



LAW & ORDER

APA CA | CENTRAL SECTION

*2024 LEGISLATION UPDATE
MARCH 4, 2025*

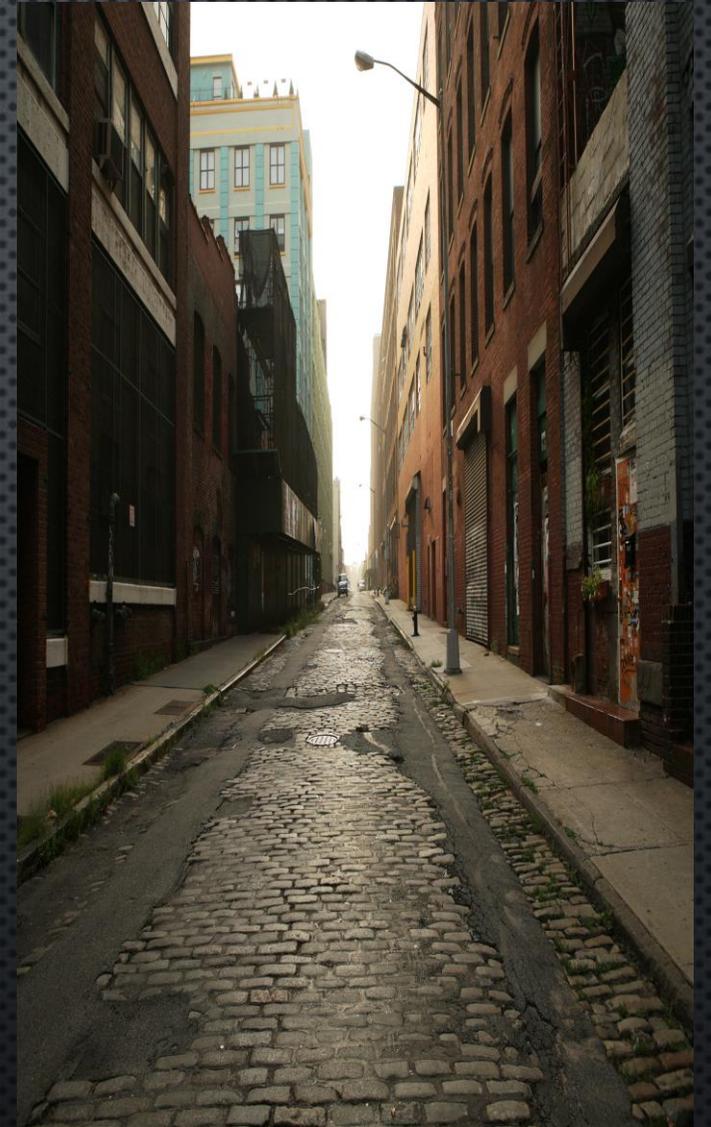
YOUR PRESENTERS



Jeff O'Neal, AICP



Jarred Olsen, AICP



LEGISLATIVE UPDATE



2023-2024 LEGISLATIVE SESSION

- **JUST HOW MANY BILLS WERE INTRODUCED?**

- 2,100+ BILLS INTRODUCED
- 400+ DIRECTLY RELATED TO PLANNING

- **FROM THE 2024 APA CA CONFERENCE (“CULTIVATING OUR FUTURE”)**

- 1,200+ SENT TO GOVERNOR
- “WAY TOO MANY” SIGNED¹

- **OFFICE OF PLANNING AND RESEARCH (OPR) NAME CHANGE**

- GOVERNOR’S OFFICE OF LAND USE AND CLIMATE INNOVATION (LCI)

¹ NOT AN ACTUAL QUOTE...BUT STILL ACCURATE.

2023-2024 LEGISLATIVE SESSION

EQUITY, INCLUSION, AND SOCIAL JUSTICE

- SB 1187 CREATED A NEW TRIBAL HOUSING GRANT PROGRAM (THGP) WITHIN THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD)
- SB 1878 CREATED THE THGP FUNDING COMMITTEE WITHIN HCD TO TELL HCD HOW TO FUND THE THGP

CLIMATE RESILIENCE AND HAZARD MITIGATION

- IN CASE ANYONE ALREADY THOUGHT DEALING WITH WETLANDS WAS NO BIGGIE, AB 2875 NOW DECLARES THAT IT'S STATE POLICY TO ENSURE NO NET LOSS OF WETLANDS AND TO CREATE MORE WETLANDS

2023-2024 LEGISLATIVE SESSION

•CLIMATE RESILIENCE AND HAZARD MITIGATION, CONT.

- AB 867 (PROP 4) AUTHORIZES \$10 BILLION IN BONDS FOR:
 - DRINKING WATER
 - DROUGHT, FLOOD, WATER, WILDFIRE, FOREST, AND COASTAL RESILIENCE
 - EXTREME HEAT MITIGATION
 - BIODIVERSITY AND NATURE-BASED CLIMATE SOLUTIONS
 - CLIMATE-SMART, SUSTAINABLE, AND RESILIENT FARMS, RANCHES, AND WORKING LANDS
 - PARK CREATION AND OUTDOOR ACCESS
 - CLEAN AIR PROGRAMS
- SEVERAL WILDFIRE-RELATED BILLS DIDN'T MOVE FORWARD
- GOVERNOR VETOED BILLS RELATED TO EMERGENCY PREPAREDNESS AND ITPs FOR WILDFIRE PREPAREDNESS

2023-2024 LEGISLATIVE SESSION

SELECT COMMITTEE ON PERMITTING REFORM

- CHAIRED BY ASSEMBLYMEMBER BUFFY WICKS²
- INTENDED TO EXAMINE PERMITTING PROCESSES FOCUSING ON HOUSING, ENERGY, WATER, AND CLIMATE RESILIENCE

INFRASTRUCTURE, SERVICES, AND FEES

- AB 2427 REQUIRES LOCAL GOVERNMENTS TO PERMIT CHARGING STATIONS IN PUBLIC RIGHTS-OF-WAY
- SB 347 EXEMPTS LEASES FOR ELECTRIC AND HYDROGEN CHARGING STATIONS FROM THE MAP ACT
- SB 1140 EXPANDS ENHANCED INFRASTRUCTURE FINANCING DISTRICTS

² WE VERIFIED THIS IS REALLY A NAME. OF A PERSON.

2023-2024 LEGISLATIVE SESSION

• **INFRASTRUCTURE, SERVICES, AND FEES, CONT.**

- AB 1820 REQUIRES AGENCIES TO PROVIDE FEE INFORMATION UPON REQUEST (EVEN BEFORE PROJECTS ARE FINALIZED)
- AB 2553 REQUIRES LOWER TRAFFIC IMPACT FEES FOR PROJECTS NEAR “MAJOR TRANSIT STOPS” (AND STATIONS) AND REDEFINED “MAJOR TRANSIT STOP”
- AB 2663 CHANGED REPORTING REQUIREMENTS FOR INCLUSIONARY HOUSING IN-LIEU FEES
- AB 3012 REQUIRES AGENCIES’ WEBSITES TO INCLUDE IMPACT FEE CALCULATOR TOOLS FOR PUBLIC USE BY 2031 OR 2032. APPLIES ONLY TO RESIDENTIAL AND MIXED-USE PROJECTS. REQUIRES HCD TO DEVELOP A TEMPLATE

2023-2024 LEGISLATIVE SESSION

INFRASTRUCTURE, SERVICES, AND FEES, CONT.

- AB 3177 PROHIBITS LOCAL AGENCIES FROM REQUIRING DEDICATION AND IMPROVEMENT OF STREETS FOR PURPOSE OF MITIGATING TRAFFIC IMPACTS, IMPROVING LOS, OR “ACHIEVING A DESIRED ROADWAY WIDTH” UNLESS:
 - IT IS NOT IN A TRANSIT PRIORITY AREA AND HAS FRONTAGE OF 500 FEET OR MORE; OR
 - THE AGENCY FINDS BASED ON SUBSTANTIAL EVIDENCE THERE IS A SPECIFIC IMPACT TO HEALTH AND SAFETY; OR
 - THE DEDICATION IS NECESSARY FOR INSTALLATION OF “SIDEWALK AND SEWER IMPROVEMENTS” AMONG OTHER THINGS
- SB 937 PROHIBITS LOCAL AGENCIES FROM REQUIRING PAYMENT OF FEES UNTIL COO
- SB 1210 REQUIRES UTILITIES PROVIDERS TO PROVIDE COSTS AND TIMEFRAMES³

³ “with exceptions”, which I assume means “this doesn’t apply to PG&E, hahahahahaha”

2023-2024 LEGISLATIVE SESSION

•COORDINATED PLANNING, NEIGHBORHOOD VITALITY, AND HEALTHY COMMUNITIES

- AB 2085 REQUIRES MINISTERIAL OF COMMUNITY CLINICS ON LAND ZONED FOR OFFICE, RETAIL, PARKING, OR HEALTH CARE
- AB 2632 PROHIBITS LOCAL AGENCIES FROM TREATING THRIFT STORES DIFFERENTLY FROM OTHER SIMILAR RETAIL STORES

•HOUSING

- AB 2533 INCREASES AMNESTY FOR UNPERMITTED ADUs
- SB 477 “CLEANED UP” ADU STATUTES AND ADDED HOUSING ELEMENT PROVISIONS
- SB 1211 INCREASES ALLOWABLE ADUs WITH MF DWELLINGS TO EIGHT
- AB 2430 PROHIBITS LOCAL AGENCIES CHARGING TO MONITOR AFFORDABILITY UNDER DENSITY BONUS LAW (DBL)
- AB 2694 CLARIFIES THAT RESIDENTIAL CARE FACILITIES FOR THE ELDERLY QUALIFY AS SENIOR HOUSING UNDER DBL
- AB 3116 MODIFIES PROVISIONS OF DBL REGARDING STUDENT HOUSING

2023-2024 LEGISLATIVE SESSION

HOUSING, CONT.

- AB 3093 CREATES NEW INCOME CATEGORIES OF “EXTREMELY LOW” AND “ACUTELY LOW” UNDER HOUSING ELEMENT LAW (AM, M, L, VL, EL, AL)
- A BUNCH OF OTHER HOUSING ELEMENT BILLS THAT MAKE ME WANT TO PUNCH MY MONITORS
- SB 1123 REQUIRES LOCAL AGENCIES TO MINISTERIALLY APPROVE SUBDIVISION OF VACANT SFR OR ZONED MFDR LOTS FOR UP TO 10 UNITS
- AB 2904 REQUIRES LOCAL AGENCIES TO PROVIDE MINIMUM 20-DAY NOTICE FOR ZONING CHANGES THAT AFFECT USE OF REAL PROPERTY (UP FROM 10)

CEQA

- AB 2199 PROVIDES AN INFILL EXEMPTION FOR UNINCORPORATED LAND WITHIN URBANIZED AREAS
- SB 768 REQUIRES HCD TO STUDY HOW VMT IS USED TO MEASURE TRANSPORTATION IMPACTS OF HOUSING PROJECTS

2023-2024 LEGISLATIVE SESSION

•LITTLE HOOVER COMMISSION ON CEQA REFORM

- STRENGTHEN REQUIREMENTS NEEDED TO SUE
- LIMIT SUBMITTAL OF INPUT AFTER CLOSE OF COMMENT PERIOD
- EXEMPT ALL HOUSING FROM CEQA REVIEW
- FUND JUDICIAL TRAINING REGARDING CEQA
- REAFFIRM THAT COURTS SHOULD DEFER TO STATUTE AND GUIDELINES
- DEVELOP CLEARER PARAMETERS FOR SIGNIFICANCE THRESHOLDS AND MITIGATION

•GENERAL PLANS

- AB 1889 REQUIRES CONSERVATION ELEMENTS TO CONSIDER WILDLIFE MOVEMENT CORRIDORS AND HABITAT CONNECTIVITY
- AB 2684 REQUIRES SAFETY ELEMENTS TO CONSIDER EXTREME HEAT
- MOST IMPORTANTLY: ASSEMBLY BILL 98

AB 98:
WAREHOUSES
AND TRUCK
ROUTES



EFFECTS OF AB 98

•WHAT AB 98 AFFECTS

- LOGISTIC FACILITY DEVELOPMENT
- REPLACEMENT HOUSING
- TRUCK ROUTES
- CIRCULATION ELEMENTS



LOGISTIC FACILITY DEVELOPMENT

WHAT IS A LOGISTICS USE?

A BUILDING IN WHICH CARGO, GOODS, OR PRODUCTS ARE MOVED OR STORED FOR LATER DISTRIBUTION TO BUSINESS AND/OR RETAIL CUSTOMERS

- DOES NOT PREDOMINANTLY SERVE RETAIL CUSTOMERS FOR ONSITE PURCHASES
- HEAVY-DUTY TRUCKS ARE PRIMARILY INVOLVED IN GOODS MOVEMENT

THE FOLLOWING ARE NOT LOGISTICS USES:

- BUILDING WHERE FOOD/HOUSEHOLD GOODS SOLD DIRECTLY TO CONSUMERS AND ACCESSIBLE TO PUBLIC.
- BUILDING PRIMARILY SERVED BY RAIL TO MOVE GOODS OR PRODUCT.
- “STRATEGIC INTERMODAL FACILITY”, POSSESSING ALL OF THE FOLLOWING:
 - LOGISTICS FACILITIES, INCLUDING WAREHOUSING AND TRANSLOADING FACILITIES, SERVED BY RAIL.
 - INTERMODAL FREIGHT TRANSPORT SERVICES.
 - ALL FACILITY STRUCTURES AND RELATED RAIL OPERATIONS ARE LOCATED WITHIN A SINGLE SITE FOOTPRINT.

I WOULD SET BACK 900 FEET

- LOADING BAYS WITHIN 900 FEET OF RESIDENTIAL, DAY CARE, SCHOOL, PARKS, HOSPITALS, NURSING HOMES (AND SIMILAR) TRIGGERS AB 93'S DEVELOPMENT STANDARDS



DEV. STANDARDS, LOADING BAY <900'

	≥ 250KSF Zoned Industrial or Rezoned Submitted by 9/30/2024	Not Zoned Industrial or Needs Rezone	< 250KSF Zoned Industrial or Rezoned Submitted by 9/30/2024
Orient truck loading bays on the opposite side of the logistics use development away from sensitive receptors	Yes	Yes	Yes
Truck Loading Bay Setback	300 feet	500 feet	N/A
Separate Entrance for HD Trucks	Yes	Yes	Yes

DEV. STANDARDS, LOADING BAY <900'

	≥ 250KSF Zoned Industrial or Rezoned Submitted by 9/30/2024	Not Zoned Industrial or Needs Rezone	< 250KSF Zoned Industrial or Rezoned Submitted by 9/30/2024
Locate truck entry, exit, and internal circulation away from sensitive receptors	Yes	Yes	Yes
Landscaped Buffer	50 foot	100 foot	50 foot
21 st Century Warehouse	Tier 1	If ≥ 250KSF: Tier 1 Otherwise, Non-Tier 1	Non-Tier 1

21ST CENTURY WAREHOUSE STANDARDS

	Non-Tier 1	Tier 1
Meets/exceeds Energy and Green Code: <ul style="list-style-type: none"> • PV and Battery Storage • Cool roofs • MD and HD Vehicle Charging Readiness • LD Vehicle Charging Readiness and Installed EVCS 	Yes	Yes, with 50% EV conduit 10% EVCS
<ul style="list-style-type: none"> • Skylights 1% roof area or equiv. LED lighting • Electric hookups on all cold storage loading bays • High Efficiency HVAC 	Yes	Yes
Zero emission forklifts and SOREs when feasible (cost not considered)	Yes	Yes
<ul style="list-style-type: none"> • Microgrid-ready switchgear • Advanced smart meter ready 	No	Yes

SOREs = Small Off-Road Engines (less than 19kW)

21ST CENTURY WAREHOUSE STANDARDS

	Non-Tier 1	Tier 1
Meets/exceeds Energy and Green Code: <ul style="list-style-type: none"> • PV and Battery Storage • Cool roofs • MD and HD Vehicle Charging Readiness • LD Vehicle Charging Readiness and Installed EVCS 	Yes	Yes, with 50% EV conduit 10% EVCS
<ul style="list-style-type: none"> • Skylights 1% roof area or equiv. LED lighting • Electric hookups on all cold storage loading bays • High Efficiency HVAC 	Yes	Yes
Zero emission forklifts and SOREs when feasible (cost not considered)	Yes	Yes
<ul style="list-style-type: none"> • Microgrid-ready switchgear • Advanced smart meter ready 	No	Yes

SOREs = Small Off-Road Engines (less than 19kW)

OTHER REQUIREMENTS

- TRUCK STACKING (50 FEET PLUS 70 FEET FOR EVERY 20 BAYS EXCEEDING 50 BAYS)
- ANTI-IDLING SIGNAGE (3 MINUTES)
- TRUCK ROUTING PLAN AND ON-SITE SIGNAGE

LOCATIONAL AND APPROVAL REQUIREMENTS

- MUST BE SITED ON ROADWAYS THAT MEET THE FOLLOWING CLASSIFICATIONS:
 - ARTERIAL ROADS
 - COLLECTOR ROADS
 - MAJOR THOROUGHFARES
 - LOCAL ROADS THAT PREDOMINANTLY SERVE COMMERCIAL USES¹
 - EXCEPTIONS ARE PROVIDED, BUT MUST INCORPORATE MITIGATION TO MINIMIZE TRAFFIC/ENVIRONMENTAL IMPACTS ON RESIDENTIAL AREAS TO THE “GREATEST EXTENT FEASIBLE.”
- SHALL NOT APPROVE DEVELOPMENT OF A LOGISTICS USE THAT DOES NOT MEET OR EXCEED THE STANDARDS (ON THIS SLIDE AND PREVIOUS)

REPLACEMENT HOUSING



REPLACEMENT HOUSING

- TWO-TO-ONE REPLACEMENT OF ANY DEMOLISHED DWELLING UNIT OCCUPIED IN THE LAST 10 YEARS, UNLESS THE UNIT WAS DECLARED SUBSTANDARD BY A BUILDING OFFICIAL *PRIOR* TO PURCHASE BY DEVELOPER.
 - REPLACEMENT HOUSING MUST BE DEED-RESTRICTED AFFORDABLE TO LOW- OR MODERATE-INCOME HOUSEHOLDS AND BUILT WITHIN THE JURISDICTION.
 - IF FEES ARE COLLECTED, MUST BE PUT IN A SET-ASIDE ACCOUNT AND USED FOR HOUSING WITHIN 3 YEARS.
- IF DWELLING UNITS ARE AFFECTED THROUGH PURCHASE, DISPLACED TENANTS MUST BE PROVIDED WITHIN 12 MONTHS RENT.

EXCEPTIONS

- DESPITE ALL OF THIS, THOSE PROVISIONS DO NOT APPLY IF:
 - LOGISTICS FACILITY IS PART OF A MIXE- USE DEVELOPMENT THAT MAY CREATE SENSITIVE RECEPTORS
 - NO EXISTING SENSITIVE RECEPTORS WITHIN 900 FEET OF THE LOADING BAY

HOW TO AVOID/MITIGATE HOUSING REPLACEMENT

- DEVELOPERS
 - REQUIRE DWELLING INSPECTION BY BO BEFORE PURCHASE
 - BUILD MIXED-USE, IF ALLOWED
- JURISDICTIONS
 - EASY MODE: ASK COUNTIES TO PROHIBIT RESIDENTIAL OR ZONE INDUSTRIAL AREAS PLANNED BY CITY FOR INDUSTRIAL USE
 - HARD MODE: ASSESS AMOUNT OF LEGAL NON-CONFORMING DWELLINGS, ESTABLISH RESIDENTIAL DISPLACEMENT IMPACT FEE (\$ PER SQUARE FOOT)

TRUCK ROUTES AND CIRCULATION ELEMENTS



CIRCULATION ELEMENT

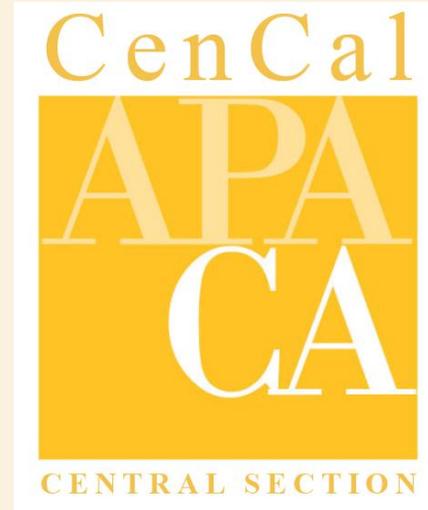
- **IDENTIFY/ESTABLISH SPECIFIC TRUCK ROUTES TO SAFELY ACCOMMODATE ADDITIONAL TRUCK TRAFFIC, AVOID RESIDENTIAL AREAS AND SENSITIVE RECEPTORS**
- **MAXIMIZE USE OF INTERSTATE/STATE HIGHWAYS, ARTERIALS, MAJOR THOROUGHFARES, AND PREDOMINANTLY COMMERCIAL-ORIENTED LOCAL STREETS.**
- **POSTING TRUCK ROUTE, TRUCK PARKING, AND APPROPRIATE IDLING FACILITY SIGNS**
- **MAKE TRUCK ROUTES PUBLICLY AVAILABLE IN GIS, SHARE GIS MAPS OF TRUCK ROUTES WITH WAREHOUSE OPERATORS, FLEET OPERATORS, AND TRUCK DRIVERS**

CIRCULATION ELEMENT

- MUST PROVIDE OPPORTUNITY FOR INVOLVEMENT FROM PUBLIC, AGENCIES, TRIBES, ETC.
- MUST UPDATE BY **JANUARY 1, 2028** TO AVOID **BIANNUAL \$50K FINE** FROM AG

CIRCULATION ELEMENT TRIGGERS

- INCORPORATE VISION ZERO PRINCIPLES
- DEVELOP BICYCLE PLANS, PEDESTRIAN PLANS, AND TRAFFIC CALMING PLANS
 - IDENTIFY SAFETY CORRIDORS, LAND/FACILITY THAT GENERATES HIGH CONCENTRATIONS OF BICYCLISTS OR PEDESTRIANS
 - USE EVIDENCE-BASED STRATEGIES TO DEVELOP SAFETY MEASURES INTENDED TO ELIMINATE TRAFFIC FATALITIES OF BICYCLISTS, PEDESTRIANS, AND SIMILAR USERS.
 - SET A 25-YEAR GOAL
- BEGIN IMPLEMENTATION OF MODIFIED CIRCULATION ELEMENT WITHIN 2 YEARS



<https://www.cencalapa.org>

Jeff O'Neal
Jarred Olsen

joneal@ppeng.com
jolsen@ppeng.com

THANK YOU