



# LAW & ORDER

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APA CA | CENTRAL SECTION

*2024 LEGISLATION UPDATE*  
*MARCH 4, 2025*

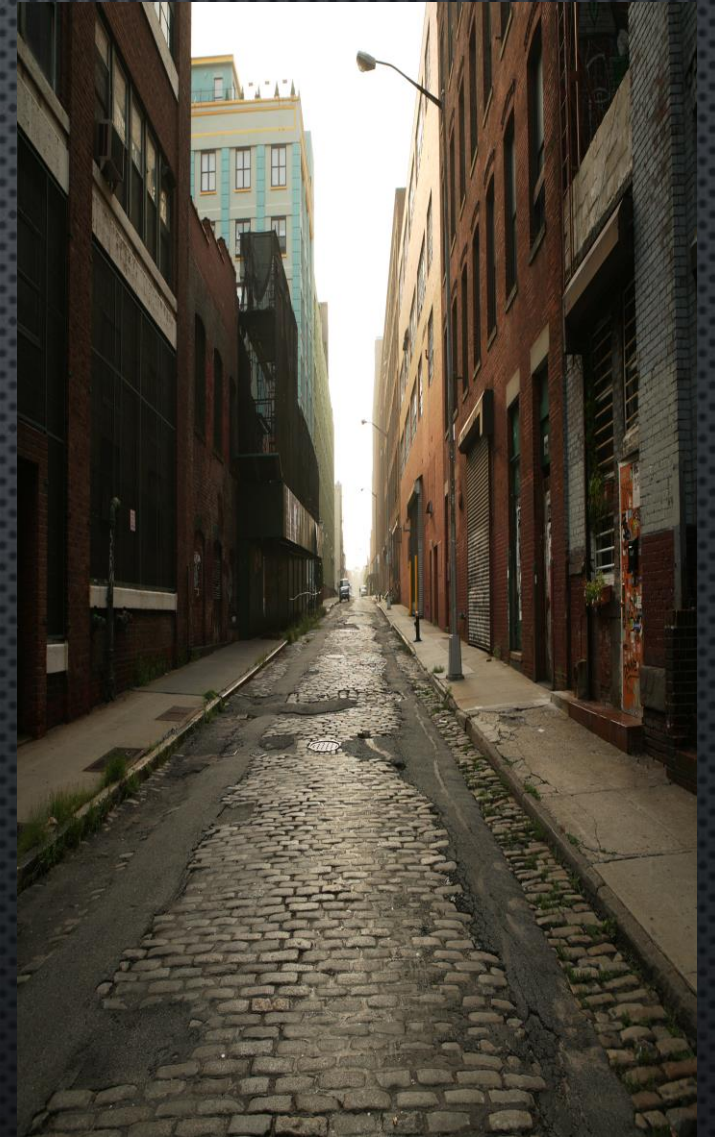
# YOUR PRESENTERS



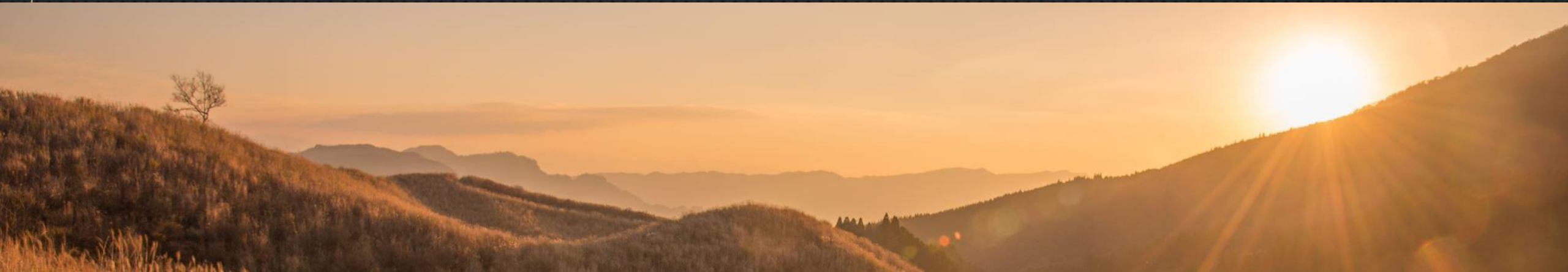
Jeff O'Neal, AICP



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” SIGNED<sup>1</sup>

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

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

<sup>1</sup> 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 WICKS<sup>2</sup>
- 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

<sup>2</sup> 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 TIMEFRAMES<sup>3</sup>

<sup>3</sup> “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'

	<b>≥ 250KSF Zoned Industrial or Rezoned Submitted by 9/30/2024</b>	<b>Not Zoned Industrial or Needs Rezone</b>	<b>&lt; 250KSF Zoned Industrial or Rezoned Submitted by 9/30/2024</b>
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'

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Locate truck entry, exit, and internal circulation away from sensitive receptors	Yes	Yes	Yes
Landscaped Buffer	50 foot	100 foot	50 foot
21 <sup>st</sup> Century Warehouse	Tier 1	If ≥ 250KSF: Tier 1 Otherwise, Non-Tier 1	Non-Tier 1

# 21<sup>ST</sup> CENTURY WAREHOUSE STANDARDS

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

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

# 21<sup>ST</sup> CENTURY WAREHOUSE STANDARDS

	Non-Tier 1	Tier 1
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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 USES<sup>1</sup>
  - 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

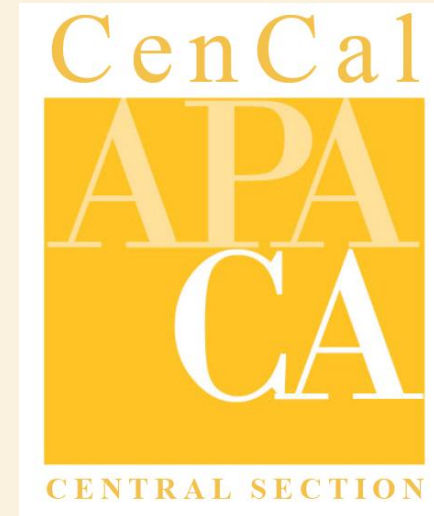
- **IDENTIFY/ESTABLISH SPECIFIC TRUCK ROUTES TO SAFELY ACCOMMODATE ADDITIONAL TRUCK TRAFFIC, AVOID RESIDENTIAL AREAS AND SENSITIVE RECEPTORS**
- **MAXIMIZE USE OF INTERSTATE/STATE HIGHWAYS, ARTERIALS, MAJOR THOROUGHFARES, AND PREDOMINANTLY COMMERCIAL-ORIENTED LOCAL STREETS.**
- **POSTING TRUCK ROUTE, 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



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THANK YOU