

# REPORT OF THE CHIEF LEGISLATIVE ANALYST

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DATE: January 12, 2022

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations Committee

FROM: Sharon M. Tso  
Chief Legislative Analyst

Assignment No. 21-11-0869

SUBJECT: **Planning Department 2021-22 State Legislative Program Proposals**

**CLA RECOMMENDATION:** Adopt the attached Resolutions to support the city's efforts to plan for and provide access to housing, and include in the 2021-22 State Legislative Program:

1. SUPPORT for legislation or administrative action to provide clarity and additional exemptions within the California Environmental Quality Act (CEQA), to promote affordable housing production, including AB 1486 (Carrillo), that would amend State law by streamlining the CEQA review process of Housing Element implementation projects, and thereby enable the city meet its Regional Housing Needs Assessment housing goals; and that exempt from CEQA review local density bonus ordinances that are either consistent with an expand upon State density bonus law to require higher affordability levels; and update the definition of *Specific Plan* contained in Government Code §65451, to correspond to a broader definition as contained in the city's Municipal Code, and which also references *Transit Neighborhood Plans* and *Community Plan Implementation Overlays*.
2. SUPPORT for legislation or administrative action that locks (vests) land use policies, standards or requirements, to a date certain for bus transit service intervals to determine whether a development project meets the definition of a 'Major Transit Stop'; 'Transit Priority Area'; or 'High Quality Transit Area/Corridor', inasmuch as transit service can change during the land use development project review process
3. SUPPORT for legislation or administrative action that support 100 percent affordable housing and permanent supportive housing projects; and to remove the requirement that permanent supportive housing projects receive public funding to be eligible for streamlining provisions; and exempt from CEQA review 100 percent affordable housing, similar to AB 1197 (Santiago), for permanent supportive housing; and update AB 1763 (Chiu) to expand the allowable areas where density bonus incentives can be utilized.
4. SUPPORT for legislation or administrative action that provides clarifications and enhancements to SB 330 (Skinner), *Housing Crisis Act of 2019*, which places limitations on the imposition of new design guidelines—potentially impacting the ability to adopt new local historic preservation districts and updating existing historic preservation guidelines, and ensure that local governments can establish new development standards (e.g. building form) in single family zones that do not have an impact on housing density, inasmuch as SB 330 places a moratorium on 'down-zoning' parcels—reducing the number of units that can be built on a parcel until January 1, 2025.

5. SUPPORT for legislation or administrative action that provides clarifications and enhancements to existing State emergency homeless shelter regulations enacted in 2017 by AB 932 (Ting), and AB 1197 (Santiago) in 2019, to allow emergency homeless shelters in the city even if a shelter crisis declaration is no longer in effect; and extend these provisions to apply to emergency shelters on land owned or leased by any public agency/non-profit, charitable or faith-based institutions; and expand areas where they may be established by clarifying the definition of 'qualified urban use' to add public parks and parking lots.
6. SUPPORT for legislation or administrative action that provides for the continued option of conducting public meetings via teleconference, beyond the period of a declared emergency, through amendments to the *Brown Act*, to allow for broader public access to local government meetings.

## SUMMARY

In a report dated November 16, 2021, the Planning Department recommended several land use policy proposals, **many of which are identical to those recommended in 2020 and adopted by the Council on December 9, 2020 (Council File No. 21-0002-S4), and are still relevant**, for inclusion in the 2021-22 State Legislative Program to support the city's efforts to plan for and provide access to housing, and specific recommendations to enact State legislation to assist the city to meet the vast need for more affordable housing, inasmuch as 60 percent of residents are renters, and the median price of a house in Los Angeles County as of September 2021 is \$795,000.

### The proposals being recommended include the following:

- California Environmental Quality Act exemption for 100 percent affordable housing, similar to permanent supportive housing, and update to the State's definition of *Specific Plan* to correspond to the broader definition of local government Planning agencies.
- Locking land use provisions to a date certain, or in land use planning parlance, 'vesting' standard requirements, for bus transit service intervals.
- Support a CEQA exemption for local density bonus ordinances that are either consistent with an expansion upon State density bonus law to require higher affordability levels; and that would amend State law by streamlining the CEQA review process of Housing Element implementation projects, and thereby, enable the city to meet its Regional Housing Needs Assessment housing goals.
- *Housing Crisis Act* of 2019 (SB 330), and historic preservation; development standards and clarifications.
- Clarifications and enhancements to existing State emergency homeless shelter regulations.
- Provide for the continued option of conducting public meetings via teleconference, beyond the period of a declared emergency, through amendments to the *Brown Act*, to allow for broader public access to local government meetings.

## BACKGROUND

In a report dated November 16, 2021, the Planning Department recommends the adoption of six Resolutions to include in the City's 2021-22 State Legislative Program support for legislation or administrative action, to assist local governments meet the need for more affordable housing, inasmuch as barriers to planning for and producing new housing continue to exist. The Planning Department recommends adoption of six Resolutions to update either existing provisions or to provide clarification of recently enacted State legislation, as follows:

### ***Resolution #1- CEQA and updates to definitions:***

This Resolution seeks support of AB 1486 (Carrillo), that would amend State law by streamlining the CEQA review process of Housing Element implementation projects, and thereby enable the city meet its Regional Housing Needs Assessment housing goals, inasmuch as environmental review is already conducted in the development of Regional Transportation Plans and Sustainable Communities Strategies; and that exempt from CEQA review local density bonus ordinances that are either consistent with an expand upon State density bonus law to require higher affordability levels, and that provides *language to update definitions* contained in the California Environmental Quality Act as defined below, to correspond to the city's definitions, and thereby streamline the approval process to promote housing production:

*Specific Plan* (Municipal Code Section, 11.5.7): A regulatory land use ordinance that implements the goals and policies of the General Plan. These plans contain detailed development standards and implementation measures to which future projects located within a *specified geographic area* must adhere—a land use overlay, and therefore, an additional layer of planning control, establishing stricter standards that go beyond what the underlying zoning would normally regulate which can range from more specific standards governing the production of affordable housing to tailored rules on historic preservation.

*Transit Neighborhood Plans*: Plans for transit neighborhoods that encourage building design and a mix of uses that foster transit use, and also known as *Transit Oriented Districts*. This pattern of development is intended to expand mobility options; and planning efforts that enhance access to transit, reduce greenhouse gas emissions, and promote sustainable development. The plans encourage mixed-use development, mixed-income housing, employment, and infrastructure in neighborhoods connected by the City's transit network and active transportation corridors.

*Community Plan Implementation Overlays* (Municipal Code Section, 13.14): Specialized zoning tools that implement the policy goals and objectives associated with a Community Plan. Customized to fit the needs of individual neighborhoods, they further regulate different aspects of proposed projects.

### ***Resolution #2 Vesting Timelines and bus transit service intervals:***

This Resolution recommends locking land use provisions to a date certain, or in land use planning parlance, 'vesting' standard requirements, for bus transit service intervals. The Planning Department report indicates that a number of housing incentive programs rely on transit service and used for CEQA environmental clearances, whether for exemptions or streamlining efforts.

Inasmuch as transit service can change during the land use planning project review process, clarity is necessary in State law to indicate that transit service used to determine '*major transit stops*'; '*transit priority areas*'; and '*high quality transit areas/corridors*' is determined and vested at the time a development application or pre-application is submitted. As noted in the Planning Department report, an alternative approach is to determine transit service designations and eligibility by using maps created as part of the Regional Transportation Plan/Sustainable Communities Strategy, which are updated every four years.

### ***Resolution #3 Affordable Housing, Permanent Supportive Housing & Density Bonus law clarifications:***

This Resolution recommends support of 100 percent affordable housing and permanent supportive housing projects by updating AB 2162 (Chiu) enacted into law in 2018, to remove the requirement that permanent supportive housing projects receive public funding to be eligible for streamlining provisions; and to establish a CEQA exemption for 100 percent affordable housing projects, similar to AB 1197 (Santiago), enacted into law in 2019, which exempts CEQA review for permanent supportive housing. In addition, the

Resolution recommends updating AB 1763 (Chiu) also enacted into law in 2019, to expand the allowable areas where density bonus incentives can be utilized

***Resolution #4 SB 330 (Skinner) Clarifications to the Housing Crisis Act of 2019:***

This Resolution recommends clarifications and enhancements to SB 330 (Skinner), *Housing Crisis Act of 2019*, which places limitations on the imposition of new design guidelines—potentially impacting the ability to adopt new local historic preservation districts and updating existing historic preservation guidelines.

In addition, the Resolution seeks clarity to ensure that local governments can establish new development standards (e.g. building form) in single family zones as it is permissible through the R1 Variation Zone, and that do not have an impact on housing density. Clarification is also sought whether SB 330 will be enforceable after its sunset date on January 1, 2025, for development projects undergoing discretionary planning review, or that have received discretionary approval; and clarification that the five public hearings limitation for a development project are not inclusive of appeal hearings; and clarification whether single family homes demolished due to the construction of a new housing development is captured under the definition of ‘*protected units*,’ inasmuch as SB 330 prohibits cities and counties from approving housing development projects that require the demolition of residential dwellings unless the development project replaces every demolished dwelling unit at a one to one ratio.

***Resolution #5 Emergency Shelters and Homelessness:***

This Resolution recommends clarifications and enhancements to two recently enacted legislation, AB 932 (Ting), 2017, which authorizes emergency housing to include homeless shelters in the city, with a sunset date of January 1, 2021, and AB 1197 (Santiago), 2019, which exempts CEQA review for supportive housing and emergency homeless shelters, with a sunset date of January 1, 2025, during periods of declared shelter crisis.

AB 932 and AB 1197 have granted flexibility from local zoning and building code requirements, and thereby facilitate the provision of much needed homeless shelters; as such, the Resolution recommends that these legislative provisions remain in place even if a shelter crisis declaration is no longer in effect, and to facilitate the creation of additional emergency shelters by extending these legislative provisions to emergency shelters on land owned or leased by any public agency; non-profit/charitable or faith-based institutions, and add public parks and parking lots to the definition of ‘qualified urban use’, as defined in AB 1197, thereby expanding the areas where they may be established.

***Resolution #6 Option of conducting public meetings via teleconference:***

This Resolution recommends providing for the continued option of conduction public meetings via teleconference, beyond the period of a declared emergency, through amendments to the *Brown Act*, to allow for broader public access to local government meetings.

Roberto R. Mejia -rg  
Roberto R. Mejia  
Analyst

Attachments: (1) Resolutions; and (2) Planning Department November 16, 2021 report.

## RESOLUTION

**WHEREAS**, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies, proposed to or pending before a local, state or federal government body or agency, must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

**WHEREAS**, the city has one of the most unaffordable housing markets in the country, where in 60 percent of its residents are renters, and where a median price house costs \$795,000; and

**WHEREAS**, the city is required to pursue housing policies and programs that create the conditions to meet its allocation of more than 455,577 housing units under the Southern California Association of Government's (SCAG) 6<sup>th</sup> Cycle Regional Housing Needs Assessment (RHNA), covering 2021-29, more than five times larger than in the prior 2013-21 cycle; and the city is required to demonstrate sufficient zoned capacity to accommodate its RHNA goal and must track its housing production progress towards meeting that goal; and

**WHEREAS**, the city is in dire need of affordable housing development and an increase to the city's housing stock, and barriers to planning for and producing new housing continue to exist;

**WHEREAS**, the State has enacted into law various California Environmental Quality Act (CEQA) bills in recent years that provide important streamlining for infill housing, particularly when its environmental impacts have already been analyzed in prior EIRs; and

**WHEREAS**, in 2013, a CEQA exemption was created for projects that are consistent with a Specific Plan, (Public Resources Code §21155.4) for projects that are consistent with SCAG's Sustainable Communities Strategy (Transit Priority Area); and

**WHEREAS**, a lack of clarity around the definition of Specific Plan has limited the use of this provision to the city's Specific Plans, Transit Neighborhood Plans; and Community Plan Implementation Overlays, inasmuch as Specific Plan is defined with the language contained in Government Code § 65451 and contrary to the broader definition of local government Planning agencies, inclusive of the city's own definition;

**NOW, THEREFORE, BE IT RESOLVED**, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2021-22 State Legislative Program SUPPORT for legislation or administrative action to provide clarity and additional exemptions within the California Environmental Quality Act (CEQA), to promote housing production, including AB 1486 (Carrillo), that would amend State law by streamlining the CEQA review process of Housing Element implementation projects, and thereby, enable the city to meet its Regional Housing Needs Assessment housing goals; and that exempt from CEQA review local density bonus ordinances that are either consistent with an expand upon State density bonus law to require higher affordability levels; and update the definition of *Specific Plan* contained in Government Code §65451, to correspond to a broader definition as contained in the city's Municipal Code § 11.5.7, and which also references *Transit Neighborhood Plans* and *Community Plan Implementation Overlays*.

## RESOLUTION

**WHEREAS**, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies, proposed to or pending before a local, state or federal government body or agency, must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

**WHEREAS**, transit service can change during the land use planning project review process, clarity is necessary, and clarification in State law to indicate that transit service used to determine '*major transit stops*'; '*transit priority areas*'; and '*high quality transit areas/corridors*' is determined and vested at the time a development application or pre-application is submitted; and

**WHEREAS**, an alternative approach exists to determine transit service designations and eligibility by using maps created as part of the Regional Transportation Plan/Sustainable Communities Strategy, which are updated every four years; and

**WHEREAS**, a number of housing incentive programs rely on transit service and used for CEQA environmental clearances, whether for exemptions or streamlining efforts; and

**WHEREAS**, the city has one of the most unaffordable housing markets in the country, where 60 percent of its residents are renters, and the city is in dire need of additional housing- whether affordable or market rate, to increase to the city's housing stock; and

**WHEREAS**, locking land use provisions to a date certain, or in land use planning parlance, 'vesting' land use policies, standards or requirements for bus transit service intervals would streamline the environmental review process, and thereby facilitate housing production in the city, especially along our transit corridors;

**NOW, THEREFORE, BE IT RESOLVED**, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2021-22 State Legislative Program SUPPORT for legislation or administrative action that locks (vests) land use policies, standards or requirements, to a date certain for bus transit service intervals to determine whether a development project meets the definition of a 'Major Transit Stop'; 'Transit Priority Area'; or 'High Quality Transit Area/Corridor', inasmuch as transit service can change during the land use development project review process.

## **RESOLUTION**

**WHEREAS**, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies, proposed to or pending before a local, state or federal government body or agency, must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

**WHEREAS**, the city has one of the most unaffordable housing markets in the country, where in 60 percent of its residents are renters, and where a median price house costs \$790,000; and

**WHEREAS**, the city is required to pursue housing policies and programs that create the conditions to meet its allocation of more than 455,577 housing units under the Southern California Association of Government's (SCAG) 6<sup>th</sup> Cycle Regional Housing Needs Assessment (RHNA), covering 2021-29, more than five times larger than in the prior 2013-21 cycle; and the city is required to demonstrate sufficient zoned capacity to accommodate its RHNA goal and must track its housing production progress towards meeting that goal; and

**WHEREAS**, the city is in dire need of affordable housing development and an increase to the city's housing stock, and barriers to planning for and producing new housing continue to exist; and

**WHEREAS**, an update to Government Code §65650 (supportive housing), was added by AB 2162 (Chiu), in 2018, which provides a streamlined ministerial review process for permanent supportive housing developments that receive public funding; and

**WHEREAS**, an update to Government Code §6565 may increase the production of affordable housing by removing the requirement that permanent supportive housing projects receive public funding to be eligible for streamline provisions; and in addition, the establishment of a CEQA exemption for 100 percent affordable housing projects may also increase the production of affordable housing; and

**WHEREAS**, exempting from CEQA review local density bonus ordinances that are either consistent with an expand upon State density bonus law to require higher affordability levels; including AB 1486 (Carrillo) that would amend State law by streamlining the CEQA review process of Housing Element implementation projects, and thereby enable the city meet its Regional Housing Needs Assessment housing goals;

**NOW, THEREFORE, BE IT RESOLVED**, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2021-22 State Legislative Program SUPPORT for legislation or administrative action to support of 100 percent affordable housing and permanent supportive housing projects by updating AB 2162 (Chiu) enacted into law in 2018, to remove the requirement that permanent supportive housing projects receive public funding to be eligible for streamlining CEQA provisions; and to establish a CEQA exemption for 100 percent affordable housing projects, similar to AB 1197 (Santiago), enacted into law in 2019 which exempts CEQA review for permanent supportive housing.

## RESOLUTION

**WHEREAS**, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies, proposed to or pending before a local, state or federal government body or agency, must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

**WHEREAS**, SB 330 (Skinner), *Housing Crisis Act of 2019*, places limitations on the imposition of new design guidelines—potentially impacting the ability to adopt new local historic preservation districts and updating existing historic preservation guidelines; and

**WHEREAS**, clarification is needed to *ensure* that local governments can establish new development standards in single family zones that have no impact on allowable housing density, such as the city’s R1 Variation Zones, which regulate building form, inasmuch as SB 330 places a moratorium on ‘down-zoning’ parcels—reducing the number of units that can be built on a parcel until January 1, 2025 ; and

**WHEREAS**, clarification is also sought whether SB 330 will be enforceable for active projects undergoing discretionary planning review, or have received discretionary approval; after SB 330’s provisions expire on January 1, 2025; and

**WHEREAS**, clarification is needed that public meetings to consider a project appeal, and voluntary design review or historic preservation consultations, do not count towards SB 330’s limitation of five public hearings for a development project; and

**WHEREAS**, clarification is needed whether the ‘protected units’ requirements apply to any single-family dwelling unit being demolished due to the construction of a new housing development, inasmuch as SB 330 prohibits cities and counties from approving housing development projects that require the demolition of residential dwellings unless the development project replaces every demolished dwelling unit at a one to one ratio, and therefore, additional language is needed in SB 330 to expand the ‘protected units’ provisions to include new hotel development and similar short term occupancies that result in the demolition of dwelling units to provide SB 330 protections for units and occupants; and

**WHEREAS**, SB 330 places limitations on the imposition of new design guidelines—potentially impacting the ability to adopt new local historic preservation districts and updating existing historic preservation guidelines, and therefore, clarification is needed on how local governments may adopt new local historic preservation districts, and amend or adopt design guidelines, including making procedural changes or streamlining/ removing guidelines, when those changes do not add new subjective guidelines;

**NOW, THEREFORE, BE IT RESOLVED**, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2021-22 State Legislative Program SUPPORT for legislation or administrative action that provides clarifications and enhancements to SB 330 (Skinner), *Housing Crisis Act of 2019*, which places limitations on the imposition of new design guidelines—potentially impacting the ability to adopt new local historic preservation districts and updating existing historic preservation guidelines, and ensure that local governments can establish new development standards (e.g. building form) in single family zones that do not have an impact on housing density.



## **RESOLUTION**

**WHEREAS**, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies, proposed to or pending before a local, state or federal government body or agency, must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

**WHEREAS**, two recently enacted legislation, AB 932 (Ting), 2017, authorizes emergency housing to include homeless shelters in the city, with a sunset date of January 1, 2021, and AB 1197 (Santiago), 2019, which exempts CEQA review for supportive housing and emergency homeless shelters, with a sunset date of January 1, 2025, during periods of declared shelter crisis; and

**WHEREAS**, AB 932 and AB 1197 have granted flexibility from local zoning and building code requirements, and thereby facilitate the provision of much needed homeless shelters; and

**WHEREAS**, these legislative provisions should remain in place even if a shelter crisis declaration is no longer in effect; and

**WHEREAS**, the creation of additional emergency shelters will be facilitated by extending these legislative provisions to emergency shelters on land *not* owned or leased by the city, and thereby expand the areas where they may be established, such as but not limited to, land owned or leased by any public agency; non-profit/charitable or faith-based institutions; and

**WHEREAS**, AB 1197 can be enhanced by adding public parks and parking lots to the definition of ‘qualified urban use’, as defined in AB 1197, and thereby expand the uses that are eligible for CEQA exemption; and

**WHEREAS**, the city is in dire need of additional supportive housing and emergency homeless shelters, any efforts to streamline and expedite environmental review, are beneficial to alleviate homelessness and provide much needed supportive housing in the city;

**NOW, THEREFORE, BE IT RESOLVED**, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2021-22 State Legislative Program SUPPORT for legislation or administrative action that provides clarifications and enhancements to existing State emergency homeless shelter regulations enacted in 2017 by AB 932 (Ting), and AB 1197 (Santiago) in 2019, to allow emergency homeless shelters in the city even if a shelter crisis declaration is no longer in effect; and extend these provisions to apply to emergency shelters on land owned or leased by any public agency/non-profit, charitable or faith-based institutions; and expand areas where they may be established by clarifying the definition of ‘qualified urban use’ to add public parks and parking lots.

## **R E S O L U T I O N**

**WHEREAS**, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies, proposed to or pending before a local, state or federal government body or agency, must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

**WHEREAS**, the Governor's Executive Order No. N.29-20 dated March 17, 2020 has permitted expanded use of teleconferencing during the COVID-19 pandemic; and

**WHEREAS**, this temporary change to State law has had the benefit of improving and enhancing public access to local government meetings through the use of technology; and

**WHEREAS**, land use planning is one of the most important matters of community participation and careful vetting, inasmuch as its decisions impact the physical form of neighborhoods, and ultimately preserves its historic-cultural character; and additionally, helps in enacting land use controls as to density and the allowable development envelope; environmental protections and concerns—all which lead to the adoption of the community's plan; and

**WHEREAS**, State law should be amended to allow for this practice to continue even after the end of a declared emergency, to allow for broader access to the city's public meetings;

**NOW, THEREFORE, BE IT RESOLVED**, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2021-22 State Legislative Program SUPPORT for legislation or administrative action to provide for the continued option of conducting public meetings via teleconference, beyond the period of a declared emergency, through amendments to the *Brown Act*, to allow for broader public access to local government meetings.

**DEPARTMENT OF  
CITY PLANNING**

COMMISSION OFFICE  
(213) 978-1300

**CITY PLANNING COMMISSION**

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**CITY OF LOS ANGELES  
CALIFORNIA**



ERIC GARCETTI  
MAYOR

**EXECUTIVE OFFICES**

200 N. SPRING STREET, ROOM 525  
LOS ANGELES, CA 90012-4801  
(213) 978-1271

VINCENT P. BERTONI, AICP  
DIRECTOR


SHANA M.M. BONSTIN  
DEPUTY DIRECTOR

ARTHI L. VARMA, AICP  
DEPUTY DIRECTOR

LISA M. WEBBER, AICP  
DEPUTY DIRECTOR

**DATE:** November 16, 2021

**TO:** Mayor's Office of Legislative and External Affairs  
Sharon M. Tso, Chief Legislative Analyst

**FROM:** Vincent P. Bertoni, AICP   
Director of Planning  
Department of City Planning

**SUBJECT:** Department of City Planning Recommendations for Updates to the 2021-2022  
Federal and State Legislative Programs

**SUMMARY**

The Department of City Planning (LACP) recommends the policy proposals described below be included in the updates to the City's 2021-2022 State Legislative Program, which would support the City's efforts to plan for and provide access to housing. Many of these proposals were recommended by the LACP last year and are still relevant and would bring additional support to the City's planning and land use initiatives. This includes updating provisions related to the California Environmental Quality Act (CEQA), vesting, and further streamlining the approval of affordable housing and shelters for persons experiencing homelessness. In addition, the Department has identified important clarifications needed to state law in order to effectively carry out historic preservation and neighborhood conservation activities.

**RECOMMENDATION**

Adopt Resolutions to include in the City's 2021-2022 State Legislative Program SUPPORT for legislation or administrative action that would:

1. Provide clarity and additional exemptions within the California Environmental Quality Act (CEQA), as necessary, for certain activities to promote housing production, including:
  - a. Support for any legislative or administrative action, including AB 1486 (Carrillo), that would streamline approval and implementation of the City's updated Housing Element and associated housing policy changes;
  - b. Create a CEQA exemption for local density bonus ordinances that are consistent with and expand upon state density bonus law to require higher affordability levels;

- c. Update the definition of *specific plan* in Government Code (GC) § 65451 to clearly reference the City's Specific Plans, Transit Neighborhood Plans and Community Plan Implementation Overlays for inclusion in that definition for the purposes of the CEQA exemption provided in GC §65457 and PRC 21155.4 (specific plan projects located within a Transit Priority Area);
2. Clarify vesting timelines for bus transit service intervals for the purposes of determining whether a development project meets the definition of a Major Transit Stop, Transit Priority Area, or High Quality Transit Area/Corridor;
3. Support 100% affordable housing and permanent supportive housing projects by:
  - a. Updating AB 2162 and AB 1197 to remove the requirement that permanent supportive housing projects receive public funding in order to be eligible for streamlining provisions;
  - b. Updating AB 1763 to expand the allowable areas where additional development incentives can be utilized; and
  - c. Establishing a CEQA exemption for 100% affordable housing projects, similar to AB 1197 for permanent supportive housing;
4. Provide additional clarification and enhancements to the Housing Crisis Act of 2019 (SB 330), including:
  - a. Ensure local governments can establish new development standards in single-family zones that have no impact on allowable housing density (such as the City's R1 Variation Zones, which regulate building form);
  - b. Allow cities to reduce housing intensity through a zoning ordinance if adequate sites will be rezoned within 180 days to make up for the reduction (rather than "concurrently" in today's law);
  - c. Clarify language on how local governments may adopt new local historic preservation districts and amend or adopt design guidelines, including making procedural changes or streamlining/removing guidelines, when those changes do not add new subjective guidelines;
  - d. Clarify voluntary design review or historic preservation consultations, do not count towards the limitation of five public hearings for a development project;
  - e. Expand provisions around "protected units" to include new hotel development and similar short-term occupancies that result in the demolition of dwelling units to provide SB 330 protections for units and occupants;
  - f. Clarify that the provisions of SB 8 do not limit the Housing Crisis Act (SB 330) to only housing development projects that submit a preliminary application; and
  - g. Create a private right of action for tenants against property owners who violate protections granted under SB 330, including the right of return and right to remain in their unit until six months prior to the start of construction;

5. Provide clarification and enhancements to existing state emergency shelter regulations to provide greater certainty to shelter providers, facilitate emergency shelters on land not owned or leased by the City and expand areas where they may be established by clarifying the definition of "qualified urban use" (Public Resources Code 21072) to add public parks and parking lots; and
6. Provide for the continued option of conducting public meetings via teleconference, beyond the period of a declared emergency, through amendments to the Brown Act (GC § 54953) to allow for broader public access to local agency meetings.

## **BACKGROUND**

Southern California has one of the most unaffordable housing markets in the country. In response, the state Legislature has recently established new goals and requirements around planning for new housing. As a result of the 6th Cycle Regional Housing Needs Assessment (RHNA) allocation process, which covers 2021 through 2029, the City of Los Angeles has been assigned a RHNA goal of 455,577 housing units, which is more than five times larger than in the prior 2013-2021 cycle. Under state Housing Element law, the City is required to demonstrate sufficient zoned capacity to accommodate its RHNA goal, and must track its housing production progress towards meeting that goal.

While state law has created important tools to facilitate production of housing, barriers to planning for and producing new housing continue to exist. The Department's recommendations provided in this report highlight specific ways the state can continue to assist local jurisdictions to meet the tremendous need for more affordable housing, and encourage local planning for future housing.

### **California Environmental Quality Act Streamlining**

The California Environmental Quality Act (CEQA) is an important pillar of environmental protection in California. The Department implements CEQA through the review and mitigation of potential negative environmental impacts identified as part of the Department's evaluation of housing development projects.

The State has passed various CEQA-related bills in recent years that provide important streamlining for infill housing, particularly when the environmental impacts have already been analyzed in a prior Environmental Impact Report (EIR). An EIR for a planning effort details the reasonably expected potential impacts of land use changes, and identifies mitigation measures to reduce or avoid those impacts and provides alternatives for decision-makers to consider during the adoption process. Opportunities exist to further clarify the provisions of these state regulations to help local jurisdictions implement them fully.

Given the significant new state-mandated RHNA housing goals, many California cities will be required to rezone sites to provide additional housing capacity needed to meet that goal. Cities have three years after adoption of the Housing Element to complete any required rezoning. Most Housing Elements are required to be updated every eight years. Given the new requirements, this process will typically require adoption of an EIR analyzing the development and use of that housing.

AB 1486, introduced by Assemblymember Carrillo, is a bill that would amend state law to expedite the City's ability to meet its RHNA housing goals by providing for additional streamlining of the CEQA judicial review process for the adoption of the Housing Element and subsequent implementation ordinances. This bill, or other similar actions at the state level, would assist the City in advancing state and local housing objectives.

State density bonus law provides a density increase and other incentives for projects that include a set amount of affordable housing. It also allows cities to grant greater density bonuses than state law. The Department is launching an update of the City's local density bonus ordinance to maximize the potential to create affordable housing through this important tool. To encourage cities to utilize this incentive tool to create more affordable housing, and enact updates, the state could extend the current CEQA exemption for adoption of local ordinances to apply to ordinances that further incentivize affordable housing.

A clear statutory exemption for certain projects that are consistent with a specific plan was created in 2013 in PRC 21155.4 for projects that are consistent with SCAG's SCS. However, a lack of clarity around the definition of specific plan has limited the use of this provision to the City's Specific Plans, Transit Neighborhood Plans and Community Plan Implementation Overlays. When the Natural Resources Agency updated the CEQA Guidelines in December 2018, they added language that the Specific Plan as used in 21155.4 was a specific plan as defined in 65451. The Department recommends that the definition of specific plan in GC 65451 be amended to include a broader definition of local planning efforts.

## **Vesting**

State and local law includes provisions specifying when a proposed housing development becomes subject to certain changes to policies, standards or requirements. Locking in these standards to a date certain is called "vesting" or "grandfathering."

The vesting date for one important area of state law remains unclear. A number of CEQA related provisions and housing incentive programs rely on levels of transit service to determine applicability - including Major Transit Stops, Transit Priority Areas and High-Quality Transit Areas/Corridors. These terms are used throughout the state primarily for CEQA purposes, including various exemptions and streamlining efforts. In most areas of the state, the regional Council of Government (such as SCAG) are responsible for creating maps of these transit concepts. The City's Transit Oriented Communities (TOC) Affordable Housing Incentive Program uses the state definition of Major Transit Stop to establish eligibility pursuant to Measure JJJ. Opportunities exist to provide more certainty regarding this definition, which is important for applicants who wish to utilize the program, as well as various CEQA streamlining provisions.

Transit service can change at any time during the project review process, and as such there is a need for added clarity. The Department recommends that state law be clarified to state that transit service used to determine Major Transit Stops, Transit Priority Areas, and High-Quality Transit Areas/Corridors is determined and vested at the time an application (or pre-application) is submitted. Alternatively, to provide greater certainty, state law could be clarified to state that the transit service documented in maps created as a part of the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) should be used to establish transit designations and eligibility. These maps are typically updated every four years and is the current practice used in most jurisdictions.



## **Additional Support for 100% Affordable Housing Projects**

Creating more affordable housing remains a primary challenge due to both funding and land use constraints. In a time of smaller public budgets, the power of land use should be maximized to incentivize homebuilders to create low-cost housing that can be rented for affordable rents to a range of lower and moderate income households. Prior state legislation, including AB 2162 and AB 1197, have helped to streamline the approval process for permanent supportive housing developments. These provisions should be further enhanced by removing public funding requirements in order to expand the number of eligible projects. In line with recent changes to state law that were passed with AB 1763, additional measures should be taken to ensure that 100% affordable housing projects are able to be built in more places and more easily than other housing types, given the extreme need for affordable housing. This includes expanding where AB 1763 could be utilized and establishing a CEQA exemption for 100% affordable housing which would promote qualifying affordable housing projects.

## **SB 330 Clarifications to Facilitate Historic Preservation and Neighborhood Conservation**

The Housing Crisis Act of 2019 (SB 330) has created some ambiguity on the processes by which local governments may adopt new local historic preservation districts. The Department understands that it was not the intent of SB 330 to preclude the adoption of new historic districts statewide during the Act's five-year effective period, and further clarifying language may be needed. In addition, clarifying language would be beneficial to allow local governments to streamline existing design guidelines without an amended or re-adopted set of guidelines being considered "new" under SB 330, and therefore becoming inapplicable to housing development projects. Finally, clarification of the Act in relation to the creation of new development standards such as R1 Variation zones in single-family zones which have no impact on allowable housing density would be helpful. A final concern is the enforceability of some of the provisions for "protected units" and the tenants who live in them. To enhance penalties for non-compliance, the state could create a private right of action for tenants against property owners who violate provisions of SB 330, including the right of return and right to remain in their unit until six months prior to the start of construction.

## **Emergency Shelters for Persons Experiencing Homelessness**

Recent changes to state law - most recently AB 932 and AB 1197 - have expanded the ability of the City to establish emergency shelters for people experiencing homelessness, during periods of a declared shelter crisis. These changes have granted needed flexibility to local zoning and building code standards, helping to facilitate quicker and more cost-effective forms of shelter. To provide greater certainty to shelter providers, the state should allow emergency shelters established through these provisions of state law to remain in place even if a shelter crisis declaration is no longer in effect. In addition, to facilitate the creation of additional emergency shelters, the state should extend these provisions to also apply to shelters that are established and operated on land owned or leased by any public agency (not just the City), as well as non-profit/charitable or faith-based institutions. Finally, the CEQA exemption in AB 1197 limits emergency shelter allowances to sites previously developed as a "qualified urban use" (Public Resources Code 21072), which should be clarified to include public parking lots, parks and other urban public uses.

## **Brown Act and Teleconference Meetings**

The Governor's Executive Order No. N-29-20, dated March 17, 2020, has permitted expanded use of teleconferencing during the COVID-19 pandemic. This temporary change to state law has had the benefit of improving and enhancing public access to local agency meetings through the use of new technology. State law should be amended to allow for this practice to continue even after the end of a declared emergency, to allow for broader access to the City's public meetings in the digital age.

## **CONCLUSION**

For questions regarding this report, please contact:

Nicholas Maricich at (213) 626-9523 or [nicholas.maricich@lacity.org](mailto:nicholas.maricich@lacity.org), or  
Matthew Glesne at (213) 978-2666 or [matthew.glesne@lacity.org](mailto:matthew.glesne@lacity.org), or