



EUNICE M. ULLOA  
Mayor

KAREN C. COMSTOCK  
CHRISTOPHER FLORES  
WALT POCOCK  
Council Members

MARC LUCIO  
Mayor Pro Tem

ANTHONY ARROYO  
Interim City Manager

## CITY of CHINO

May 19, 2022

California State Senate  
The Honorable Connie Leyva  
1021 O Street, Suite 7610  
Sacramento, CA 95814  
*SENT VIA EMAIL*

***Re: Proposed Housing and Development Legislation - California Senate Bill 1067 and Assembly Bills 2011, 2234, 2295, 2656, 2668 (2021-2022 Regular Session)***

To the Honorable California State Senator Connie Leyva:

The City of Chino (“City”) respectfully submits this letter of opposition to the series of housing and development legislation summarized throughout this letter. The City recognizes that access to affordable housing is a preeminent statewide issue. Now, while the City appreciates the intent of the State legislature, we would also like to stress that the City is doing its fair share to help alleviate California’s housing crisis. Through the next decade, the City will be taking all concerted efforts to build 6,595 additional affordable housing units. This will serve families falling into all income categories ranging from very low to above moderate incomes households. Moreover, the City is currently expending resources to consolidate a local land use ballot measure with the San Bernardino County Registrar of Voters regarding its affordable housing development in the next decade. Lastly, setting posterity aside, the City already provides roughly 1,270 units of affordable housing. This is on top of an established City Housing Division that offers home improvement and home buying assistance programs.

Given the City’s substantial efforts to combat the affordable housing crisis, the City believes the following legislation favors expediency over substance. While each bill intends to address different facets to the development review process, one theme is apparent – that environmental, building/safety, zoning, and design standard reviews are needless roadblocks to development.

The City contends that these reviews are necessary to improve the quality of life for our existing, and future, residents. The proposed legislation presumes that the City is acting in bad faith and attempting to find reasons to deny a development project; thus, “shot clock” City response time frames (Assembly Bill 2234), subordinating design standards (Assembly Bill 2295), and removing local deference (Assembly Bill 2656) has become the cure to these perceived obstacles.

In contrary to this impression, the City recognizes that growth is key to our community’s sustained success. However, the City is tasked to work in favor of the public’s interest. This means that the City will work to develop affordable housing (which it currently is undertaking) within the purview of sound environmental, safety, zoning, and design review standards. The City does not agree with the notion that it should neglect its local policy and safeguards to streamline outside development. As you can certainly appreciate, there is more nuance and balance to local governance. Favoring one group over the other has not been the City’s practice. Rather, the City believes it is just as incumbent for a developer to meet the City’s local standards as it is for the City to adequately review their application. It is for these reasons the, City respectfully requests that you vote “NO” on the following bills:



**Assembly Bill 2011 (Wicks):** Requires cities to ministerially approve, without condition or discretion, certain affordable housing, and mixed-use housing developments in zones where office, retail, or parking are a principally permitted use regardless of any inconsistency with a local government's general plan, specific plan, zoning ordinance, or regulation.

*Comments on Assembly Bill 2011: This bill completely undercuts the City's General Plan. The City has already committed (and continues to commit) abundant resources to comply with state-mandated requirements like completing a housing element update to ensure that adequate affordable housing units are developed in the next decade. This bill lacks sound planning principles and subordinates our local control. Therefore, the City cannot support this bill.*

**Assembly Bill 2234 (Rivas and Grayson):** Intends to streamline "post-entitlement" permit approvals by requiring that the City respond to applicants in a certain timeframe and post material online to illustrate an "ideal" application for common housing developments.

*Comments on Assembly Bill 2234: While the City appreciates the notion of offering feedback to applicants, imposing a timeframe on the application review process will pose a considerable challenge for our staff. The City is always willing to work with applicants, but the City should reserve the right to diligently and reasonably review applications without the threat of being in violation of the Housing Accountability Act.*

**Assembly Bill 2295 (Bloom and Rivas):** Allows a local educational agency to develop a "qualified housing development project" as that term is defined for teachers, staff, and low-income residents on any real property owned by the educational agency.

*Comments on Assembly Bill 2295: The City appreciates that much of this bill relies on local City standards. However, portions of the bill neglect City standards. For example, a qualified housing development can be 30 feet tall – regardless if City standards call for a smaller structure. To preserve our local control, the City does not support this proposed bill.*

**Assembly Bill 2656 (Ting):** Adds two actions under the CEQA review process to the housing development "disapproval" definition under the Housing Accountability Act which would trigger the private ability to sue the lead agency. The two actions being included in the definition include: 1) if the agency denies a CEQA exemption for which the exemption is *eligible*; 2) requires further environmental study to adopt a negative declaration or to certify an EIR.

*Comments on Assembly Bill 2656: The City has approved applications for CEQA exemptions in the past, so the City does not have concerns with applying exemptions when eligible. Rather, it is the "oversimplification" of the exemption process. Determining whether a project is eligible for a CEQA exemption is often not a "black and white" issue. Project and site-specific characteristics are considered when making this determination. By adding this provision, AB 2656 opens local agencies to liability, creating a chilling effect when environmental reviews should have been applied.*

**Assembly Bill 2668 (Grayson):** Would not allow the City to deny a SB 35 process (streamlined, ministerial development approvals for infill housing in communities that have not met their RHNA numbers) if the development application contains sufficient material that a "reasonable" person would conclude meets SB 35.

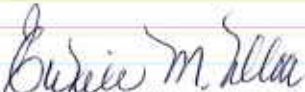
*Comments on Assembly Bill 2668: While the City has worked to administer the provisions of Senate Bill 35, the ambiguous use of "reasonable" person as a qualifier suggests that this legislation will open the City to unwarranted claims and liability. Therefore, the City does not support this legislation.*

**Senate Bill 1067 (Portantino):** Prohibits a City from imposing minimum parking requirements within 1/2 mile of a public transit facility. Local agencies may set minimum standards under certain conditions; however, those standards are exempt from projects that dedicate 20% of units to very, low-, or moderate-income households, students, the elderly, or persons with disabilities.

*Comments on Senate Bill 1067: This proposed legislation undercuts the City's parking requirements with proposed residential developments. It places the City at a disadvantaged position to uphold its local policies and presumes that future occupants will utilize the public transit system. If these assumptions are incorrect, the City is left to find solutions to the inadequate parking resulting from this legislation.*

I thank you for your continued support and ask that you please consider the potential implications as well as the City's position on the proposed legislation. Should you have any questions, please contact the City of Chino Administration Department at 909-334-3250.

Sincerely,



Eunice M. Ulloa  
Mayor