



**CITY OF SANTA CLARITA
AGENDA REPORT**

CONSENT CALENDAR

CITY MANAGER APPROVAL:

Ken Strippler

DATE: April 11, 2023

SUBJECT: STATE LEGISLATION: AB 367, AB 1490, AB 1532, AB 1630, AB 1708, SB 4, SB 44, and SB 432

DEPARTMENT: City Manager's Office

PRESENTER: Masis Hagobian

RECOMMENDED ACTION

City Council:

1. Support AB 367 (Maienschein), AB 1708 (Muratsuchi), and SB 44 (Umberg).
2. Oppose AB 1490 (Lee), AB 1532 (Haney), AB 1630 (Garcia), SB 4 (Wiener), and SB 423 (Wiener).
3. Transmit position statements to the authors of the bills, Santa Clarita’s state legislative delegation, appropriate legislative committees, Governor Newsom, the League of California Cities, and other stakeholder organizations.

BACKGROUND

The following state legislative items were presented to the City Council Legislative Committee on March 30, 2023. Included as part of this report is a brief summary of each piece of legislation and its current status in the state legislative process.

Assembly Bill 367

Authored by Assembly Member Brian Maienschein (D-76-San Diego), Assembly Bill 367 imposes a sentence enhancement of 3-5 years in state prison for a person who inflicts great bodily injury when they sell, furnish, or give away a controlled substance.

The opioid epidemic has become a nationwide issue, affecting communities across the country, including the City of Santa Clarita (City). In 2021, more than 71,000 people died from a synthetic opioid-related drug overdose in the United States, according to provisional data from

the Centers for Disease Control and Prevention (CDC). Recent data suggests that number continues to increase each year.

Fentanyl is a synthetic opioid that is up to 50 times stronger than heroin and 100 times stronger than morphine, making it a major contributor to drug overdose deaths. Based on preliminary 2021 data from the CDC, there were 6,843 opioid-related overdose deaths in California; 5,722 of these deaths were related to fentanyl. Moreover, in 2021, there were 224 fentanyl-related overdose deaths among teens, ages 15-19 years old, in California.

In 2022, the Los Angeles County Sheriff's Department reported 32 overdoses in the Santa Clarita Valley as a result of fentanyl.

Assembly Bill 367 is pending a hearing in the Assembly Committee on Public Safety.

Assembly Bill 1490

Authored by Assembly Member Alex Lee (D-24-San Jose), Assembly Bill 1490 requires all entitlements and permits to be approved within 30 days from the date a housing project application is submitted and all building and permit fees to be waived for a housing project that converts an existing building to a housing development that dedicates 100 percent of the housing units to low-income households.

Additionally, Assembly Bill 1490 preempts local minimum floor area ratio standards and restricts any increase in the number of parking spaces required.

Assembly Bill 1490 would require the City's regular review process, which may span 6-9 months, to be conducted within 30 days, including the potential review and approval of an Administrative Permit, Architectural Design Review, Conditional Use Permit, Development Review, Landscape Plan Review, Minor Use Permit, and Tentative Tract Map. The significantly truncated review period jeopardizes the due diligence required to ensure residential projects meet building code and planning guidelines.

Furthermore, for a project valuation of approximately \$10 million, Assembly Bill 1490 could potentially waive nearly \$300,000 in entitlement and permit fees that go towards the funding of the review of building safety and planning permits, and entitlements.

Assembly Bill 1490 is pending a hearing in the Assembly Committee on Housing and Community Development.

Assembly Bill 1532

Authored by Assembly Member Matt Haney (D-17-San Francisco), Assembly Bill 1532 makes the conversion of office buildings to residential units, that dedicates 10 percent of the total residential units to low- or moderate-income households, a streamlined ministerial approval, restricting cities and counties from requiring a conditional use permit, planned unit development permit, or other discretionary local review or approval that would require a California Environmental Quality Act (CEQA) review. Projects under a ministerial review are not subject

to an appeals process, public hearing, and CEQA review.

Additionally, Assembly Bill 1532 would exempt an office conversion project from impact fees that are not directly related to the conversion of an office building into residential units and would allow the proponent of an office conversion project to pay applicable impact fees over a 10-year period. This bill would also restrict any increase in the number of parking spaces required or the preservation of open space.

Assembly Bill 1532 is pending a hearing in the Assembly Committee on Housing and Community Development.

Assembly Bill 1630

Authored by Assembly Member Eduardo Garcia (D-36-Coachella), Assembly Bill 1630 requires cities and counties to approve, through a streamlined and ministerial process, residential developments that dedicate at least 20 percent of the residential units to students or faculty and is located on property within 1,000 feet of a university. Additionally, this bill restricts cities and counties from requiring a minimum parking requirement, conditional use permit, planned unit development permit, or other discretionary local review or approval that would require a CEQA review.

There are over 1,000 local education agencies (LEA) in the State, which includes school districts, county offices of education, and charter schools. Collectively, they own more than 150,000 acres of land. Furthermore, of land owned by LEAs, it is estimated that there are 7,068 properties with potentially developable land of one acre or more, totaling 75,000 acres statewide. Schools in the City are located in the City's Public/Institutional (PI) Zone. Although the PI Zone permits a residential dwelling, it does not include specifications for a residential multifamily subdivision, as outlined in this legislation, and therefore a proposed multifamily project within a PI Zone would require a zone change to be considered for development purposes.

In addition to LEA property within the City's PI zone, some LEAs also own property outside of the PI Zone. The City would not be able to review, consistent with the City's standards included in the City's Municipal Code, a proposed project by an LEA for these properties.

Assembly Bill 1630 is pending a hearing in the Assembly Committee on Housing and Community Development.

Assembly Bill 1708

Authored by Assembly Member Al Muratsuchi (D-66-Torrance), Assembly Bill 1708 amends Proposition 47 (2014) by requiring a person convicted of theft of a vehicle or firearm, identity theft, or credit card fraud to be charged with a felony.

Subsequent to passage by the state legislature and approval by the Governor, this bill would become effective only if approved by voters through a ballot initiative at the next statewide general election.

Proposition 47 (2014), titled, “The Safe Neighborhoods and Schools Act,” was approved by voters (59.6 percent - 40.4 percent) on November 4, 2014, and went into effect on November 5, 2014. At the City level, the measure failed with 47.19 percent in favor and 52.81 against.

Proposition 47 (2014) reduced penalties for certain nonserious and nonviolent property and drug offenses from felonies or wobblers, which could be charged as either a felony or misdemeanor, to misdemeanors. Under previous state law, shoplifting property worth \$950 or less, a type of petty theft, was a misdemeanor. However, such crimes could also be charged as burglary, instead, if the shoplifter intended to shoplift upon entering the store, which could be prosecuted as a felony and sentenced up to three years in prison.

With the approval of Proposition 47 (2014), shoplifting property worth \$950 or less is a misdemeanor, regardless of intent, and holds a sentence of up to one year in county jail and/or a fine up to \$1,000.

According to the California Department of Justice, larceny-theft increased by approximately 10.7 percent and shoplifting increased by approximately 11.7 percent statewide a year after Proposition 47 (2014) went into effect. Similarly, in Los Angeles County, larceny-theft increased by approximately 10.3 percent and shoplifting increased by approximately 10.9 percent over that same period of time.

The Santa Clarita City Council supported a similar bill, Assembly Bill 23 (Muratsuchi), at the March 14, 2023, regular City Council meeting.

Assembly Bill 1708 is scheduled to be heard in the Assembly Committee on Public Safety on April 11, 2023.

Senate Bill 4

Authored by Senator Scott Wiener (D-11-San Francisco), Senate Bill 4 requires cities and counties to approve, through a streamlined and ministerial process, residential developments that dedicate 75 percent of the residential units to lower-income households, 20 percent to moderate-income households, and 5 percent may be for staff on property owned by a religious or higher-education institution. Additionally, this bill restricts cities and counties from requiring a conditional use permit, planned unit development permit, or other discretionary local review or approval that would require a CEQA review.

According to a 2020 report by the University of California, Berkeley Turner Center, evaluating a prior version of this bill, the Turner Center identified over 38,000 acres of potentially developable land statewide that are currently zoned for religious use.

Senate Bill 4 passed the Senate Housing Committee (9-1-1) on March 21, 2023, and is pending a hearing in the Senate Governance and Finance Committee.

Senate Bill 44

Authored by Senator Tom Umberg (D-34-Orange County), Senate Bill 44 requires a person who

is convicted of, or who pleads guilty or no contest to, the possession or purchase for the purpose of selling or administering various controlled substances, including fentanyl, to receive a written advisory of the danger of manufacturing or distribution of controlled substances and that, if a person dies as a result of that action, the manufacturer or distributor can be charged with voluntary manslaughter or murder.

The opioid epidemic has become a nationwide issue, affecting communities across the country, including the City. In 2021, more than 71,000 people died from a synthetic opioid-related drug overdose in the United States, according to provisional data from the Centers for Disease Control and Prevention (CDC). Recent data suggest that number continues to increase each year.

Fentanyl is a synthetic opioid that is up to 50 times stronger than heroin and 100 times stronger than morphine, making it a major contributor to drug overdose deaths. Based on preliminary 2021 data from the CDC, there were 6,843 opioid-related overdose deaths in California; 5,722 of these deaths were related to fentanyl. Moreover, in 2021, there were 224 fentanyl-related overdose deaths among teens, ages 15-19 years old, in California.

In 2022, the Los Angeles County Sheriff's Department reported 32 overdoses in the Santa Clarita Valley as a result of fentanyl.

The Santa Clarita City Council supported a similar bill, Senate Bill 13 (Ochoa Bogh), at the March 14, 2023, regular City Council meeting.

Senate Bill 44 failed in the Senate Public Safety Committee on March 28, 2023, but was granted reconsideration.

Senate Bill 423

Authored by Senator Scott Wiener (D-11-San Francisco), Senate Bill 423 removes the sunset clause of January 1, 2026, included in Senate Bill 35 (Chapter 368, Statutes of 2017), which requires cities and counties to approve specified residential developments through a streamlined and ministerial process, restricting cities and counties from requiring a Conditional Use Permit, Planned Unit Development Permit, or other discretionary local review or approval that would require a CEQA review.

Senate Bill 35 (Chapter 368, Statutes of 2017), until January 1, 2026, requires cities and counties to approve multifamily residential developments through a streamlined and ministerial process if the jurisdiction, in which the project is located, did not submit its latest housing production report to the California Department of Housing and Community Development (HCD) or if there were fewer housing units of above moderate-income or lower-income households approved than required for the regional housing needs assessment (RHNA) cycle for that year. The bill allows local governments to only review a project application based on objective planning standards.

If fewer housing units of above moderate-income are approved than required, the project must dedicate a minimum of 10 percent of the total number of housing units to households making below 80 percent of the area median income.

If fewer housing units of lower-income are approved than required, the project must dedicate a minimum of 50 percent of the total number of housing units to households making below 80 percent of the area median income.

The U.S. Department of Housing and Urban Development (HUD) sets the area median income. For a household of four, 80 percent of the 2022 area median income in Los Angeles County is \$95,300.

Moreover, Senate Bill 35 (Chapter 368, Statutes of 2017) requires a local government's Planning Commission or City Council to respond to a project application seeking a ministerial and streamlined approval in either 60 or 90 days, depending on the size of the project. Additionally, Senate Bill 35 (Chapter 368, Statutes of 2017) does not apply to areas located in a coastal zone, high or very high fire hazard severity zone, farmland, wetland, flood plain, or habitat for protected species.

Senate Bill 423 removes the January 1, 2026, sunset that is included in Senate Bill 35 (Chapter 368, Statutes of 2017) and applies the streamlining and ministerial provisions included in Senate Bill 35 (Chapter 368, Statutes of 2017) to local governments who have failed to adopt a compliant housing element as determined by HCD.

Additionally, Senate Bill 423:

- Designates a local government's Planning Director as the authorizing body for streamlined and ministerial application reviews and approvals, instead of Planning Commissions or City Councils;
- Allows for projects to be located in the coastal zone, wetland, or protected habitat if authorized by any other state or federal law;
- Provides that "objective design standards" do not include subsequent permits such as local building codes, fire codes, noise ordinances, or other codes that are evaluated with subsequent permitting processes; and
- Authorizes the Department of General Services, at its discretion, to act in the place of a local government, for development on property owned by or leased to the state.

Senate Bill 423 passed the Senate Housing Committee (9-1-1) on March 21, 2023, and is pending a hearing in the Senate Governance and Finance Committee.

With regard to the bills in this report related to housing and local land use authority, the City currently has policies and standards in place regarding proposed residential developments related to parking, design standards, zoning, and overall application review. Typically, large housing development projects undergo an extensive public review process, including public hearings, administrative review, and an opportunity for appeal. This allows the City's Planning Division, Planning Commission, and the public the ability to review residential projects based on unique community circumstances and needs, and ensures that a site has adequate access to services and resources to support residential use or sustain greater residential density.

Additionally, the City's review is to ensure that the use of the project, when considered on the basis of the suitability of the site, is arranged to avoid traffic congestion and ensure the protection of public health, safety, and general welfare. The City's review is also intended to prevent adverse effects on neighboring property, facilitate the provision of utility services and other public facilities commensurate with anticipated population and dwelling unit densities, promote the City's historical and natural resources such as oak trees, river areas, and ridgelines, and is in conformity with good zoning practice.

The recommended positions in this report are consistent with the City of Santa Clarita 2023 Executive and Legislative Platform.

ALTERNATIVE ACTION

Other direction, as provided by the City Council.

FISCAL IMPACT

The resources required to implement the recommended action are contained within the City of Santa Clarita's adopted FY 2022-23 budget.

ATTACHMENTS

Assembly Bill 367 - Bill Text
Assembly Bill 1490 - Bill Text
Assembly Bill 1532 - Bill Text
Assembly Bill 1630 - Bill Text
Assembly Bill 1708 - Bill Text
Senate Bill 4 - Bill Text
Senate Bill 44 - Bill Text
Senate Bill 423 - Bill Text