low-income housing generally across all regions, some jurisdictions, like San Diego, could benefit from a system that incentivizes additional moderate-income housing production. The density bonus scheme proposed in this bill is based off of the City of San Diego’s local ordinance. Providing cities the discretion to develop local ordinances that reflect local conditions has benefits – however, the existence of the City of San Diego’s local ordinance demonstrates they are already enabled to do just that under current law.

REGION	VLI	LI	Mod	Above Mod	% of 5 th Cycle Complete
ABAG	36.6%	51.3%	56.2%	199.6%	87.5%
AMBAG	39.9%	66.7%	46.0%	123.1%	87.5%
Butte CAG	51.7%	70.1%	107.4%	144.8%	100%
Fresno COG	11.8%	17.3%	102.2%	108.9%	87.5%
Humboldt CAG	44.4%	42.8%	189.1%	50.2%	100%
Kern COG	4.3%	10.8%	50.9%	47.4%	87.5%
Merced CAG	19.9%	30.0%	55.0%	142.4%	94.6%
SACOG	12%	21.1%	115.1%	111.6%	100%
San Benito COG	1.2%	5.7%	24.9%	257.1%	87.5%
San Joaquin COG	6.1%	9.3%	33.9%	113.0%	87.5%
Santa Barbara	24.0%	128.8%	67.5%	127.6%	87.5%
SANDAG	14.6%	25.3%	12.8%	116.8%	100%
SCAG	20.7%	25%	52.4%	174.4%	100%
SLOCOG	48.8%	62.4%	95.8%	296.8%	100%

Development in the Coastal Zone: In 1976, the Legislature enacted the Coastal Act, mandating that coastal counties manage the conservation and development of coastal resources through a comprehensive planning and regulatory program. In partnership with coastal cities and counties, the Commission plans and regulates the use of land and water in the coastal zone. Development activities, which are broadly defined by the Coastal Act to include construction of buildings, divisions of land, and activities that change the intensity of use of land or public access to coastal waters, generally require a special permit (CDP) from either the Commission or the local government with a certified LCP.

Eighty-five percent of the coastal zone is currently governed by LCPs drafted by cities and counties, and certified by the Commission. In these certified jurisdictions, local governments issue CDPs with detailed planning and design standards. There are 14 jurisdictions without LCPs – also known as “uncertified” jurisdictions – where the Commission is still the permitting authority for CDPs. One exception to this is the City of Los Angeles, which implements the Act directly by issuing CDPs. However, every city-issued CDP can be appealed to the Commission.

Kalnel Gardens, LLC v. City of Los Angeles (3 Cal.App.5th 927 (2016)): In 2013, City of Los Angeles planning officials approved a proposed residential development in the Venice area. The project would have involved tearing down a two-story, three-unit apartment building and

replacing it with a 15-unit housing development including five duplexes and five single-family homes. Pursuant to DBL, the developer was allowed to exceed the normal density restrictions for that location because two of the units would have been designated for very low-income households. DBL also entitled the developer to other zoning concessions, including a height variance. The City approved the project's vesting tentative tract map, including findings that the project complied with the City's General Plan as well as the Venice Specific Plan, and also approved a CDP under the Act.

In September 2013, a neighborhood group appealed the planning department's development approvals, including the CDP. The residents argued the project violated the Act because its height, density, setbacks, and other visual and physical characteristics were inconsistent with the existing neighborhood. The Planning Commission found that the development did not conform to the Act because its size, height, bulk, mass, and scale were incompatible with and harmful to the surrounding neighborhood and because the setbacks were too small. The developer appealed the Planning Commission's decision to the City Council, which denied the appeal.

The developer then brought an administrative mandate action against the City, alleging that it had violated the Housing Accountability Act, the Density Bonus Act, and the Mello Act. For the purpose of this analysis, the focus will be on the court's decision as it relates to state DBL and the Act. The trial court found that the density bonus, height and setback variations initially approved for the project were proper under the housing density statutes and other City zoning plans and regulations, including the Commission-approved Venice Land Use Plan. However, the trial court found that the housing density statutes were subordinate to the Act and that substantial evidence supported the Planning Commission's findings that the project violated the Act because it was visually out of step with the surrounding coastal community.

The developer appealed, and the appellate court affirmed the trial court's decision, holding that that state DBL is subordinate to the Act and that a project that violates the Act as the result of a density bonus may be denied on that basis. The court noted that "the Legislature appears to have struck a balance" between the Act and DBL "by requiring local agencies to grant density bonuses unless doing so would violate the [Act]."

It is worthwhile to examine the legislative history behind two bills relating to state density bonus law and the Act, both of which enacted laws referenced in the *Kalnel Gardens, LLC* case. AB 1866 (Wright), Chapter 1062, Statutes of 2002, made numerous changes to state DBL and state law relating to second units. According to this Committee's analysis of that bill, the sponsors contended that "there are many reasons for California's housing crisis, but one very important reason are the many constraints and obstacles imposed on housing by local governments." One of the provisions of DBL added by AB 1866 is that the granting of a concession or incentive shall not require or be interpreted, in and of itself, to require an LCP amendment. It also added the section of law this bill seeks to amend—Government Code Section 65915(m), providing that DBL does not supersede or in any way alter or lessen the effect or application of the Act.

AB 1866 was opposed by the Commission until August 6, 2002, shortly after amendments taken in the Senate added, among other provisions, what is now Government Code Section 65915(m). Prior to that amendment, in the Commission's opposition letter to the Senate Housing Committee, it stated "...[t]he Commission has historically taken the position that housing density bonus ordinances need to be consistent with other LCP and Coastal Act policies, and therefore should be formally amended into any applicable LCP." The Commission's August 7, 2002 letter

to the author of AB 1866 states that the Commission voted to remove its opposition and take a neutral position on the bill because “the most recent amendments clarify that nothing in the bill is meant to supersede or lessen the application of the Coastal Act policies...” The Assembly Concurrence in Senate Amendments analysis, which appears to be the only legislative analysis of AB 1866 that directly addresses this amendment, describes the amendment as “[p]rovid[ing] that the requirements of the California Coastal Act shall not be superseded by any of the provisions in this measure.”

One year later, SB 619 (Ducheny), Chapter 793, Statutes of 2003, made several changes to laws relating to the development of affordable housing, including requiring the Commission to encourage housing opportunities for low- and moderate-income households. It also provided that the Commission may not take measures that reduce the density of a housing project below the level allowed by local zoning ordinances and state DBL unless the Commission makes a finding that there is no feasible method to accommodate the density without creating a significant adverse impact on coastal resources. This Committee's analysis noted that the “author asserts that in spite of overwhelming need, many communities continue to resist new housing development, especially multifamily housing and higher density housing.” According to the Senate Natural Resources Committee analysis, “California coast cities, with the current rate of growth, will have to support more housing. From an environmental perspective, coastal areas should consider increasing housing density and affordability...Affordable housing projects developed in coastal areas, as long as they are consistent with LCPs, are an environmental bonus, not a detriment.”

In 2018, AB 2797 (Bloom), Chapter 904, further clarified the law in response to *Kalnel Gardens, LLC* to provide that any density bonus, concessions, incentives, waivers or reductions of development standards and parking ratios to which the applicant is entitled under density bonus law shall be accommodated, but in a manner that harmonizes DBL and the portions of the Act relating to Coastal Resources Planning and Management Policies. This bill would remove that requirement and apply DBL in the Coastal Zone notwithstanding the Coastal Act. As a result, the Commission or a local agency implementing the Act would be required to approve a developer's request for density, concessions and incentives, and parking reductions regardless of a conflict with the LCP.

Arguments in Support: According to sponsors of this bill, “AB 1287 creates a new incentive that can only be used when a project maximizes the production of Very Low-, Low-, or Moderate-Income units, as allowed by current Density Bonus Law. Only when those maximums are met, does an additional bonus become available when a project deed-restricts an additional set of Moderate-Income units. This structure ensures that the new Moderate-Income Bonus never undermines existing incentives under Density Bonus Law. In fact, it even creates new economic reasons to maximize deeply affordable unit production, by offering an additional sweetener in the form of the stacked bonus and additional concessions.”

Arguments in Opposition: According to the California Contract Cities Association, “Cities have the authority and ability to fashion housing and development policies that will impact local communities. Every city is different and these unique attributes should be a key consideration when developing policies that will impact local communities. In its current form, the Density Bonus Law serves as a robust set of rules and incentives for housing developments across the state. By adding new layers of requirements to Density Bonus Law, AB 1287 would broaden a one-size-all fit to development affordable housing, limiting cities ability to address the specific housing needs of their citizens.”

Staff Comments: Density bonus is one of the state’s tools to incentivize market rate housing developers to include lower income and very low income units without subsidy. This bill creates a super density bonus based on an ordinance in San Diego that is intended to incentivize more moderate-income housing. While that may make sense in San Diego, it does not make sense in the majority of the state where there is a greater need for lower income and very low-income housing than moderate-income housing. In addition, this bill provides significant incentives for moderate-income housing over more modest incentives for lower and very low-income housing. To address these policy concerns, the committee may wish to consider the following alternatives:

1. Create an incentive to include additional very low-income units by providing additional density if a developer includes the maximum amount of very low-income units (15 percent), lower-income (24 percent) or moderate-income (44 percent) units required under existing law. See chart below:

<u>Percentage Very Low Income Units</u>	<u>Percentage Density Bonus</u>
<u>5</u>	<u>20</u>
<u>6</u>	<u>23.75</u>
<u>7</u>	<u>27.5</u>
<u>8</u>	<u>31.25</u>
<u>9</u>	<u>35</u>
<u>10</u>	<u>38.75</u>

2. Provide the following moderate-income density bonus increase for projects that include very-low income units (15 percent), lower income (24 percent) or moderate income (44 percent) units required under existing law. This changes the formula in the bill to allow for a 2.75 unit increase versus a 3.75 unit increase. If a city wants to provide more density than what is included below, that would be permitted under existing law.

Percentage Additional Moderate-Income Units	Percentage Density Bonus
5	<u>20-10</u>
6	<u>22.5 12.5</u>
7	<u>25 15</u>
8	<u>27.5 17.5</u>
9	<u>30 20</u>
10	<u>32.5 22.5</u>
11	<u>35 25</u>
12	<u>38.75 27.5</u>
13	<u>42.5 30</u>
14	<u>46.25 32.5</u>

3. Continue to prioritize the highest amount of affordable housing for very low-income and lower-income housing under the incentive and concessions formula allowed under DBL by revising the concessions and incentives section in the bill as follows:

(2) The applicant shall receive the following number of incentives or concessions:

(A) One incentive or concession for projects that include at least 10 percent of the total units for lower income households, at least 5 percent for very low income households, or at least 10 percent for persons and families of moderate income in a development in which the units are for sale.

(B) Two incentives or concessions for projects that include at least 17 percent of the total units for lower income households, at least 10 percent for very low income households, or at least 20 percent for persons and families of moderate income in a development in which the units are for sale.

(C) Three incentives or concessions for projects that include at least 24 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a development in which the units are for sale.

(D) ~~Four~~ **Five** incentives or concessions for a project meeting the criteria of subparagraph (G) of paragraph (1) of subdivision (b). If the project is located within one-half mile of a major transit stop or is located in a very low vehicle travel area in a designated county, the applicant shall also receive a height increase of up to three additional stories, or 33 feet.

(E) Four incentives or concessions for a project that includes at least 16 percent of the total units for very low income households or at least 45 percent for persons and families of moderate income in a development in which the units are for sale.

~~(EF)~~ One incentive or concession for projects that include at least 20 percent of the total units for lower income students in a student housing development.

~~(F) Four incentives or concessions for projects that include at least 5 percent of the total units for persons and families of moderate income pursuant to subdivision (v).~~

~~(G) Five incentives or concessions for projects that include at least 10 percent for persons and families of moderate income pursuant to subdivision (v).~~

~~(H) Six incentives or concessions for projects that include at least 15 percent for persons and families of moderate income pursuant to subdivision (v).~~

Related Legislation:

AB 2797 (Bloom), Chapter 904, Statutes of 2019, clarified the law to provide that any density bonus, concessions, incentives, waivers or reductions of development standards and parking

ratios to which the applicant is entitled under density bonus law shall be accommodated, but in a manner that harmonizes density bonus law and the portions of the Act relating to Coastal Resources Planning and Management Policies.

SB 619 (Ducheny), Chapter 793, Statutes of 2003, made several changes to laws relating to the development of affordable housing, including requiring the Commission to encourage housing opportunities for low- and moderate-income households. The bill also provided that the Commission may not take measures that reduce the density of a housing project below the level allowed by local zoning ordinances and state DBL unless the Commission makes a finding that there is no feasible method to accommodate the density without creating a significant adverse impact on coastal resources.

AB 1866 (Wright), Chapter 1062, Statutes of 2002, made numerous changes to state DBL and state law relating to second units. The bill specified that the granting of a concession or incentive under DBL shall not require or be interpreted, in and of itself, to require an LCP amendment, and provided that DBL does not supersede or in any way alter or lessen the effect or application of the Act.

Double Referred: This bill was also referred to the Assembly Committee on Natural Resources, where it will be heard should it pass out of this committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Bay Area Council (Sponsor)
Circulate San Diego (Sponsor)
Spur (Sponsor)
Abundant Housing LA
Build Casa
California Building Industry Association
California Community Builders
California Yimby
CivicWell
Council of Infill Builders
East Bay Yimby
Fieldstead and Company
Greenbelt Alliance
Grow the Richmond
Housing Action Coalition
How to ADU
MidPen Housing
Mountain View Yimby
Napa-Solano for Everyone
National Association of Hispanic Real Estate Professionals
Northern Neighbors SF
Orange County Business Council
Peninsula for Everyone
People for Housing - Orange County
Progress Noe Valley

San Francisco YIMBY
San Luis Obispo Yimby
Sand Hill Property Company
Santa Cruz YIMBY
Santa Rosa YIMBY
Silicon Valley @ Home
Silicon Valley Leadership Group
South Bay Yimby
Southside Forward
Urban Environmentalists
Ventura County YIMBY
YIMBY Action

Opposition

California Contract Cities Association

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