City of Carpinteria
Special Joint City Council, Planning Commission, & Architectural Review Board Meeting Agenda
Tuesday, February 18, 2025

Council Chamber, 5775 Carpinteria Avenue, Carpinteria, CA 93013

5:30 p.m. Special Meeting
In-Person and Virtual Participation Options

Attendance/Viewing Options:

- Attend the in-person meeting in City Council Chambers at City Hall (5775 Carpinteria Ave.).
- View the meeting live through the City's website (https://carpinteriaca.gov/city-hall/agendas-meetings/).
- View the meeting on Government Access Television Channel 21 (broadcast live and rebroadcast on the Wednesday and the Saturday following the meeting at 8:00 p.m. and 5:00 p.m., respectively).
- Call 669-900-9128 (and enter Webinar ID 849 5178 9727) to listen to the meeting.
- Join the City's Zoom webinar by CLICKING HERE. Alternatively, you can join the Zoom webinar by logging on to www.zoom.us, downloading the application, selecting "Join Meeting", and entering Webinar ID 849 5178 9727.
- Spanish interpretation will be available at the in-person meeting and through the City's Zoom webinar.

Public Comments

- Provide a live public comment in City Council Chambers at City Hall (5775 Carpinteria Ave.).
- Provide a live comment through the City's Zoom webinar platform (through the link provided above). To make public comments through this platform please use the "raise your hand" feature to notify staff that you would like to make a public comment during designated public comment times. Once it is your turn to provide a public comment, staff will unmute your microphone and you will be given a designated amount of time to provide your comment. At the end of your comment, staff will once again mute your microphone.
- Submit a written comment (as either a general public comment or on a specific agenda item) to be distributed to Council Members by **12:00 P.M. on the day of the meeting** by either submitting your comment via (1) email to PublicComment@carpinteriaca.gov, or (2) the **eComment** link on the City's agenda website available at https://carpinteriaca.gov/city-hall/agendas-meetings/. Please

reference the agenda item to which your comment pertains. Although written comments become part of the record, they will not be read aloud at the meeting.

Please note that the City will make every effort to make the meeting accessible virtually; however, if one of the above virtual attendance/viewing or public comment options is unavailable due to technological issues, you are invited to take advantage of one of the other participation options outlined above (including attending and providing public comment in-person in the City Council Chambers). Additional options may be made available at the meeting.

Levine Act Warning

Applicants and their agents before the City Council are subject to the campaign disclosure provisions detailed in Government Code Section 84308. No City Council Member may accept, solicit, or direct a contribution of more than $500 from any party for 12 months following the date a final decision is rendered by the City. No City Council Member may accept, solicit, or direct any contribution from an agent of the party during the same time frame. This prohibition commences when an item involving the entitlement has been placed on the City Council's agenda for a public meeting, when the City Council Members knows the action is within the City Council's jurisdiction and it is reasonably foreseeable that it will come before the City Council as a decisionmaker, or when the proceeding is before the City Council for its decision. A party to a City proceeding —which includes both applicants and agents—shall disclose on the record of the proceeding any contribution of more than $500 made to any Council Member by the applicant, or any donations made by the agent, during the preceding 12 months. No party to a City proceeding, or agent, shall make a contribution to a Council Member during the proceeding and for 12 months following the date a final decision is rendered by the City. Prior to rendering a decision on a City proceeding, any Council Member who received contribution of more than $500 within the preceding 12 months from any party, or who received any donations from an agent, to a proceeding shall disclose that fact on the record of the proceeding, and shall be disqualified from participating in the proceeding. However, if any Council Member receives a contribution that otherwise would require disqualification, and returns the contribution within 30 days of knowing about the contribution and the relevant proceeding, the Council Member shall be permitted to participate in the proceeding. If you believe that these provisions apply to you or a Council Member, please inform the City Clerk at the earliest possible opportunity. Failure to do so may affect the City's ability to process your application.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT WILL ONLY BE HEARD CONCERNING THE AGENDIZED ITEM BELOW

CITY COUNCIL BUSINESS:

The City Council will meet to consider the following item:

1. Update on new state housing laws taking effect in 2025.

   Recommendation: Receive and file report on new state housing laws taking effect in 2025.

   Staff Presenter: City Attorney's Office

   a. Staff Report
   b. Public Comment
   c. City Council Determination

ADJOURNMENT

The next regular City Council meeting will be held February 24, 2025 at 5:30 p.m.

In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact the City Clerk's Office at (805) 755-4403 or the California Relay Service at (866) 735-2929. Notification two business days prior to the meeting will enable the City to make reasonable arrangements for accessibility to this meeting.

Materials related to an agenda item submitted to the City Council after distribution of the agenda packet are available for public review at the City Clerk's Office, located at 5775 Carpinteria Avenue, Carpinteria, CA 93013 or by going to the City's website at https://carpinteriaca.gov/city-hall/agendas-meetings/.

This agenda was posted on Wednesday, February 12, 2025, in the City Clerk's Office, on the City Hall Public Notices Board, and on the Internet.

City of Carpinteria

JOINT CITY COUNCIL, PLANNING COMMISSION, AND
ARCHITECTURAL REVIEW BOARD
MEETING AGENDA STAFF REPORT
February 18, 2025

ITEM FOR COUNCIL CONSIDERATION

Update on new state housing laws taking effect in 2025

STAFF RECOMMENDATION

Receive and file report on new state housing laws taking effect in 2025.

Motion: I move to receive and file the report on new state housing laws taking effect in 2025.

BACKGROUND

The California Legislature enacted a large volume of housing production laws in the 2024 session as part of ongoing efforts to address the statewide housing crisis. The Legislature views these new housing laws as a multi-pronged attempt to promote the development of new housing in general and increase the availability of affordable housing specifically.

The entire housing legislation package creates new, complex requirements for local agencies responsible for permitting housing. Implementation of these new housing laws is made even more complex for coastal cities, like the City of Carpinteria ("City"), due to the need to implement many of the new housing laws in a manner that is consistent with the California Coastal Act ("Coastal Act") (Pub. Res. Code, §§ 30000 et seq.).

This agenda item summarizes key new state housing laws taking effect in 2025 and their potential impacts on the City. The accompanying staff report and presentation (Attachment A) are organized around key legislative themes that update existing state laws affecting housing development within Carpinteria:

1. Incentivizing and Facilitating Housing Production
2. Restricting Implementation of Impact Fees
3. Enhancing Enforcement of California Housing Laws

The following discussion sections briefly describe existing state laws related to these issues areas, explain the changes to existing law taking effect in 2025, and outlines how these laws will affect the City.

DISCUSSION

Incentivizing and Facilitating Housing Production

Senate Bill ("SB") 1123 – Subdivisions: Ministerial Review

Existing law, known as the Starter Home Revitalization Act of 2021, requires a local agency to ministerially consider subdivisions of up to 10 parcels for housing development projects located on multi-family zoned lots that meets certain site requirements. This measure extends this law to apply, beginning July 1, 2025, to vacant lots zoned for single-family residences that are no larger than 1.5 acres and substantially surrounded by qualified urban uses (as defined). The resulting parcels in a single-family zone also must be larger than 1,200 square feet.

SB 1123 also establishes a minimum density for these sites if the parcel is not included in the jurisdiction's site inventory in the Housing Element. The density of the development must be the greater of 66 percent of the allowable density under zoning, or 66 percent of the applicable residential density as defined in Government Code Section 65583.2(c)(3)(B) which for the City is 20 units per acre. The Starter Home Revitalization Act of 2021 does not contain provisions addressing its interpretation relative to the Coastal Act, thus this act applies within the City. However, given the exceedingly few vacant single family-zoned lots remaining in the City, the impact of this law is likely to be very limited.

SB 450 – Housing Development: Approvals

This bill strengthens the recently passed SB 9 (2021), which allows for ministerial small-lot subdivisions and two-unit housing projects (e.g., duplexes) in areas zoned for single-family homes. Specifically, this measure made the following changes to SB 9:

- Agencies cannot impose objective standards to SB 9 projects that do not uniformly apply to development within the zone, unless the SB 9 standards are more permissive. In other words, the bill prohibits local governments from creating zoning or design standards to SB 9 projects that are not applied to underlying single-family zoning, thereby reducing local barriers to SB 9 projects.
- A SB 9 project may now involve the demolition of more than 25 percent of the existing exterior structural walls.
- An application under SB 9 must be approved or denied within 60 days after the agency receives a complete application, or it is "deemed approved." If the application is denied, the applicant must be provided a full list of deficiencies and told how the application can be remedied.

- A finding of a "specific adverse impact" justifying project denial may only be made for public health or safety reasons, not for the project's impact on the physical environment.

SB 450 also amended SB 9's legislative findings to support its position that SB 9 applies to charter cities in response to a recent trial court decision.

SB 9 contains language that the law shall not be construed to "alter or lessen the effect or application of the [Coastal Act]" except for related to certain hearing requirements. This provision is often referred to as a "Coastal Act savings clause." However, the Coastal Commission issued guidance that agencies within the coastal zone should amend their Local Coastal Programs to permit development under SB 9. In accordance with this recommendation, Program 8 of the City's Housing Element commits the City to amend its zone code and Local Coastal Program ("LCP") to implement SB 9.

<u>Assembly Bill ("AB") 2243 – Housing Development Projects: Affordability and Site Criteria</u>

This bill expands existing streamlining for residential development on commercially-zoned properties. Specifically, this bill makes significant revisions to AB 2011—a streamlining bill from 2023, that allows for ministerial approval of affordable housing projects on qualifying commercially-zoned properties that meet certain site criteria.

This bill amends AB 2011 in various ways, primarily aimed at making this streamlining more widely available. For instance, AB 2011 was amended as follows:

- AB 2243 modifies AB 2011's restriction to sites of "20 acres or less" by allowing a mixed-income project (as defined) on a site that is a "regional mall," as defined, provided the "site is not greater than 100 acres."
- Under AB 2011, a project could not be located within 500 feet of a freeway. AB 2243 permits both 100% affordable projects and mixed-income projects (as defined) located within 500 feet of a freeway so long as the projects satisfy specified air quality requirements.
- This bill clarifies that affordability requirements only apply to proposed base units and that any unit(s) proposed through Density Bonus Law do not count towards the total unit count.
- Under AB 2011, a project must be located on a site where the zoning allows for office, retail, or parking as principally permitted uses. AB 2243 now permits using this streamlining on sites where parking is a conditionally permitted use.

AB 2011 and 2243 contain a Coastal Act savings clause and thus must be implemented consistent with the City's LCP and Coastal Act policies. However, AB 2243 further requires that a public agency with coastal development permitting authority must approve a coastal development permit for projects located outside of specifically designated sensitive coastal resource areas, provided the agency determines that the proposed project complies with all objective standards of the local agency's certified Local Coastal Program.

SB 1077 – Coastal Resources: Accessory and Junior Accessory Dwelling Units

This measure requires the California Coastal Commission, in coordination with the California Department of Housing and Community Development ("HCD") to develop and provide guidance for local governments to clarify and simplify the permitting process for accessory dwelling units ("ADUs") and junior ADUs ("JADUs") in the coastal zone by July 1, 2026. This measure also requires the Coastal Commission to hold one public workshop to receive and consider public comments on the draft guidance provided by the respective state agencies.

SB 1211 – Land Use: Accessory Dwelling Units

This bill revises existing ADU law to now require that local agencies ministerially approve up to eight detached units on an existing multifamily dwelling lot, so long as the number of ADUs does not exceed the number of existing dwelling units on the lot. This measure also prohibits local agencies from requiring the replacement of uncovered parking spaces that are demolished to construct an ADU, or applying any objective development or design standard to certain types of ADUs specified in state law.

ADU law contains a Coastal Act savings clause, and the Coastal Commission has issued guidance advising coastal agencies to amend their Local Coastal Programs to implement ADU law consistent with the Coastal Act. The City currently is in the process of amending its ADU ordinance and LCP to be consistent with ADU law and the Coastal Act in coordination with the Coastal Commission and HCD.

Restricting Implementation of Impact Fees

AB 1820 – Housing Development Projects: Fees and Exactions

This measure requires local agencies to provide a preliminary fee and exaction estimate to any development proponent requesting an estimate of project fees within 30 business days of a request during the preliminary application process. This measure specifies that the estimate is for informational purposes only and is not legally binding.

Additionally, this measure requires local agencies to post current fee schedules and an archive of relevant fee studies on their internet websites. Finally, this measure requires local agencies, within 30 business days after final approval of a housing development project, to provide a total sum of fees and exactions to the developer. The City appears to already comply with all requirements of this bill.

AB 2430 – Density Bonuses: Monitoring Fees

This measure prohibits local governments from charging a monitoring fee to ensure affordability requirements under the Density Bonus Law ("DBL") for an 100% lower income affordable housing development project (with up to 20% moderate income units) that are already subject to a regulatory monitoring agreement with the California Tax Credit Allocation Committee ("TCAC"), HCD, or the California Debt Limit Allocation Committee ("CDLAC"), unless certain criteria apply.

AB 2553 – Housing Development: Vehicular Traffic Impact Fees & AB 3117 – Mitigation Fee Act: Land Dedications: Mitigating Vehicular Traffic Impacts

AB 2553 requires local governments to set lower traffic impact mitigation fees for transit-oriented housing developments meeting certain criteria, including being within a transit priority area and a major transit stop exists or is planned within one year, convenience retail uses are within a half mile, and the project meets certain parking ratios. If the housing development does not satisfy the criteria, the local agency may charge a fee proportional to the estimated rate of automobile trips associated with the development. AB 3117 also bars a local agency from imposing a land dedication requirement to widen a roadway as a condition for mitigating vehicle traffic impacts.

AB 2553 would also facilitate additional housing development by expanding the definition of a major transit stop to include a transit stop with a service interval of 20 minutes instead of 15 minutes. This revision would allow more projects to qualify for various state law benefits that rely on the "major transit stop" definition including, but not limited to, those set forth in DBL, the California Environmental Quality Act ("CEQA"), the Housing Accountability Act, AB 2097, SB 9, and AB 2011.

AB 3012 – Development Fees: Fee Estimate Tool

AB 3012 requires local agencies to create a fee estimate tool available on their internet website that the public can use to estimate fees and exactions for a proposed housing development by specific deadlines. Because the City has a population of fewer than 500,000, it must comply with this bill by July 1, 2032. AB 3012 also requires the HCD to create a fee schedule template, on or before July 1, 2028, for proposed housing development projects that may be used by cities and counties, and a list of best practices regarding presenting information for fees and exactions levied by local jurisdictions.

SB 937 – Development Projects: Fees and Charges

This measure requires local agencies, subject to some exceptions, to defer the payment of mitigation fees until the certificate of occupancy or final inspection occurs for designated residential development projects (as defined). The bill specifies, however, that the developer must break ground on the residential development project in five years from issuance of the building permit to qualify for fee deferral.

A project may qualify for SB 937 fee deferral if it meets any of the following criteria:

- The project will provide 100% of units affordable to lower income households.
- The project meets the Low Barrier Navigation Center development requirements described in Government Code Section 65662.
- The project is ministerially approved pursuant to AB 2011 (2023).
- The project is ministerially approved pursuant to Government Code section 65913.4.
- The project is ministerially approved pursuant to SB 4 (2023).
- The project is a DBL project.
- The project has 10 units or fewer.

The City's current practice is to defer payment of mitigation fees until it issues the certificate of occupancy for most residential units. SB 937 is expected to have limited impact on the City.

Enhancing Enforcement of California Housing Laws

AB 1893 – Housing Accountability Act: Required Local Findings

This bill significantly modifies the "Builder's Remedy" under the Housing Accountability Act (Government Code section 65589.5 et seq.). This bill introduces clearer guidelines for Builder's Remedy projects, replacing the broad discretion developers previously had under the existing Builder's Remedy framework. In exchange for these restrictions, the bill lowers affordability requirements to qualify as a Builder's Remedy project.

The current Builder's Remedy prohibits cities and counties from disapproving or rendering infeasible a housing development project that includes 20 percent lower-income housing or 100 percent moderate income housing, even if the project is inconsistent with the local agency's general plan and zoning, when the local agency does not have a Housing Element that substantially complies with Housing Element Law. Applicants can "freeze" the local agency's noncompliance with Housing Element Law through the submission of a preliminary application under SB 330. In these scenarios, cities and counties only have very narrow grounds to disapprove or condition a "Builder's Remedy Project."

Most significantly, this bill formalizes the concept of "Builder's Remedy" and sets forth the following, reduced affordability requirements for "Builder's Remedy Projects":

- 100% of the units are set aside for moderate-income households.
- 7% of the units are set aside for extremely low-income households.
- 10% of the units are set aside for very low-income households.
- 13% of the units are dedicated to low-income households.
- No affordability requirements for a project that contains 10 units or fewer on a site smaller than one acre and with a minimum density of at least 10 units per acre.

The bill exchanges these developer benefits by setting forth the following restrictions on "Builder Remedy Projects":

- AB 1893 excludes sites that abut parcels with heavy industrial uses or uses that require an operating permit issued under Title V of the federal Clean Air Act.
- AB 1893 sets forth new density maximums based on a new formula requiring careful site-specific legal analysis.
- The bill also sets new density *minimums* for Builder's Remedy projects.
- Under AB 1893, jurisdictions may now impose certain objective local standards on Builder's Remedy Projects provided that (1) the standards do not preclude the project from accessing the proposed density, (2) the standards are objective, quantifiable and written, (3) the standards are set forth in a zoning district that permits the proposed project.

The Housing Accountability Act contains a Coastal Act savings clause and thus must be implemented consistent with the City's LCP and Coastal Act policies.

AB 1886 – Housing Element Law: Substantial Compliance

This bill specifies that a local agency's housing element is certified only when the HCD or a court of competent jurisdiction determines a local agency has met the requirements of the Housing Element Law. Accordingly, this bill eliminates the ability of local governments to "self-certify" their housing elements as in compliance with state law despite a contrary finding by HCD.

SB 1037 – Planning and Zoning: Enforcement

This measure allows the Attorney General to fine a local agency between $10,000 and $50,000 per Month, per violation, for not having a certified housing element or for not ministerially approving a housing project as required by state law, when the local agency's action or omission is deemed "arbitrary, capricious, entirely lacking in evidentiary support, contrary to established public policy, unlawful, or procedurally unfair." The civil penalties shall be deposited into the Building Homes and Jobs Trust Fund for the purpose of developing affordable housing located in the affected jurisdiction.

AB 2904 – Zoning Ordinances: Notice

This bill increases the notice requirement for amendments to the zoning ordinance that affect the permitted use of a property from 10 days to 20 days before the planning commission hearing on the ordinance.

POLICY CONSISTENCY

Updating the City's Municipal Code and General Plan in response to changes in state law is consistent with the City's General Plan and Housing Element Policies.

FINANCIAL CONSIDERATIONS

While this item does not have an immediate fiscal impact, updates to the City's Municipal Code and LCP to comply with state law will require staff time and legal review, which may result in future costs.

LEGAL AND RISK MANAGEMENT CONSIDERATIONS

The City Attorney's Office prepared the report with the Community Development Department and is available to answer questions.

Noncompliance with state housing laws may expose the City to legal challenges, enforcement actions, and financial penalties as prescribed under state law.

OPTIONS

Council could direct staff to take actions in response to the new housing legislation, including directing staff to bring back agenda items to consider initiation of City Zoning Code and Local Coastal Program amendments.

PRINCIPAL PARTIES EXPECTED AT MEETING

General Public

Report Prepared by and Staff Contact:
Cody Sargeant & Mack Carlson, Legal Counsel on behalf of Brownstein Hyatt Farber Schreck, LLP acting as City Attorney of the City of Carpinteria

Brian E. Barrett for
Signature

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ATTACHMENTS:

A. Staff Presentation

ATTACHMENT A

Update on New Housing Legislation

February 18, 2025

Outline

- Incentivizing and Facilitating Housing Production
- Restricting Implementation of Impact Fees
- Enhancing Enforcement of California Housing Laws

Incentivizing and Facilitating Housing Production

SB 1123 – Subdivisions: Ministerial Review

- Existing Law [Starter Home Revitalization Act of 2021]:
  - Requires a local agency to ministerially review subdivisions of up to 10 parcels.
  - Applies only to housing projects on multi-family zoned lots.
- On July 1, 2025, SB 1123 will apply existing law to vacant lots zoned for single-family residences that are 1.5 acres or smaller and substantially surrounded by qualified urban uses.
- Resulting parcels in a single-family zone must be larger than 1,200 square feet.
- Establishes a minimum density for sites if the parcel is not included in the City's site inventory in the Housing Element.
- Does not contain a "Coastal Act savings" clause.

Incentivizing and Facilitating Housing Production

<u>SB 450 – Housing Development: Approvals</u>

- Existing Law [SB 9 (2021)]:
  - Allows for ministerial small-lot subdivision and two-unit housing projects (i.e., duplexes).
  - Applies in areas zoned for single-family homes.
- This bill specifies that agencies cannot impose objectives standards to SB 9 projects that do not uniformly apply to development within the zone.
- Establishes a 60-day timeline for agencies to approve or deny SB 9 projects and requires that agencies provide full list of deficiencies if the application is denied.
- Clarifies that a "specific adverse impact" justifying project denial may only be made for public health or safety reasons, not for the project's impact on the physical environment.

Incentivizing and Facilitating Housing Production

<u>SB 450 Cont.</u>

- This bill amends SB 9 to make clear that it applies to charter cities.
- SB 9 does contain a "Coastal Act savings" clause.
- However, the Coastal Commission issued guidance that agencies within the coastal zone should amend their local coastal programs to permit development under SB 9. In accordance with this recommendation, Program 8 of the City's Housing Element commits the City to amend its zone code and Local Coastal Program (LCP) to implement SB 9.

Incentivizing and Facilitating Housing Production

AB 2243 – Housing Development Projects: Affordability and Site Criteria

- Existing Law [Affordable Housing and High Road Jobs Act]:
  - Allows for ministerial, California Environmental Quality Act ("CEQA")-exempt approval process for deed-restricted 100% lower-income affordable housing on commercially-zoned lands located along commercial corridors.
  - Requires that construction workers earn prevailing wages and receive health benefits.
  - AB 2011 includes several location and site criteria to qualify for this streamlining process (e.g., only in zones that permit office, retail or parking uses, not located within 500 feet of freeway, substantially surrounded by properties with urban uses, not more than 20 acres).

Incentivizing and Facilitating Housing Production

AB 2243 Cont.

- This bill amends the site criteria to receive this existing streamlining:
  - Allows mixed-income projects on site that is a “regional mall” if the site is less than 100 acres.
  - Allows for projects within 500 feet of freeway if the project includes specified air quality requirements.
  - Allows for projects on sites where parking is a conditionally permitted use.
- Clarifies that affordability requirements only apply to base units.
- This bill requires that Coastal Development Permits for projects located outside of the Coastal Appeals Jurisdiction must be issued if the project is consistent with objective standards in the local coastal program.

Incentivizing and Facilitating Housing Production

SB 1077 – Coastal Resources: Accessory and Junior Accessory Dwelling Units

- This bill requires the Coastal Commission to develop. guidance for local agencies regarding permitting ADUs and JADUs in the coastal zone.
- The guidance must be provided by July 1, 2026.
- Coastal Commission is required to hold at least one public workshop.

Incentivizing and Facilitating Housing Production

SB 1211 – Land Use: Accessory Dwelling Units

- Revises existing ADU law to require that local agencies ministerially approve up to 8 detached units on an existing multifamily dwelling lot, except number of ADUs may not exceed the number of existing dwelling units on the lot.
- Clarifies that agencies cannot require replacement of uncovered parking spaces lost as part of an ADU.
- ADU law contains a Coastal Act savings clause and the City currently is in the process of amending its ADU ordinance and LCP to be consistent with ADU law and the Coastal Act.

Restricting Implementation of Impact Fees

AB 1820 – Housing Development Projects: Fees and Extractions

- Requires local agencies to:
  - provide informational fee estimates within 30 days of any request.
  - post current fee schedules and an archive of fee studies.
  - provide a total sum of fees and exactions within 30 days of final approval.

Restricting Implementation of Impact Fees

AB 2430 – Density Bonuses: Monitoring Fees

- Prohibits local governments from charging a monitoring fee to ensure compliance with Density Bonus Law (DBL).
- This prohibition only applies to DBL projects with 100% lower income units that are already subject to regulatory monitoring agreements.

Restricting Implementation of Impact Fees

AB 2553 & AB 3117: Mitigation Vehicular Traffic Impacts

- AB 2553 requires local governments to set lower traffic impact mitigation fees for transit-oriented housing developments meeting certain criteria.
- AB 2553 also expands the definition of major transit stop to include transit stops with a service interval of 20 minutes instead of 15 minutes.
- AB 3117 also bars local agencies from imposing a land dedication requirement to widen a roadway as a condition for mitigating vehicle traffic impacts.

Restricting Implementation of Impact Fees

<u>AB 3012 & SB 937: Fees and Charges</u>

- AB 3012 requires the City to create a fee estimate tool by July 1, 2032.
- SB 937 requires local agencies to defer payment of mitigation fees until certificate of occupancy or final inspection for designated residential development projects.
  - The developer must break ground within five years of building permit issuance to qualify.
  - Various project restrictions must be satisfied to qualify.
- The City currently defers payment of fees until it issues certificate of occupancy and thus SB 937 is expected to have limited impact.

Enhancing Enforcement of California Housing Laws

AB 1893 – Housing Accountability Act

- Existing law [Housing Accountability Act]:
  - Builder's Remedy prohibits local agencies from disapproving or rendering infeasible projects that include 20% lower-income housing or 100% moderate income housing, even if inconsistent with general plan and zoning.
  - The Housing Accountability Act contains a Coastal Act savings clause.
- AB 1893 reduces affordability requirements for Builder's Remedy projects:

Builder's Remedy Current Law	***AB 1893 Builder's Remedy***
20% lower income households	7% extremely low income households
100% moderate income households	10% very low income households
	13% lower income households
	10 or fewer total units, on a site that is smaller than one acre, and with a minimum density of 10 units per acre
	100% moderate income households

Enhancing Enforcement of California Housing Laws

AB 1893 Cont.

- The bill sets forth new restrictions on Builder's Remedy projects.
  - Excludes sites that abut parcels with heavy industrial uses or uses that require Title V permits.
  - Includes new density maximums.
  - Includes new density *minimums*.
  - Allows local agencies to impose certain objective local standards provided they do not preclude the proposed density, are objective, and are set forth in a zoning district that permits the proposed project.

Enhancing Enforcement of California Housing Laws

SB 1037 – Planning and Zoning: Enforcement

- Increase finds on local agencies that do any of the following:
  - Does not have a certified housing element.
  - Does not ministerially approve housing project as required by state law.
  - Acts in a manner that is "arbitrary, capricious, entirely lacking in evidentiary support, contrary to established public policy, unlawful, or procedurally unfair."
- Civil penalties shall be deposited into the Building Homes and Jobs Trust Fund.

Enhancing Enforcement of California Housing Laws

AB 2904 – Zoning Ordinances: Notice

- This bill increases the notice requirement for amendments to the zoning ordinance that affects the permitted use of a property from 10 days to 20 days before the planning commission hearing on the ordinance.

Questions