
APA CALIFORNIA LEGISLATIVE REVIEW TEAM

March 09, 2023
11:00 am to 1:00 pm
Via Zoom
[Click Here](#)
Meeting Agenda

- I. Land Acknowledgement
- II. Welcome and Introductions
- III. [APA California's Legislative Platform](#)
- IV. Bills for Discussion

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

HOUSING

AB 637 (Low D) Density Bonus Law.

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. Current law requires a city or county to grant a proposal for an incentive or concession requested by a developer unless it would not result in identifiable and actual cost reductions, as specified, would have a specific, adverse impact on public health or safety or on specified real property and for which there is no method to avoid or mitigate that impact, as specified, or would be contrary to state or federal law. This bill would additionally except from the requirement that a city or county to grant a proposal an incentive or concession would have an adverse impact on a policy that affirmatively furthers fair housing, as specified.

AB 821 (Grayson D) Planning and zoning: development project application.

Summary: The Planning and Zoning Law requires each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city, and of certain land outside its boundaries. Current law requires that county or city zoning ordinances be consistent with the general plan of the county or city by January 1, 1974. Current law requires a zoning ordinance to be amended within a reasonable time so that it is consistent with the general plan in the event that the ordinance becomes inconsistent with the plan by reason of amendment to the plan. This bill, among other things, would provide that, in the event that a city or county fails to amend an inconsistent zoning ordinance within 90 days after receiving written notice of the inconsistency, a proposed development project shall not be deemed inconsistent with that zoning ordinance and related zoning standard or criteria and shall not be required to be rezoned, if there is substantial evidence that would allow a reasonable person to conclude that the proposed development project is consistent with objective general plan standards and criteria but the zoning for the project site is inconsistent with the general plan.

AB 1287 (Alvarez D) Density Bonus Law: additional density bonus and incentives or concessions: California Coastal Act of 1976.

Summary: Would require a city, county, or city and county to grant an additional density bonus, calculated as specified, when an applicant proposes to construct a housing development that conforms to specified requirements and provides 24% of the base density units to lower income households, conforms to specified requirements and provides 15% of the base density units to very low income households, or conforms to specified requirements and provides 44% of the total units to moderate-income units. The bill would require a city, county, or city and county to grant additional incentives or concessions for a project that meets any of those categories and also includes certain percentages of units for persons and families of moderate income. By imposing additional duties on local officials in administering the Density Bonus Law, this bill would create a state-mandated local program. This bill contains other related provisions and other existing laws.

AB 1490 (Lee D) Affordable housing development projects: adaptive reuse.

Summary: Current law requires the Department of Housing and Community Development to give priority with respect to funding under the Multifamily Housing Program to projects that prioritize adaptive reuse in existing developed areas served with public infrastructure, as specified. This bill would define adaptive reuse as the retrofitting and repurposing of an existing building to create new residential units. The bill would require a local government to provide an affordable housing project that is an adaptive reuse project and that guarantees that 100% of the units be made available for lower income households, 50% of which shall be made available to extremely low income households or very low income households, specified benefits and exemptions by local government agencies, including, among other things, approval of all entitlements and permits applicable to the project in 30 days or less, exemption from any minimum floor area ratio, and waiver of local building and permit fees, as specified.



AB 1532 (Haney D) Office conversion projects.

Summary: 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 office conversion project, as defined, that meets certain requirements a use by right in all areas regardless of zoning. The bill would define “office conversion project” to mean the conversion of a building used for office purposes or a vacant office building into residential dwelling units. The bill would define “use by right” to mean that the city or county’s review of the office conversion 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 the California Environmental Quality Act, as specified.

AB 1630 (Garcia D) Planning and zoning: housing development approvals: student housing projects.

Summary: This bill would prohibit a city, county, or city and county from prohibiting a dormitory on any real property located within 1/2 mile of a university campus, as defined. The bill would require a city, county, or city and county to classify student housing as a permitted use on all real property within 1/2 mile of a university campus for zoning purposes. The bill would require a proposed student housing project, as defined, to be considered ministerially, without discretionary review or a hearing, if specified requirements are met, including that at least 50% of the units in the project be occupied by students of the local university campus to which the project site is proximate. In connection with an application submitted pursuant to these provisions, the bill would require a city, county, or city and county to take specified actions, including, upon the request of the applicant, provide a list of permits and fees that are required by the city, county, or city and county. By imposing new duties on local jurisdictions, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

AB 1633 (Ting D) Housing Accountability Act: disapprovals: California Environmental Quality Act.

Summary: Existing law, the Housing Accountability Act, prohibits a local agency from disapproving a housing development project, as described, unless it makes certain written findings based on a preponderance of the evidence in the record. This bill would define “disapprove the housing development project” as also including any instance in which a local agency fails to issue a project an exemption from CEQA for which it is eligible, as described, or fails to adopt a negative declaration or addendum for the project, to certify an environmental impact report for the project, or to approve another comparable environmental document, if certain conditions are satisfied. Among other conditions, the bill would require a housing development project subject to these provisions to be located within an urbanized area, as defined, and meet or exceed 15 dwelling units per acre. By imposing additional duties on local officials, the bill would create a state-mandated local program. This bill contains other related provisions and other existing laws.

SB 4 (Wiener D) Planning and zoning: housing development: higher education institutions and religious institutions.

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. That law allows a development proponent to submit an application for a development that is subject to a specified streamlined, ministerial approval process not subject to a conditional use permit, if the development satisfies certain objective planning standards. The Zenovich-Moscone-Chacon Housing and Home Finance Act, establishes the California Tax Credit Allocation Committee within the Department of Housing and Community Development. Current law requires the committee to allocate state low-income housing tax credits in conformity with state and federal law that establishes a maximum rent that may be charged to a tenant for a project unit constructed using low-income housing tax credits. This bill would require that a housing development project be a use by right upon the request of an applicant who submits an application for streamlined approval, on any land owned by an independent institution of higher education or religious institution on or before January 1, 2024, if the development satisfies specified criteria, including that the development is not adjoined to any site where more than one-third of the square footage on the site is dedicated to industrial use. The bill would define various terms for these purposes.

SB 294 (Wiener D) Housing development projects: floor area ratios.

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 prohibits a local agency, as defined, from imposing a floor area ratio standard that is less than 1.0 on a housing development project that consists of 3 to 7 units, or less than 1.25 on a housing development project that consists of 8 to 10 units. Current law prohibits a local agency from imposing a lot coverage requirement that would physically preclude a housing development project of not more than 10 units from achieving the floor area ratios described above. This bill would delete the 10-unit maximum for eligible projects, and would prohibit a local agency from imposing a floor area ratio standard that is less than 2.5 on a housing development project that consists of 11 to 20 units. The bill would prohibit a local agency from imposing a floor area ratio standard that is less than 1.25 for every ten housing units, rounded to the nearest ten units, on a housing development project that consists of more than 20 units.

SB 405 (Cortese D) Planning and zoning: housing element: inventory of sites: regional housing need.

Summary: Current law requires the Department of Housing and Community Development to determine the existing and projected need for housing for each region, as specified. Current law requires the appropriate council of governments, or for cities and counties without a council of governments, to adopt a final regional housing need plan that allocates a share of the regional housing need to each city, county, or city and county, as provided. Current law requires a city or county to determine whether each site in its inventory of land can

accommodate the development of some portion of its share of the regional housing need, as provided. This bill, for a housing element or amendment adopted as part of the seventh planning period, would require the planning agency to provide notice to the owner of a site included in the above-described inventory that the site is included in that inventory, if the owner's identity and contact information is known, as specified. If the site owner notifies the planning agency or the department that the owner does not intend to develop at least 80% of the number of units for the site, determined as described above, during the current planning period, the bill would provide that the site would not be considered a site that can be developed to meet the jurisdiction's share of the regional housing need, except as specified. The bill would require the planning agency to make a reasonable effort to identify an owner and the owner's contact information and to determine the intent of the owner to develop the site. The bill would require that the information be an important factor for the department in determining whether the housing element identifies sufficient sites to meet the jurisdiction share of regional housing. The bill would require the department to amend specified standards, forms, and definitions to implement these provisions.

SB 423 (Wiener D) Land use: streamlined housing approvals: multifamily housing developments.

Summary: Existing law, the Planning and Zoning Law, authorizes a development proponent to submit an application for a multifamily housing development that is subject to a streamlined, ministerial approval process, as provided, and not subject to a conditional use permit, if the development satisfies specified objective planning standards, including, among others, that the development proponent has committed to record, prior to the issuance of the first building permit, a land use restriction or covenant providing that any lower or moderate-income housing units required, as specified, remain available at affordable housing costs, as defined, or rent to persons and families of lower or moderate-income for no less than specified periods of time. Existing law repeals these provisions on January 1, 2026. This bill would authorize the Department of General Services to act in the place of a locality or local government, at the discretion of that department, for purposes of the ministerial, streamlined review for development on property owned by or leased to the state. The bill would delete the January 1, 2026, repeal date, thereby making these provisions operative indefinitely. This bill contains other related provisions and other existing laws.

SB 684 (Caballero D) Land use: Subdivision Map Act

Summary: SPOT BILL – SEE ATTACHED DRAFT LANGUAGE

ADUS

SEVERAL BILLS THAT MAKE MINOR CHANGES ARE LISTED AT THE END OF THE AGENDA – QUICK THOUGHTS?

PARKING

AB 894 (Friedman D) Parking requirements: shared parking.

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. Current law also authorizes the legislative body of a city or a county to adopt ordinances establishing requirements for parking. This bill would require a public agency, as defined, to allow existing land uses with underutilized parking, as defined, to share the underutilized parking with the public, a private entity, a public agency, or other users. The bill would require a public agency to allow shared parking to be counted toward meeting automobile parking requirements for a new or existing development or use, including underutilized parking spaces, when the parking spaces meet specified conditions regarding the distance of the spaces from the applicable site. The bill would require a public agency to accept a parking analysis using peer-reviewed methodologies developed by a professional planning association, as specified, when determining the number of shared parking spaces that can be reasonably shared between different uses.

AB 1317 (Carrillo, Wendy D) Unbundled parking.

Summary: Would require the owner of residential real property that provides parking with a residential unit to unbundle parking from the price of rent, as specified. The bill would define "unbundled parking" as the practice of selling or leasing parking spaces separate from the lease of the residential use. The bill would exempt residential units with individual garages that are functionally a part of the unit from these provisions. The bill would provide a tenant of a residential unit a right of first refusal to parking spaces built for their unit, as specified. The bill, for residential units where unbundled parking is not possible, would require an owner of residential property to annually provide a tenant with an itemization of the market rate cost of parking, as defined, for the parking spaces they have leased.

INFRASTRUCTURE AND FEES

AB 930 (Friedman D) Local government: Reinvestment in Infrastructure for a Sustainable and Equitable California (RISE) districts.

Summary: Would authorize the legislative bodies of 2 or more local governments, defined to include a city, county, special district, or transit agency, to jointly form a Reinvestment in Infrastructure for a Sustainable and Equitable California district (RISE district) in accordance with specified procedures. The bill would require the Office of Planning and Research (OPR) to develop standards for the formation of RISE districts no later than November 30, 2025. The bill would provide for the establishment of a governing board of a RISE district with representatives of each participating local government.

CLIMATE AND HAZARD MITIGATION

SB 571 (Allen D) Development projects: emergency preparedness.

Summary: Would require a proponent of a new development within a state responsibility area or local responsibility area that is within a high or very high fire hazard severity zone to include an evacuation plan with its application submitted to the local government for the



development. The bill would subject the evacuation plan to the independent approval of the local government, as defined, the respective law enforcement and fire agencies that have jurisdictional response authority over the relevant area, and the California Highway Patrol if the proposed evacuation routing utilizes state or federal highways. The bill would require the evacuation plan to consist of specified information, including a wildfire behavior study, a traffic engineering study, and the best available routes for evacuation egress by populations within the development when threatened by wildfire. By imposing new duties on local governments in reviewing and approving developments in high and very high fire hazard severity zones, the bill would impose a state-mandated local program.

CEQA

AB 340 (Fong, Vince R) California Environmental Quality Act: grounds for noncompliance.

Summary: The California Environmental Quality Act (CEQA) prohibits an action or proceeding from being brought in a court to challenge the approval of a project by a public agency unless the alleged grounds for noncompliance are presented to the public agency orally or in writing by a person during the public comment period provided by CEQA or before the close of the public hearing on the project before the issuance of the notice of determination. This bill would require the alleged grounds for noncompliance with CEQA presented to the public agency in writing be presented at least 10 days before the public hearing on the project before the issuance of the notice of determination. The bill would prohibit the inclusion of written comments presented to the public agency after that time period in the record of proceedings and would prohibit those documents from serving as basis on which an action or proceeding may be brought.

SB 393 (Glazer D) California Environmental Quality Act: judicial challenge: identification of contributors: housing projects.

Summary: The California Environmental Quality Act 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. This bill would require a plaintiff or petitioner, in an action brought pursuant to the act, to disclose the identity of a person or entity that contributes in excess of \$1,000, as specified, toward the plaintiff's or petitioner's costs of the action. The bill also would require the plaintiff or petitioner to identify any pecuniary or business interest related to the project of any person or entity that contributes in excess of \$1,000 to the costs of the action, as specified. The bill would provide that a failure to comply with these requirements may be grounds for dismissal of the action by the court.

SB 794 (Niello R) California Environmental Quality Act: judicial challenge: identification of contributors: housing projects.

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 authorizes specified entities to file and maintain with a court an action or proceeding to attack, review, set aside, void, or annul an act of a public agency on grounds of noncompliance with the requirements of the act. This bill would require an action or proceeding brought to attack, review, set aside, void, or annul acts or decision of a public agency for a commercial, housing, or public works project that helps to address longstanding critical needs in the project area and that results in an investment of at least \$25,000,000 in the state on the grounds of noncompliance with CEQA to be resolved, to the extent feasible, within 365 days of the filing of the certified record of proceedings with the court. The bill would require the Judicial Council to adopt a rule of court to implement this provision. This bill contains other related provisions.

V Wrap Up and Opportunities for Continued Involvement



2023 APA California Top Planning Bills

HOUSING

ADUs

- AB 671 (Ward) Authorizes CalHome funded ADUs to be separately conveyed
- AB 932 (Ting) Reduces the JADU permit review timeframe
- AB 976 (Ting) Prohibits owner-occupancy requirements
- AB 1661 (Bonta) Provides exemptions in utility metering for ADUs
- SB 477 (Senate Housing Committee) Cleans up and reorganizes the existing statute

Development Bonuses

- AB 637 (Low) Adds new DB restrictions for AFFH requirements
- AB 1287 (Alvarez) Expands DB for moderate income
- SB 713 (Padilla) Specifies that DB prevails in the event of a conflict between that law and an ordinance, regulation, or other local law enacted by initiative

Other Housing Bills

- AB 510 (Jackson) Mandates local land trusts statewide
- AB 799 (L. Rivas) Creates the "Homeless Accountability Act" to provide ongoing HHAP funding and new accountability measures
- AB 821 (Grayson) Provides zoning consistency granted if zoning code not updated within a specified timeframe
- AB 835 (Lee) Proposes an update to building code standards for single-exit, single stairway multiunit residential buildings above 3 stories
- AB 1485 (Haney) Allows the Attorney General to intervene in housing element enforcement as an unconditional right
- AB 1490 (Lee) Requires new permitting standards and fee waivers for affordable housing adaptive reuse
- AB 1532 (Haney) Provides streamlining for office conversion projects
- AB 1630 (Garcia) Prohibits denials for student housing within ½ mile of university campus for zoning purposes
- AB 1633 (Ting) Clarifies a disapproval of a project under the HAA
- AB 1657 (Wicks) Enacts the Affordable Housing Bond Act of 2024, which, if adopted, would authorize the issuance of bonds to finance programs to fund affordable rental housing and homeownership programs
- SUPPORT** ACA 1 (Aguiar-Curry) Propose to reduce the threshold for voter approval of public financing for infrastructure, affordable housing, and supportive housing
- SB 4 (Wiener) Provides streamlining for projects on educational and religious institution owned lands
- SB 7 (Blakespear) Requires "homeless" to be included as an income category for purposes of RHNA
- SB 225 (Caballero) Establishes the Community Anti-Displacement and Preservation Program for purposes of funding the acquisition and rehabilitation of unrestricted housing units for affordable housing
- SB 294 (Wiener) Expands restrictions on floor area ratio standards
- SB 405 (Cortese) Requires new mandatory noticing of property owners of proposed inventory sites listed in the Housing Element for the seventh cycle
- SB 423 (Wiener) Removes the sunset on SB 35 streamlining and makes several other changes to the statute
- SB 555 (Wahab) Creates the Social Housing Act of 2023
- SB 684 (Caballero) Expedites issuance of a building permit before final subdivision map is recorded

PARKING

- AB 894 (Friedman) Creates new shared parking requirements
- AB 1317 (W. Carrillo) Requires owners of residential properties to unbundled parking from the rental price
- AB 1308 (Quirk-Silva) Prohibits parking requirements for single-family remodels, renovations, or additions

INFRASTRUCTURE AND FEES

- AB 930 (Friedman) Authorizes new "Reinvestment in Infrastructure for a Sustainable and Equitable California" districts to create TIF for funding infrastructure and development near transit
- AB 516 (Ramos) Creates a timeline for expenditure of fees deposited in escrow accounts

CLIMATE AND HAZARD MITIGATION

- AB 45 (Boerner-Horvath) Creates new development requirements for coastal development permits – Blue Carbon Projects
- AB 1335 (Zbur) Requires SCS population forecasting consistency/reconciliation between MPOs and DOF
- SB 272 (Laird) Creates new sea level rise planning requirements
- SB 511 (Blakespear) Requires CARB to develop and publish GHG emissions inventories for every jurisdiction statewide
- SB 571 (Allen) Requires new mandatory evacuation plans and analyses for projects in high fire risk areas
- SB 670 (Allen) Requires new "single model" for VMT mapping for transportation planning & funding

CEQA

- AB 340 (V. Fong) Adds limitations on last-minute claims of noncompliance under CEQA
- SUPPORT** AB 356 (Mathis) Provides that a lead agency is not required to evaluate the aesthetic effects of a project under CEQA indefinitely
- AB 692 (Jim Patterson) Creates a new CEQA exemption for egress routes and fire safety
- AB 978 (Joe Patterson) Requires person seeking judicial review of the decision of a lead agency made on a housing project pursuant to CEQA to post a bond of \$500,000 to cover the costs and damages to the housing project incurred by the respondent or real party in interest
- AB 1152 (Joe Patterson) Provides a CEQA exemption for recycled water facilities
- SUPPORT** AB 1318 (L. Rivas) – Expands the CEQA exemption for infill projects by increasing the size of a residential project
- AB 1488 (Wallis)/SB 861 (B. Dahle) Creates new judicial rules to expedite CEQA lawsuits of water conveyance and storage projects
- AB 1554 (Joe Patterson) Provides a CEQA exemption for wildfire mitigation projects (home hardening and fuels/veg reduction)
- SUPPORT** AB 1700 (Hoover) Remove population growth and noise from housing as effects under CEQA
- SB 69 (Cortese) Requires subsequent amended/revise/corrected notices under CEQA
- SUPPORT** SB 91 (Umberg) Extends the CEQA exemption for hotel/motel conversions indefinitely
- SB 239 (B. Dahle) Allows a court to determine if the Attorney General is bringing suit for non-environmental purposes
- SB 270 (Wiener) Allows additional time to prior CEQA review threshold for housing sustainability districts
- SB 393 (Glazer)/SB 794 (Niello) Requires disclosure of who's funding plaintiffs in a CEQA lawsuit/expedited judicial review
- SB 406 (Cortese) Exempts local funding of residential housing from CEQA