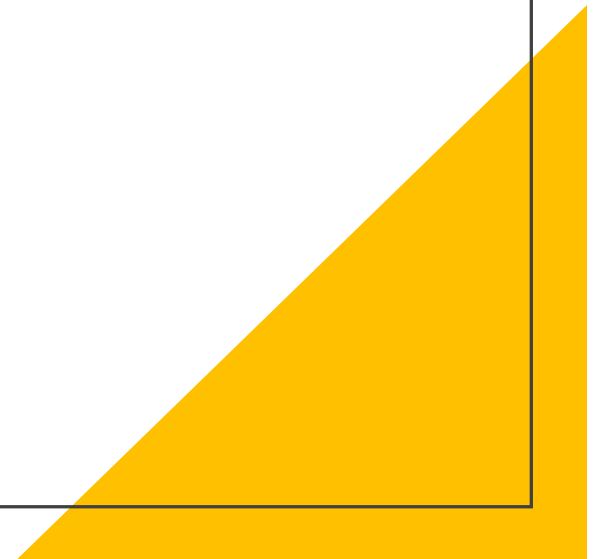


Housing & Land Use in 2024: New Legislation Overview

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Housing Laws to Address Crisis

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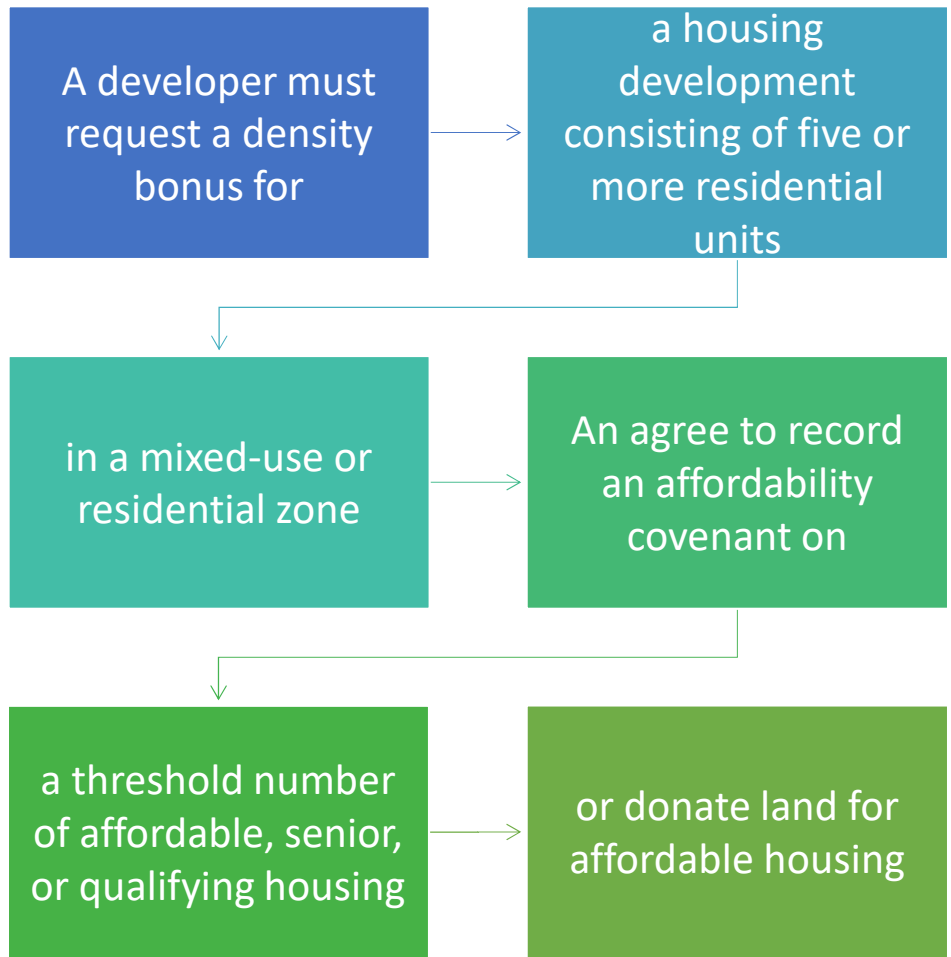
Benefits to Developer under State Density Bonus Law

More units per acre

Incentives/Concessions

Waiver of certain development standards

Preferential parking standards



Who's Eligible for a Density Bonus?

Minimum Eligibility Thresholds

- At least 5 percent of the units are for rental or sale to very low-income households;
- At least 10 percent of the units are for rental or sale to lower income households;
- At least 10 percent of the units are for sale to moderate-income households;
- A market-rate senior citizen (55+) housing development with at least 35 dwellings;
- At least 10 percent of the units are for very low-income transitional foster youth, disabled veterans, or homeless persons; or
- At least 20 percent of the units are for lower-income student housing.

Household Income Thresholds for LA County

Threshold	Family of 4 Income	Affordable Rent
Extremely Low	\$37,850	\$737 + Utilities
Very Low	\$63,050	\$1,228 + Utilities
Low	\$100,900	\$1,473 + Utilities
Median	\$98,200	
Moderate	\$117,850	\$2,700 + Utilities

Density Bonus

Household Income Category	Threshold	Density Bonus
Very Low	5%	20%
Very Low	10%	32.5%
Very Low	15%	50%
Very Low	80–100%	80%
Low	10%	20%
Low	17%	30.5%
Low	24%	50%
Low	80–100%	80%
Moderate	10%	5%
Moderate	20%	15%
Moderate	30%	25%
Moderate	44%	50%

AB 1287: Super Density Bonus

- Applicants are entitled to an additional density bonus if:
 - they satisfy the following thresholds:
 - 15% of total units for very low-income households
 - 24% of total units for low-income households
 - 44% of total units for moderate-income households
 - AND they provide a certain number of additional:
 - Very-low income units
 - Moderate-income units

AB 1287: Super Density Bonus

Household Income Category	Additional Threshold	Density Bonus
Very Low @ 15% + Very Low @	5% (Total = 20%)	50% + 20%= 70%
Very Low @ 15% + Very Low @	10% (Total = 25%)	50% + 38.75%= 88.75%
Very Low @ 15% + Moderate @	5%	50% + 20%= 70%
Very Low @ 15% + Moderate @	15%	50% + 50%= 100%
Low @ 24% + Very Low @	5%	50% + 20%= 70%
Low @ 24% + Very Low @	10%	50% + 38.75%= 88.75%
Low @ 24% + Moderate @	5%	50% + 20%= 70%
Low @ 24% + Moderate @	15%	50% + 50%= 100%
Moderate @ 44% + Very Low @	5%	50% + 20%= 70%
Moderate @ 44% + Very Low @	10%	50% + 38.75%= 88.75%
Moderate @ 44% + Moderate @	5% (Total = 49%)	50% + 20%= 70%
Moderate @ 44% + Moderate @	15% (Total = 69%)	50% + 50%= 100%

Incentives & Concessions

- A reduction in site development standards or a modification of zoning code or architectural design requirements that results in identifiable and actual cost reductions;
- Approval of mixed-use zoning in conjunction with the housing project if the inclusion of commercial, office, or industrial uses will reduce the cost of the housing project and such nonresidential uses are compatible with the housing project and existing and planned development in the area; and
- Other regulatory incentives or concessions proposed by the local agency or the developer that result in identifiable and actual cost reductions to provide for affordable housing costs or rents.

AB 1287: Incentives and Concessions

Household Income	Percentage of Affordable Units in Project	Concession/Incentive
Very Low-Income	5%	1
Very Low-Income	10%	2
Very Low-Income	15%	3
Very Low-Income	16%	4
Low-Income	10%	1
Low-Income	17%	2
Low-Income	24%	3
Moderate-Income	10%	1
Moderate-Income	20%	2
Moderate-Income	30%	3
Moderate-Income	45%	4
20% affordable to low-income students		1
Fully affordable project with 80% lower-income households minimum		5

Eligibility for Waivers

- If compliance with a development standard would physically preclude construction of a housing development utilizing the density bonus and concessions or incentives, the applicant may submit a proposal for a waiver or reduction of the development standard.
- There is no maximum limit on the number of waivers an applicant may request.

Development Standards

- Density*
 - (units per acre)
- Height Limitation
 - (max. number of feet)
- Parking Ratio*
 - (parking spaces per bedroom)
- Setback Requirements
 - (front, side, & rear yard)
- Floor Area Ratio
 - (main structure floor area / lot area)
- Lot Coverage
 - (all structures floor area / lot area)
- Open Space Requirements
 - (% of building area)
- Minimum Lot Size
 - (feet per lot)



SB 713: Development Standards

- “Development standard” includes a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, a minimum lot area per unit requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation that is adopted by the local government or **that is enacted by the local government’s electorate exercising its local initiative or referendum power, whether that power is derived from the California Constitution, statute, or the charter or ordinances of the local government.**

AB 323: For-Sale Units Under DBL or Inclusionary Housing Ordinance

- For-sale units constructed under DBL or a local inclusionary housing ordinance must be offered to income qualifying persons
- If the unit is not sold within 180 days of the Certificate of Occupancy, the unit may be offered to a qualified non-profit housing corporation
- Obligation is placed on both City and Developer
- A violation is subject to a \$15,000 fine per unit

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Definition: Accessory Dwelling Unit (ADU)

- “[A]n attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons.”
- Must include facilities for:
 - Living & sleeping (bed);
 - Eating & cooking (stove, kitchen sink, and counter); and
 - Sanitation (toilet and shower)
- On same parcel as primary unit

Examples of Accessory Dwelling Units (ADUs)

ADUs in blue; main residence in white

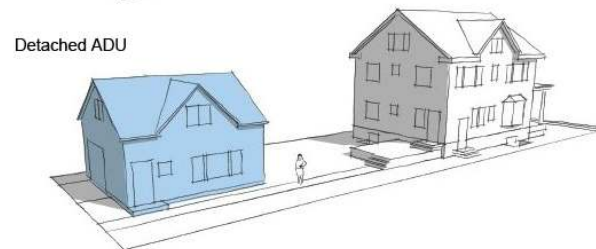
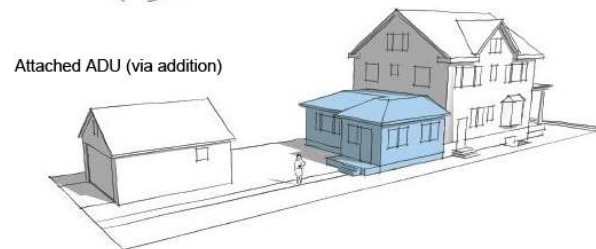
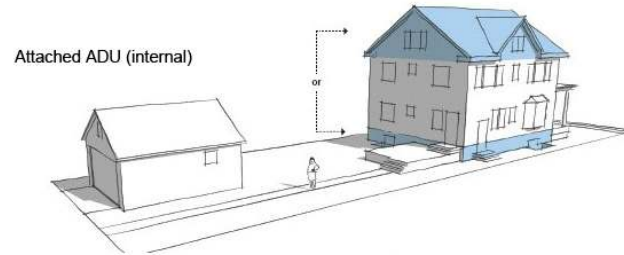


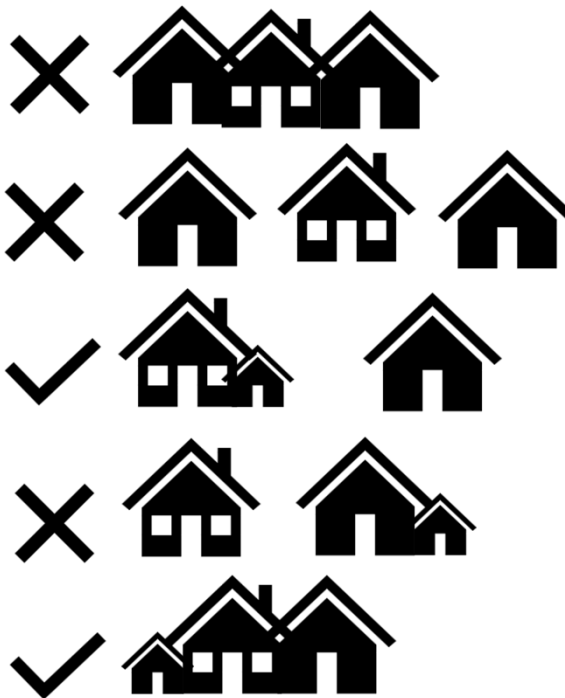
Image credit: City of Saint Paul, MN

Definition (GC 65852.22: Junior Accessory Dwelling Unit (JADU)

- “Junior accessory dwelling unit” means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

Multiple Single-Family ADUs/JADUs

- Cannot have two ADUs attached to single-family dwelling
- Cannot have two detached ADUs on a single-family lot
- Can have a detached ADU with JADU attached to ADU
- Cannot have detached ADU & JADU on a single-family lot
- Can have both ADU & JADU attached to single-family dwelling



Multi-Family Buildings & Multiple ADUs/JADUs

- Can have multiple attached ADUs in a multifamily dwelling
- Can have up to two detached ADUs on a multifamily dwelling
- Additional Requirements
 - Cannot require correction of nonconforming zoning conditions
 - No short-term rentals



AB 1332: Application Process

Processed ministerially (without discretionary review)

No hearing permitted

Must approve or deny an application within 60 days of a completed application

Delay acceptable if submitted with application for additional development or upon request of applicant

Timeline reduced to 30 days if the local agency preapproved plans or approved identical ADU

ADU vs. JADU Development Standards

	ADU	JADU
Configuration	Attached or Detached	Attached & Within Residence
Minimum Size	150-220 sq ft	150-220 sq ft
Maximum Size	850 sq. ft. one bedroom 1,000 sq. ft. for two bedroom 1200 sq. ft overall Max 50% of residence if attached	500 sq ft
Cooking	Building Code Kitchen	Efficiency Kitchen
Use	Single-Family or Multi-Family	Single-Family
Entrance	Separate	Separate
Sanitation	Independent Required	Shared Permitted

3

AB 976: Owner-Occupancy Requirements

- Existing law authorizes a City to impose an owner-occupancy requirement on a parcel starting January 1, 2025
- AB 976 makes permanent the prohibition on a city's ability to require owner-occupancy on a parcel containing an ADU

AB 1033: Separate Conveyance of ADUs

- Existing law prohibits the separate sale or conveyance of an ADU or JADU, unless developed by a non-profit affordable housing developer
- AB 1033 authorizes, but does not require, Cities to adopt an ordinance to allow the separate sale or conveyance of an ADU and primary dwelling unit as condominiums
- Must obtain lienholder/lender/HOA consent
- Utility companies may require installation of separate utility connections

AB 1332: Pre-Approval Program

Adopt a process for pre-approval of ADU plans by January 1, 2025.

Pre-approval of ADU plan does not constitute approval of an application.

The application for a pre-approved plan is subject to the same application processing timelines and fees as the primary ADU application.

Unlike other ADU applications, pre-approved plans would not be site specific.

Pre-approved plans and the applicant's contact information must be posted to website

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AB 281: Post-Entitlement Permits

- Applies to all post-entitlement permits (e.g. building permits or grading permits) for housing development projects (including single-family homes)
- Does not apply to discretionary and ministerial planning permits (entitlements)
- AB 281 requires special districts to respond to post-entitlement permit applications within 30/60 days
- Unlike for cities, applications are not deemed approved if the special district fails to respond in time

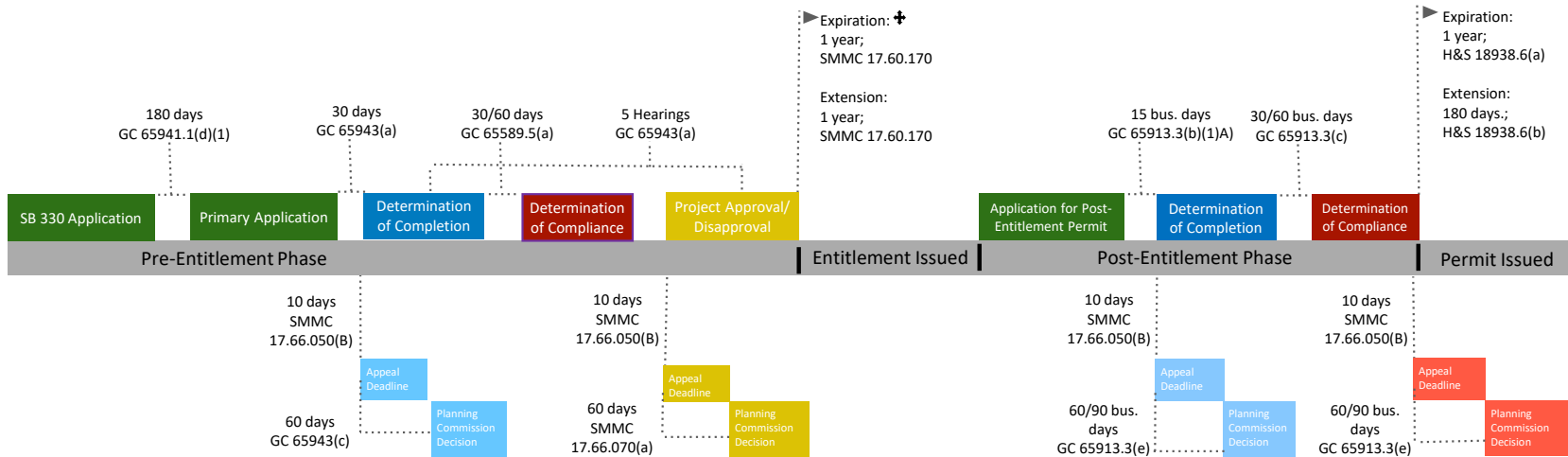
New State Mandates: AB 2234

- Provide complete sets of permit requirements for at least 5 housing development projects, including:
 - ADUs
 - Duplexes
 - Mixed Use
 - Multifamily
 - Townhomes
- Develop a comprehensive post-entitlement application;
- Create an online website for individuals to apply for, complete, and retrieve their post-entitlement permits;
- Until an online portal is created, the City must accept permit applications and related documents via email;
- Requirements take effect January 1, 2024

Entitlements Permits	Post-Entitlements Permits
Deadlines measured in calendar days	Deadlines measured in business days
Determination of compliance is an intermediary step	Determination of compliance is the final step
No statutory deadline to consider approval or disapproval of an entitlement permit	Statutory deadline to consider approval or disapproval of an entitlement permit
Opponents or applicant may appeal determination regarding final approval or disapproval, respectively	Only applicant may appeal determination of non-compliance
Permit extension & expiration timelines governed by municipal code, unless Subdivision Map Act applies	Permit extensions & expiration timelines governed by Health and Safety Code



Permitting Lifecycle of a Housing Development Project



"Housing Development Project" means (GC 65905.5):

- Residential units only, including a proposal to construct a single dwelling unit;
- Mixed-use developments, with at least 2/3rds of the square footage designated for residential use; and
- Transitional and supportive housing.

Accessory dwelling units, SB 35 developments, AB 2011 developments, and preliminary applications under SB 330 may be subject to different requirements.

Planning Commission decisions may be appealed to the City Council, depending on the City's ordinance.

⚡ The Subdivision Map Act has separate expiration and extension requirements under GC 66452.6; 66463.5.

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Different Statutes Facilitating Streamlined Approval of Projects

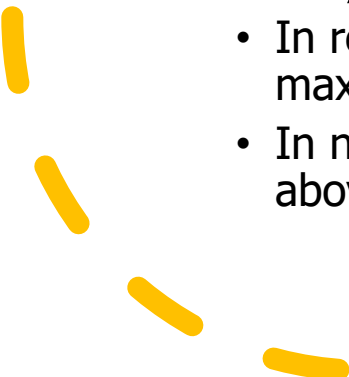
- Accessory Dwelling Unit Law
- AB 803 – Small Home Lot Developments
- **AB 1490- Hotel/Motel Conversion Projects**
- AB 2011- Office/Retail/Parking Conversion Projects
- AB 2295- School District Projects
- **SB 4- University/Religious Institution Projects**
- SB 6 – Middle Class Housing Act of 2023
- SB 9 – Urban Lot Splits/ Ministerial Design Review
- SB 35 – Streamlining Affordable Housing in Residential Zones
- **SB 684- Max 10-unit developments**

AB 1490: Extremely Affordable Adaptive Reuse Projects

- Extremely affordable adaptive reuse projects:
 - A multi-family housing development project;
 - Development involves retrofitting and repurposing a residential or commercial building that allows temporary dwelling or occupancy (e.g. motel/hotel) to create new residential units;
 - 50% affordable to low-income households or 50% to very low-income households (100% affordable)
- Extremely affordable adaptive reuse project not subject to maximum density, floor area ratio, parking, and open space requirements



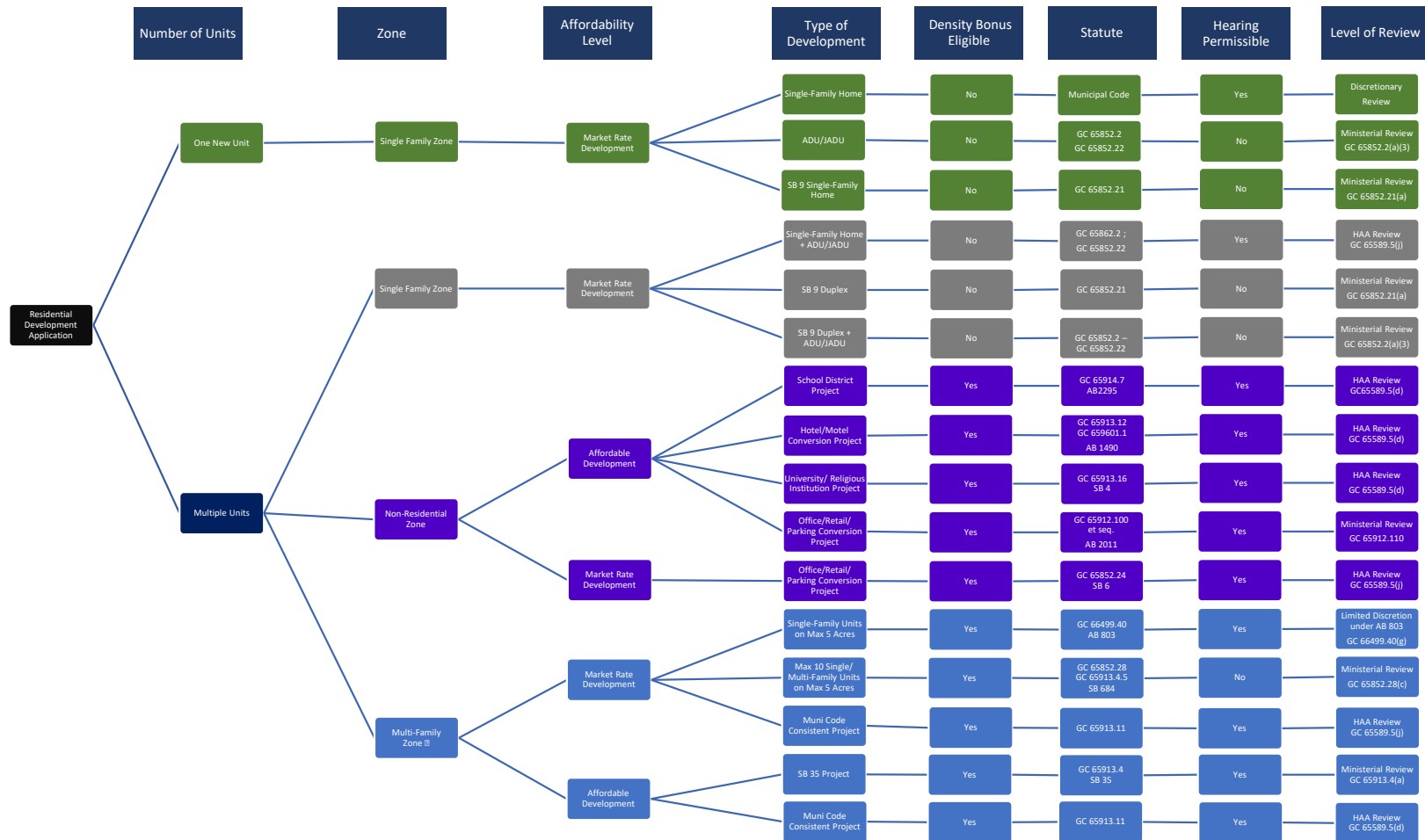
SB 4: Affordable Housing on Faith and Higher Education Lands Act

- A housing development project is a use by right if the following criteria are satisfied:
 - Project on land owned by an independent institution of higher education or a religious institution;
 - All units are for lower income households;
 - Density & Height:
 - In residential zones, can be built up to Mullin Density with one story above the maximum allowable height
 - In non-residential zones, can be built up to 40 units per acre with one story above the maximum allowable height
- 

SB 684: Medium Density Housing

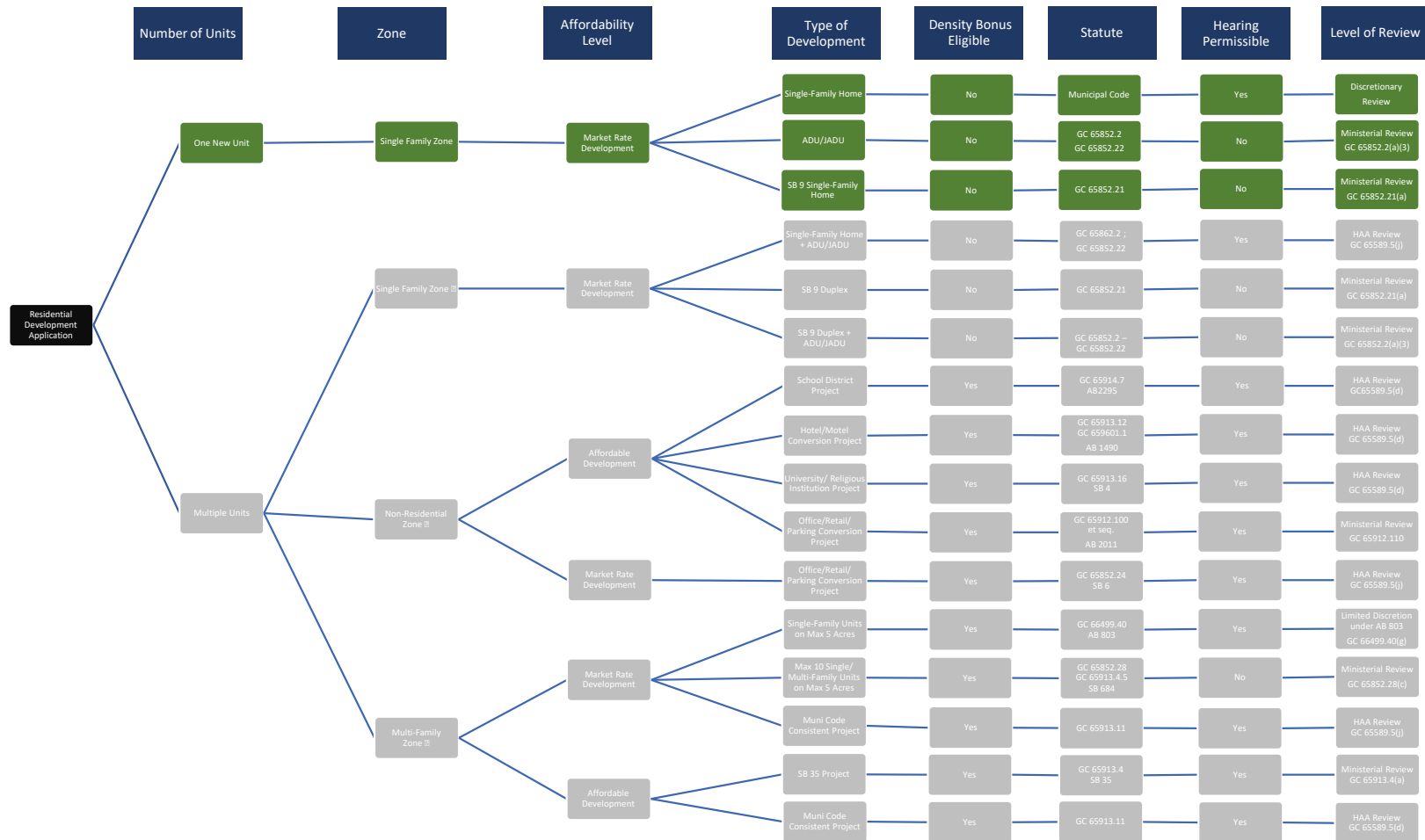
- Requires ministerial approve, without discretionary review or a hearing, of a subdivision map for a housing development project that meets the following:
 - 10 or fewer parcels of no less than 600 sq. feet
 - 10 or fewer units offered for sale and no greater than 1,750 sq. feet
 - Zoned for multi-family
 - Need to build up to housing element's density
- City can deny ADUs on parcels created pursuant to SB 684 and adopt ordinances to implement its requirements

Residential Housing Development Decision Tree



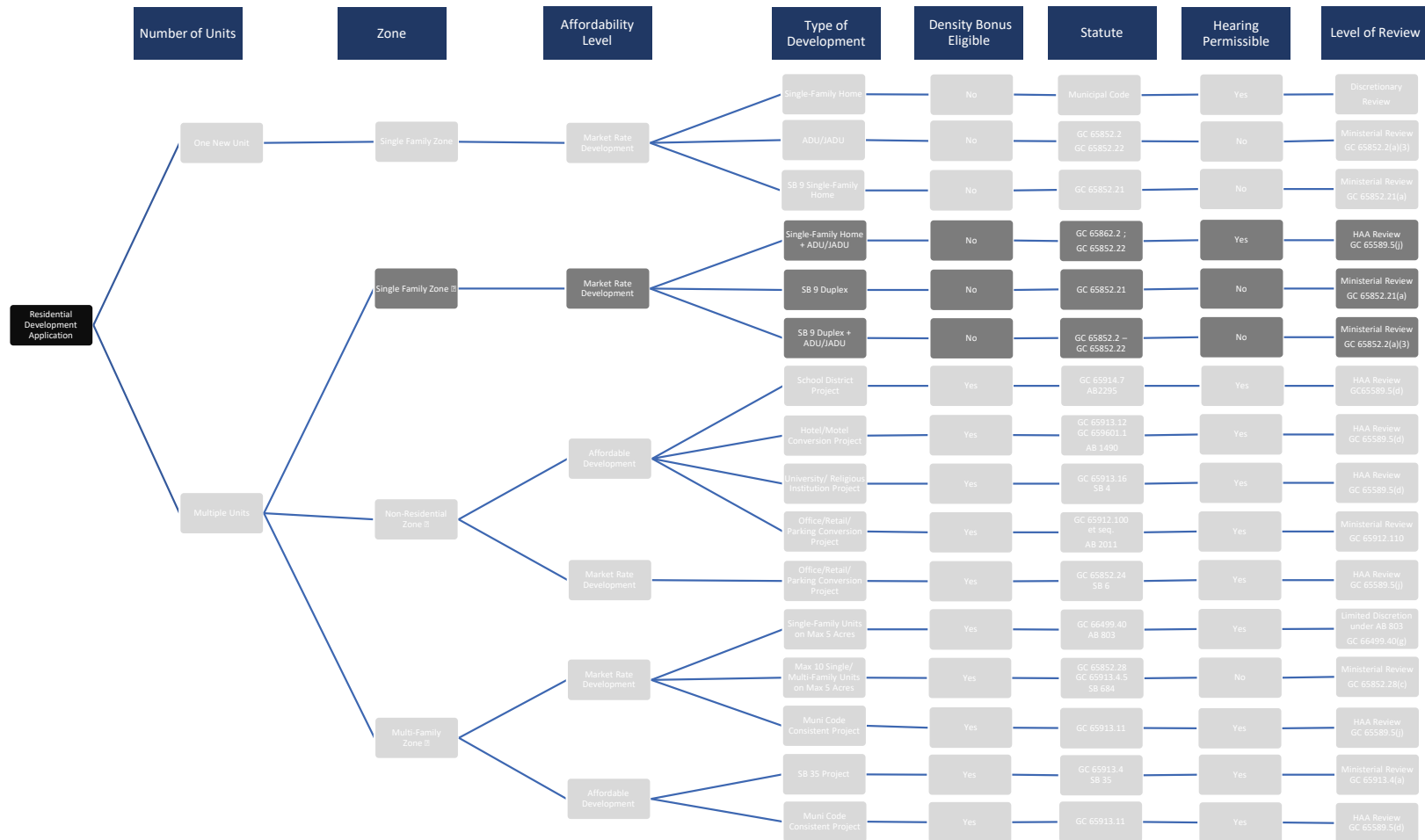
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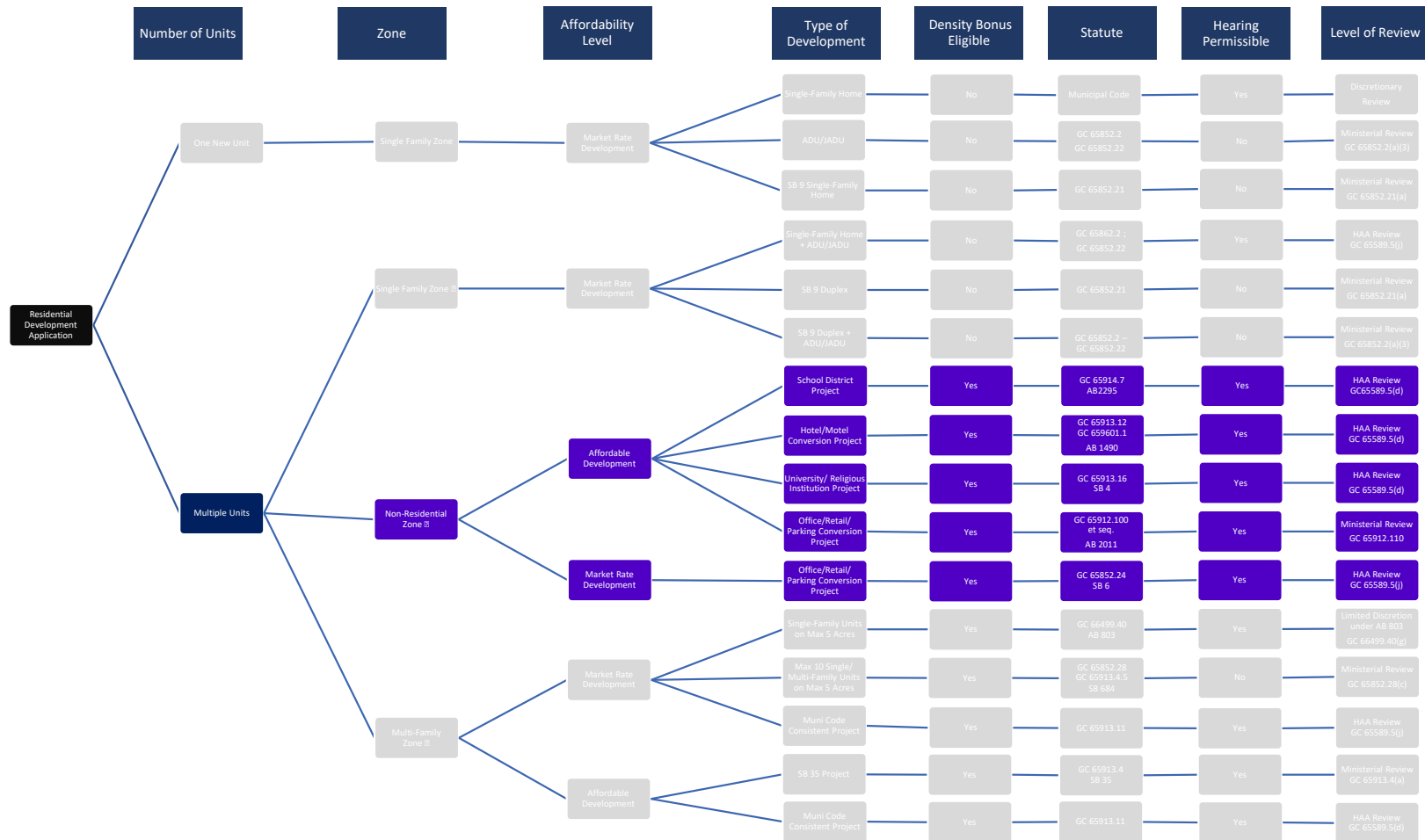
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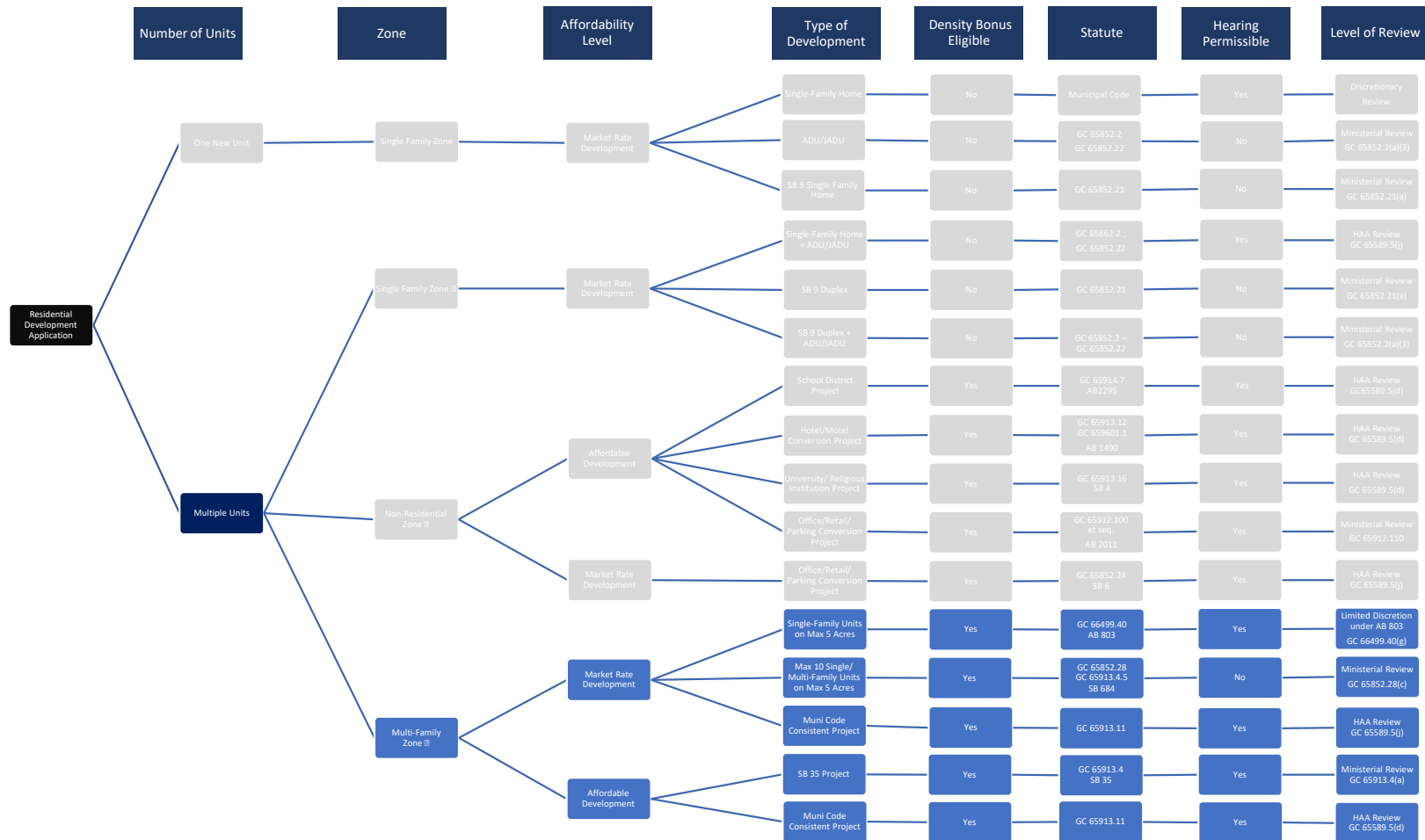
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