



2021 Legislative Update

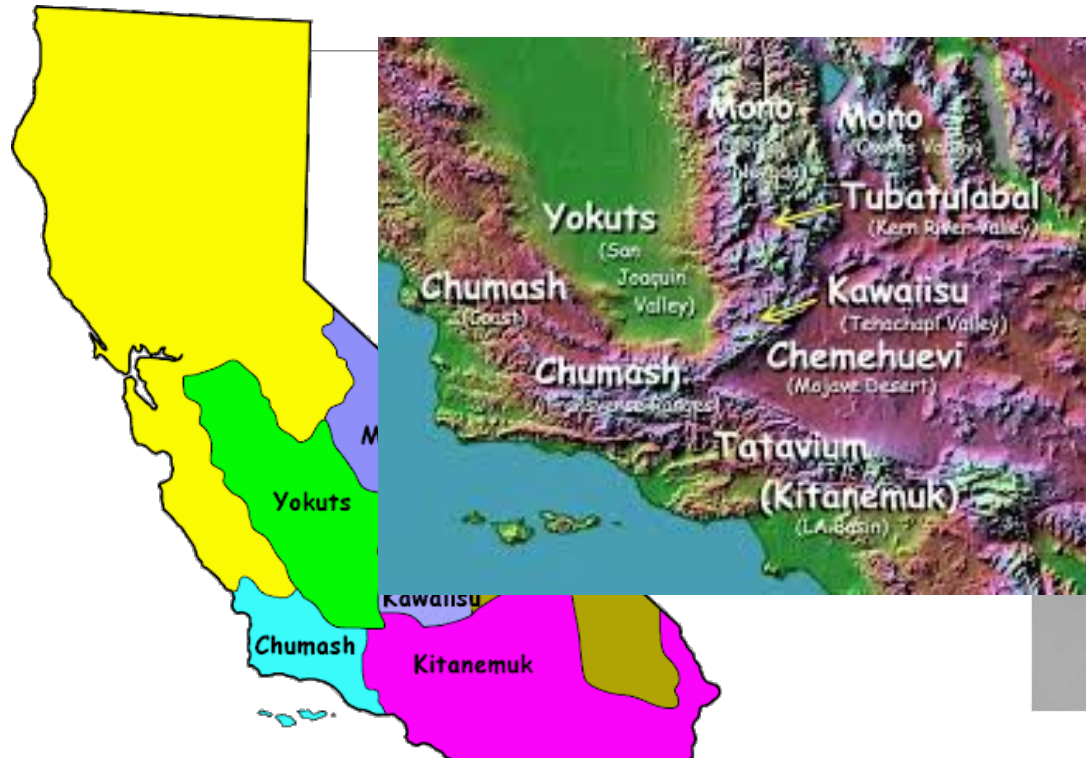
NOVEMBER 18, 2021



American Planning Association
California Chapter



APA California Land Acknowledgement Policy



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American Planning Association
California Chapter

Panelists



Eric S. Phillips

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Legislative Liaison, Central Section

2021-22 APA California Platform



The 2021-2022 Legislative Platform for APA California

Professional planners have a responsibility to comprehensively implement practical solutions to pressing issues that balance the needs of California's diverse population, environments and economies. Our pivotal role in the decision-making process at the local, regional and state levels provides unique insight to help shape the debate on planning-related issues. This effort requires planners in California – for land use, transportation and other infrastructure systems, environmental and human health, and economic vitality – to monitor shifts in statewide policy and identify planning solutions in the context of local, state and national trends.

To address the priority issues facing our state and set the standard for our profession, APA California adopts a Legislative Platform prior to the start of each California two-year legislative session titled "Plan California". The Platform outlines our positions on priority issues on behalf of the California planning community broadly. The Platform is designed to be flexible enough to address the unanticipated issues that inevitably arise during the legislative session. The Platform serves as the guiding document for the Chapter's lobbying efforts in Sacramento and for advocacy positions taken by the Chapter on legislative matters.

The Platform is also intended as the framework for local advocacy efforts by the Sections. While the Chapter does not take positions or advocate for or against local planning issues, this does not preclude individual Sections from getting involved in such issues consistent with the Platform. Collaboration between Sections on advocacy positions and sharing advocacy experiences is also encouraged.

On statewide issues where the Chapter has not taken a position, Section advocacy is permitted, provided that positions are consistent with this Platform. Before taking a position on state legislation, regulations or ballot initiatives, please contact the Chapter President, Vice President for Policy and Legislation, and Chapter Lobbyist to ensure Section advocacy plans are consistent with the Chapter positions.

- ❖ Housing
- ❖ Inclusion and Social Justice
- ❖ Hazards and Hazard Mitigation
- ❖ Infrastructure, Services, and Fees
- ❖ CEQA
- ❖ Healthy Communities
- ❖ Coordinated Planning

2021 Legislative Themes

Impacts of the
Pandemic

Housing/Homelessness
Senate Housing Package

Impacts of Climate
Change
Wildfires and Drought

Broadband

Budget Surplus

Recall Efforts

2021-2022 State Budget

“100 Billion CA Comeback Plan”

COVID-19 Tenant Relief (Early Action)

- Moratorium on evictions for non-payment of rent due to COVID-19 financial hardship through 9/30/21
- Rental assistance program for tenants and landlords

Housing and Homelessness

- \$22 billion California Comeback Plan investment for housing and homelessness
 - \$12 billion in new funding for homelessness programs over the next two years
 - \$10.3 billion budget investment for affordable housing
 - New Housing Accountability Unit

Wildfire Mitigation (Early Action)

- \$1.5 billion over multiple years for various wildfire prevention and response efforts

Climate Resiliency

- \$3.7 billion over three years to make needed climate resiliency investments

Broadband

- \$6 billion over a multi-year period for broadband infrastructure and improved access to broadband

2021 Housing Bills



TWO YEAR BILLS

SB 5 (Atkins) Would establish a statewide housing bond for the creation of new affordable housing.

SB 6 (Caballero) Would allow housing in retail and office zones and make multi-family housing and mixed-use development subject to by-right approvals in Commercial Zones.

SB 15 (Portantino) Would provide grants to local governments that rezone idle big box commercial shopping centers for development of low/moderate income housing.

SB 621 (Eggman) Would establish a ministerial process for hotel and motel conversions to multi-family housing.

SB 778 (Becker) Would allow ADUs in the commercial portions of mixed-use buildings.

ACA 1 (Aguiar-Curry) Would reduce the threshold for voter approval of public financing for infrastructure, affordable housing and supportive housing.

AB 115 (Bloom) Would make multi-family housing and mixed-use development subject to by-right approvals in Commercial Zones.

AB 500 (Ward) Would require local governments in the coastal zone to amend local coastal plans provide streamlined permitting procedures for certain housing projects.

AB 561 (Ting) Would require the Treasurer's Office to make recommendations regarding the creation of a program to help homeowners qualify for loans to construct additional housing, including ADUs and JADUs.

AB 989 (Gabriel) Would create a new Office of Housing Appeals within HCD to review affordable housing projects that are alleged to have been denied or subjected to conditions in violation of the HAA.

AB 1322 (Rivas) Would allow the governing body of a city or county to determine that a local measure approved by voters is in conflict with state housing law.

2021 Housing Bills



HOUSING BILLS SENT TO THE GOVERNOR

- ❖ **AB 345 (Quick-Silva) Separate ADU Conveyance** Requires a local government to allow a qualified nonprofit corporation to sell an ADU separately from the primary dwelling unit on the property. **Signed by the Governor**
- ❖ **AB 215 (Chiu) Housing Element Enforcement** Increases the enforcement authority of the state in relation to violations of state housing law and changes timeframe for HCD review of draft and final Housing Elements. **Signed by the Governor**
- ❖ **AB 571 (Mayes) Affordable Impact Fees Prohibitions** Prohibits charging affordable housing fees on affordable units in density bonus projects. **Signed by the Governor**
- ❖ **AB 787 (Gabriel) Conversion of Affordable Units** Allows a local government to take RHNA credit on its Housing Element Annual Progress Report when deed restrictions are added to existing multifamily buildings to create new affordability covenants. **Signed by the Governor**
- ❖ **AB 1398 (Bloom) Housing Element Compliance** Requires local governments that fail to adopt a legally compliant housing element within 120 days of the statutory deadline, must complete a rezone program within one year instead of the current three-year requirement. **Signed by the Governor**

Housing Bills Sent to the Governor – Cont.

- ❖ **SB 290 (Skinner) Expands Density Bonus Law** Provides additional benefits to projects that include student housing and would allow all ownership projects, not just common interest developments, to use Density Bonus Law. **Signed by the Governor**
- ❖ **SB 477 (Wiener) New APR Requirements** Adds a number of requirements to the annual progress report that local governments are required to submit to HCD each year in relation to their housing elements. **Vetoed by the Governor**
- ❖ **SB 728 (Hertzberg) Density Bonus For Sale Units** This bill authorizes a qualified nonprofit housing organization to purchase a for-sale unit under density bonus law. **Signed by the Governor**
- ❖ **SB 791 (Cortese) Surplus Land Unit** Establishes, subject to an appropriation, the California Surplus Land Unit within HCD with the primary purpose of facilitating the development and construction of residential housing on local surplus land. **Signed by the Governor**

SB 8 (Skinner) Extension of the Housing Crisis Act of 2019 (SB 330)

- ❖ Extends the sunset by 5 years, to January 1, 2030
- ❖ Expands the definition of "housing development project" to include single dwelling units and projects requiring either discretionary or nondiscretionary approval throughout SB 330 (other than the Housing Accountability Act)
- ❖ Expands the definition of "downzoning" to include any action that would individually or cumulatively reduce the site's residential development capacity
- ❖ Revises the definition of "concurrently", when upzoning is approved concurrently with downzoning, to mean within the same meeting or within 180 days of downzoning
- ❖ Modifies relocation assistance , right of first refusal and replacement unit provisions to carve out single-unit projects, focus benefits on lower income households, and accommodate 100% affordable projects

Signed by the Governor

SB 9 (Atkins) Streamlining for Duplexes and Lot Splits

❖ **Requires** ministerial approval of up to two units on a lot in all existing single-family residential zones and/or an urban lot split so long as the parcel is:

- Within an urbanized area;
- Not located on or within prohibited sites pursuant to SB 35, Section 65913.4;
- Does not require the demolition or alteration of moderate to very low-income housing, housing subject to rent control, or housing occupied by a tenant in the last three years; and
- Will not require the demolition of more than 25% of existing walls, unless an ordinance allows such demolition (not applicable to urban lot split).

❖ **Authorizes** a local agency to:

- Deny an SB 9 project if the project would have a specific, adverse impact upon health and safety or the physical environment and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact
- Apply local development standards that allow:
 - two units per lot
 - Setbacks of up to 4 feet from the rear and side lot lines
 - Up to one parking space per unit [0 parking near transit]
 - Must require that rentals be longer than 30 days.

SB 9 (Atkins) Streamlining for Duplexes and Lot Splits

Additional requirements specific to urban lot splits:

- Requires lots to be roughly equal in size (no less than 40% of the original parcel) and no smaller than 1,200 square feet.
- Conforms to the Subdivision Map Act's requirements.
- Requires that standards imposed cannot preclude the construction of 2 units on either of the split parcels and result in a unit size of less than 800 feet.
- Allows requirements for easements and right-of-way.
- Requires owner occupancy of one unit for a minimum of three years from the date of the approval.
- Prohibits more than 2 units on parcels subdivided through an urban lot split, including ADUs, Junior ADUs, and primary dwelling units.

Adoption of a local ordinance to implement SB 9 is exempt from CEQA

Signed by the Governor

SB 10 (Wiener) Streamlining to Upzone for Increased Density

- ❖ Allows a local government to adopt an ordinance authorizing housing development projects of 10 or fewer units per parcel in transit-rich areas or urban infill sites, unless the parcel is located in a very high fire hazard severity zone or is subject to a voter-approved restriction designating open space, park, or recreational purposes.
 - Ordinances adopted pursuant to SB 10 are exempt from CEQA.
 - Individual housing development projects proposed in a zone adopted under SB 10 with more than 10 residential units are prohibited from ministerial or by right approval and are ineligible for any CEQA exemptions.
 - Voids any covenant, restriction, or condition contained in private CC&Rs if it would restrict the ability to build at the density allowed by a City-adopted ordinance pursuant to this bill.
 - Sunsets after Jan 1, 2029.

Signed by the Governor

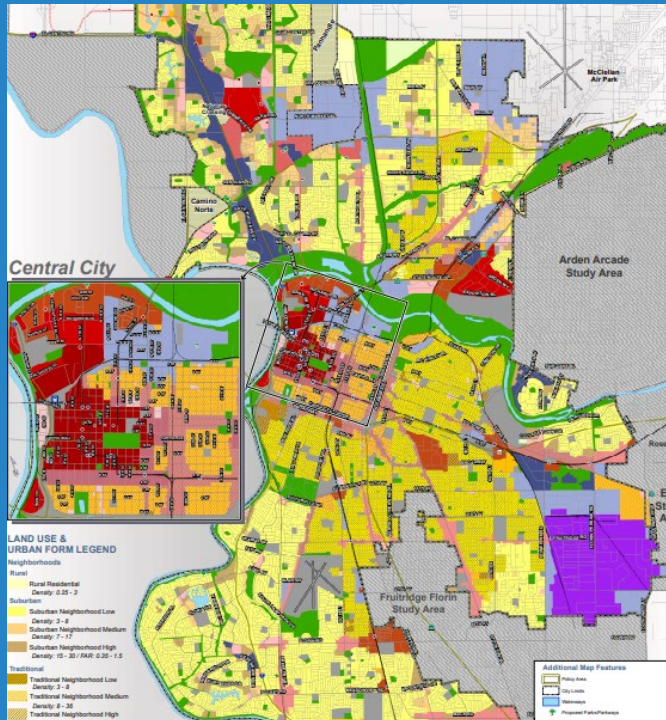
SB 478 (Wiener) Minimum FAR Standards

Prohibits a local government from requiring the following for housing development projects in multifamily and mixed-use zones:

- Three to seven units, imposing an FAR standard that is less than 1.0
- Eight to ten units, imposing an FAR standard that is less than 1.25
 - For a project consisting of three to ten units, denying a housing development project located on an existing legal parcel solely on the basis that the lot area of the proposed lot does not meet the local agency's requirements for minimum lot size.
- Prohibits denial on the basis of failure to meet minimum lot size standards (existing lots only)
- Adds enforcement language from AB 215 (Chiu) for chaptering purposes.

Signed by the Governor

2021 Coordinated Planning, Neighborhood Vitality and Healthy Communities



TWO YEAR BILLS

AB 897 (Mullin) Would create new regional climate adaptation and resilience action plans.

AB 1486 (Carrillo) Would exempt Housing Element updates and implementing actions from CEQA.

AB 1547 (Reyes) Would set up a new process for permitting near warehouse facilities.

SB 261 (Allen) and SB 475 (Cortese) Would make numerous changes to SB 375.

SB 499 (Leyva) Would prohibit the land use element from designating land uses that would impact health outcomes in disadvantaged communities.

AB 585 (L. Rivas) Would establish the Extreme Heat and Community Resilience Program to coordinate the state's efforts to address extreme heat and the urban heat island effect.

HELD UNDER SUBMISSION IN SENATE APPROPRIATIONS COMMITTEE

SB 32 (Cortese) *Would have required local governments to identify goals and strategies to decarbonize new buildings in the General Plan, a climate action or greenhouse gas reduction plan or a building standards update.*

Coordinated Planning, Neighborhood Vitality and Healthy Communities

BILLS SENT TO THE GOVERNOR

AB 1147 (Friedman) Regional Transportation Planning Makes numerous changes to the required elements of metropolitan planning organizations' regional transportation plans to ensure effective implementation of sustainable communities strategies and alternative planning strategies.

- Requires the Governor's Office of Planning and Research to develop a guidance document to provide best practices for establishing "15-minute communities".
- Requires the California Department of Transportation (Caltrans) to develop a bicycle highway pilot program.

Vetoed by the Governor

SB 1 (Atkins) California Sea Level Rise Mitigation and Adaptation Act of 2021 Creates the California Sea Level Rise State and Regional Support Collaborative at the Ocean Protection Council to help coordinate and fund state and local efforts to prepare for sea level rise associated with climate change. **Signed by the Governor**

SB 83 (Allen) Sea Level Rise Revolving Loan Program Requires the Ocean Protection Council to develop the Sea Level Rise Revolving Loan Program for the purposes of providing low-interest loans to local jurisdictions to purchase coastal properties identified as vulnerable coastal property. **Vetoed by the Governor**

2021 Inclusion and Equity Bills

TWO YEAR BILLS

AB 387 (Lee) Creates the Social Housing Act would focus public resources on housing creation.

SCA 2 (Allen) Would repeal Article 34, eliminating vote requirement to construct public lower income rental housing

BILL SENT TO THE GOVERNOR

- ❖ **AB 491 (Ward) Equal Access for Affordable Units** Requires that low-income occupants of a mixed income development have the same access to common entrances and to common areas and amenities as the occupants of market rate housing units. **Signed by the Governor**
- ❖ **AB 721 (Bloom) Restrictive Covenants** Provides that covenants, restrictions, or private limits on the density of a property shall not be enforceable against a property owner who is developing a 100% affordable project. **Signed by the Governor**
- ❖ **AB 1466 (McCarty) Restrictive Covenants** Requires each county recorder's office to establish a program to proactively identify, catalog, and redact any unlawfully discriminatory restrictive covenants in that county's property records and authorizes the imposition, if approved by the respective county board of supervisors, of a fee to fund the program. **Signed by the Governor**

2021 Infrastructure, Services, and Fees Bills



TWO YEAR BILLS

AB 678 (Grayson)/SB 695 (Ochoa-Bogh) Would impose restrictions and caps on impact fees.

HELD UNDER SUBMISSION IN SENATE APPROPRIATIONS COMMITTEE

AB 1401 (Friedman) *Would prohibit local governments, in a county with a population of 600,000 or more, from imposing or enforcing a minimum automobile parking requirement for residential, commercial and other developments if the parcel is located within one-half mile walking distance of public transit.*

- *Specified prohibitions for local governments with less than 600,000 was reduced to a project within a ¼ mile of public transit.*

BILLS SENT TO THE GOVERNOR

Telecom-related Streamlining

- ❖ **AB 537 (Quirk)** Makes changes to existing law that requires an application for a wireless telecommunications facility to be deemed approved. **Signed by the Governor**
- ❖ **SB 378 (Gonzalez)** Requires local governments to allow fiber installers to use microtrenching for installing fiber unless the local government makes a finding that microtrenching would adversely impact public health and safety. **Signed by the Governor**
- ❖ **SB 556 (Dodd)** Establishes permitting requirements for small wireless facilities on streetlight/traffic signal poles owned by local governments. **Vetoed by the Governor**

AB 602 (Grayson) Impact Fees and Nexus Studies

Modifies the Mitigation Fee Act to impose new requirements for preparing nexus studies and adopting fees.

- ❖ HCD would be required to create an impact fee nexus study templates for jurisdictions to use, which would include methods of calculating the feasibility of developing housing under the proposed fee.
- ❖ Beginning on January 1, 2022, any nexus study for a new or revised impact fee must:
 - Identify the proposed level of service for each public facility and an explanation of why the level of service is appropriate.
 - Review existing fees that were collected and how they were used.
- ❖ Calculate impacts of housing development projects based on square footage of the units or make findings that an alternative calculation is more appropriate to establish a reasonable relationship between the project and the need for public facilities.
- ❖ Include the adoption of a Capital Improvement Plan for large jurisdictions.
- ❖ Be adopted at a public hearing after at least 30 days' notice.
- ❖ Be updated at least every 8 years.

Signed by the Governor

2021 CEQA Bills



TWO-YEAR BILLS

AB 621 (Rivas) Would provide streamlining for hospitals.

AB 1277 (Rubio) Would provide streamlining to affordable student housing.

SB 37 (Cortese) Would update the list of hazardous waste sites/ hazardous substances sites and prohibit a project from using the "common sense" exemption for a project at any site on the Cortese List, except for projects that meet specified conditions.

SB 412 (Ochoa-Bogh) Would expand the definition of “emergency” to include CEQA exemption for mitigating fire threats.

BILLS SENT TO THE GOVERNOR

❖ **AB 819 (Levine) Online CEQA Noticing** Requires CEQA notices and environmental review documents to be filed electronically and posted online. **Signed by the Governor**

❖ **SB 7 (Atkins) Expansion of Leadership Act Projects** Re-establishes the expedited CEQA administrative and judicial review procedures in the Jobs and Economic Improvement Through Environmental Leadership Act for environmental leadership development projects for four years. Additionally, this bill expands the Leadership Act to include smaller housing projects. **Signed by the Governor**

2021 Hazard Mitigation Bills

TWO YEAR BILLS

AB 800 (Gabriel) – Expands requirements for the Dept. of Forestry to identify areas of the state as moderate and high fire hazard severity zones and coordinate safety element updates.

AB 1295 (Muratsuchi)/SB 55 (Stern) Would prohibit developments in VHFHSZs.

AB 1500 (E. Garcia) /SB 45 (Portantino) – Would enact the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Act of 2022 (Act), places a general obligation bond before voters in the 2022 general election ballot.

SB 12 (McGuire) Would establish certain fire hazard planning responsibilities on local governments and requires cities and counties to make specified findings on fire standards prior to permitting development in VHFHSZs.

- Reintroduced from last session – SB 182 (Jackson), which was vetoed by the Governor in 2020.

2021 Hazard Mitigation Bills – Cont.

BILLS SENT TO THE GOVERNOR

- ❖ **AB 9 (Wood) Wildfire Mitigation** Establishes the Regional Forest and Fire Capacity Program in the Department of Conservation to build local and regional capacity and implement strategies and projects that create fire adapted communities. **Signed by the Governor**
- ❖ **AB 642 (Friedman) Prescribed Burns** Provides various changes to support cultural and prescribed fire, including the creation of a Cultural Burning Liaison at the Department of Forestry and Fire Protection and requires a proposal for creating a prescribed fire training center in California. **Signed by the Governor**
- ❖ **SB 63 (Stern) Vegetation Management and Standards** Expands fire prevention and protection efforts, including among other things, improved vegetation management, updated standards for homes in VHFHSZs and consideration for these same standards in moderate fire risk areas. **Signed by the Governor**
- ❖ **SB 456 (Laird) Wildfire Task Force Reporting** Requires the implementation and regular updating of the Wildfire and Forest Resilience Task Force’s recently-released “California’s Wildfire and Forest Resilience Action Plan”, the alignment of the Action Plan’s goals and key actions within the state’s climate adaptation and resiliency framework and annual reporting of progress. **Signed by the Governor**

Join the Legislative Review Team

Did you know APA
California has a
Legislative Review Team
(LRT)?

The LRT meets once
every March to review
pending legislation
introduced for the year
and then as needed

Help review pending
legislation and provide
technical expertise

Must be a current
Chapter member

Visit the APA California
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Questions?



American Planning Association
California Chapter

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