

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT POLICY COMMITTEE

Friday, January 29, 2021

9:00 am – 11:00 am

Register for this meeting:

<https://zoom.us/join/zoom/register/tJArd-6rqzoiHtIJCp9t8CZ46h54sNq2T631>

Immediately after registering, you will receive a link and confirmation email to join the meeting.

AGENDA

I. Welcome and Introductions

Speakers: Chair Marilyn Ezzy Ashcraft, Mayor, Alameda

Vice Chair Carla Thornton, Council Member, Moreno Valley

II. Public Comment

III. Legislative Agenda (Attachment A)

Action

Speaker: Jason Rhine, Assistant Legislative Director, League of California Cities

- Bill list:

- **SB 9 (Atkins)** Housing Development Approvals: Duplexes and Lot Splits.
- **SB 55 (Stern)** Very High Fire Hazard Severity Zone: State Responsibility Area: Development Prohibition.

IV. 2020 Legislative and Budget Update (Attachment B)

Informational

Speaker: Jason Rhine, Assistant Legislative Director, League of California Cities

V. Adjourn

Next Virtual Meeting: Thursday, April 15, 2021, 9:00 am – 12:00 pm

Brown Act Reminder: The League of California Cities' Board of Directors has a policy of complying with the spirit of open meeting laws. Generally, off-agenda items may be taken up only if:

- 1) *Two-thirds of the policy committee members find a need for immediate action exists and the need to take action came to the attention of the policy committee after the agenda was prepared (Note: If fewer than two-thirds of policy committee members are present, taking up an off-agenda item requires a unanimous vote); or*
- 2) *A majority of the policy committee finds an emergency (for example: work stoppage or disaster) exists.*

A majority of a city council may not, consistent with the Brown Act, discuss specific substantive issues among themselves at League meetings. Any such discussion is subject to the Brown Act and must occur in a meeting that complies with its requirements.

HOUSING, COMMUNITY & ECONOMIC DEVELOPMENT
Legislative Agenda
January 29, 2021

Staff: Jason Rhine, Assistant Legislative Director (916) 658-8264
Johnnie Pina, Legislative Policy Analyst (916) 658-8214

1. SB 9 (Atkins) Housing Development Approvals. Duplexes and Lot Splits. ([Full Text](#))

Bill Summary:

This measure would require a local government to ministerially approve a housing development containing two residential units (duplex) in single-family zones. Additionally, this measure would require local governments to ministerially approve urban lot split.

Bill Description:

Duplex Provision

A proposed housing development containing two residential units shall be considered ministerially, without discretionary review or a hearing, in single-family residential zones, if the proposed housing development meets all of the following requirements:

- The parcel is located within a city the boundaries of which include some portion of either an urbanized area or urban cluster, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster. The Census Bureau identifies urbanized areas as those with 50,000 or more people; and defines urban clusters as areas with at least 2,500 and less than 50,000 people.
- The parcel cannot be located on any of the following:
 - Prime farmland or farmland of statewide importance.
 - Wetlands.
 - Land within the very high fire hazard severity zone, unless the development complies with state mitigation requirements.
 - A hazardous waste site.
 - An earthquake fault zone.
 - Land within the 100-year floodplain or a floodway.
 - Land identified for conservation under a natural community conservation plan, or lands under conservation easement.
 - Habitat for protected species.
 - A site that has been placed on a national, state, or local historic register.
- The development is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.
- The proposed housing development would not require demolition or alteration requiring evacuation or eviction of an existing housing unit of any of the following types of housing:
 - Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

- Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
 - Housing that has been the subject of an Ellis Act eviction within the past 15 years.
 - Housing that has been occupied by a tenant in the last three years.
- The proposed housing development must not allow the demolition of more than 25 percent of the existing exterior structural walls, unless the housing development meets at least one of the following conditions:
 - If a local ordinance so allows.
 - The site has not been occupied by a tenant in the last three years.
 - A city or county may impose objective zoning and design standards that do not conflict with this measure.
 - A city or county shall not require the development project to comply with an objective design standard that would prohibit the development from including up to two units.
 - No setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.
 - In all other circumstances not described the above, a local government may require a setback of up to four feet from the side and rear lot lines.
 - A city or county may require offstreet parking of up to one space per unit as long as that requirement does not prevent the housing development from moving forward.
 - A city or county shall not impose parking requirements if any of the following is true:
 - The parcel is located within one-half mile walking distance of a high-quality transit corridor or a major transit stop.
 - There is a car share vehicle located within one block of the parcel.
 - A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.
 - A city or county may adopt an ordinance to implement its duplex provisions and provides that the adoption of such an ordinance is not subject to CEQA.
 - Nothing in this bill shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976, except that the local government shall not be required to hold public hearings for coastal development permit applications for a housing development pursuant to this section.

Urban Lot Split Provisions

A city or county shall ministerially approve a parcel map for an urban lot split that meets all the following requirements:

- The parcel map subdivides an existing parcel to create two new parcels of equal size.

- Both newly created parcels are no smaller than 1,200 square feet, unless a city or county adopts a smaller minimum lot size.
- The parcel being subdivided meets all the following requirements:
 - The parcel is zoned for residential use.
 - The parcel is located within an urbanized area or urban cluster.
 - The parcel is not located in any of the protected sites as listed above.
 - The proposed urban lot split would not require demolition or alteration of any of the following types of housing:
 - Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
 - Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
 - Housing that has been the subject of an Ellis Act eviction within the past 15 years;
 - Housing that has been occupied by a tenant in the last three years.
- The development is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.
- The parcel is not located on a site that has been placed on a national, state, or local historic register.
- The parcel has not been established through prior exercise of an urban lot split as provided for in this section.
- The owner of the parcel being subdivided has not previously subdivided an adjoining parcel using an urban lot split as provided for in this section.
- An application for an urban lot split shall be approved in accordance with the following requirements:
 - A local agency shall approve or deny an application for an urban lot split ministerially without discretionary review.
 - A local agency shall not impose regulations that require dedications of rights-of-way or the construction of reasonable offsite and onsite improvements for the parcels being created as a condition of issuing a parcel map for an urban lot split.
- A local agency may require any of the following conditions when receiving a request for an urban lot split:
 - Easements.
 - A requirement that the parcels have access to, provide access to, or adjoin the public right-of-way.
 - Offstreet parking of up to one space per unit, except that a local agency shall not impose parking requirements in any of the following instances:
 - The parcel is located within one-half mile walking distance of a high-quality transit corridor or a major transit stop.
 - There is a car share vehicle located within one block of the parcel.

- A city or county may impose objective zoning and objective design standards applicable to a parcel created by an urban lot split that do not conflict with this section.
- No setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.
- Notwithstanding paragraph (2), in all other circumstances not described in subparagraph (A), a local government may require a setback of up to four feet from the side and rear lot lines.
- A city or county shall not be required to permit an accessory dwelling unit on parcels that have been subdivided and both parcels have a duplex.
- A city or county may adopt an ordinance to implement its duplex provisions and provides that the adoption of such an ordinance is not subject to CEQA.
- Nothing in this bill shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976, except that the local government shall not be required to hold public hearings for coastal development permit applications for a housing development pursuant to this section.
- This measure would apply to all cities, including charter cities.

Tentative Map Extensions

An approved or conditionally approved tentative map shall expire 24 months after its approval or conditional approval, or after any additional period of time as may be prescribed by local ordinance, not to exceed an additional 12 months (total of 24 months).

If the subdivider is required to expend two hundred thirty-six thousand seven hundred ninety dollars (\$236,790) or more to construct, improve, or finance the construction or improvement of public improvements outside the property boundaries of the tentative map, excluding improvements of public rights-of-way that abut the boundary of the property to be subdivided and that are reasonably related to the development of that property, each filing of a final map authorized by Section 66456.1 shall extend the expiration of the approved or conditionally approved tentative map by an additionally 12 months (total of 48 months) from the date of its expiration, as provided in this section, or the date of the previously filed final map, whichever is later.

Background:

COVID-19 severely limited the number of bills passed last year, which has resulted in the Senate largely reintroducing the same housing package in 2021. This year's package is entitled the ['Building Opportunities for All' Senate Housing Package](#), which includes six bills aimed at offering housing opportunities and solutions for Californians. SB 9 is part of the new housing package. Senate President Pro Tempore Atkins's press release on the housing package is linked below:

[Senate President Pro Tempore Atkins Housing Package Update](#)

SB 9 is a reintroduction of SB 1120 from 2020. SB 1120 came before this committee last year for consideration. After a thoughtful discussion, the committee voted to make a recommendation

to the board to take a Support if Amended position. Following the board discussion, the amendments were to 1) Clarify that a property owner using SB 1120 is limited to constructing a duplex, not a duplex and additional ADUs on the same parcel; 2) Prohibit the recordation of a lot split until construction of the housing unit on the new lot is complete, so that speculators do not sell lots and never build homes; 3) Allow local governments to require adequate access for police, fire and other public safety vehicles and equipment; 4) Allow local governments to continue to determine parking standards; and 5) Prohibit developers from using SB 1120 in very high fire severity zones.

In recent years, the Legislature has past numerous bills that have paved the way for the construction of accessory dwelling units (ADU). Cities are now required to ministerially approve up to three units on all residential lots - the main house, an ADU up to 1200 square feet (converted pool house or garage, etc.), and a junior accessory dwelling unit (JADU) (smaller in size and attached to the main house).

The Legislature has also debated several bills that would have dramatically increased allowable building heights and density in single-family zones. Some of these measures would have allowed up to six story apartment buildings along transit lines in single-family neighborhoods. None of these proposals advanced to the Governor's desk.

However, in January of 2020, following the defeat of SB 50 (Wiener), Senate President Pro Tempore Atkins pledged to work on a package of bills to help solve the housing crisis gripping many regions of the state. On May 20, 2020, the Senate released their housing package, which included SB 1120.

Fiscal Impact:

Cost associated with approving duplexes and lot splits are likely to be covered by development fees.

Existing League Policy:

Well-Planned New Growth

Recognize and preserve open space, watersheds, environmental habitats, and agricultural lands, while accommodating new growth in compact forms, in a manner that:

- De-emphasizes automobile dependency.
- Integrates the new growth into existing communities.
- Creates a diversity of affordable housing near employment centers.
- Provides job opportunities for people of all ages and income levels.

Zoning

Cal Cities believes local zoning is a primary function of cities and is an essential component of home rule. The process of adoption, implementation and enforcement of zoning ordinances should be open and fair to the public and enhance the responsiveness of local decision-makers. State policy should leave local siting and use decisions to the city and not interfere with local prerogative beyond providing a constitutionally valid procedure for adopting local regulations. State agency siting of facilities, including campuses and office buildings, should be subject to local notice and hearing requirements in order to meet concerns of the local community. Cal Cities opposes legislation that seeks to limit local authority over parking requirements.

Subdivision Map Act

Cal Cities supports maximizing local control over subdivisions and public improvement financing. Discretion over the conditions and length of subdivision and parcel maps should be retained by cities.

Comments:

Listed below is a statement made by the author regarding last year's SB 1120. Given the similarity to SB 9, these comments are likely still relevant.

According to the author, "SB 1120 promotes small-scale neighborhood residential development by streamlining the process for a homeowner to create a duplex or subdivide an existing lot in all residential areas. This policy builds upon existing prior successful housing policies such as the state's Accessory Dwelling Unit (ADU) law, which led to a 63 percent increase in ADU permit requests statewide in the first two years alone. Additionally, the policy leverages valuable but previously untapped resources, such as developed but underutilized land, while building valuable equity for homeowners. The bill also respects the priorities of local governments in local land use decisions: such applications must meet a specific list of qualifications that ensure protection of local zoning and design standards, historic districts, environmental quality, and existing tenants vulnerable to displacement.

"COVID-19 has dramatically exacerbated California's already-severe housing crisis. Essential workers are more likely to live in overcrowded housing, which is linked to an increased risk of contracting (and dying from) the disease. Among households facing COVID-related loss of income, half were already struggling to afford rent pre-COVID and now face eviction, housing instability, and homelessness. Finally, estimates show that homeless individuals are two to three times more likely to die from COVID-19 than their housed counterparts. The best way to address these issues is to provide more housing that is affordable to low- and moderate-income families by creating the environment and opportunity for small-scale neighborhood development."

As mentioned above, under existing law, cities are required to allow up to three units on all residential lots - the main house, an ADU, and a junior accessory dwelling unit. Given existing law, the HCED policy committee may want to consider how much of a change is it to require cities to allow duplexes in single-family zones?

It is important to note that under SB 9, a developer could convert the existing single-family home into a duplex and then add an ADU and a junior accessory dwelling unit (JADU). SB 9 prohibits this from happening only if the developer also splits the lot.

Support-Opposition:

Since SB 9 was recently introduced, there is no official registered support or opposition listed for the measure. The most recent support and opposition of SB 1120 is listed below.

Support: (of SB 1120 as of 8/29/2020)

- Abundant Housing LA
- All Home
- American Planning Association, California Chapter
- Associated Builders and Contractors Northern California Chapter
- Bay Area Council
- Bay Area Housing Advocacy Coalition
- Bridge Housing Corporation

- California Apartment Association
- California Association of Realtors
- California Building Industries Association
- California Chamber of Commerce
- California Community Economic Development Association
- California YIMBY
- Casita Coalition
- City of Oakland
- Council of Infill Builders
- Facebook
- Generation Housing
- Granville Homes
- Greenlining Institute
- Habitat for Humanity California
- Livable Sunnyvale
- Local Government Commission
- Los Angeles Area Chamber of Commerce
- Los Angeles Business Council
- San Diego Regional Chamber of Commerce
- San Francisco Housing Action Coalition
- Sand Hill Property Company
- Santa Monica Forward
- Schneider Electric
- Silicon Valley At Home
- South California Rental Housing Association
- South Pasadena Residents for Responsible Growth
- Southern California Leadership Council
- SPUR
- Sv@home Action Fund
- Turner Center for Housing Innovation At the University of California, Berkeley
- The Casita Coalition
- The Greenlining Institute
- The Two Hundred
- TMG Partners
- United Dwelling
- Up for Growth
- Valley Industry & Commerce Association
- Zillow Group

Opposition: (of SB 1120 as of 8/29/2020)

- AIDS Healthcare Foundation
- Aircraft Owners and Pilots Association
- Angeles Mesa Homeowners Community Group
- Bay Area Transportation Working Group
- Brentwood Beautiful
- Brentwood Homeowners Association
- Brynhurst Avenue Block Club
- By the Beach Tamarack Group

- California League of Conservation Voters
- Center for Biological Diversity
- Cherrywood Leimert Park Block Club
- Cities Association of Santa Clara County
- Citizens Preserving Venice
- Citizens Protecting San Pedro
- Cities of Agoura Hills; Beverly Hills; Burbank; Camarillo; Campbell; Cerritos; Chino Hills; Cupertino; Del Mar; Diamond Bar; Downey; El Segundo; Glendora; Hawthorne; Hidden Hills; Huntington Beach; Laguna Beach; Lomita; Newport Beach; Norwalk; Orinda; Paramount; Pasadena; Pico Rivera; Rancho Palos Verdes; Redondo Beach; Rohnert Park; Rosemead; Santa Clarita; Saratoga; Signal Hill; Thousand Oaks; and Torrance
- Coastal San Pedro Neighborhood Council
- Comstock Hills Homeowners Association
- Contra Costa Taxpayers Association
- Families of Park Mesa Heights
- Federation of Hillside and Canyon Associations
- Franklin Corridor Coalition
- Friends of Sunset Park
- Grayburn Avenue Block Club
- Graylawn Neighbors for Quality of Life
- Hyde Park Organizational Partnership for Empowerment
- Las Virgenes-Malibu Council of Governments
- Leimert Park - Edgehill Drive Residents Association
- Livable California
- Livable Pasadena
- Livable Riverside & Moreno Valley
- Mission Street Neighbors
- North Santa Ana Preservation Alliance
- Northeast San Fernando Valley Activists
- Orinda Watch
- Pacific Palisades Community Council
- Planning and Conservation League
- Protecting Our Foothill Community
- Rampart Village Neighborhood Council
- Riviera Homeowners Association
- Shadow Hills Property Owners Association
- Sherman Oaks Homeowners Association
- Sierra Club California
- South Bay Cities Council of Governments
- Southeast Torrance Homeowners' Association, Inc.
- Sunnyvale Neighbors
- Sunset-parkside Education and Action Committee
- Sustainable Tamalmon
- Tamalpais Design Review Board
- Tarzana Property Owners Association
- Transportation Solutions Defense and Education Fund
- United Neighborhoods for Los Angeles

- Victoria/54th Ave Block Club
- View Heights Block Club
- WCH Association
- West Wood Highlands Neighborhood Association
- Westwood Hills Property Owners Association
- Wilshire Montana Neighborhood Coalition
- Woodland Hills Homeowners Organization
- 60 Individuals

Staff Recommendation:

Staff recommends the committee discuss SB 9 and make a recommendation to the board of directors.

Committee Recommendation:

Board Action:

2. SB 55 (Stern) Very High Fire Hazard Severity Zone. State Responsibility Area. Development Prohibition. ([Full Text](#))

Bill Summary:

This measure would prohibit the creation or approval of a new commercial or residential development in a very high fire hazard severity zone (VHFHSZ) or a state responsibility area (SRA).

Bill Description:

Notwithstanding any law, in furtherance of state housing production and wildfire mitigation goals under Assembly Bill 101 (Chapter 159 of the Statutes of 2019), Section 4290 of the Public Resources Code, and subdivision (g) of Section 65088, a new development shall not be created or approved in a very high fire hazard severity zone or a state responsibility area.

This measure defines “development” to mean either of the following:

- A project containing residential dwellings, including, but not limited to, mobilehomes, accessory dwelling units, and junior accessory dwelling units, of one or more units or a subdivision of land for the purpose of constructing one or more residential dwelling units.
- A project for commercial, retail, or industrial use.

Background:

In recent years, California has experienced an unprecedented increase in wildfire activity. Of the ten most destructive wildfires in state history, six have occurred in the last three years. More than 30,000 structures have been destroyed and 124 individuals have lost their lives during this same period.

Even though fires have raged across California, cities are still required to plan and approve new housing in accordance with existing state housing laws, including in areas that are considered to be in VHFHSZs.

Lawmakers have begun to debate whether the state should ban new development in areas of very high fire danger or should the building code be updated to better protect new development in these same areas.

Last year, Senator Stern introduced SB 474, a measure very similar to SB 55, which would have prohibited any new residential or commercial development in VHFHSZs. A competing measure, SB 182 (Jackson) was also introduced. SB 182 would not have prohibited development in fire prone areas, but rather greatly enhanced existing building code requirements. Both of these measures failed to advance.

Fiscal Impact:

Prohibiting new development in VHFHSZs and SRAs could result in a loss of future growth in sales tax, TOT, property tax, etc.

Existing League Policy:

General Plans

Cal Cities supports the use of the general plan as a guide to meeting community planning needs. A city's general plan should guide the individual city's land use planning and strategic decision-making. A city's general plan should not be subject to mandatory review by regional or state agencies. General plan requirements should be flexible and provide guidance to local communities without requiring inappropriate levels of detail or mandating new topics or

elements. Cal Cities supports guidance by expert state agencies in a consultation format but opposes granting mandatory review, certification or other approval authority to another level of government.

Zoning

Cal Cities believes local zoning is a primary function of cities and is an essential component of home rule. The process of adoption, implementation and enforcement of zoning ordinances should be open and fair to the public and enhance the responsiveness of local decision-makers. State policy should leave local siting and use decisions to the city and not interfere with local prerogative beyond providing a constitutionally valid procedure for adopting local regulations. State agency siting of facilities, including campuses and office buildings, should be subject to local notice and hearing requirements in order to meet concerns of the local community. Cal Cities opposes legislation that seeks to limit local authority over parking requirements.

Comments:

According to the author:

“California is in the midst of intersecting economic, housing, and climate crises. As the state works to increase the supply of housing and reduce its climate risks while balancing the budget, California’s growth strategy must recognize the intersection of development and climate in the key area of fire risk.

SB 55 sets California on a path of fire-safe growth by prohibiting further residential, commercial and industrial development in very high fire hazard severity zones (VHFHSZs).

SB 55 is not intended to operate in a vacuum. It will have the effect of encouraging transit oriented, affordable, green and infill housing, efforts that will not only reduce exorbitant housing costs – they will also help California achieve its climate goals. This bill will ensure new housing development projects will not inadvertently put more Californians in harm’s way”.

It should be noted that CAL FIRE has identified 189 cities within the VHFHSZ.

Alameda (5 cities)

- Berkeley
- Oakland
- Piedmont
- Pleasanton
- San Leandro

Placer (2 cities)

- Auburn
- Colfax

Plumas (1 city)

- Portola

Amador (1 city)

- Ione

Butte (2 cities)

- Chico
- Paradise

Calaveras (1 city)

- Angels Camp

Contra Costa (8 cities)

Riverside (22 cities)

- Banning
- Beaumont
- Calimesa
- Canyon Lake
- Cathedral City
- Corona
- Desert Hot Springs
- Hemet
- Jurupa Valley
- Lake Elsinore

- Danville
- El Cerrito
- Lafayette
- Martinez
- Moraga
- Orinda
- Pinole
- Richmond

El Dorado (2 cities)

- Placerville
- South Lake Tahoe

Lake (1 city)

- Clearlake

Lassen (1 city)

- Susanville

Los Angeles (39 cities)

- Agoura Hills
- Arcadia
- Avalon
- Azusa
- Beverly Hills
- Bradbury
- Burbank
- Calabasas
- Claremont
- Covina
- Culver City
- Diamond Bar
- Duarte
- Glendale
- Glendora
- Hidden Hills
- Irwindale
- La Canada Flintridge
- La Habra Heights
- La Mirada
- La Verne
- Los Angeles
- Malibu
- Monrovia
- Palmdale
- Palos Verdes Estates
- Pasadena
- Pomona
- Rancho Palos Verdes
- Rolling Hills

- Menifee
- Moreno Valley
- Murrieta
- Norco
- Palm Desert
- Palm Springs
- Perris
- Rancho Mirage
- Riverside
- San Jacinto
- Temucula
- Wildomar

San Bernardino (15 cities)

- Big Bear Lake
- Chino Hills
- Colton
- Fontana
- Grand Terrace
- Hesperia
- Highland
- Loma Linda
- Rancho Cucamonga
- Redlands
- Rialto
- San Bernardino
- Upland
- Yucaipa
- Yucca Valley

San Diego (13 cities)

- Carlsbad
- Chula Vista
- Del Mar
- El Cajon
- Encinitas
- Escondido
- Oceanside
- Poway
- San Diego
- San Marcos
- Santee
- Solana Beach
- Vista

San Luis Obispo (4 cities)

- Atascadero
- Morro Bay
- Pismo Beach
- San Luis Obispo

- Rolling Hills Estates
- San Dimas
- Santa Clarita
- Sierra Madre
- Walnut
- West Covina
- Westlake Village
- Whittier

Marin (3 cities)

- Larkspur
- Mill Valley
- Novato

Mendocino (2 cities)

- Ukiah
- Willits

Mono (1 city)

- Mammoth Lakes

Monterey (4 cities)

- Carmel
- Del Rey Oaks
- Monterey
- Pacific Grove

Napa (2 cities)

- Calistoga
- Yountville

Nevada (3 cities)

- Grass Valley
- Nevada City
- Truckee

Orange (20 cities)

- Aliso Viejo
- Anaheim
- Brea
- Dana Point
- Fullerton
- Irvine
- La Habra
- Laguna Beach
- Laguna Niguel
- Laguna Woods
- Lake Forest
- Mission Viejo
- Newport Beach

San Mateo (8 cities)

- Belmont
- Half Moon Bay
- Hillsborough
- Portola Valley
- Redwood City
- San Carlos
- San Mateo
- Woodside

Santa Barbara (2 cities)

- Lompoc
- Santa Barbara

Santa Clara (6 cities)

- Cupertino
- Los Gatos
- Monte Sereno
- Morgan Hill
- San Jose
- Saratoga

Shasta (3 cities)

- Anderson
- Redding
- Shasta Lake

Siskiyou (6 cities)

- Dunsmuir
- Etna
- Fort Jones
- Mt Shasta
- Weed
- Yreka

Sonoma (2 cities)

- Cloverdale
- Santa Rosa

Tehama (1 city)

- Red Bluff

Tuolumne (1 city)

- Sonora

Ventura (8 cities)

- Camarillo
- Fillmore
- Moorpark

- Orange
- Rancho Santa Margarita
- San Clemente
- San Juan Capistrano
- Tustin
- Villa Park
- Yorba Linda
- Ojai
- Santa Paula
- Simi Valley
- Thousand Oaks
- Ventura

While the measure would prohibit future commercial and residential development in VHFHSZs, it does not specifically exempt a city from the obligation to zone and plan for additional housing, as required by the Regional Housing Needs Assessment (RHNA) process. Additionally, a city that only has a portion of its jurisdiction in a VHFHSZ would be required to put their entire RHNA number in the remaining portion of the city.

Support-Opposition:

None on File (01/06/2021)

Staff Recommendation:

Staff recommends the committee discuss SB 55 and make a recommendation to the board of directors.

Committee Recommendation:

Board Action:

2021 HCED Bills of Interest

ATTACHMENT B

1/12/2021

[AB 15](#)

(Chiu D) COVID-19 relief: tenancy: Tenant Stabilization Act of 2021.

Introduced: 12/7/2020

Summary: Would extend the definition of “COVID-19 rental debt” as unpaid rent or any other unpaid financial obligation of a tenant that came due between March 1, 2020, and December 31, 2021. The bill would also extend the repeal date of the act to January 1, 2026. The bill would make other conforming changes to align with these extended dates. By extending the repeal date of the act, the bill would expand the crime of perjury and create a state-mandated local program.

[AB 16](#)

(Chiu D) Tenancies: Tenant, Small Landlord, and Affordable Housing Provider Stabilization Act of 2021.

Introduced: 12/7/2020

Summary: Would state the intent of the Legislature to enact the Tenant, Small Landlord, and Affordable Housing Provider Stabilization Act of 2021 to address the long-term financial impacts of the COVID-19 pandemic on renters, small landlords, and affordable housing providers, ensure ongoing housing stability for tenants at risk of eviction, and stabilize rental properties at risk of foreclosure. This bill would include legislative findings and declarations in support of the intended legislation.

[AB 27](#)

(Rivas, Luz D) Homeless children and youths and unaccompanied youths: reporting.

Introduced: 12/7/2020

Summary: Under current state law, public schools, including charter schools, and county offices of education are required to immediately enroll a homeless child or youth seeking enrollment, except as specified. Current law requires a local educational agency liaison for homeless children and youths to ensure that public notice of the educational rights of homeless children and youths is disseminated in schools within the liaison’s local educational agency that provide services pursuant to the McKinney-Vento Homeless Assistance Act. This bill would require a local educational agency to ensure that each school within the local educational agency identifies all homeless children and youths and unaccompanied youths, as defined, enrolled at the school, administer a housing questionnaire, as specified, for purposes of identifying homeless children and youths and unaccompanied youths, and annually provide the housing questionnaire to all parents or guardians of pupils and unaccompanied youths of the local educational agency.

[AB 59](#)

(Gabriel D) Mitigation Fee Act: fees: notice and timelines.

Introduced: 12/7/2020

Summary: Current law authorizes any party to protest the imposition of a fee, dedication, reservation, or other exactions imposed on a development project within 90 or 120 days of the imposition of the fee, as applicable, and specifies procedures for those protests and actions. The Mitigation Fee Act imposes the same requirements on a local agency for a new or increased fee for public facilities. Current law, for specified fees, requires any judicial action or proceeding to attack, review, set aside, void, or annul an ordinance, resolution, or motion adopting a new fee or service charge or modifying an existing fee or service charge to be commenced within 120 days of the effective date of the ordinance, resolution, or motion. Current law also provides that, if an ordinance, resolution, or motion provides for an automatic adjustment in a fee or service charge and the adjustment results in an increase in the fee or service charge, that any action to attack, review, set aside, void, or annul the increase to be commenced within 120 days of the increase. This bill would 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 meeting to at least 45 days before the meeting.

[AB 68](#)

(Salas D) Affordable housing: California State Auditor’s Report.

Introduced: 12/7/2020

Summary: Would state the intent of the Legislature to enact legislation that would implement recommendations made in the California State Auditor’s Report 2020-108, issued on November 17, 2020, relating to affordable housing.

[AB 71](#)

(Rivas, Luz D) Statewide homelessness solutions program.

Introduced: 12/7/2020

Summary: Would state the intent of the Legislature to enact legislation to create a comprehensive, statewide homelessness solutions program. This bill would create the Bring California Home Fund in the State Treasury for the purpose of providing at least \$2.4 billion annually to fund a comprehensive, statewide homeless solutions program upon appropriation by the Legislature. The bill would require the Bring California Home Fund to contain revenues derived from specified changes to the Personal Income Tax Law or the Corporation Tax Law that are enacted on or after the effective of the date of this bill.

AB 99

(Irwin D) Statewide longitudinal data system: California Cradle-to-Career Data System.

Introduced: 12/9/2020

Summary: Current law establishes the California Cradle-to-Career Data System Workgroup to assess, recommend, and advise about statewide data infrastructure that integrates data from state entities responsible for elementary and secondary education data, entities responsible for early learning data, segments of public higher education, private colleges and universities, state entities responsible for student financial aid, childcare providers, state labor and workforce development agencies, and state departments administering health and human services programs. Existing law requires the Office of Planning and Research to contract with entities with expertise in managing data for specified purposes relating to the workgroup's activities. Current law requires those contracted entities to submit reports to the Department of Finance and the Legislature concerning the establishment of the California Cradle-to-Career Data System, as specified. This bill would express the intent of the Legislature to enact subsequent legislation that would codify recommendations in the California Cradle-to-Career Data System Legislative Report published in December 2020.

AB 106

(Salas D) Regions Rise Grant Program.

Introduced: 12/16/2020

Summary: Would state the intent of the Legislature to enact legislation that would establish the Regions Rise Grant Program in order to close the equity gap and spur economic growth.

AB 115

(Bloom D) Planning and zoning: commercial zoning: housing development.

Introduced: 12/18/2020

Summary: Would, notwithstanding any inconsistent provision of a city's or county's general plan, specific plan, zoning ordinance, or regulation, would require that a housing development be an authorized use on a site designated in any local agency's zoning code or maps for commercial uses if certain conditions apply. Among these conditions, the bill would require that the housing development be subject to a recorded deed restriction requiring that at least 20% of the units have an affordable housing cost or affordable rent for lower income households, as those terms are defined, and located on a site that satisfies specified criteria.

AB 215

(Chiu D) Housing element.

Introduced: 1/11/2021

Summary: The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. That law requires the Department of Housing and Community Development (HCD) to determine whether the housing element is in substantial compliance with specified provisions of that law. This measure declares the State of California is suffering from extremely high home prices, rents, and levels of homelessness. This is, in part, due to the lack of proper planning at the local level for the appropriate amount of housing. It is the intent of the Legislature to ensure proper planning occurs at the local level by requiring the Department of Housing and Community Development to review the plans and programs of any city or county where the amount of housing produced falls below an unspecified percentage of their regional housing needs allocation, and to recommend amendments to local housing elements as necessary.

ACA 1

(Aguiar-Curry D) Local government financing: affordable housing and public infrastructure: voter approval.

Introduced: 12/7/2020

Summary: The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions. This measure would create an additional exception to the 1% limit that would authorize a city, county, city and county, or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing, or the acquisition or lease of real property for those purposes, if the proposition proposing that tax is approved by 55% of the voters of the city, county, or city and county, as applicable, and the proposition includes specified accountability requirements.

SB 3

(Caballero D) Tenancy: COVID-19

Introduced: 12/7/2020

Summary: The COVID-19 Tenant Relief Act of 2020 establishes certain procedural requirements and limitations on evictions for nonpayment of rent due to COVID-19 rental debt, as defined. Existing law defines COVID-19 rental debt as unpaid rent or any other unpaid financial obligation of a tenant that came due during the covered time period, defined as the period between March 1, 2020, and January 31, 2021. The act also requires a notice that demands payment of rent that came due during the transition time period, defined as the period between September 30, 2020, and January 31, 2021, to comply with additional specified requirements. This bill would extend the covered time period and transition time period for purposes of the act to March 31, 2021.

SB 5

(Atkins D) Housing: bond act.

Introduced: 12/7/2020

Summary: Would state the intent of the Legislature to enact legislation that would authorize the issuance of bonds and

would require the proceeds from the sale of those bonds to be used to finance housing-related programs that serve the homeless and extremely low income and very low income Californians.

SB 6 (Caballero D) Local planning: housing: commercial zones.

Introduced: 12/7/2020

Summary: The Planning and Zoning Law requires each county and city to adopt a comprehensive, long-term general plan for its physical development, and the development of certain lands outside its boundaries, that includes, among other mandatory elements, a housing element. This bill, the Neighborhood Homes Act, would deem a housing development project, as defined, an allowable use on a neighborhood lot, which is defined as a parcel within an office or retail commercial zone that is not adjacent to an industrial use. The bill would require the density for a housing development under these provisions to meet or exceed the density deemed appropriate to accommodate housing for lower income households according to the type of local jurisdiction, including a density of at least 20 units per acre for a suburban jurisdiction.

SB 7 (Atkins D) Environmental quality: Jobs and Economic Improvement Through Environmental Leadership Act of 2021.

Introduced: 12/7/2020

Summary: The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report (EIR) on a project that the lead agency proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA authorizes the preparation of a master EIR and authorizes the use of the master EIR to limit the environmental review of subsequent projects that are described in the master EIR, as specified. This bill would require a lead agency to prepare a master EIR for a general plan, plan amendment, plan element, or specific plan for housing projects where the state has provided funding for the preparation of the master EIR.

SB 8 (Skinner D) Density Bonus Law.

Introduced: 12/7/2020

Summary: Would make a nonsubstantive change to the definition of “development standard” for purposes of the Density Bonus Law.

SB 9 (Atkins D) Housing development: approvals.

Introduced: 12/7/2020

Summary: Would require a proposed housing development containing 2 residential units within a single-family residential zone to be considered ministerially, without discretionary review or hearing, if the proposed housing development meets certain requirements, including, but not limited to, that the proposed housing development would not require demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income, that the proposed housing development does not allow for the demolition of more than 25% of the existing exterior structural walls, except as provided, and that the development is not located within a historic district, is not included on the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district.

SB 10 (Wiener D) Planning and zoning: housing development: density.

Introduced: 12/7/2020

Summary: Would, notwithstanding any local restrictions on adopting zoning ordinances, authorize 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 in the ordinance, if the parcel is located in a transit-rich area, a jobs-rich area, or an urban infill site, as those terms are defined. In this regard, the bill would require the Department of Housing and Community Development, in consultation with the Office of Planning and Research, to determine jobs-rich areas and publish a map of those areas every 5 years, commencing January 1, 2022, based on specified criteria. The bill would specify that an ordinance adopted under these provisions is not a project for purposes of the California Environmental Quality Act. The bill would prohibit a residential or mixed-use residential project consisting of 10 or more units that is located on a parcel rezoned pursuant to these provisions from being approved ministerially or by right.

SB 11 (Rubio D) Residential property insurance: ratemaking strategies.

Introduced: 12/7/2020

Summary: The Insurance Rate Reduction and Reform Act of 1988, an initiative measure enacted by Proposition 103, as approved by the voters at the November 8, 1988, statewide general election, prohibits specified insurance rates from being approved or remaining in effect that are excessive, inadequate, unfairly discriminatory, or otherwise in violation of the act. The act requires an insurer that wishes to change a rate to file a complete rate application with the Insurance Commissioner, as specified. This bill would require the commissioner to convene a stakeholder group of expert parties to

identify ways to measure and incorporate various fire damage mitigation strategies into the homeowners' insurance ratemaking process and to report the group's findings to the Legislature no later than December 31, 2023.

SB 12 **(McGuire D) Local government: planning and zoning: wildfires.**

Introduced: 12/7/2020

Summary: Current law requires that the Office of Planning and Research, among other things, coordinate with appropriate entities, including state, regional, or local agencies, to establish a clearinghouse for climate adaptation information for use by state, regional, and local entities, as provided. This bill would require the safety element, upon the next revision of the housing element or the hazard mitigation plan, on or after July 1, 2024, whichever occurs first, to be reviewed and updated as necessary to include a comprehensive retrofit strategy to reduce the risk of property loss and damage during wildfires, as specified, and would require the planning agency to submit the adopted strategy to the Office of Planning and Research for inclusion into the above-described clearinghouse.

SB 15 **(Portantino D) Housing development: incentives: rezoning of idle retail sites.**

Introduced: 12/7/2020

Summary: Current law establishes, among other housing programs, the Workforce Housing Reward Program, which requires the Department of Housing and Community Development to make local assistance grants to cities, counties, and cities and counties that provide land use approval to housing developments that are affordable to very low and low-income households. This bill, upon appropriation by the Legislature in the annual Budget Act or other statute, would require the department to administer a program to provide incentives in the form of grants allocated as provided to local governments that rezone idle sites used for a big box retailer or a commercial shopping center to instead allow the development of workforce housing

SB 55 **(Stern D) Very high fire hazard severity zone: state responsibility area: development prohibition.**

Introduced: 12/7/2020

Summary: Would, in furtherance of specified state housing production and wildfire mitigation goals, prohibit the creation or approval of a new development, as defined, in a very high fire hazard severity zone or a state responsibility area. By imposing new duties on local governments with respect to the approval of new developments in very high fire hazard severity zones and state responsibility areas, this bill would impose a state-mandated local program.

SB 64 **(Levva D) Mobilehome parks: emergency relief: coronavirus (COVID-19).**

Introduced: 12/7/2020

Summary: The Mobilehome Residency Law governs the terms and conditions of residency in mobilehome parks. Under existing law, the management of a mobilehome park may not terminate or refuse to renew a tenancy, except pursuant to certain procedures, and upon giving written notice to the homeowner of not less than 60 days. This bill would prohibit the management from terminating or attempting to terminate the tenancy of a homeowner or resident who is impacted by the coronavirus (COVID-19) pandemic, as specified, on the grounds of failure of the homeowner or resident to comply with a reasonable rule or regulation of the park that is part of the rental agreement or failure to pay rent, utility charges, or reasonable incidental service charges during a declared state of emergency or local emergency related to the coronavirus (COVID-19) pandemic, and during a 120-day time period after the state of emergency or local emergency is terminated, unless necessary to protect the public health or safety.

SCA 2 **(Allen D) Public housing projects.**

Introduced: 12/7/2020

Summary: The California Constitution prohibits the development, construction, or acquisition of a low-rent housing project, as defined, in any manner by any state public body until a majority of the qualified electors of the city, town, or county in which the development, construction, or acquisition of the low-rent housing project is proposed approve the project by voting in favor at an election, as specified. This measure would repeal these provisions.