



April 22, 2021

The Honorable Richard Bloom  
California State Assembly  
State Capitol, Room 2003  
Sacramento, CA 95814

**Re: Assembly Bill 115 (Bloom): Planning and Zoning: General Plan: Housing Development  
As introduced on December 18, 2020 – Oppose Unless Amended**

Dear Assembly Member Bloom,

The California State Association of Counties (CSAC), the Urban Counties of California (UCC), and the Rural County Representatives of California (RCRC) regretfully write to communicate our opposition to your Assembly Bill 115, which would, until January 1, 2031, mandate that a housing development in which at least 20% of the units have an affordable housing cost or affordable rent for low-income households be an authorized use on a site designated in any element of the general plan for commercial uses.

Our organizations are supportive of the goal of AB 115, which could increase the number of affordable housing units in commercial corridors near transit and jobs centers and provide opportunities for redevelopment of underutilized commercial sites. In fact, many counties already allow multifamily residential uses within some of their commercial zones. However, we continue to have the following concerns with the measure.

Commercial uses can vary in type and intensity with some commercial uses being more compatible with housing development than others. For instance, allowable commercial uses in unincorporated areas can include surface mining, outdoor storage, auto salvage, auto repair, hog farms, oil wells, and certain manufacturing and assembly uses. While the bill defines “industrial uses” and limits the applicability of AB 115 to sites not *adjacent* to those industrial uses, we request that AB 115 apply to only office or retail uses in commercial zones. This will lessen the likelihood of issues relating to incompatible uses, as well as limit applicability to zones more commonly located near transit and job centers.

Many parts of county unincorporated areas have limited infrastructure and government services. We appreciate that Section 1 of the bill includes a basic infill standard, but request that it be strengthened by instead using the standard from Public Resources Code Section 21061.3 or by limiting the applicability of this section to sites located in Census-designated urbanized areas. This would refocus the bill’s zoning override on only the most urbanized areas of the unincorporated zone, which are likely to be the most appropriate commercial sites in counties for use as higher-density housing.

Counties should be able to designate some commercial properties for exclusively nonresidential uses to ensure opportunities for economic development. We propose allowing local agencies the ability to

reallocate residential capacity available pursuant to AB 115 to alternative sites that are eligible to be included in the housing element inventory of adequate sites.

Finally, unless the bill is amended to only remain in effect until a jurisdiction adopts a compliant 6<sup>th</sup> cycle housing element, we request AB 115 be amended to allow counties to count commercial sites where AB 115 would apply toward their regional housing needs allocation planning requirement irrespective of whether the current zoning allows for residential uses, provided that the sites are able to accommodate residential development.

For these reasons, we are opposed unless amended on your AB 115 but are committed to working with you to resolve these issues. Should you have any questions about our position, please do not hesitate to contact Christopher Lee (CSAC) at [clee@counties.org](mailto:clee@counties.org), Jean Kinney Hurst (UCC) at [jkh@hbeadvocacy.com](mailto:jkh@hbeadvocacy.com), or Tracy Rhine (RCRC) at [trhine@rcrcnet.org](mailto:trhine@rcrcnet.org).

Sincerely,



Christopher Lee  
California State Association of Counties



Jean Kinney Hurst  
Urban Counties of California



Tracy Rhine  
Rural County Representatives of California

cc: The Honorable Cecilia Aguiar-Curry, Chair, Assembly Local Government Committee  
Honorable Members, Assembly Local Government Committee  
Consultant, Assembly Local Government Committee  
Consultant, Assembly Republican Caucus