

**Town of Loomis
Planning Commission**

July 25, 2023

**State Housing
Legislation Review**



Background

- Since 2017 over 100 new housing laws have been passed
- The State's intent of these bills and allotted budget are to:
 - Increase housing stock
 - Speed the rate of production
 - Enforce fair housing practices

Terminology

- **By Right**- an allowed use within the zone. No additional approvals or exceptions are required other than building and/or engineering permits
- **Streamlining**- shorten or speed up the approval process for applications
- **Ministerial review**- limits the amount of personal judgment can be placed on the approval of a project

DISCRETIONARY vs MINISTERIAL REVIEW	
Discretionary Review	Ministerial Review
<ul style="list-style-type: none">• Project undergoes design review;• Qualitative judgement and review by Town staff and deciding bodies; and• Deciding bodies determine the project's compliance with design guidelines.	<ul style="list-style-type: none">• Streamlined review by Town staff;• Removes personal or subjective judgement; and• Consistency with objective design standards is the primary tool for project review.

Terminology

- **Objective Standards**- “standards that involve no personal or subjective judgement by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal” (California Government Code, Section 65913.4)

DESIGN GUIDELINES vs OBJECTIVE STANDARDS	
Design Guidelines	Objective Standards
<ul style="list-style-type: none">• Used for discretionary approval in a public hearing process; and• Recommendations that are subject to interpretation.	<ul style="list-style-type: none">• Regulatory tool for streamlined review; and• Measurable, quantifiable, easily defined, and enforceable requirements.

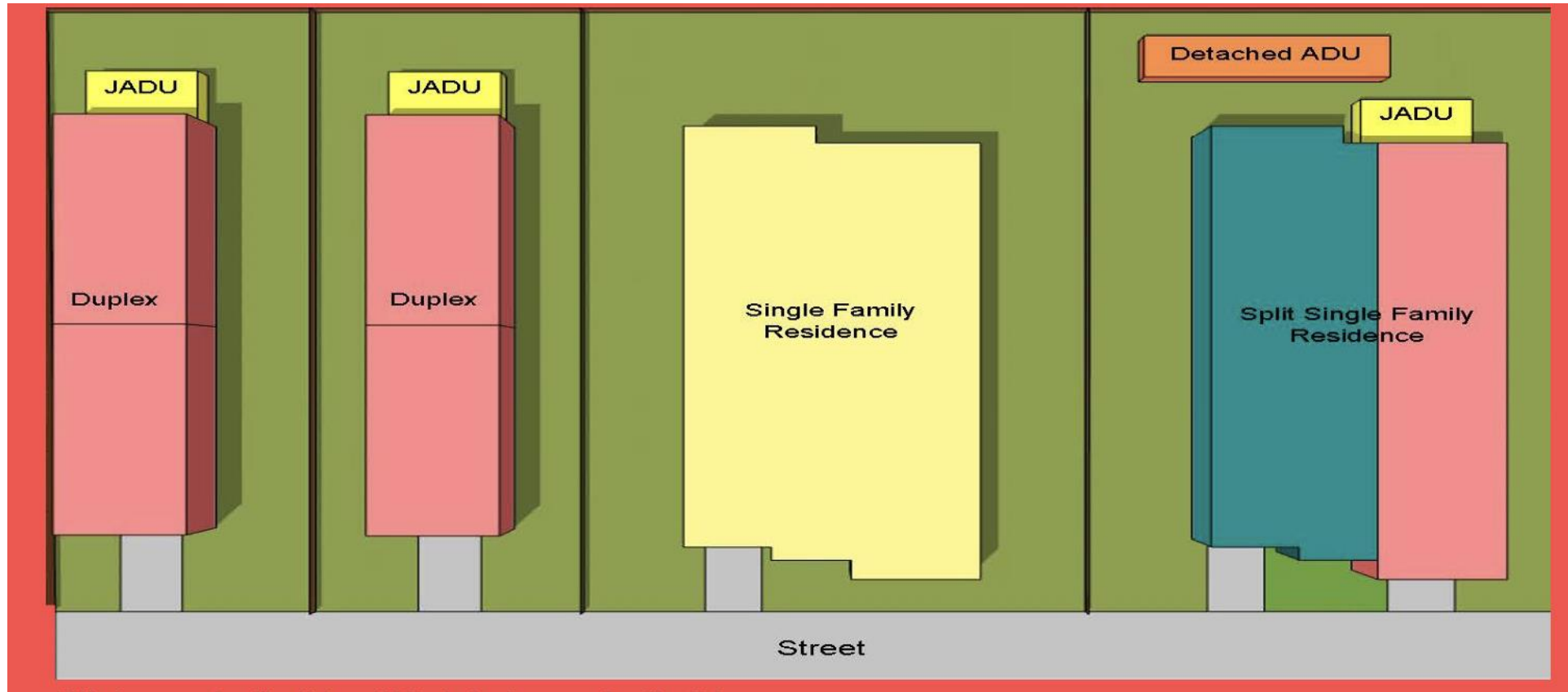
- **Subjective** - should, encourage, may, can, could
- **Prevailing wage**- hourly rate for public works projects

SB 9

California Home Act

- Requires jurisdictions to ministerially approve construction of two units on any parcel zoned single family residential
- Requires jurisdictions to ministerially approve “urban lot splits” to subdivide any residential lot into two lots of approximately equal size no smaller than 1,200 sf each
- No public hearings
- Jurisdictions may only require up to one additional off- street parking space per unit
- Cannot alter the existing building more than 25%
- No CEQA requirement
- Property can be split only once
- Owner cannot split adjacent properties

SB 9



SB 9: Development Standards

- Units must be rented for a minimum of 30 days (no short-term rentals)
- Subdivider must occupy 1 unit as principal residence for a minimum of 3 years
- Use of property must remain residential
- Building Official may deny if evidence shows life safety hazard
- Existing non-compliant structures are only required to meet building code

SB 6

Discretionary Housing Projects in Commercial Zones

- Middle Class Housing Act of 2022
- Housing is an allowable use on parcels within a zone where office, retail, or parking are principally permitted uses, if certain statutory requirements are met.
- Eligible Site:
 1. 20 acres or less
 2. located in an urbanized area. Cannot be a site or adjoin a site where more than 1/3 of the sf is dedicated to industrial uses.
- Residential or mixed-use projects
- Projects are required to have a minimum density of 20 units per acre
- Requires prevailing wage
- CEQA applies unless the project is also an SB35 project
- Does not require ministerial approval if only a SB6 project. Does not have affordability requirements

SB 35

Affordable Housing: Streamlines Approval Process

- Streamlined ministerial approval, for certain qualifying affordable housing projects
- Exempt from CEQA
- The process does not allow for public hearings to consider the merits of the project.
- Expedite and facilitate the construction of affordable housing. Shortens the timeframe a jurisdiction has to approve the project
- Qualifying project:
 - Urban Infill
 - Must include 50% affordable units
 - Number of units (must be 2 or more units)
 - General Plan designation of residential or mixed use
 - Demolition of Residential units- no units demolished if used as rentals in the last 10 years.
 - Cannot be a historic building
 - Parking- 1 spot per unit, unless near transit.

SB 330

Housing Crisis Act of 2019

- Extended through Jan. 1, 2030 (SB8)
- New, non-objective development standards established after January 1, 2020, cannot be imposed or enforced.
- Projects must receive a decision in no more than five (5) public hearings, including appeals
- Projects are only subject to the ordinances, standards, fees that are in place at the time of submittal.
- Subjective standards cannot be imposed on projects
- Prohibits any moratorium, project or action that would result in a net downzoning, limit the number of permits to be issued, or otherwise reduce housing or limit overall population. This requirement does not apply to zoning changes that might reduce intensity for certain parcels where density would be concurrently increased on others and therefore result in “no net loss” in zoned housing capacity or intensity.
- Any restricted/dedicated affordable unit must be replaced in-kind at the same income category and of equivalent size.
- Tenant protections are increased by allowing occupants of protected units to live in the unit they occupy until six (6) months before construction of new units would begin, relocation benefits, and a “right to first refusal” must be provided to the household for a comparable unit at an affordable rent.

AB 2339

Emergency Shelters

- Housing Elements must identify residential and mixed-use zones where emergency shelters are permitted ministerially.
- Shelters are only subject to objective standards
- “No Net Loss”: Requires housing element site inventories to include unaccommodated housing need from the prior planning period.

AB 2011

By-Right Projects in Commercial Zones

- Affordable Housing and High Road Jobs Act of 2022, effective July 1, 2023
- Makes specified housing projects a “use by right” on urbanized sites zoned for office, retail or parking
- Two pathways for applicants to qualify for ministerial review
 - 1. Lower income housing in commercial zones
 - (100% of units lower income, rental or sale)
 - 2. Mixed-income housing along commercial corridors
 - (8% low income and 5% extremely low or 15% lower income)
- Jurisdiction must approve the project if the application meets Planning Standards.
- CEQA cannot be applied, but Phase 1 Site Assessment and tribal consultation required
- May not be located adjacent to an industrial zone.
- AB2011 projects can still be eligible for density bonus, incentives, or concessions, waivers or reductions of standards pursuant to Density Bonus Law

AB 1783

Farm Worker Housing

- Requires ministerial approval for qualifying farmworker housing projects
- Applies in any zone where agricultural uses are permitted

SB 166

No Net Loss

- Requires local government to identify adequate sites to meet the Regional Housing Needs Allocation (RHNA)
- Prohibits zone changes to a lower density unless the zoning of another area is changed to an equivalent higher density
- If the housing element identifies a site to accommodate RHNA and the site is developed with fewer units than identified in the Housing Element, additional adequate sites must be identified within 180 days

SB 4

Affordable Housing on Faith and Higher Education Lands Act

- Passed the Senate in June – currently under Assembly review – not currently signed into law
- Additional amendments are likely to occur prior to approval
- Allows for affordable multi-family housing on property owned by faith institutions and non-profit colleges
- Only applicable if 100% of the units are affordable units
- Affordability must be maintained for 55 years on rental units or 45 years on ownership units
- Allows for height 1 story above what is allowed by the property's zoning district
- Density bonuses may apply as the units would be 100% affordable
- May not occur on property adjacent to or within industrial zones
- Additional restrictions/requirements apply on properties within 500 feet of freeways to protect health

Questions?