

EXISTING HOUSING PLANNING, POLICY, AND CEQA STREAMLINING RESOURCES

The following summary of existing housing planning, policy and, CEQA streamlining resources is aimed at providing direction for implementation of housing programs in the San Diego region. Planning, policy, and CEQA streamlining resources on the following topics are highlighted, including:

- 1 Streamlined Ministerial Approval**
(SB 35 / SB 330)
- 2 Missing Middle Housing** *(SB 9 / SB10)*
- 3 Objective Design and Development Standards**
- 4 Residential Development in Commercial Zones** *(AB 2011 / SB 6)*
- 5 Density Bonus Law**
- 6 Accessory Dwelling Units (ADUs)**
- 7 Affirmatively Furthering Fair Housing**
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- 9 Templates and Model Ordinances**
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This summary includes housing planning and policy and CEQA streamlining resources that have already been prepared by SANDAG and other government agencies, including: the Association for Bay Area Governments (ABAG), Southern California Association of Governments (SCAG), the San Joaquin Valley Regional Planning Agencies Policy Council, the California Department of Housing and Community Development (HCD), and the Governor's Office of Planning and Research (OPR). Selected other resources and examples are also included throughout. Sources for individual resources are noted.

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Streamlined Ministerial Approvals (SB 35 / SB 330)

SB 35 (2017) – Streamlined Ministerial Approval Process

SB 35 added a code to the Housing Development Approvals provisions to require streamlining of affordable housing development approvals in cities and counties that have insufficient progress toward their Regional Housing Needs Allocations (RHNA) goal and provides a ministerial process through which a project is only reviewed against objective standards and not subject to a conditional use permit.

- **Senate Bill 35: Affordable Housing Streamlined Approval** (SCAG)
- **Updated Streamlined Ministerial Approval Process** (HCD, March 30, 2021)
- **SB 35 Statewide Determination Summary** (HCD, June 2022)
- **Interactive SB 35 Determination and Housing Element Open Data Map** (HCD, June 2022)
- **SB 35 Determination Methodology and Background Data** (HCD, June 2022)
- **Streamlined Ministerial Approval Process Guidelines Response to Comments** (HCD, July 2020)

SB 330 (2019) - Housing Crisis Act of 2019

SB 330 established the Housing Crisis Act of 2019 which were passed to address the housing crisis throughout the state by: 1) increasing residential unit development; 2) protecting existing housing inventory; and 3) expediting permit processing. Parts of SB 330 make changes to legislation such as the Permit Streamlining Act and the Housing Accountability Act.

- **Senate Bill 330 and Senate Bill 8: Summary of Housing Crisis Act of 2019** (SCAG)
- **Housing Accountability Act Technical Assistance Advisory** (HCD, September 2020)
- **Designated Jurisdictions Prohibited from Certain Zoning-Related Actions** (HCD, December 27, 2019)
 - Affected Cities
 - Affected Counties (Census designated places (CDPs) within the unincorporated county)
- **Preliminary Application Template for use by Local Governments** (HCD, April 2020)

Missing Middle Housing (SB 9 / SB 10)

SB 9 (2021) - California HOME Act

Senate Bill (SB) 9 (Chapter 162, Statutes of 2021) requires ministerial approval of a housing development with no more than two primary units in a single-family zone, the subdivision of a parcel in a single-family zone into two parcels, or both. SB 9 facilitates the creation of up to four housing units in the lot area typically used for one single-family home.

ABAG SB 9 Resources

- **SB 9 Legal Summary** (ABAG, December 2021)
- **SB 9 Frequently Asked Questions** (ABAG, June 2022)
- **Senate Bill 9 (SB 9): An Overview** (ABAG, December 2021)
- **SB 9 Model Ordinance** (ABAG, December 2022)
- **SB 9 Key Actions/Decisions Worksheet for Planners** (ABAG, August 2022)
- **Objective SB9 Design and Development Standards** (ABAG, August 2022)
- **Sample Deed Restriction - Two Unit Development** (ABAG, August 2022)
- **Sample Deed Restriction - Lot Split** (ABAG, August 2022)
- **SB 9 Application Checklist for Two-Unit Developments and Urban Lot Splits** (ABAG, August 2022)
- **Sample Affidavits for Owner-Occupancy** (ABAG, August 2022)
- **Sample Affidavits for Prior Tenancies** (ABAG, August 2022)

Other SB 9 Resources

- **SB 9 Fact Sheet** (HCD, March 2022)
- **SB 9: Ministerial Approval of Duplexes And Urban Lot Splits** (SCAG)
- **California's HOME Act Turns One: Data and Insights from the First Year of Senate Bill 9** (Turner Center, January 2023)

SB 10 (2021) – Missing Middle Housing Production

Signed into law in 2021, SB 10 adds a government code that provides agencies with the option to upzone a 'transit rich area' or 'urban infill' parcel, for a maximum of 10 residential units and is exempt from CEQA through the rezoning process.

- **SB 10: Local Rezoning for "Missing Middle" Housing Production** (SCAG)

Objective Design and Development Standards

With the requirement of housing development projects to be reviewed against Objective Design Standards (ODS) through 2017 Senate Bill 35 and 2019 Senate Bill 330, the following resources are aimed at helping jurisdictions implement these standards which are used to regulate development, including “objective zoning standards,” “objective subdivision standards,” and “objective design review standards.” Objective standards are the only basis a local agency may use to deny or reduce the density of certain eligible projects. The following resources help guide jurisdictions into implementing objective design standards throughout their communities.

- **Approaches and Considerations for Objective Design Standards** (HCD, January 2021)
Provides definitions, best practices and examples as well as help local governments/jurisdictions establish specific objective design standards in their plans and code.
- **“How Objective is Objective?” Forum** (ABAG, February 2018)
A discussion on the implications of the Housing Accountability Act, Senate Bill No. 35 (SB 35) and other key housing legislation for plan making, code writing, and project review.
 - Presentation Slides
 - Recording
 - Case Studies for Discussion
- **Objective Residential Design and Development Standards**
(San Joaquin Valley Regional Planning Agencies Policy Council. Accessed March 2023)
This site provides an explanation of what an objective standard is, relevant state laws, resources, and examples of ODS, and topics of ODS.

Residential Development in Commercial Zones (AB 2011 / SB 6)

AB 2011, the Affordable Housing and High Road Jobs Act of 2022 and SB 6, the Middle Class Housing Act of 2022, are intended to permit residential development on sites currently zoned and designated for commercial or retail uses. Both bills will go into effect on July 1, 2023.

- **Webinar: Overview of AB 2011 and SB 6** (ABAG, March 2023)
 - Presentation Slides
 - Recording
 - Overview of AB 2011 and SB 6
- **Developing Housing in Commercial Zones: Focus on AB 2011 and SB 6** (American Planning Association, California Chapter, November 2022. *Registration Required*)

Density Bonus Law

The California Density Bonus Law (DBL, Government Code Section 65915 et seq), enacted in 1979, allows for jurisdictions to obtain more favorable local development requirements in exchange for offering to build or donate land for affordable housing or senior housing. This tool allows developers to increase densities of projects with incentives intended to help make the development affordable and feasible. These incentives include reduced parking, reduced setbacks and minimum square footage requirements.

- **Legislative Summary of AB 2345: Density Bonus Law** (SCAG)
A legislative summary document of the density bonus law AB 2345.
- **Density Bonus Law: What are Incentives/Concessions and Waivers** (SCAG)
An overview of the incentives/concessions and waivers as it pertains to a developer that deviates from design standards and/ or development regulations when such regulations potentially make the project economically infeasible.
- **Guide to the California Density Bonus Law** (Meyers & Nave, January 2023)

Accessory Dwelling Units (ADUs)

Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) are an innovative and effective option for adding much needed housing in California. ADUs have been known by many names: granny flats, in-law units, backyard cottages, secondary units and more. HCD is the state's leader on local ADU ordinances, which — while optional — have grown exponentially in number as more cities, counties, and homeowners become interested in ADUs as one solution to increasing the supply of affordable housing.

- **HCD Accessory Dwelling Units Website** (Accessed March 2023)
HCD's dedicated ADU webpage includes information about ADUs, JADUs, definitions, guidebooks, links to additional policies, ordinances, and funding information. The tab under "Additional Guidance" on this page provide additional guidance from other sites of organizations and other cities.
- **Accessory Dwelling Unit Handbook** (HCD, July 2022)
- **Supporting Development of Accessory Dwelling Units** (SCAG, April 2021)
- **Best Practices** (Center for Community Innovation, UC Berkeley. Accessed March 2023)
A list of resources per jurisdiction on ADU best practices throughout the state of California.

Affirmatively Furthering Fair Housing (AFFH)

The goal of Affirmatively Furthering Fair Housing (AFFH) is to combat housing discrimination, eliminate racial bias, undo historic patterns of segregation, and lift barriers that restrict housing access in order to foster inclusive communities and achieve racial equity, fair housing choice, and opportunity for all Californians. The following resources provide program basics, guidance, and resources to fulfill AFFH requirements.

- **Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements** (HCD, April 2021)
- **AFFH Data and Mapping Resources** (HCD. Accessed March 2023)
Through the AFFH Data Viewer, users can explore the various AFFH data layers, export maps, and incorporate and map their own data. HCD periodically refreshes the data to provide the latest information available.
- **CTCAC/HCD Opportunity Maps (CTCAC/HCD, January 2023)**
This mapping tool identifies areas in every region whose characteristics have been shown by research to support positive economic, educational, and health outcomes for low-income families. The map was designed in conjunction with the competitive funding infrastructure for the 9 percent and 4 percent Low-Income Housing Tax Credit (LIHTC) program (e.g. geographic competition aimed at increasing access to high-opportunity areas for low-income families).
- **Affirmatively Furthering Fair Housing Policies and Programs Toolkit** (ABAG, September 2022)
This Toolkit was developed in conjunction with HCD to help Bay Area jurisdictions complete AFFH goals, policies and actions in their Housing Element Update.
- **Housing Policy Library** (Local Housing Solutions. Accessed March 2023)
The library contains provides resources on housing planning, policy, and programs organized and searchable by a wide set of housing issues and policy objectives, including the objective of AFFH (22 policies are categorized under the AFFH goal).
- **Analysis of Impediments to Fair Housing Choice** (HCD, June 2020)
HCD has identified a multi-pronged approach that includes recommendations and action steps to address the 10 impediments to fair housing choice identified through the 2020 Analysis of Impediments process. The recommendations and action steps will inform HCD's efforts to affirmatively further fair housing; to promote inclusive communities, further housing choice, and address community disparities through HCD's programs, policies, and operations.

Anti-Displacement

Displacement typically occurs when certain groups of individuals or households (often low-income communities of color) are forced to move from neighborhoods as a result of rising housing costs and neighborhood conditions associated with new investments in those neighborhoods. The goal of anti-displacement strategies is to protect residents at risk of displacement to ensure the existing community also benefits from investments that come with the infill housing and economic investment in a community.

- **SANDAG Regionwide Anti-displacement Strategies** (Forthcoming)
When completed, this document will provide technical assistance to local governments to meet state and federal requirements to affirmatively further fair housing.
- **Development without Displacement** (ULI/ARUP, June 2018)
This report presents a Social Equity Toolkit to create development without displacement in existing communities. The toolkit includes best practices to mitigate residential displacement and protect businesses and cultural spaces.

Urban Displacement Project

- **Mapping Neighborhood Change in Southern California: Los Angeles, Orange, and San Diego Counties** (Updated 2020. Accessed March 2023)
The Urban Displacement Project (UDP) has a mapping tool that identifies varying levels of displacement risk for low-income renter households in major urban communities across the state.
- **Policy Resources** (Accessed March 2023)
UDP also has several anti-displacement policy resources including a map of anti-displacement policies adopted by Bay Area jurisdictions (last updated in 2019).

Los Angeles

- **Fact Sheet: Local and State Measures to Safeguard Households** (City of Los Angeles, March 2020)
- **Eviction Defense Program** (Los Angeles Housing Department, July 19, 2022. Accessed March 2023)

Oakland

- **Keep Oakland Housed: COVID-19 Renter Relief Program Guidelines** (City of Oakland, July 21, 2022)
- **Keep Oakland Housed Renter Relief Frequently Asked Questions** (City of Oakland, July 2022)

San Jose

- **Citywide Residential Anti-Displacement Strategy** (City of San Jose, August 2020)

Fresno

- **Here to Stay: A Policy Based Blueprint for Displacement Avoidance in Fresno** (Transform Fresno, City of Fresno, Thrivance Group, 2021)
- **Transform Fresno Displacement Avoidance Plan Narrative** (City of Fresno, September 2019)

Templates and Model Ordinances

The following templates and model ordinances are aimed at providing jurisdictions guidance when creating various presentations, staff reports or ordinances related to housing policies.

By-Right Housing Resources

- **By-Right Zoning Decision Flow Chart** (HCD, November 2021)
- **By-Right Rezoning Checklist** (HCD, June 2021)
- **By-Right Supportive Housing Model Ordinance** (ABAG, June 2021)
Sample ordinance for supportive housing to help establish development standards and ensure the supportive housing is constructed and operated in a manner that is consistent with state law.
- **By-Right Supportive Housing Fact Sheet** (HCD, November 2021)
- **By-Right Supportive Housing Checklist** (HCD, June 2021)

Low-Barrier Navigation Center Resources

- **Low Barrier Navigation Centers Fact Sheet** (HCD, November 2021)
- **Low-Barrier Navigation Centers Model Ordinance** (HCD, June 2021)
- **Low-Barrier Navigation Center Checklist** (HCD, June 2021)

Emergency Shelters

- **Assembly Bill 2339 - Legislation Effective January 1, 2023: Housing Element: Emergency Shelters** (HCD, December 2022)
- **Emergency Shelters Model Ordinance** (HCD, April 2021)
A customizable model ordinance to help ensure your jurisdiction is in compliance with State requirements for accommodating emergency shelters in areas allowing for residential uses.

Reasonable Accommodation

- **Ordinance** (HCD)
A customizable model ordinance to ensure your jurisdiction is in compliance with State requirements for reasonable accommodation.
- **Checklist** (HCD, April 2021)
A checklist to determine if your jurisdiction needs to update its reasonable accommodation ordinance to create a fair process to waive certain zoning requirements for the homes of disabled individuals.

Group Homes

- **Group Home Technical Advisory** (HCD, December 2022)

CEQA Streamlining

CEQA Streamlining is the process in which an agency can expedite environmental review and approval of a project through an applicable exemption or reliance on a previously adopted environmental document. CEQA streamlining is intended to avoid unnecessary documentation, prevent redundancy and provide an incentive for projects that have little to no impact or are consistent with prior larger plans and environmental documents.

SCAG Resources

- [What is CEQA Streamlining? \(SCAG\)](#)
- [Senate Bill 375: CEQA Streamlining \(SCAG\)](#)
- [CEQA Streamlining Options for Non-Exempt Housing Projects Covered by an Existing EIR: Project Eligibility Review Matrix \(SCAG\)](#)
- [CEQA Streamlining For Infill Projects and Projects Consistent With Community Plan and Zoning \(SCAG\)](#)
- [CEQA Categorical Exemptions \(SCAG\)](#)
- [CEQA Exemptions for Housing Projects: Project Eligibility Review Matrix \(SCAG\)](#)
- [Transit Priority Project and Transit-Oriented Project CEQA Exemptions \(SCAG\)](#)
- [CEQA Article 12.5 - Exemptions For Agricultural Affordable and Infill Housing \(SCAG\)](#)

Other CEQA Streamlining Resources

- [CEQA Site Check Interactive Map \(OPR, Accessed March 2023\)](#)
A mapping tool developed in coordination with HCD that allows users to see if selected parcels may qualify for an existing CEQA streamlining option. It is intended to be a “first step” for developers and agency staff in considering how CEQA may apply to a housing project.
- [Technical Advisory: CEQA Review of Housing Projects \(OPR, January 2020\)](#)
- [Technical Advisory: CEQA Review of Affordable, Transitional, Interim, and Permanent Supportive Housing Projects \(OPR, July 2020\)](#)
- [Statutory Exemptions for Housing Projects \(OPR/HCD\)](#)
- [Categorical Exemptions for Housing Projects \(OPR/HCD\)](#)
- [CEQA Exemptions \(Association of Environmental Professionals, CEQA Portal, February 2020\)](#)

County of San Diego - SB743 Implementation

- [Transportation Study Guidelines \(County of San Diego, September 2022\)](#)
- [Draft SB743 Interactive Mapping Tool \(County of San Diego, May 25, 2022\)](#)

Communications and Outreach

The following tools and resources are aimed at guiding jurisdictions on how to effectively communicate with their communities on housing and various tools and guidance to help promote an equitable outreach process when implementing housing measures.

- **'How to talk about Housing' Webinar** (ABAG, April 2021)
Includes data driven lessons on housing communications that work and those that don't work.
 - Presentation Slides
 - Recording
 - Communications Tips for Housing Staff
- **Talking About Missing Middle Housing**
Resources from ABAG's Missing Middle Housing Work Group, Work Session 6, "Talking About Middle Housing (and more)".
 - Presentation Slides (ABAG, February 2022)
 - Middle Housing MythBusters (ABAG, January 2022)
- **Remote Engagement Tools** (ABAG/MTC, May 2021)
Review of tools that may be useful for your remote public engagement activities.
- **Remote Engagement Tools Needs Assessment** (Cascadia Partners, May 2021)
Worksheet with evaluation criteria to help determine the set of tools needed for inclusive online engagement.
- **Best Practices for Engaging Limited-English-Speaking Communities** (ABAG, November 2021)
Tips on various topics for effective public outreach and community engagement including translating materials, speaking effectively, creating break-out groups and getting interpreters involved upfront.

Training and Education for Elected Officials

- **Housing & Public Engagement Toolkit** (Institute for Local Government. Accessed March 2023)
This toolkit provides an overview of how to engage communities utilizing the five pillars for successful engagement developed by the Institute for Local Government.
- **TIERS Public Engagement Framework** (Institute for Local Government. Accessed March 2023)
Provides a step-by-step approach to public engagement at any level. Includes templates and additional resources.
- **The Planning Commissioner Handbook** (Institute for Local Government)
A guide for planning commissioners on understanding the community's vision, making ethical decisions, planning for the future and advertising the City Council or Board of Supervisors.

Prohousing Designation Program

The following resources provide jurisdictions with the tools to and information on implementing accelerated housing programs and streamline approvals of housing throughout their communities which will help expand housing opportunities for all residents.

- **Pro-Housing Best Practices for the San Diego Region** (SANDAG, September 2021)
Identifies 17 core functions that outline SANDAG's role in fostering regional collaboration and as regional Pro-Housing leader. The Pro-Housing Best Practices provides context for how SANDAG could remove barrier to housing development, advance equity, and improve housing finance mechanisms.
- **Prohousing Frequently Asked Questions** (HCD)
- **Prohousing Regulation Text** (HCD)
- **Formal Resolution for Prohousing Designation Program Application** (HCD)
- **Prohousing Application** (HCD)

Other Planning and Policy Resources

- **No Net Loss Law: Government Code Section 65863** (HCD, October 2019)
- **The “Builder’s Remedy” and Housing Elements** (ABAG, October 2022)
- **Housing Element Compliance Incentives and Consequences of Noncompliance** (HCD, April 2021)

Legislation

- **2023 Bills Tracked by APA California**
(American Planning Association, California Chapter, March 10, 2023)
- **San Joaquin Valley Guide to Recent California Housing Laws** (San Joaquin Valley Regional Planning Agencies Policy Council, July 2022)
This is a comprehensive guidebook for planning staff to help clarify which laws asks planners to act and implement now, prepare to implement in the future, and laws to plan and implement over the long term. Covers ADUs, CEQA, Density Bonus Law, fees/funding, streamlining and other incentives, surplus land availability, and others.