



## Staff Report

**TO:** City Council  
**FROM:** Christina Taylor, Community Development Director  
**DATE:** September 7, 2021  
**SUBJECT:** Legislative Update and Request for Bill Positions

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### Background and Analysis:

The State legislative session is quickly coming to an end. The California legislature has until September 10 to pass any remaining bills and the Governor has until October 10 to sign or veto any legislation which reaches his desk.

There are a number of bills at the State level the City has been watching throughout this session. Several high-profile bills are on their way to the Governor's office and several more are in the Senate for consideration before the end of session.

Below is a list of bills with City staff recommendations for City Council consideration:

**SB9 (Atkins/Wiener):** This bill, among other things, would require a proposed housing development containing no more than two residential units within a single-family residential zone to be considered ministerially, without discretionary review or hearing. The bill would also set forth what a local agency can and cannot require in approving the construction of two residential units, including, but not limited to, imposition of objective zoning standards, objective subdivision standards, and objective design standards, unless those standards would preclude the construction of up to two units or preclude either of the two units from being at least 800 square feet in floor area, prohibiting the imposition of setback requirements and setting maximum setback requirements.

SB9 has passed the Assembly and Senate and will be before the Governor for signature or Veto. This bill would reduce local control and further restrict a City's ability to establish zoning and development standards. City staff is recommending City Council submit a letter requesting the Governor veto this legislation.

The full bill and activity history can be found here:

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220SB9](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB9)

**SB10 (Wiener):** The bill would prohibit an ordinance from reducing the density of any parcel and would prohibit a legislative body from subsequently reducing the density of any parcel subject to the ordinance. The bill would prohibit a residential or mixed-use residential project consisting of 10 or more units that is located on a parcel zoned pursuant to these provisions from being approved ministerially or by right or from being exempt from the California Environmental Quality Act. This bill would authorize a local government to adopt an ordinance to zone any parcel for up to ten units of residential density per parcel if the parcel is located in a transit-rich area or an urban infill site.

SB10 has passed the Assembly and Senate and will be before the Governor for signature or veto. Although this bill proposes to provide a tool for City's to up-zone parcels, it also establishes prohibitions on reducing densities on parcels. This bill further sets up a framework for future potential mandates relating to requiring cities to increase densities regardless of zoning. City staff is recommending City Council submit a letter requesting the Governor veto this legislation.

The full bill and activity history can be found here:

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220SB10](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB10)

**SB12 (McGuire):** 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 to include a comprehensive retrofit strategy to reduce the risk of property loss and damage during wildfires. The bill would also require the planning agency to review and revise the safety element upon each revision of the housing element or local hazard mitigation plan, but not less than once every eight years, to identify new information relating to retrofit updates applicable to the city or county that was not available during the previous revision of the safety element.

SB12 is not likely moving forward this session. However, this is a bill of interest so it has remained on the watch list. This bill creates several significant changes affecting general plans, housing elements, safety elements and RHNA allocation. If passed, it will affect the way RHNA is allocated throughout a region as well as mandate more frequent updates of certain elements of a general plan. There is no reference to a process or opportunity to appeal a designation once its applied. These requirements would significantly impact budgets and staff time. City staff is recommending City Council submit a letter of opposition to this bill.

The full bill and activity history can be found here:

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220SB12](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB12)

**AB215 (Chiu):** This bill increases the enforcement authority of the state Department of Housing and Community Development (HCD) in relation to violations of state housing law. The bill also requires HCD to notify the city or county, and authorizes HCD to notify the state Attorney General, that the locality is in violation of state housing element law or has taken an action in violation of the following: a) The Housing Accountability Act; b) No-net-loss-in zoning density law, which limits downzoning and density reductions; c) Density Bonus Law; and d) Prohibiting discrimination against affordable housing.

AB215 passed through Appropriations and has been ordered to a third reading. It will likely make its way to the Governor's office. This bill is focused on restricting a City's discretionary ability and implementing penalties for violations. City staff is recommending City Council submit a letter of opposition to this bill.

The full bill and activity history can be found here:

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220AB215](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB215)

**AB989 (Gabriel):** This bill (The Housing Accountability Act) prohibits a local agency from disapproving, or conditioning approval in a manner that renders infeasible, specified housing development projects, including projects for very low, low-, or moderate-income households and projects for emergency shelters that comply with applicable, objective general plan, zoning, and subdivision standards and criteria in effect at the time the application for the project is deemed complete, unless the local agency makes specified written findings based on evidence in the record. In addition, this bill provides an appeal process which circumvents the established appeals process through the court system.

AB989 has passed Appropriations and is on a third reading. The bill is moving forward. If it does not make it out of this session it will become a two-year bill and be considered next session. AB989 is an attempt at putting HCD in control of housing appeals. This is a direct conflict of interest as HCD is essentially responsible for implementing State housing policies which ensure housing development occurs. City staff recommends City Council submit a letter of opposition to this bill.

The full bill and activity history can be found here:

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB989](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB989)

**Fiscal Impact:**

Cost to prepare this staff report is approximately \$600.

**Recommended Action:**

Provide staff direction on position for submitting letters on legislative matters.