

**CITY OF OAKLAND**  
**BILL ANALYSIS**



**Date:** April 17, 2007

**Bill Number:** AB 29

**Bill Author:** Hancock

**DEPARTMENT INFORMATION**

**Contact:** Jeffrey Levin

**Department:** CEDA

**Telephone:** x6188      **FAX #** 238-3691      **E-mail:** jplevin@comcast.net

**RECOMMENDED POSITION:** (SUPPORT, SUPPORT IF AMENDED, NEUTRAL, WATCH, OPPOSE, NOT RELEVANT)

Support if Amended consistent with proposed policy guidelines (attached)

**Summary of the Bill**

Provides for allocation of \$850,000,000 in fund from Proposition 1C for the Regional Planning, Housing and Infill Incentive Program.

This bill would require these funds be made available to the Department of Housing and Community Development for the purposes of making infrastructure grants for construction or acquisition of capital assets, as defined, to qualifying cities, counties, and cities and counties. The bill would require a project to meet certain, listed criteria in order to be eligible for grant funding. Funds would be awarded on a competitive basis

**Positive Factors for Oakland**

This bill would provide significant amounts of funding that could be used for the costs of infrastructure needed to support development of housing throughout Oakland, particularly close to BART stations and along major transit corridors.

Item: \_\_\_\_\_  
Rules & Legislation Comte.  
Date May 10, 2007

2007 APR 17 11:35 AM  
OFFICE OF THE CLERK

### **Negative Factors for Oakland**

AB29 contains a number of provisions regarding criteria for funding that could work against Oakland. For example, tying funding to progress in producing units to meet the Regional Housing Needs Analysis (RHNA) "fair share" numbers could be a significant barrier given the substantial increase in RHNA units that has been assigned to Oakland. The bill also doesn't include provisions for Master Project Areas that could be used to look at housing projects in the aggregate in an area.

Staff recommends seeking amendments to the bill. Staff specifically recommends that the City Council adopt the attached policy guidelines and authorize staff to work with the City's lobbyist to seek incorporation of those guidelines into the bill to the maximum extent possible before supporting it.

### **PLEASE RATE THE EFFECT OF THIS MEASURE ON THE CITY OF OAKLAND:**

- Critical** (top priority for City lobbyist, city position required ASAP)
- Very Important** (priority for City lobbyist, city position necessary)
- Somewhat Important** (City position desirable if time and resources are available)
- Minimal or**  **None** (do not review with City Council, position not required)

### **Known support:**

American Federation of State, County and Municipal Employee  
CA Association of Councils of Government (in concept)  
City of Moreno Valley

### **Known Opposition:**

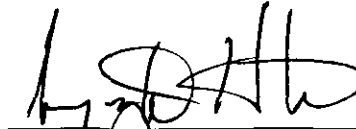
None

**Attach bill text and state/federal legislative committee analysis, if available.**

Bill text attached.

Bill analysis attached

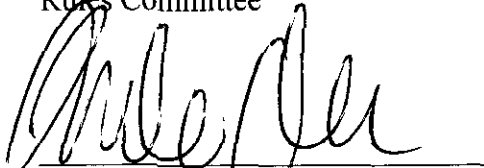
Respectfully Submitted,



Gregory Hunter,  
Interim Director of Economic Development,  
Redevelopment, Housing and Community  
Development

Community and Economic  
Development Agency

Approved for Forwarding to  
Rules Committee

  
Office of City Administrator

## **Proposed Policies for Allocation/Award of Prop 1C Infill Housing Funds**

To the fullest extent possible, the City of Oakland seeks language in State legislation to implement the Regional Planning, Housing and Infill Incentives Program consistent with the following principles and guidelines:

### **Manner of Allocation:**

Funds should be awarded on a competitive statewide basis by the Department of Housing and Community Development (HCD). Proposals could be screened by regional councils of government to ensure consistency with regional plans or regional priority development areas.

### **Eligible Applicants:**

Private for-profit and non-profit developers and local governments. Developers and governments should be able to apply either separately or jointly. Developer applications should at least require a letter of support from the appropriate jurisdiction.

### **Eligible Projects:**

Support the idea of “eligible projects” within “master projects” or “qualifying areas” where one or more developments taken together within a specified area constitute the project that qualifies for funding.

Large sites are often developed by more than one entity, and related infrastructure may be needed for some or all of those developments.

Qualifying areas could be defined in local and/or regional plans such as a project area redevelopment plan (including a five-year implementation plan), a regional growth plan such as a blueprint or a plan designating priority growth areas, a capital improvement plan, or a regional transportation plan or a transportation corridor plan. Projects would need to be consistent with those plans.

### **Eligible Uses:**

Direct costs related to the creation of infill housing including:

- site acquisition, demolition and preparation
- site clean-up (toxic remediation)

- water, sewer, undergrounding of utilities
- street, road or other transportation improvements, including public transit, bicycle and pedestrian facilities
- park, open space and recreation facilities
- replacement parking required by a public entity (such as BART) to make the project possible.
- development of affordable housing within the qualifying area

### **Eligible Locations:**

Projects should be located on infill sites previously developed for urban uses, or surrounded by already developed urban uses, with existing water and sewer trunk line service.

Any requirement for proximity to transit should use a somewhat more flexible standard than for the Transit Oriented Development program. We suggest that a project must be either (a) within one mile of a rail transit station or ferry terminal served by rail or bus service, or (b) along a transit corridor providing peak service in intervals of 10 minutes or less.

### **Minimum Density:**

At a minimum, the so-called “Mullin densities” specified in Government Code 65583.2: net densities of 30 units per acre in urban areas, 20 units per acre in suburban areas, and 10 units per acre in rural areas.

We would favor higher densities either as a threshold or as a category receiving significant competitive points.

### **Affordable Housing Component:**

At least fifteen percent of the units to be created within the master development or “qualifying area” should be affordable to (a) households at or below 50 percent of area median or less for a period of at least 55 years for rental housing, or (b) households at or below 100 percent of area median income for at least 45 year for ownership housing.

Affordable units do not need to be in the same development as the eligible project, provided they are within the same master project or qualifying area.

Some provision should be made to allow affordable units completed within the past 3 years in a master development to be counted toward this requirement, especially where development of the affordable housing was a catalyst for development of the market rate housing.

**Project Readiness:**

Projects shall have received all environmental clearances under CEQA and must commence construction within 24 months of award.

**Other Considerations:**

“Master Development”: Support the concept of master developments as eligible areas that contain one or more individual qualifying housing projects. Eligible infrastructure should include not only infrastructure required for a particular development, but also infrastructure needed to support the cumulative impact of multiple developments within a master project or qualifying area.

Local and Regional Plans: Several proposals have sought to link the funding to local and regional plans. This could be an issue for Oakland. ABAG is in the process of designating “regional priority development areas”. Oakland will need to apply for designation of several such areas. However, linking the funding to these regional plans and priority areas could provide a role for regional bodies to identify priorities for allocation without having regional planning bodies involved in the direct allocation of funding for infrastructure and housing.

Other Criteria for Ranking: Care must be taken in assigning weight for progress in meeting regional housing goals. Oakland’s new allocation for 2007-2014 is in the vicinity of 17,000 units, up sharply from 7,700 units in the 1999-2006 period. While the City might be able to zone to accommodate this many units, the market is unlikely to build or absorb production at this level. Nor does the City have sufficient funds available to provide subsidies to make enough of these units affordable. If funds are awarded based on percentage of housing needs actually met, Oakland could be at a distinct disadvantage.

The existence of an inclusionary housing ordinance should not be a criterion for awarding points.

Ranking criteria that include such factors as age of housing stock, percentage of population that qualifies as “low and moderate income” under HUD definitions, and poverty levels should be pursued.

If funds are awarded similar to the existing Workforce Housing Incentive Grant program (which is the current language in AB29), cities should not be able to get credit for housing that falls below certain minimum densities. Cities that develop a large number of units of very low density housing (e.g., 1 to 4 units to the acre) should not be rewarded for this action.

AMENDED IN ASSEMBLY MARCH 27, 2007

AMENDED IN ASSEMBLY MARCH 5, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 29**

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**Introduced by Assembly Member Hancock**  
**(Coauthor: Assembly Member Ruskin)**

December 4, 2006

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An act to add Chapter 11 (commencing with Section 66150) to Division 1 of Title 7 of the Government Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 29, as amended, Hancock. Infill development: incentive grants.

Existing law, the Housing and Emergency Shelter Trust Fund Act of 2006, authorizes the issuance of bonds in the amount of \$2,850,000,000 pursuant to the State General Obligation Bond Law. Proceeds from the sale of these bonds are required to be used to finance various existing housing programs, capital outlay related to infill development, brownfield cleanup that promotes infill development, and housing-related parks.

This bill would require certain of those funds, upon appropriation, to be made available to the Department of Housing and Community Development for the purposes of making infrastructure grants for construction or acquisition of capital assets, as defined, to qualifying cities, counties, and cities and counties. The bill would require a project to meet certain, listed criteria in order to be eligible for grant funding.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and hereby declares all of  
2 the following:

3 (a) California's population increased 42 percent between 1980  
4 and 2000, from 24 million residents to 34 million. By 2025, the  
5 state's population is expected to increase by another 44 percent to  
6 49 million people.

7 (b) Five California urban areas rank in the top 15 most congested  
8 in the nation. Those urban areas are Los Angeles, San  
9 Francisco-Oakland, San Diego, San Bernardino-Riverside, and  
10 Sacramento. The San Jose and Oxnard-Ventura areas are in the  
11 top 30.

12 (c) California's cities and urban neighborhoods encompass  
13 nearly 500,000 potential infill parcels comprising 220,000 acres  
14 of land. If the amount of infill development could be doubled,  
15 roughly 100,000 acres of undeveloped land could potentially be  
16 saved over the next 25 years.

17 (d) Given current constraints, and understanding that not all of  
18 the identified infill sites would be developed with housing,  
19 California's infill housing potential is estimated in the range of 1  
20 million to 1.5 million additional units.

21 (e) If every potential infill parcel in California were to be  
22 developed to its fullest potential with housing, the state's infill  
23 inventory could theoretically accommodate between 2 million and  
24 4 million additional housing units.

25 (f) Between 1980 and 2000, vehicle miles of travel on  
26 California's roads increased 97 percent—from 156 billion miles  
27 to 307 billion miles per year.

28 (g) In 1960, there were 9 million registered vehicles in the state.  
29 In 2005, there are over 30 million vehicles registered in the state.

30 (h) Vehicle miles of travel are projected to increase another 63  
31 percent by the year 2025.

32 (i) At present, approximately 8 percent of the 100 million acres  
33 in California (8 million acres) are devoted to crops. Each year  
34 about 122,000 of these 8 million acres (approximately 1.5 percent)  
35 are lost from production when swallowed by urban and industrial  
36 spread.

37 (j) As the population grows, more and more people need a place  
38 to live and work, placing increasing demands on limited land areas.



1 In general, each person added to the population requires  
2 approximately one acre of land for urbanization and highways.

3 (k) When the California population doubles to 64 million, as  
4 projected for 2035, approximately 32 million of California's 100  
5 million acres will need to be used for the housing, employment,  
6 and transportation needs of those 32 million additional people.

7 SEC. 2. Chapter 11 (commencing with Section 66150) is added  
8 to Division 1 of Title 7 of the Government Code, to read:

9

10 CHAPTER 11. ~~INFILL DEVELOPMENT~~ REGIONAL PLANNING,  
11 HOUSING, AND INFILL INCENTIVE GRANT PROGRAM  
12

13 66150. (a) For the purposes of this chapter the following terms  
14 have the following meanings, unless the context clearly requires  
15 otherwise:

16 (1) "Department" means the Department of Housing and  
17 Community Development.

18 (2) "Infill development" means residential or mixed commercial  
19 and residential development on an infill site, as defined under  
20 Section 21061.3 of the Public Resources Code, or in an area of an  
21 incorporated city that is predominately developed with qualified  
22 urban uses and has been designated for infill development in a  
23 regional growth plan.

24 (3) "Regional growth plan" is a plan that meets the definition  
25 established under Section 65060.7.

26 (b) Funds deposited in the Regional Planning, Housing, and  
27 Infill Incentive Account under subdivision (b) of Section 53545  
28 of the Health and Safety Code, upon appropriation, shall be made  
29 available to the department for the purposes of making  
30 infrastructure grants for construction or acquisition of capital assets,  
31 as defined in Section 16727, to qualifying cities, counties, and  
32 cities and counties. In order to be eligible for funding under this  
33 chapter, a project shall conform to all of the following:

34 (1) Be consistent with the adopted general plan of the applicant  
35 city, county, or city and county. The adopted general plan shall  
36 include an adopted housing element that the department has found,  
37 pursuant to Section 65585, to be in substantial compliance with  
38 the requirements of Article 10.6 (commencing with Section 65580)  
39 of Chapter 3.

1 (2) Be included in, and be consistent with, the zoning or specific  
2 plan and any of the following additional plans applicable to the  
3 subject area or site:

4 (A) A project area redevelopment plan.

5 (B) A regional blueprint plan.

6 (C) A capital improvement plan.

7 (D) A regional transportation plan or a transportation corridor  
8 plan.

9 (3) For any plan identified in paragraph (1) or (2) that is subject  
10 to the California Environmental Quality Act (Division 13  
11 (commencing with Section 21000) of the Public Resources Code),  
12 the notice of determination pursuant to that act shall have been  
13 completed, and the statutory period for challenges shall have been  
14 expired. Both the infrastructure project for which funding is applied  
15 for, and the housing project to be facilitated, shall be identified  
16 with sufficient specificity to be considered to have complied with  
17 the California Environmental Quality Act.

18 (4) Be an integral part of infrastructure needs that are required  
19 to allow an infill housing project to proceed to completion in a  
20 timely manner, including, but not limited to, brownfield cleanup.

21 (c) For the purposes of this program, a qualifying infill project  
22 shall be located within one-half mile of a mass transit system. For  
23 the purposes of this subdivision, "mass transit system" includes,  
24 but is not limited to, light rail, fixed rail, trolley car, ferry, and  
25 major bus hub.

26 (d) In its review and rating of applications for funding under  
27 this chapter, the department shall consider factors that include, but  
28 are not limited to, all of the following:

29 (1) The number of housing units to be created.

30 (2) The depth and duration of the affordability of the housing.

31 (3) The creation of housing in job-rich areas.

32 (4) The proximity of housing to access to parks, social services,  
33 and other amenities.

34 (5) The local jurisdiction's share of historical housing production  
35 within the region.

36 (6) The local jurisdiction's share of production of affordable  
37 housing.

38 (7) Whether the local jurisdiction has an inclusionary housing  
39 ordinance.

1 (e) To the extent feasible, the project selection process shall  
2 ensure a reasonable geographic distribution of funds.

3 (f) Funds awarded pursuant to this chapter shall supplement,  
4 but shall not supplant, other available funding.

5 (1) *If the housing identified in the grant application is not*  
6 *produced within five years after the date of completion of the*  
7 *infrastructure project funded under this chapter, all funds allocated*  
8 *under the grant shall be reimbursed by the applicant to the Regional*  
9 *Planning, Housing, and Infill Incentive Account.*

10 (2) The department may grant one five-year extension to the  
11 deadline imposed under paragraph (1) if it determines that the  
12 inability to complete the required housing was related to  
13 unanticipated market forces beyond the control of the applicant.

14 (g) (1) For each year that funds are available, the department  
15 shall issue a Notice of Funding Availability to cover building  
16 permits issued during a 12-month time period. The department  
17 shall accept applications at the close of the 12-month period. Grant  
18 amounts shall be determined as a per-bedroom incentive for each  
19 unit. For the purposes of this section single-room occupancies and  
20 studio apartments shall be considered as one-bedroom units. The  
21 grant shall be allocated according to the following formula:

22 (A) For market rate units, two thousand dollars (\$2,000) per  
23 bedroom.

24 (B) For moderate-income units, four thousand dollars (\$4,000)  
25 per bedroom.

26 (C) For low-income units, seven thousand five hundred dollars  
27 (\$7,500) per bedroom.

28 (D) For very low income units, ten thousand dollars (\$10,000)  
29 per bedroom.

30 (2) If the eligibility for funds exceeds the amount of funding  
31 available for this program, the department shall reduce all grants  
32 proportionally.

33 (h) Grant funds may be used for any capital outlay purpose  
34 consistent with this chapter and subdivision (b) of Section 53545  
35 of the Health and Safety Code, including, but not limited to, any  
36 of the following purposes:

37 (1) *Creation, development and rehabilitation of urban parks,*  
38 *bicycle paths, river parkways, trails, access ways that connect*  
39 *neighborhoods with open-space areas, and other public recreational*  
40 *facilities.*

1 (2) Urban greening projects, including, but not limited to, tree  
2 planting, community landscaping, public gardening, and other  
3 improvements to enhance the enjoyment and livability of urban  
4 neighborhoods.

5 (3) ~~Water, sewer transferring public, utilities to underground,~~  
6 or other public utility infrastructure costs associated with infill  
7 development, *including, but not limited to, the costs of transferring*  
8 *public utilities underground.*

9 (4) Street, road, or other transportation improvements, including,  
10 but not limited to, transit improvements, bikeways, trolleys, and  
11 pedestrian facilities.

12 (5) *Expansion of recreational opportunities in high density*  
13 *housing areas through acquisition and enhancement of park land.*

14 (6) *Creation of safe routes to schools for children.*

15 (i) Allocation of grants shall be consistent with regional plans  
16 for growth and shall do all of the following:

17 (1) Promote infill development and equity by rehabilitating,  
18 maintaining, and improving existing infrastructure that supports  
19 infill development and appropriate reuse and redevelopment of  
20 previously developed, underutilized land that is presently served  
21 by transit, street, water, sewer, and other essential services,  
22 particularly in underserved areas, and by preserving cultural and  
23 historic resources.

24 (2) Encourage efficient development patterns by ensuring that  
25 any infrastructure associated with development that is not infill  
26 supports new development that uses land efficiently, is built  
27 adjacent to existing developed areas, is in an area appropriately  
28 planned for growth, is served by adequate transportation and other  
29 essential utilities and services, and minimizes ongoing costs to  
30 taxpayers.

Date of Hearing: April 18, 2007

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT  
Anna Marie Caballero, Chair  
AB 29 (Hancock) - As Amended: March 27, 2007

AS PROPOSED TO BE AMENDED

SUBJECT : Infill development: incentive grants.

SUMMARY : Creates the Regional Planning, Housing, and Infill Incentive Grant Program using funds made available under Proposition 1C. Specifically, this bill :

- 1) Creates the Regional Planning, Housing, and Infill Incentive Grant Program to provide infrastructure grants to qualifying cities and counties for the construction or acquisition of capital assets.
- 2) Designates the Department of Housing and Community Development (HCD) to administer the program.
- 3) Requires HCD to issue periodic Notices of Funding Availability specifying per-project limits and the competitive criteria upon which projects shall be selected.
- 4) States that to be eligible for funding under the Program, a project must meet the following criteria:
  - a) Be consistent with the adopted general plan of the applicant city or county, which must include a housing element that HCD has determined to be in substantial compliance with the law.
  - b) Be included in and consistent with the zoning or specific plan and any of the following additional plans applicable to the subject area or site:
    - i) A project area redevelopment plan;
    - ii) A regional blueprint plan;
    - iii) A capital improvement plan; or
    - iv) A regional transportation plan or a transportation

corridor plan.

- c) Be an integral part of infrastructure needs that are required to allow an infill housing project to proceed to completion in a timely manner, including, but not limited to, brownfield cleanup.
- 5) Requires that for any plan with which the project must be consistent that is subject to the California Environmental Quality Act (CEQA), the notice of determination pursuant to CEQA has been completed and the statutory period for challenges has expired.
  - 6) Requires HCD to consider, in its review and rating of applications for grant funding, factors including, but not limited to, the following:
    - a) The number of housing units to be created;
    - b) The depth and duration of the affordability of the housing;
    - c) The creation of housing in job-rich areas;
    - d) The proximity of the housing to parks, social services, and other amenities;
    - e) The local jurisdiction's share of historical housing production within the region; and
    - f) The local jurisdiction's share of production of affordable housing.
  - 7) Specifies that, to the extent feasible, the project selection process must ensure a reasonable geographic distribution of funds.
  - 8) States that grants from the Program are intended to supplement, not supplant, other available funding.
  - 9) Requires the applicant to repay grant funds if the housing identified in the grant application is not produced within five years after the date of completion of the infrastructure project funded with the grant.

- 10) Authorizes HCD to grant one five-year extension to the deadline for completing the housing identified in the grant application if it determines that the inability to complete the housing was related to unanticipated market forces beyond the control of the applicant city or county.
- 11) Allows grant funds to be used for capital outlay purposes, including, but not limited to, the following:
  - a) Creation, development and rehabilitation of urban parks, bicycle paths, river parkways, trails, access ways that connect neighborhoods with open-space areas, and other public recreational facilities;
  - b) Urban greening projects, including, but not limited to, tree planting, community landscaping, public gardening, and other improvements to enhance the enjoyment and livability of urban neighborhoods;
  - c) Water, sewer, or other public utility infrastructure costs associated with infill development, including, but not limited to, the costs of transferring public utilities underground;
  - d) Street, road, or other transportation improvements, including, but not limited to, transit improvements, bikeways, trolleys, and pedestrian facilities;
  - e) Expansion of recreational opportunities in high-density housing areas through acquisition and enhancement of park land; and
  - f) Creation of safe routes to schools for children.
- 12) Requires HCD to adopt guidelines for the program and allows them to administer the program under those guidelines for up to 24 months before the guidelines are formally adopted as regulation.
- 13) Defines "infill development" as residential or mixed commercial and residential development on an infill site or in an area of an incorporated city that is predominately developed with qualified urban uses and has been designated for infill development in an adopted general plan.
- 14) Defines "infill site" by referencing the definition of that

term in CEQA.

EXISTING LAW creates the \$850 million Regional Planning, Housing, and Infill Incentive Account and specifies that funds in the account shall be made available, upon appropriation and subject to any other conditions and criteria that the Legislature establishes in statute, for the following purposes:

- 1) Infill incentive grants for capital outlay related to infill housing development and other related infill development, including, but not limited to, all of the following:
  - a) Park creation, development, or rehabilitation to encourage infill development, with expenditures for this purpose limited to no more than \$200,000,000;
  - b) Water, sewer, or other public infrastructure costs associated with infill development;
  - c) Transportation improvements related to infill development projects; and
  - d) Traffic mitigation.
- 2) Brownfield cleanup that promotes infill housing development and other related infill development consistent with regional and local plans.

FISCAL EFFECT : Unknown

COMMENTS :

- 1) AB 29 creates the Regional Planning, Housing, and Infill Incentive Grant Program to provide infrastructure grants to cities and counties to support infill development. The bill provides the necessary implementing language for the expenditure of the \$850 million Regional Planning, Housing, and Infill Incentive Account created when Proposition 13 passed in November, 2006.
- 2) The bill sets up a competitive grant program under the administration of HCD. Under the program, cities and counties would be eligible to apply for grants for infrastructure needed to support an infill housing project. Projects would have to be consistent with the general plan and the city or



county would have to have a certified housing element. In addition, projects would have to be consistent with the zoning ordinance and any applicable specific plan, redevelopment plan, regional blueprint plan, capital improvement plan, or regional transportation plan or transportation corridor plan for which CEQA has been completed. In ranking projects, HCD would have to consider a variety of factors, such as the number of housing units to be created, the depth and duration of the affordability of the housing, and the local jurisdiction's track record in producing housing. The bill defines eligible infrastructure projects to include a broad range of things, from water, sewer, and public utility infrastructure to parks and recreational facilities to urban greening projects such as tree planting, landscaping, and community gardens. Brownfield clean-up is also considered as an eligible use for the money.

- 3) AB 29 requires the applicant to identify a specific housing project tied to the proposed infrastructure project. If the housing is not produced within five years of the completion of the infrastructure project, the applicant is required to pay back the grant. Applicants can request one five-year extension if the inability to complete the housing was related to unanticipated market forces beyond their control.
- 4) Although grant applications must be tied to a housing project, the bill includes no requirement that the housing have an affordable component. Instead, HCD is supposed to consider affordability as one of the criteria in ranking applications. The Committee may wish to consider whether some percentage of affordable housing should be a requirement for all project applications.
- 5) The Committee may also wish to consider whether applications need to be tied to a specific housing project. Some cities and counties may have areas where they hope to attract infill projects but have been unsuccessful due to the lack of infrastructure capacity. In these instances, the jurisdiction may want to apply for the infill incentives money to upgrade the infrastructure in order to attract development. These applicants could be subject to a requirement that the grant must be repayed if they have not attracted a certain amount of housing with an affordable component to the area within a specified period of time.

6) AB 29 is one of a number of bills proposing programs for the expenditure of the infill incentives money in Proposition 1C. Other bills targeting the infill money are AB 842 (Jones), AB 997 (Arambula), and AB 1231 (Garcia).

7) PROPOSED AMENDMENTS :

- a) On page 3, lines 22-23, strike "a regional growth plan" and insert: an adopted general plan;
- b) On page 3, line 32, before "In order" insert: The department shall issue periodic Notices of Funding Availability specifying per-project limits and the competitive criteria upon which projects shall be selected;
- c) On page 3, strike lines 24-25;
- d) On page 4, line 14, strike everything after "expired" and strike lines 15-17;
- e) On page 4, strike lines 21-25 and 38-39;
- f) On page 5, strike lines 14-32; and
- g) On page 6, strike lines 15-30 and insert: The department shall adopt guidelines for the operation of the program, and may administer the program under those guidelines for 24 months after the date of adoption of the guidelines, during which time the guidelines shall not be subject to the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Title 2 of the Government Code.

8) This bill is double-referred to the Committee on Housing and Community Development.

REGISTERED SUPPORT / OPPOSITION :

Support

American Federation of State, County and Municipal Employee  
CA Association of Councils of Government (in concept)  
City of Moreno Valley

Opposition

None on file

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Analysis Prepared by : Anya Lawler / L. GOV. / (916) 319-3958

  
DEPUTY CITY ATTORNEY

OFFICE OF THE CITY CLERK  
OAKLAND

2007 APR 25 AM 10:35

# OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C. M. S.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

## RESOLUTION TO SUPPORT AB 29 IF AMENDED

**WHEREAS**, the City of Oakland seeks to encourage the development of infill housing embodying smart growth principles, particularly around transit stations and along transit corridors; and

**WHEREAS**, development of such housing often requires investment to upgrade or build new infrastructure to support the new housing; and

**WHEREAS**, in 2006, California voters adopted Proposition 1C to provide \$2.85 billion in State funding for affordable housing and related infrastructure; and

**WHEREAS**, Proposition 1C included funding of \$850,000,000 for the Planning, Housing and Infill Incentive Program; and

**WHEREAS**, implementation of that program requires enabling legislation; and

**WHEREAS**, State Assembly Member Loni Hancock has introduced AB 29 in the 2007 session of the California Legislature for this purpose; and

**WHEREAS**, AB 29 supports many of the principles that the City wishes to see embodied in the program; and

**WHEREAS**, AB 29 does not fully include all of the principles that would enable the City to fully utilize the funds to support planned developments; now, therefore, be it

**RESOLVED:** That the City Council of the City of Oakland hereby supports AB 29 (Hancock) which will establish the Regional Planning, Housing and Infill Incentives Program, provided the bill is amended to the fullest extent possible to include provisions consistent with the City's policy objectives for such funds; and be it

**FURTHER RESOLVED:** That the City Council hereby authorizes and directs the City Administrator, and/or her designee, to work actively to secure changes to AB 29 or other bills which are consistent with those policy objectives and to support such bills to the extent that they advance the City's interests.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2007

**PASSED BY THE FOLLOWING VOTE:**

AYES - BRUNNER, BROOKS, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND  
PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST:

\_\_\_\_\_  
LATONDA SIMMONS  
City Clerk and Clerk of the Council