

Summaries of Proposed New Housing Legislation Pending before the California Legislature 2020

Assembly Bills	
Bill #	Summary and CDD Staff Comments
<p>AB 725 (Wicks)</p>	<p>AB 725 would require that at least 50% of a suburban or metropolitan jurisdiction’s share of the regional housing need for above moderate-income housing be allocated to sites within the housing element with zoning that allows as least 2, but no more than 20, units of housing.</p> <p><i>Staff comment: High Impact to City of Calabasas. If passed, this bill would require substantial modifications to the City’s General Plan and the Land Use & Development Code. Additionally, the City already must identify sufficient sites to meet an exceptionally high proportion of affordable housing within the City’s RHNA (Very Low Income, Low Income, and Moderate Income), with most of such sites having to be zoned to allow multi-family. Meanwhile, it is unlikely that the bill would actually yield a substantial increase in new housing development due to the fundamentals of housing markets. Note: CalAPA is opposed to this bill.</i></p>
<p>AB 2345 (Gonzales)</p>	<p>AB 2345 would increase the density bonus, waivers and concessions to developers using Density Bonus Law without requiring a commensurate level of affordability in return.</p> <p><i>Staff comment: High Impact to City of Calabasas. If passed, this bill would increase residential densities without any additional housing affordability benefits. NOTE: CalAPA is opposed to this bill.</i></p>
<p>AB 3040 (Chui)</p>	<p>AB 3040 would provide incentives for cities to up-zone single family zoned and developed sites. If a city has permitted, or proposes to permit, at least four dwelling units as a use by right on designated existing single-family sites, then groups of such sites may be included in the city’s Housing Element inventory of sites for residential development. This bill would also require HCD to give credit of one unit toward the city’s or county’s RHNA for every ten sites identified under the provisions of the bill as by right as long as the total credit does not exceed more that 25% of the total units needed to meet the jurisdiction’s RHNA. The city must include in its Housing Element a description of the development standards that enable the identified sites to be redeveloped at the specified higher densities.</p>

Staff comment: Low Impact to City of Calabasas. The provisions of this bill are permissive and they include an incentive for local jurisdictions that apply it as part of their Housing Element update; none of the provisions are mandatory. Local land use control is maintained because: 1) the local jurisdiction can elect to apply the bill's provisions, or not; and, 2) if the local jurisdiction applies the bill's provisions, then the local jurisdiction also chooses the particular (optimal) sites for the up-zoning and sites inventory inclusion.

Senate Bills

Bill #	Summary
SB 902 (Weiner)	<p>SB 902 would allow a local government to pass an ordinance to zone any parcel, for up to 10 units of residential density per parcel, at a height specified by the local government or ordinance, if the parcel is located in a transit-rich area, jobs rich area, or urban infill site. Also, any such ordinance that would be proposed and adopted by a City would be exempt from CEQA.</p> <p><i>Staff comment: Low Impact to City of Calabasas. If passed, this bill would establish a means for <u>the City</u> (meaning at the City's own choosing; not by a property owner or developer) to zone selected properties for higher densities of residential development. No mandate would be created by this proposed law.</i></p>
SB 995 (Atkins)	<p>SB 995 would extend for four years the Jobs and Economic Improvement Through Environmental Leadership Act of 2011 -- until 2025; and would allow housing projects that meet certain requirements (infill housing projects that are consistent with a sustainable communities strategy or alternative planning strategy, and where at least 15% of the project is dedicated to affordable housing, and where the project would result in a minimum investment of \$15 million in California) to qualify for certification under the Act</p> <p>The bill would also require the City to prepare a Master Environmental Impact Report (EIR) for the adoption of a general plan, a general plan amendment, new general plan element, or a specific plan for housing projects where the state has provided funding for the preparation of the Master EIR.</p> <p><i>Staff comment: Medium Impact to City of Calabasas. The extended term for the Jobs and Economic Improvement Through Environmental Leadership Act of 2011 (to 2025) will not negatively affect the City because it merely incentivizes affordable housing development throughout the State, and does not impose new or additional density or sites mandates. However, the Master EIR requirement is problematic. The City already prepares Program EIRs for substantial amendments and updates to the City's General Plan</i></p>

	<p><i>(such as for the Housing Element), and focused Project EIRs can easily tier off of the City’s Program EIR. A Master EIR is highly specific, with the intention to not require subsequent project EIRs (or MNDs) for lands/sites identified for future housing. Unfortunately, the additional level of detail and specificity makes a Master EIR more costly. Also, unlike any other type of EIR, a Master EIR expires after 5 years unless a subsequent EIR is prepared. NOTE: CalAPA is opposed to this bill.</i></p>
<p>SB 1085 (Skinner)</p>	<p>SB 1085 would provide additional Density Bonus Law benefits for moderate-income housing units and student housing units.</p> <p><i>Staff comment: Low Impact to City of Calabasas. This bill would align density bonus incentives for provision of moderate income units with density bonus incentives for provision of Low Income units. In Calabasas all new housing projects already must include affordable housing units per the City’s Inclusionary Housing Ordinance, and housing developers already have been providing affordable housing at the Very Low Income and Low Income levels to take advantage of the State’s density bonus law; consequently, the provisions of SB 1085 would not alter the housing development landscape very much in Calabasas.</i></p>
<p>SB 1120 (Atkins)</p> <p>Note: Per prior direction of Council, the City’s opposition to this bill was communicated to the Governor and local legislators.</p>	<p>SB 1120 would require ministerial approval for duplexes and for urban lot splits, if certain conditions are met.</p> <p><i>Staff comment: High Impact to City of Calabasas. If passed, this bill would mandate approval of proposals to construct new duplex housing or to convert existing single-family homes to duplex housing in residential single-family zones, where objective and measurable standards are achieved (for example, minimum zoning setback distances, building heights, and applicable Building Code standards). Other specific conditions for approval of these types of developments include that the development is located in an urbanized area and is not located within certain protected or sensitive habitat areas or environmental hazards zones.</i></p>