



American Planning Association  
**California Chapter**

*Creating Great Communities*

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## APA CALIFORNIA LEGISLATIVE REVIEW TEAM

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March 10, 2022

10:00 am to 12:00 pm

Via Zoom

[Click Here](#)

Meeting ID: 897 2381 9808

Passcode: 794817

### Meeting Agenda

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- I. **Land Acknowledgement**
- II. **Welcome and Introductions**
- III. **[APA's 2022 Legislative Priorities](#) and [APA California's Legislative Platform](#)**

#### IV **Bills for Discussion**

\*\*\* To look up specific bill language please visit: <https://leginfo.legislature.ca.gov>

## *Housing*

### Accessory Dwelling Units

#### **1. AB 916 (Salas D) Zoning: accessory dwelling units: bedroom addition.**

**Summary:** The Planning and Zoning Law authorizes the legislative body of any county or city to adopt ordinances that regulate the use of buildings, structures, and land as between industry, business, residences, open space, and other purposes. This bill would prohibit a city or county legislative body from adopting or enforcing an ordinance requiring a public hearing as a condition of adding space for additional bedrooms or reconfiguring existing space to increase the bedroom count within an existing house, condominium, apartment, or dwelling. The bill would include findings that ensuring adequate housing is a matter of statewide concern and is not a municipal affair, and that the provision applies to all cities, including charter cities. This bill contains other related provisions and other existing laws.

#### **2. AB 2221 (Quirk-Silva D) Accessory dwelling units.**

**Summary:** The Planning and Zoning Law, among other things, provides for the creation of accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions. Current law requires a permitting agency to act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within specified timeframes. This bill would provide that the requirement for an agency to act on an application means either to return in writing a full set of comments to the applicant with a comprehensive request for revisions or to return the approved permit application. The bill would require the permitting agency to complete all required service upgrades within 60 days of request if service upgrades are required for the project to pass final inspection.

**3. SB 897 (Wieckowski D) Accessory dwelling units: junior accessory dwelling units.**

**Summary:** The Planning and Zoning Law authorizes a local agency, by ordinance or ministerial approval, to provide for the creation of accessory dwelling units in areas zoned for residential use, as specified. Current law provides that an accessory dwelling unit may either be an attached or detached residential dwelling unit, and prescribes the minimum and maximum unit size requirements, height limitations, and setback requirements that a local agency may establish, including a 16-foot height limitation and a 4-foot side and rear setback requirement. This bill would increase the maximum height limitation that may be imposed by a local agency on an accessory dwelling unit to 25 feet.

**Development Bonus**

**4. AB 682 (Bloom D) Planning and zoning: density bonuses: cohousing buildings.**

**Summary:** Current law, commonly referred to as the Density Bonus Law, requires a city or county to provide a developer that proposes a housing development within the city or county with a density bonus and other incentives or concessions, as specified, if the developer agrees to construct, among other options, specified percentages of units for moderate-income, lower income, or very low income households and meets other requirements. This bill would additionally require that a density bonus be provided under these provisions to a developer who agrees to construct a housing development that is a cohousing building, as defined, that meets specified requirements and will contain either 10% of the total square footage for lower income households, as defined, or 5% of the total square footage for very low income households, as defined.

**5. AB 1551 (Santiago D) Planning and zoning: development bonuses: mixed-use projects.**

**Summary:** The Density Bonus Law requires a city or county to provide a developer that proposes a housing development within the city or county with a density bonus and other incentives or concessions, as specified, if the developer agrees to construct specified percentages of units for lower income, very low income, or senior citizen housing, among other things, and meets other requirements. Previously existing law, until January 1, 2022, required a city, county, or city and county to grant a commercial developer a development bonus, as specified, when an applicant for approval of a commercial development had entered into an agreement for partnered housing with an affordable housing developer to contribute affordable housing through a joint project or 2 separate projects encompassing affordable housing. This bill would reenact the above-described provisions regarding the granting of development bonuses to certain projects. The bill would require a city or county to annually submit to the Department of Housing and Community Development information describing an approved commercial development bonus. The bill would repeal these provisions on January 1, 2028.

**6. AB 2334 (Wicks D) Density Bonus Law: affordability: incentives or concessions in low vehicle travel areas: parking standards: definitions.**

**Summary:** (1) Existing law, referred to as the Density Bonus Law, requires a city or county to provide a developer that proposes a housing development within the city or county with a density bonus and other incentives or concessions, as specified, if the developer agrees to construct specified percentages of units for lower income, very low income, or senior citizen housing, among other things, and meets other requirements. Existing law requires that an applicant agree to, and the city, county, or city and county ensure, the continued affordability of all very low and low-income rental units that qualified the applicant for a density bonus, as provided. Existing law, for developments where 100% of all units are for lower income households, except as provided, requires that rent for 20% of the units be set at an affordable rent and that rent for the remaining units be at an amount consistent with the maximum rent levels for a housing development that receives an allocation of state or federal low income housing tax credits from the California Tax Credit Allocation Committee (CTCAC). Existing law, with respect to a for-sale unit that qualified the applicant for a density bonus, also requires that the local government enforce an equity sharing agreement, as provided, unless it is in conflict with the requirements of another public funding source or law. This bill, with respect to the affordability requirements applicable to 100% lower income developments, would instead require the rent for the remaining units in the development be set at an amount consistent with the maximum rent levels for lower income households, as those rents and incomes are determined by CTCAC. The bill, with regard to the enforcement of equity sharing agreements for for-sale units, would also permit the local government to defer to the recapture provisions of the public funding source. The bill would also make a technical change to the Density Bonus Law by

deleting duplicative provisions relating to for-sale units subject to the above-described provisions. This bill contains other related provisions and other existing laws.

### **Other Housing Bills**

#### **7. AB 2234 (Rivas, Robert D) Planning and zoning: housing: post-entitlement phase permits.**

**Summary:** (1)Existing law, the Permit Streamlining Act, which is part of the Planning and Zoning Law, requires each public agency to provide a development project applicant with a list that specifies the information that will be required from any applicant for a development project. The act requires public agencies to approve or disapprove of a development project within certain specified timeframes. Existing law requires a city, county, or special district to provide specified information, including a current schedule of fees, exactions, and affordability requirements applicable to a proposed housing development project, and an archive of impact fee nexus studies, cost of service studies, or equivalent studies, conducted by the city, county, or special district, on its internet website. This bill would require a public agency to create a list of information needed to approve or deny a post-entitlement phase permit, as defined, and to make that list available to all applicants for these permits no later than January 1, 2024. No later than January 1, 2024, the bill would require a public agency to require permits to be applied for, completed, and stored through a process on its internet website, and to accept applications and related documentation by electronic mail until that internet website is established. The bill would require the internet website or electronic mail to list the current processing status of the applicant’s permit by the public agency, and would require that status to note whether it is being reviewed by the agency or action is required from the applicant. This bill contains other related provisions and other existing laws.

#### **8. AB 2295 (Bloom D) Local educational agencies: housing development projects.**

**Summary:** (1)Existing law, the Planning and Zoning Law, requires that the legislative body of each county and each city adopt a comprehensive, long-term general plan for the physical development of the county and city, and specified land outside its boundaries, that includes, among other mandatory elements, a housing element. Existing law authorizes the legislative body of any county or city, pursuant to specified procedures, to adopt ordinances that, among other things, regulate the use of buildings, structures, and land as between industry, business, residences, open space, and other purposes. This bill, notwithstanding any inconsistent provision of a city’s or county’s general plan, specific plan, zoning ordinance, or regulation, would require that a qualified housing development on land owned by a local educational agency be an authorized use if the housing development complies with certain conditions. Among these conditions, the bill would require the housing development to consist of at least 10 units, be subject to a recorded deed restriction for at least 55 years requiring that at least 49% of the units have an affordable rent for lower income households, as those terms are defined, and 100% of the units be rented by teachers and employees of the local educational agency, except as specified. The bill would prohibit a city or county from imposing any development standards on a housing development project under these provisions. The bill would exempt a housing development project subject to these provisions from various requirements regarding the disposal of surplus land. This bill contains other related provisions and other existing laws.

#### **9. AB 2668 (Grayson D) Planning and zoning: housing: streamlined, ministerial approval.**

**Summary:** Would prohibit a local government from determining that a development, including an application for a modification, is in conflict with the objective planning standards on the basis that application materials are not included, if the application contains sufficient information that would allow a reasonable person to conclude that the development is consistent with the objective planning standards. This bill contains other existing laws.

#### **10. SB 1369 (Wieckowski D) Adaptive reuse projects: by-right: funding.**

**Summary:** (1)The Planning and Zoning Law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city that includes, among other mandatory elements, a housing element. Under that law, supportive housing, as defined, is a use by right in zones where multifamily and mixed uses are permitted if the developer provides the planning agency with a plan for providing supportive services and the proposed housing development meets specified criteria. This bill would make an adaptive reuse project a use by right in all areas regardless of zoning. The bill would define “adaptive reuse project” to mean any commercial, public, industrial, or office building or structure that has 25-percent occupancy or

less, which is converted into a housing development project. The bill would define “use by right” to mean that the city or county’s review of the adaptive reuse project may not require a conditional use permit, planned unit development permit, or other discretionary city or county review or approval that would constitute a “project” for purposes of CEQA, as specified. This bill contains other related provisions and other existing laws.

## ***Inclusion and Social Justice***

### **11. AB 1778 (Garcia, Cristina D) State transportation funding: freeway widening: poverty and pollution: Department of Transportation.**

**Summary:** Current law establishes the Department of Transportation and vests the department with full possession and control of all state highways and all property and rights in property acquired for state highway purposes. Current law authorizes the department to do any act necessary, convenient, or proper for the construction, improvement, maintenance, or use of all highways that are under its jurisdiction, possession, or control. Existing law requires the department to prepare and submit to the Governor a proposed budget, as provided. This bill would prohibit any state funds or personnel time from being used to fund or permit freeway widening projects in areas with high rates of pollution and poverty.

### **12. AB 2053 (Lee D) The Social Housing Act.**

**Summary:** Would enact the Social Housing Act and would create the California Housing Authority, as an independent state body, the mission of which would be to produce and acquire social housing developments for the purpose of eliminating the gap between housing production and regional housing needs assessment targets, as specified. The bill would prescribe a definition of social housing that would describe, in addition to housing owned by the authority, housing owned by other entities, as specified, provided that all social housing developed by the authority would be owned by the authority. The bill would prescribe the composition of the California Housing Authority Board, which would govern the authority, and would be composed of appointed members and members who are elected by residents of social housing developments, as specified. The bill would prescribe the powers and duties of the authority and the board.

## ***Hazards and Hazard Mitigation***

### **13. AB 2705 (Quirk-Silva D) Housing: fire safety standards.**

**Summary:** Current law requires the State Fire Marshal to prepare, adopt, and submit building standards and other fire and life safety regulations to the California Building Standards Commission for approval establishing minimum requirements for the storage, handling, and use of hazardous materials. Current law requires the State Fire Marshal to seek the advice of the Secretary for Environmental Protection in establishing those requirements. This bill would prohibit the legislative body of a city or county from approving a discretionary entitlement, as defined, that would result in a new residential development project, as defined, being located within a very high fire hazard severity zone, unless the city or county finds that the residential development project will meet specified standards intended to address wildfire risks, as specified.

## ***Infrastructure, Services, and Fees***

### **14. AB 2097 (Friedman D) Residential and commercial development: remodeling, renovations, and additions: parking requirements.**

**Summary:** The Planning and Zoning Law requires each county and city to adopt a comprehensive, long-term general plan for its physical development, and the development of certain lands outside its boundaries, that includes, among other mandatory elements, a land use element and a conservation element. This bill would prohibit a public agency from imposing a minimum automobile parking requirement, or enforcing a minimum automobile parking requirement, on residential, commercial, or other development if the development is located on a parcel that is within one-half mile of public transit, as defined. When a project provides parking voluntarily, the bill would authorize a public agency to impose specified requirements on the voluntary parking. The bill would

prohibit these provisions from reducing, eliminating, or precluding the enforcement of any requirement imposed on a new multifamily or nonresidential development to provide electric vehicle supply equipment installed parking spaces or parking spaces that are accessible to persons with disabilities.

**15. SB 1067 (Portantino D) Housing development projects: automobile parking requirements.**

**Summary:** The Planning and Zoning Law requires each county and city to adopt a comprehensive, long-term general plan for its physical development, and the development of certain lands outside its boundaries, that includes, among other mandatory elements, a housing element. Existing law also authorizes the legislative body of a city or a county to adopt ordinances establishing requirements for parking. This bill would prohibit a city with a population greater than 200,000 from imposing any minimum automobile parking requirement on a housing development project that is located within ½ mile of public transit, as defined, and that either (1) dedicates 75% of the total units to low- and very low income households, the elderly, or persons with disabilities or (2) the developer demonstrates to the local agency that the development would not have a negative impact on the local agency's ability to meet specified housing needs and would not have a negative impact on traffic circulation or existing residential or commercial parking within 1/2 mile of the project. By changing the duties of local planning officials, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**Fee Reduction Bills**

**16. AB 2063 (Berman D) Density bonuses: affordable housing impact fees.**

**Summary:** The Density Bonus Law requires a city or county to provide a developer that proposes a housing development in the city or county with a density bonus and other incentives or concessions for the production of lower income housing units, or for the donation of land within the development, if the developer agrees to, among other things, construct a specified percentage of units for very low income, low-income, or moderate-income households or qualifying residents, including lower income students. Current law requires the amount of a density bonus and the number of incentives or concessions a qualifying developer receives to be pursuant to a certain formula based on the total number of units in the housing development, as specified. Existing law prohibits affordable housing impact fees, including inclusionary zoning fees and in-lieu fees, from being imposed on a housing development's affordable units. This bill would prohibit affordable housing impact fees, including inclusionary zoning fees, in-lieu fees, and public benefit fees, from being imposed on a housing development's density bonus units

**17. AB 2160 (Bennett D) Coastal resources: coastal development permits: fees.**

**Summary:** Existing law, the California Coastal Act of 1976, requires any person wishing to perform or undertake any development in the coastal zone, as defined, in addition to obtaining any other permit required by law from any local government or from any state, regional, or local agency, to obtain a coastal development permit, as provided. The act further provides for the certification of local coastal programs by the California Coastal Commission. The act prohibits the commission, except as provided, from exercising its coastal development permit review authority, as specified, over any new development within the area to which the certified local coastal program, or any portion thereof, applies. Existing law requires a local government, if it has been delegated authority to issue coastal development permits, to recover any costs incurred from fees charged to individual permit applicants. Existing law authorizes the local government to elect to not levy fees, as provided. This bill would, at the request of an applicant for a coastal development permit, authorize a city or county to waive or reduce the permit fee for specified projects. The bill would authorize the applicant, if a city or county rejects a fee waiver or fee reduction request, to submit the coastal development permit application directly to the commission.

**18. AB 2179 (Grayson D) Development fees and charges: deferral.**

**Summary:** Existing law prohibits a local agency that imposes fees or charges on a residential development for the construction of public improvements or facilities from requiring the payment of those fees or charges until the date of the final inspection or the date the certificate of occupancy is issued, whichever occurs first, except that the payment may be required sooner under specified circumstances. This bill would similarly prohibit a noncompliant local agency, as defined, that imposes any fees or charges on a qualified development, as defined,

from requiring the payment of those fees or charges until 20 years from the date of the final inspection, or the date the certificate of occupancy is issued, whichever occurs first. The bill would authorize a noncompliant local agency that defers a fee or charge to require the property owner, or lessee if the lessee's interest appears of record, as a condition of issuance of the building permit, to execute a contract to pay the fee or charge if the fee or charge is not fully paid before the issuance of a building permit for the construction of any portion of the qualified development encumbered by the fee or charge, as provided.

**19. AB 2186 (Grayson D) Housing Cost Reduction Incentive Program.**

**Summary:** Existing law establishes, among other housing programs, the Multifamily Housing Program, pursuant to which the Department of Housing and Community Development provides financial assistance in the form of deferred payment loans to pay for the eligible costs of development for specified types of housing projects. Existing law, the Mitigation Fee Act, establishes procedures and limitations with respect to the establishment, increase, or imposition of fees, as defined, as a condition of approval of a development project by a local agency, including requiring the local agency to determine the reasonable relationship between the fee's use and the type of development project on which the fee is imposed. This bill would establish the Housing Cost Reduction Incentive Program, to be administered by the department, for the purpose of reimbursing cities, counties, and cities and counties for development impact fee waivers or reductions provided to qualified rental housing developments. Upon appropriation, the bill would require the department to provide grants to applicants in an amount equal to 50% of the amount of development impact fee waived or reduced for a qualified rental housing development by issuing a Notice of Funding Availability for each calendar year in which funds are made available for the program, as provided. The bill would require an applicant that receives a grant under the program to use those funds solely for those purposes for which the development impact fee that was waived or reduced would have been used. The bill would require the department to adopt guidelines to implement the program and exempt those guidelines from the rulemaking provisions of the Administrative Procedure Act.

## **CEQA**

**20. AB 1001 (Garcia, Cristina D) Environment: mitigation measures for air and water quality impacts: environmental justice.**

**Summary:** The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. This bill would authorize mitigation measures, identified in an environmental impact report or mitigated negative declaration to mitigate the adverse effects of a project on air or water quality of a disadvantaged community, to include measures for avoiding, minimizing, or compensating for the adverse effects on that community.

**21. AB 1952 (Gallagher R) Infill Infrastructure Grant Program of 2019.**

**Summary:** Would exempt from the requirements of CEQA a project financed pursuant to the Infill Infrastructure Grant Program of 2019, and would make all legal actions, proceedings, and decisions undertaken or made pursuant to the program exempt from CEQA. The bill would also make nonsubstantive changes to the program by renumbering a code section and updating erroneous cross references.

**22. SB 886 (Wiener D) California Environmental Quality Act: environmental impact reports: exemption: public universities: housing projects.**

**Summary:** This bill would exempt from CEQA a student housing project, as defined, or a faculty and staff housing project, as defined, carried out by a public university, as defined, on real property owned by the public university if the project meets certain requirements and the project is not located, in whole or in part, on certain sites, including a site that is within a special flood hazard area subject to inundation by a 1% annual chance flood or within a

regulatory floodway as determined by the Federal Emergency Management Agency, as provided. The bill, with respect to a site that is within a special flood hazard area subject to inundation by a 1% annual chance flood or within a regulatory floodway, would prohibit a local government from denying an application on the basis that a public university did not comply with any additional permit requirement, standard, or action adopted by that local government applicable to the site if the public university is able to satisfy all applicable federal qualifying criteria in order to demonstrate that the site meets these criteria and is otherwise eligible to be exempt from CEQA pursuant to the above requirements. By imposing additional duties on local governments, this bill would impose a state-mandated local program. The bill would provide that a student housing project or a faculty and staff housing project is not exempt from CEQA if, among other things, the project would require the demolition of specified housing or a historic structure that is listed on a national, state, or local historic register.

## ***Coordinated Planning***

### **23. AB 500 (Ward D) Local planning: coastal development: streamlined permitting.**

**Summary:** The Coastal Act generally requires each local government lying, in whole or in part, within the coastal zone to prepare a local coastal program for that portion of the coastal zone within its jurisdiction. This bill would require a local government lying, in whole or in part, within the coastal zone that has a certified land use plan or a fully certified local coastal program to adopt, by January 1, 2024, an amendment to that plan or program, as applicable, specifying streamlined permitting procedures in nonhazardous zones for the approval of (1) accessory dwelling units or junior accessory dwelling units, consistent with specified requirements relating to the rental of those units (2) projects in which a specified percentage of the units will be affordable to lower income households or designated for supportive housing, as those terms are defined, and (3) Low Barrier Navigation Centers, as defined. The bill would require that the amendment be submitted to, and processed and approved by, the commission consistent with the above-described requirements for the amendment of a local coastal program.

### **24. AB 1445 (Levine D) Planning and zoning: regional housing need allocation: climate change impacts.**

**Summary:** Would, commencing January 1, 2025, require that a council of governments, a delegate subregion, or the Department of Housing and Community Development, as applicable, additionally consider among these factors emergency evacuation route capacity, wildfire risk, sea level rise, and other impacts caused by climate change.

### **25. AB 2094 (Rivas, Robert D) General plan: annual report: extremely low-income housing.**

**Summary:** The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. Current law requires the planning agency of a city or county to provide an annual report to certain specified entities by April 1 of each year that includes, among other information, the city or county's progress in meeting its share of regional housing needs and local efforts to remove governmental constraints to the maintenance, improvement, and development of housing, as specified. This bill would additionally require a city or county's annual report to include the locality's progress in meeting the housing needs of extremely low income households, as specified.

### **26. SB 932 (Portantino D) General plans: circulation element: bicycle and pedestrian plans and traffic calming plans.**

**Summary:** Current law states the Legislature's intention that a county or city general plan and the elements and parts of that general plan comprise an integrated, internally consistent and compatible statement of policies for the adopting agency. This bill would emphasize the intent of the Legislature to fight climate change with these provisions.

## **V Opportunities for Continued Involvement**

### ***Meeting Close . . .***