

**CSAC Comparison of Current and Previous Versions of Housing and Land Use Bills
3/2/2021**

Topic	Summary of Current Bill Proposal	Summary of Previous Bill Proposal	Staff Comments and CSAC Position
Housing in Sites Designated for Commercial Uses	<p>SB 6 (Caballero) would enact the Neighborhood Homes Act, which would make housing an allowable use on a neighborhood lot, defined as a parcel within an office or retail commercial zone that is not adjacent to an industrial use, if it complies with various local requirements. It would also provide for streamlined approval of these projects if they meet certain requirements.</p> <p>SB 6 includes a provision requiring that the housing project be subject to a recorded deed restriction requiring that a percentage of the units be affordable to lower income households. <i>(Sec. 65852.23(b)(4))</i></p> <p>The bill would require that a developer either certify that the development is a public work or is not in its entirety a public work, but that all construction workers will be paid prevailing wages or certify that a skilled and trained workforce will be used to perform all construction work on the development, as provided. <i>(Sec. 65852.23(b)(6))</i></p>	<p>SB 1385 (Caballero) would have enacted the Neighborhood Homes Act and made housing an allowable use on a neighborhood lot, defined as a parcel within an office or retail commercial zone, if it complies with various local requirements. It would have also provided for streamlined approval of these projects if they met certain requirements.</p> <p>Note: The bill failed passage in the Assembly Local Government Committee when the author declined to accept all of the amendments offered by the committee. The committee's proposed amendments would have addressed the concerns identified in CSAC's joint letter with UCC and RCRC.</p>	<p>SB 6 and SB 1385 include very similar provisions. SB 6 would require that neighborhood lots within office or retail commercial zones not be adjacent to industrial uses, which would have been allowed under last year's version of the bill.</p> <p>Last year's SB 1385 didn't include language requiring that housing projects be subject to a recorded deed restriction and also didn't include prevailing wage or skilled and trained workforce language.</p> <p>CSAC took a "concerns" position on SB 1385 last year. The letter expressed support for the fundamental goal of SB 1385 and requested the following amendments:</p> <ul style="list-style-type: none"> • Excluding commercial zones authorizing uses incompatible with housing • Offering counties housing element credit for eligible sites • Including provisions to restrict some sites to commercial-only zoning and allocating housing elsewhere • Relying on commercial zoning rather than general plan designations • Removing language related to community facilities districts

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Housing in Sites Designated for Commercial Uses	AB 115 (Bloom) would require that, until January 1, 2031, a housing project in which at least 20 percent of the units have an affordable housing cost or affordable rent for low-income households be an authorized use on a site designated in any local agency’s zoning code or maps for commercial uses if certain conditions apply.	AB 3107 (Bloom) would have, until January 1, 2030, mandated that a housing development in which at least 20 percent of the units have an affordable housing cost or affordable rent for low-income households be an authorized use on a site designated in any local agency’s zoning code for commercial uses if certain conditions apply. Note: The bill did not move out of the Senate Housing Committee.	Both bills are nearly identical. AB 115 sets a sunset date of January 2031, while last year’s AB 3107 included a sunset date of January 2030. CSAC submitted a “concerns” position on last year’s AB 3107, which included the following requested amendments: <ul style="list-style-type: none"> • Applying the bill to only office or retail uses in commercial zones • Allowing local agencies to reallocate residential capacity available pursuant to the bill to alternative sites eligible to be included in the housing element inventory of adequate sites • Using the zoning code rather than any element of the general plan • Offering counties housing element credit for eligible sites
CEQA Relief for Large Residential Projects	SB 7 (Atkins) would extend the AB 900 environmental leadership program, which allows for streamlined judicial review of CEQA challenges to qualifying projects to 2026, and would lower the current \$100 million project threshold to \$15 million. Projects constructed pursuant to this authority must meet applicable requirements—which vary based on the ownership of the project—related to project labor agreements, paying the construction workforce the prevailing	SB 995 (Atkins) would have extended the AB 900 environmental leadership program until 2025 and lowered the current \$100 million project threshold to \$15 million. Note: The bill did not pass due to challenges with meeting the deadline for bills to pass on the last night of session.	The key provisions of SB 7 reflect those included in last year’s SB 955. However, SB 7 makes some additional changes to the program related to parking requirements. Details on the existing environmental leadership program are available here . CSAC did not take a position on SB 995.

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	<p>wage, and use of a skilled and trained workforce as defined in Section 2600 of the Public Contract Code.</p> <p>The bill provides that a multifamily housing project certified under the bill's provisions must provide unbundled parking, such that private vehicle parking spaces are priced and rented or purchased separately from the housing units, unless the housing units are subject to affordability restrictions prescribing rent or sale process and the cost of parking spaces cannot be unbundled from the cost of housing units. <i>(Sec. 21184.5)</i></p>		
<p>Small-scale Neighborhood Infill</p>	<p>SB 9 (Atkins) would create a streamlined process allowing duplexes in single family neighborhoods, as well as allowing lot splits of single-family residential lots and the conversion of existing single-family buildings to duplexes.</p> <p>The bill includes provisions that would exempt local governments from being required to hold public hearings for coastal development permit applications for housing developments and urban lot splits pursuant to the bill's provisions. <i>(Sec. 65852.21(j))</i></p>	<p>SB 1120 (Atkins) would have created a streamlined process allowing duplexes in single family neighborhoods, as well as allowing lot splits of single-family residential lots and the conversion of existing single-family buildings to duplexes.</p> <p>Note: The bill did not pass due to challenges with meeting the deadline for bills to pass on the last night of session.</p>	<p>SB 9 is nearly identical to last year's SB 1120. SB 9 adds provisions to the bill that exempt local governments from certain public hearing requirements for coastal development, which were not included in last year's bill.</p> <p>CSAC held a "support if amended" position on SB 1120 last year.</p> <p>SB 9 incorporates several technical amendments that CSAC and other local government groups proposed to last year's version of the bill to ease its implementation. Some of our other requested amendments include:</p>

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			<ul style="list-style-type: none"> • Restricting the use of the bill in very high fire hazard severity zones • Requiring that a lot split is conditioned on issuance of certificate of occupancy for the new unit, thereby ensuring that the bill creates new homes and not just new vacant lots • Precluding the use of lot-split provisions on lots created by a parcel map • Applying the bill to urbanized areas only and not urban clusters
<p>Streamlined Zoning for Small Multifamily Projects</p>	<p>SB 10 (Wiener) would allow a streamlined rezoning process on qualifying infill sites to allow up to 10 units without CEQA review.</p> <p>The bill includes language related to high or very high fire hazard severity zones (<i>Sec. 65913.5(a)(3)</i>), but which provides a significant exception allowing the authority to be used for any building code-compliant project.</p> <p>The bill also provides that a residential or mixed-use residential project consisting of more than 10 new residential units on one or more parcels zoned to permit residential development pursuant to the bill's provisions should not be approved ministerially. The bill states that this should not apply to a project to create</p>	<p>SB 902 (Wiener) would have allowed a streamlined rezoning process on qualifying infill sites to allow up to 10 units without CEQA review.</p> <p>Note: SB 902 was held in the Senate Appropriations Committee's suspense file last year.</p>	<p>The key provisions of SB 10 are nearly identical to those of last year's SB 902.</p> <p>SB 10 includes language specifying that the provisions of the bill don't apply in high or very high fire hazard severity zones, but contains a significant exception allowing the authority to be used in those zones. The bill sets additional parameters on the types of projects that can be approved ministerially.</p> <p>The infill definition used in these bills would have limited applicability to county unincorporated areas.</p> <p>CSAC did not take a position on SB 902 and is currently reviewing SB 10.</p>

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	up to two accessory dwelling units or junior accessory dwelling units per parcel. The bill also provides that a project may not be divided into smaller projects to exclude it from the prohibitions of this subdivision (65913.5(b)(1-3))		
Funding for Housing Projects	SCA 2 (Allen and Wiener) would repeal Article XXXIV of the California Constitution, which currently requires a majority vote by the people if a local government seeks to build or fund affordable housing.	SCA 1 (Allen and Wiener) would have repealed Article XXXIV of the California Constitution, which currently requires a majority vote by the people if a local government seeks to build or fund affordable housing.	These bills are nearly identical. CSAC supported SCA 1 last year and is currently supporting SCA 2. CSAC's position letter on SCA 2 is available here .
Residential Impact Fees	AB 59 (Gabriel) would prohibit a local agency, when defending a protest or action filed for a fee or service charge, or for fees for specified public facilities, from using as evidence, or relying on in any way, data not made available to the public pursuant to the bill's provisions. The bill would also increase, for fees and service charges and for fees for specified public facilities, the time for mailing the notice of the time and place of the public meeting to at least 45 days before the meeting.	AB 3147 (Gabriel) would have allowed certain impact fees to be payable under protest. Note: AB 3147 was never set for hearing in the Assembly Housing and Community Development Committee due to an effort to cut back on bills at the start of the pandemic.	AB 59 includes the provisions included in last year's AB 3147 and also makes additional changes to the requirements that local agencies are subject to on certain fees. CSAC has a pending position on AB 59 and will be expressing concerns to the author's office soon.
Density Bonus	SB 290 (Skinner) would revise state density bonus law to provide additional incentives and concessions at lower levels of affordability; mostly for moderate income projects.	SB 1085 (Skinner) would have revised state density bonus law to provide additional incentives and concessions at lower levels of affordability; mostly for moderate income projects.	The provisions of SB 290 are identical to those of last year's SB 1085. CSAC was neutral on SB 1085 last year.

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		<p>Note: The bill did not pass due to challenges with meeting the deadline for bills to pass on the last night of session.</p>	
<p>By-Right Motel to Permanent Supportive Housing Conversions</p>	<p>SB 621 (Eggman) would authorize for the conversion of a motel or hotel into multifamily housing units to be subject to streamlined approval if a percentage of those units are affordable.</p> <p>It would also require that a development proponent comply with prevailing wage and skilled and trained workforce requirements.</p>	<p>AB 2580 (Eggman) would have authorized for the conversion of a motel or hotel into multifamily housing units to be subject to a streamlined approval process if at least 20 percent of the units are affordable.</p> <p>It would have also required that a development proponent comply with prevailing wage requirements and the use of a skilled-and-trained workforce on the development.</p> <p>Note: AB 2580 was held in the Assembly Appropriations Committee’s suspense file last year.</p>	<p>The provisions of SB 621 are very similar to those of last year’s AB 2580. Last year’s version of the bill would have required that at least 20 percent of a project’s units be affordable. The current bill indicates that a percentage of a project’s units must be affordable but it does currently does not specify the required amount.</p> <p>CSAC held a “support in concept” position on AB 2580 last year and requested the following amendments:</p> <ul style="list-style-type: none"> • Extending the deadline of application review for compliance with objective planning standards to at least 60 days. • Extending the deadline for design review to within 90 days of submittal if the development contains 150 or fewer units, or within 180 days of submittal if the development contains more than 150 units. • Adding specific language allowing local governments to impose standards for open space on-site for use of residents. • Clarifying that an owner-occupied project otherwise subject to streamlined review must comply with the Subdivision Map Act.

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			<ul style="list-style-type: none"> • Clarifying that the project must be in active use as a hotel or motel at the time of conversion to avoid impacts associated with converting long-vacant structured permitted as hotels or motels in the distant past. • Allowing some flexibility to condition or deny conversions due to specific adverse impacts or otherwise provide tools to address conversions on sites presenting unique concerns • Clarifying the interaction between “reasonable objective design standards” and the listed grounds for denial to avoid challenge to the enforceability of reasonable objective development standards. • Clarifying that local governments are not precluded from applying minimum square footage and related requirements set forth in the California Building Standards Code.
Housing Upzoning	<p>AB 1492 (Bloom) would require the Department of Housing and Community Development (HCD) to designate areas in the state as high-opportunity areas, as provided, by January 1, 2023, in accordance with specified requirements and to update those designations within 6 months of the adoption of new Opportunity Maps by the California Tax Credit Allocation Committee.</p>	<p>AB 1279 (Bloom) would have allowed certain qualifying housing developments “by-right” in designated high-opportunity communities, as determined by HCD, with lower residential densities.</p> <p>Note: The author opted not to move the bill prior to the end of the legislative session after it was</p>	<p>The provisions of AB 1492 are similar to those of last year’s AB 1279. However, AB 1492 does not include much substantive detail and does not yet include language related to “by-right” approval of housing development.</p> <p>CSAC held an “oppose unless amended” position on AB 1279 last year. We requested amendments to more precisely define applicable areas and create a</p>

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	The bill also states the Legislature's intent to provide adequate opportunities for the development of multifamily and affordable housing within high-opportunity areas.	referred to the Senate Housing Committee.	workable appeals process promoting local planning.