

UNLOCKING POTENTIAL

Approved CA Housing Legislation
for Expedited & Higher Density Solutions

ABOUT AC MARTIN

Across Los Angeles, for nearly 120 years, stands the influence of AC Martin—a testament to our unwavering dedication to shaping the fabric of the community. With a passion for design excellence, we embark on each project as an opportunity to positively impact the communities we serve and enrich the culture.

Now, across California and beyond, through a collaborative approach and forward-thinking initiatives, we strive to create spaces that inspire connection, foster innovation and leave an indelible mark on the cities and spaces we call home. But our commitment extends as stewards of the built environment driven by a relentless pursuit of sustainable, community-centric design solutions.

www.acmartin.com

California-Based Design Firm

Los Angeles

Bay Area

Sacramento

San Diego

Architecture
Planning & Research
Interior Architecture & Design

ABOUT **IRVINE & ASSOCIATES**

Irvine and Associates, Inc. is a land use consulting firm that specializes in providing land use feasibility, entitlement and permitting services to the real estate development community, including non-profit organizations, investors, land use law firms, individual homeowners and more within the state of California.

Our organization prides itself on being an assemblage of industry professionals at the cutting edge of land use policy. Our cases are often at the forefront of the city's implementation for new legislation. With services that range from complex, high profile entitlement cases, to permitting projects, to the aid of small business owners alike, our streak of exceptional results is the product of leadership that has been in the industry for 20+ years.

www.irvineassoc.com



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HOUSING BILLS OVERVIEW

- **AB 1449** CEQA Exemption for Affordable Housing
- **AB 1490** Affordable Housing Development Projects: Adaptive Reuse
 - **AB 529** Adaptive Reuse Projects
- **AB 1287** Density Bonus Law: maximum allowable residential density: additional density bonus and incentives or concessions
- **SB 4** Higher education institutions and religious institutions
- **SB 423** Streamlined housing approvals: multifamily housing developments
- **SB 684** Streamlined approval processes: development projects of 10 or fewer residential units on urban lots under 5 acres
- **Housing Bills approved prior to 2024**
 - SB 35, AB 2162, AB 2011/SB 6, AB 2334 (AB 1763), SB 330/SB 8, AB 2097 and SB 9
- **Case Studies**

AB 1449: CEQA EXEMPTION FOR AFFORDABLE HOUSING

- Provides a CEQA Exemption for 100% Affordable Projects.
- Location requirements:
 - Urbanized Area, Urban Cluster, ½ mile from Major Transit Stop or high-quality transit corridor, low VMT area,
 - “Proximal” to 6+ of ½ mile of bus station or ferry terminal, public park, community center, pharmacy, med clinic/hospital, public library or an elementary school (grades k-12)
- Labor Standards
- Applies in Coastal Zone
- Requires Phase 1 Environmental

Effective Date: January 1, 2024

Gov't Code 21080.40



Asante | Affirmed Housing
AC MARTIN

AB 1490: ADAPTIVE REUSE FOR AFFORDABLE HOUSING PROJECTS

- **Statewide adaptive reuse program for qualified buildings to be converted to residential for Lower Income affordable housing.**
- Local jurisdictions may impose objective design standards.
- Funding opportunities
- Defines "Extremely affordable adaptive reuse project"
- Site cannot be located on or adjoined to another site containing an "Industrial Use"
- Located within ½ mile of Major Transit Stop
- Review Time: 60 days <100 units or 90 days 100+ units

Effective Date: July 1, 2024

Gov't Code: 65913.12 and 65960.1



The Brine | The Decro Group
AC MARTIN

AB 1287: DENSITY BONUS LAW UPDATES

- **Double Density Bonus**
- **Redefines/clarifies "Maximum allowable residential density" or "base density"**
- Additional Density Bonus incentives
- 4th DB Incentive for mixed-income projects
- 5th DB Incentive for 100% affordable housing projects
- Moderate Income category added for additional Density Bonus

Effective Date: January 1, 2024

Gov't Code 65915



6464 Canoga | Toll Brothers
AC MARTIN

AB 1287: DENSITY BONUS LAW UPDATES CONT.

Maximum allowable residential density" or "base density"

(6) "Maximum allowable residential density" or "base density" means the ~~maximum~~ *greatest* number of units allowed under the zoning ordinance, specific plan, or land use element of the general plan, or, if a range of density is permitted, means the ~~maximum~~ *greatest* number of units allowed by the specific zoning range, specific plan, or land use element of the general plan applicable to the project. ~~If the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan or specific plan, the greater shall prevail.~~ Density shall be determined using dwelling units per acre. However, if the applicable zoning ordinance, specific plan, or land use element of the general plan does not provide a dwelling-units-per-acre standard for density, then the local agency shall calculate the number of units by:

AB 1287: DENSITY BONUS LAW UPDATES CONT.

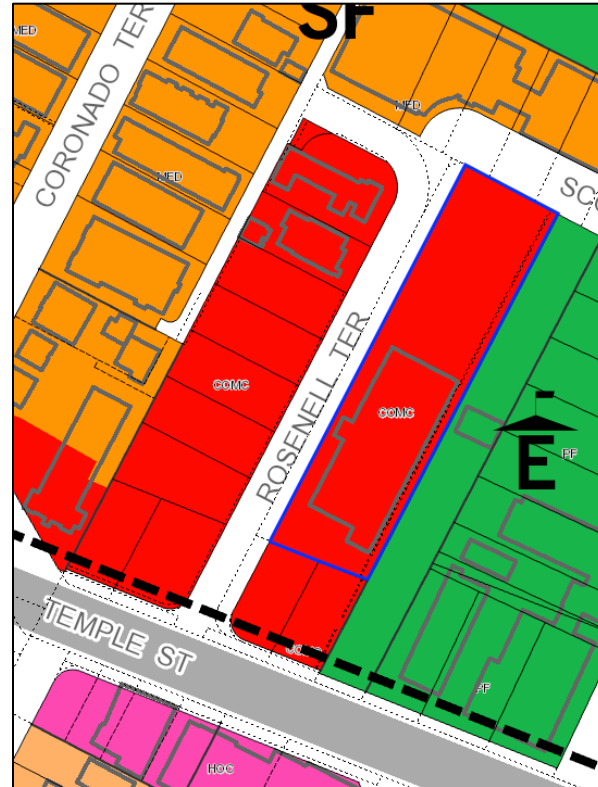
420 N ROSENELL TERRACE

Zoning Map



Zone: R3-1VL
(800 SF of lot area per unit)

Land Use Map (Gen Plan)



Land Use Designation: "Community Commercial"
Corresponding Zones = CR, C2, C4, RAS3
C2 zone = 400 SF of lot area per unit

Lot Area 40,313 SF
R3 Density = 51 units
C2 Density = 101 units

Density Bonus

35% Increase = 137 (101 + 36)
50% Increase = 188 (137 + 51)

Restricted Affordable Req'd

11% VLI = 12 VLI Units
15% MI = 16 MI Units

LA City Specific:

CUP Increase in LA would
require approx. 33 units at VLI
and requires CPC approval

SB 4: YES IN GOD'S BACKYARD

- Streamlined approval for Affordable Housing development on faith based or higher education owned properties.
- Prevailing wage construction required for projects with 10+ units
- Similar eligibility standards of AB 2011
- Density Bonus incentives and waivers allowed
- Minimum density standards

Effective Date: January 1, 2024

Gov't Code 65913.16



Caroline Severance Manor | Mercy Housing
AC MARTIN

SB 423: STREAMLINED HOUSING APPROVALS FOR MIXED-INCOME PROJECTS

- Streamlined ministerial processing of qualifying mixed-income projects
- No CEQA review
- 50% of Base Density req'd to be Low Income
- Prevailing wage construction required (updated SB 35 standards)
- Public meeting (City Council or County Supervisors) required prior to application submittal if located within certain areas.
- Site eligibility standards apply
- Notice of Intent required for Native American Tribes required for vacant sites.

Effective date: January 1, 2025

Gov't Code 65913.4



3090 Polk | Streamline Development
AC MARTIN

IRVINE
& ASSOCIATES, INC.

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SB 423: STREAMLINED HOUSING APPROVALS FOR MIXED-INCOME PROJECTS CONT.

- Timing (from application submittal):
- Objective Dev't Standards review: 60 days <150 units, 90 days 150+ units
- Design Review: 90 days <150 units, 180 days <150+ units
- Vehicular parking not required for qualifying sites

- **Applies in Coastal Zones (limited) and Density Bonus applies**

(6) The development is not located on a site that is any of the following:

(A) (i) An area of the coastal zone subject to paragraph (1) or (2) of subdivision (a) of Section 30603 of the Public Resources Code.

(ii) An area of the coastal zone that is not subject to a certified local coastal program or a certified land use plan.

(iii) An area of the coastal zone that is vulnerable to five feet of sea level rise, as determined by the National Oceanic and Atmospheric Administration, the Ocean Protection Council, the United States Geological Survey, the University of California, or a local government's coastal hazards vulnerability assessment.

(iv) In a parcel within the coastal zone that is not zoned for multifamily housing.

(v) In a parcel in the coastal zone and located on either of the following:

(I) On, or within a 100-foot radius of, a wetland, as defined in Section 30121 of the Public Resources Code.

(II) On prime agricultural land, as defined in Sections 30113 and 30241 of the Public Resources Code.

Source: https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240SB423

SB 684: STATE-WIDE SMALL LOT – MINISTERIAL APPROVAL

- **Allows for ministerial approval for 10 or fewer lots in qualifying multi-family zones.**
- Site must be less than 5 acres
- Min (new) lot size = 600 SF
- Avg habitable floor space = 1,750 SF
- Ownership Options: Fee Simple, Community Land Trust, Common Interest Development or part of a Housing Co-op. (HOA not required)
- Cannot demolish or alter existing rentals
- Timing: Tentative Map Review = 60 days

Effective Date: July 1, 2024

Gov't Code 65852.28, 65913.4.5, and 66499.41



Together California Village | Together California
AC MARTIN

HOUSING BILLS UTILIZED PRIOR TO 2024



SB 35: (UPDATED BY SB 423)

- Establishes a simplified streamlined ministerial approval process for infill developments in areas where localities haven't met their regional housing needs allocation
- **Cannot be used if existing housing located on site within 10 years.**
- Does not apply in coastal zone.

Effective January 1, 2017

Gov't Code 65913.4



ARIA | Affirmed Housing
AC MARTIN

AB 2162: STREAMLINES CONSTRUCTION OF PERMANENT SUPPORTIVE HOUSING

- Can be used on sites with existing housing units.
- Exempts projects from prevailing wage requirements
- Note: Requires public funding which may require prevailing wage.
- Vehicular parking not required for supportive units.
- Must be located within ½ mile of Major Transit Stop
- CEQA not required
- Supportive services required
- Timing: 60 days for 50 units or less, 120 days >50 units

Effective January 1, 2018

Gov't Code 65583



Westhaven | Affirmed Housing
AC MARTIN

AB 2011: AFFORDABLE HOUSING AND HIGH ROADS JOB ACT OF 2022

- **Allows for the streamlined ministerial approval of residential development in zones where office, retail or parking are principally permitted uses.**
- Extensive Eligibility Standards
- Cannot be used if rental housing located on site within 10 years.
- Req'd Affordable (8% VLI + 5% ELI, OR 15% LI)
- Minimum residential density standards apply
- Can use Density Bonus Incentives and Waivers
- Commercial tenant relocation requirements
- Requires prevailing wage construction

Effective Date: July 1, 2023

Government Code Section(s): 65400 and 65585, 65912.100



Imagine Village II | Penny Lane Centers
AC MARTIN

SB 6: MIDDLE CLASS HOUSING ACT OF 2022

- Allows for the ministerial approval of residential development in zones where office, retail or parking are principally permitted uses.
- **Similar eligibility standards of AB 2011** but includes a disqualification for Coastal Zone
- **CEQA REQUIRED**
- Cannot be used if existing housing located on site within 10 years.

Effective Date: July 1, 2023

Government Code Section(s): 65852.24, 65913.4



Hillside | USA Properties
AC MARTIN

AB 2334: INCREASED BONUSES FOR 100% AFFORDABLE

- Redefines/clarifies "Maximum allowable residential density" or "base density"
- Allows unlimited density for 100% affordable housing developments
- 80% Low Income + 20% Moderate (exclude Mgr's unit)
- **Expanded ministerial development bonuses to "very low vehicle travel areas"** (previously required ½ mile from Major Transit Stop per AB 1763)
- Increase height 3 stories + 33 feet
- 5 DB Incentives per AB 1287 (previously 4 incentives)

Effective January 1, 2023

Gov't Code 65915



3rd & Dangler | National CORE
AC MARTIN

SB 330 / SB 8: HOUSING CRISIS ACT

- **"No Net Loss"**
- Prohibits local jurisdictions from implementing new laws that lower the legal housing limit or create administrative barriers to delay new housing.
- Streamlines the creation of housing and protects low-income tenants against displacement.
- **Provides optional Vesting rights for Housing Development Projects**
- Requires replacement of qualifying existing residential units

SB 330 effective January 1, 2020 and SB 8 effective January 1, 2022

Gov't Code 65589.5, 65905.5, 65913.10, 65940, 65941.1, 65943, 65950, 66300, and 66301



Source: AdobeStock

AB 2097: NO PARKING REQUIREMENTS NEAR TRANSIT

- Prohibits cities from imposing or enforcing minimum parking requirements for developments that are within a ½ mile radius of a Major Transit Stop.
- Does not apply to Hotels

Effective date: January 1: 2023

Gov't Code 65585, and 65863.2



SELBY | A Community of Friends
AC MARTIN

SB 9: HOUSING OPPORTUNITY AND MORE EFFICIENCY (HOME) ACT

- Allows for the ministerial approval of a housing development with no more than two primary units in a single-family zone
- Also allows the subdivision of a parcel in a single-family zone into two parcels.
- Accessory Dwelling Units (ADUs) are also permitted in conjunction with SB9 projects. (optional for local jurisdictions)

Effective January 1, 2022

Government Code Section(s): 66452.6 of, and to add Sections 65852.21, 66411.7, and 65852.2.



COMPARING LOCAL IMPLEMENTATION OF STATE HOUSING LAWS





SD

SAN DIEGO'S IMPLEMENTATION = A LITTLE BIT EXTRA

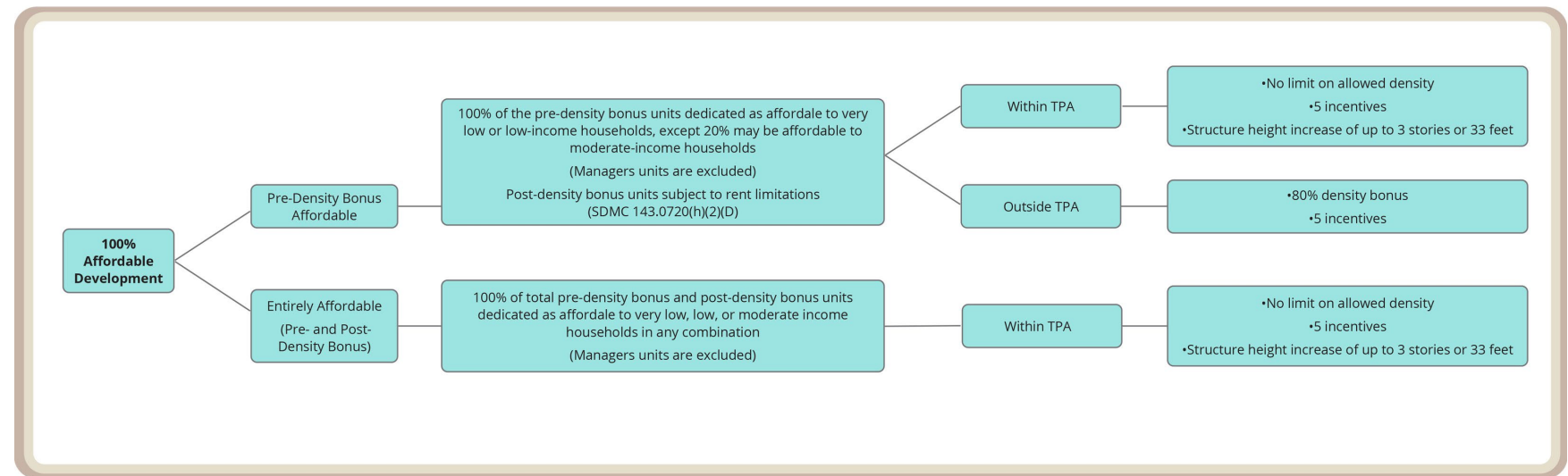
EXAMPLE:

100% affordable housing projects

STATE LAW:

(G) One hundred percent of all units in the development, including total units and density bonus units, but exclusive of a manager's unit or units, are for lower income households, as defined by Section 50079.5 of the Health and Safety Code, except that up to 20 percent of the units in the development, including total units and density bonus units, may be for moderate-income households, as defined in Section 50053 of the Health and Safety Code. For purposes of this subparagraph, "development" includes a shared housing building development.

SAN DIEGO'S APPROACH:



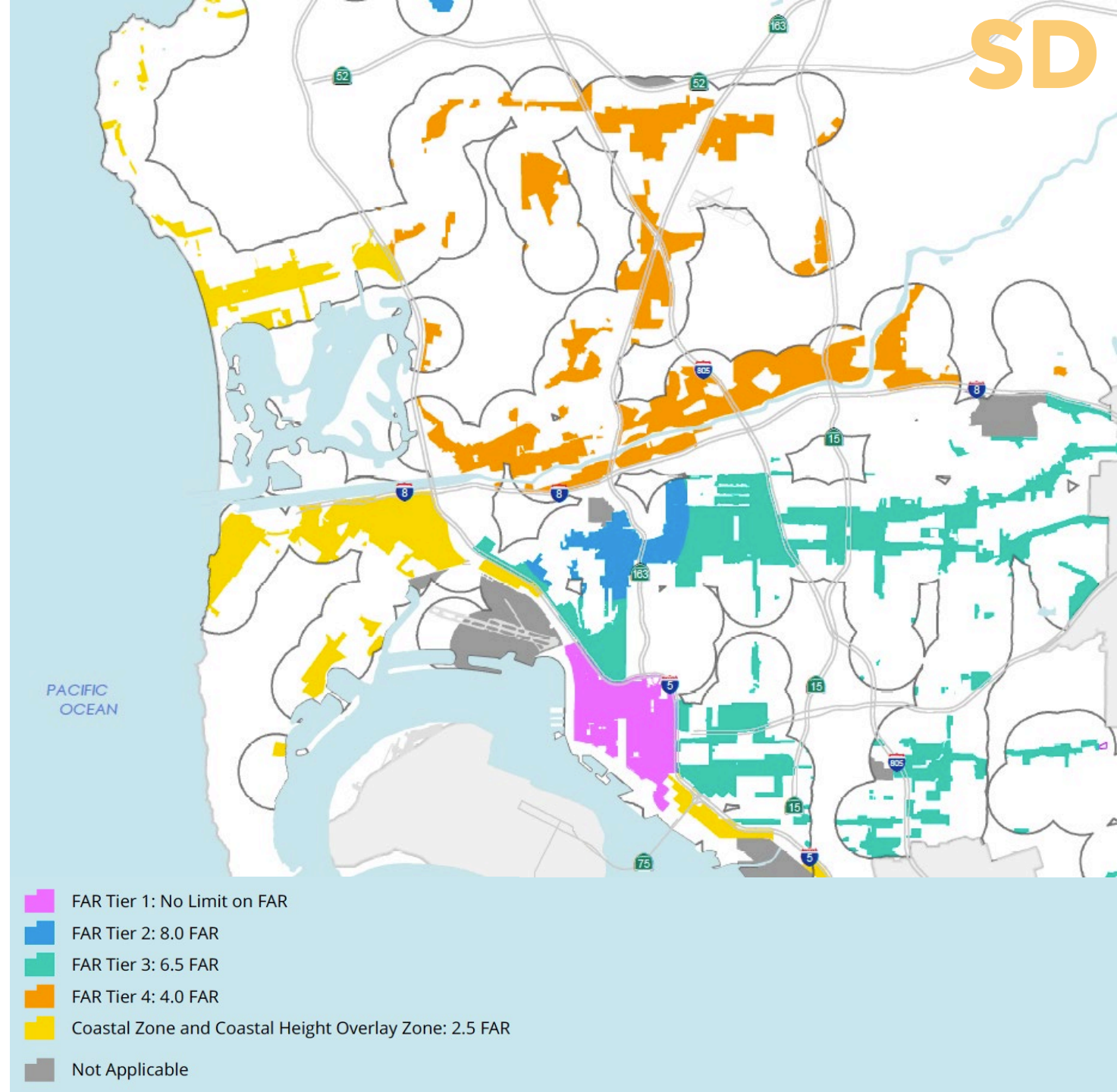
COMPLETE COMMUNITIES HOUSING SOLUTIONS

By-right, ministerial processing of projects under specific circumstances.

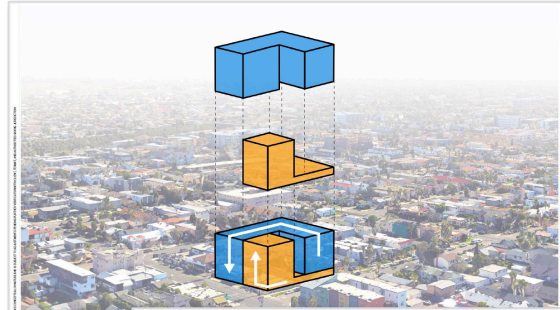
- FARs per TPAs map
- Unlimited Density
- Unlimited Height *if site <20k SF*
- 100' Height *if site >20k SF*
- No Parking
- Fee Waivers *for units <500 SF*

If providing 45% of base density at:

- 15% VLI + 10% LI + 15% MI



CCHS PROJECT | 4677 IDAHO ST



SOME COMPLETED CCHS PROJECTS



Source: Secoya

Secoya By The Park

3067 5th Ave

Stephen Dalton Architects

100 units (11 BMR) ... base density = 25 units (400% density increase)

Unlimited density; 6.5:1 FAR (CCHS Tier 2)

No parking



Source: Nakshab Development & Design

The Sasan

2519 El Cajon Blvd

Nakshab Development & Design

54 units (5 BMR) ... base density = 9 units (600% density increase)

Unlimited Density; 8:1 FAR

No parking

SOME UNDER CONSTRUCTION CCHS PROJECTS



LeParc

2080 Polk Ave
Oo-d-a Studios, inc.



Georgia Modern

4222 Georgia St
BV Architecture + Development



Nima Outpost

2519 El Cajon Blvd
Hub & Spoke Communities

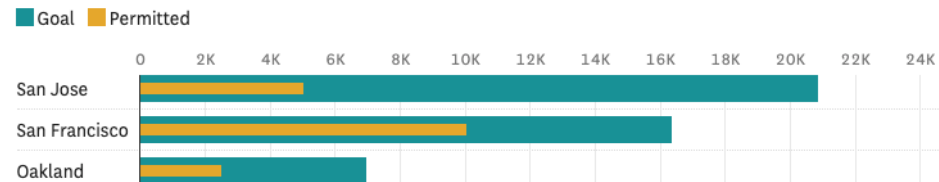


SF

CHALLENGES DEVELOPING IN SAN FRANCISCO

**2023 was
weakest year for
housing
development in last
decade.**

Cities' affordable housing goals and the number of homes permitted, 2015-22



Affordable homes are those priced at less than 120% of the area median income.

Chart: Christian Leonard / The Chronicle - Source: San Francisco Planning Department



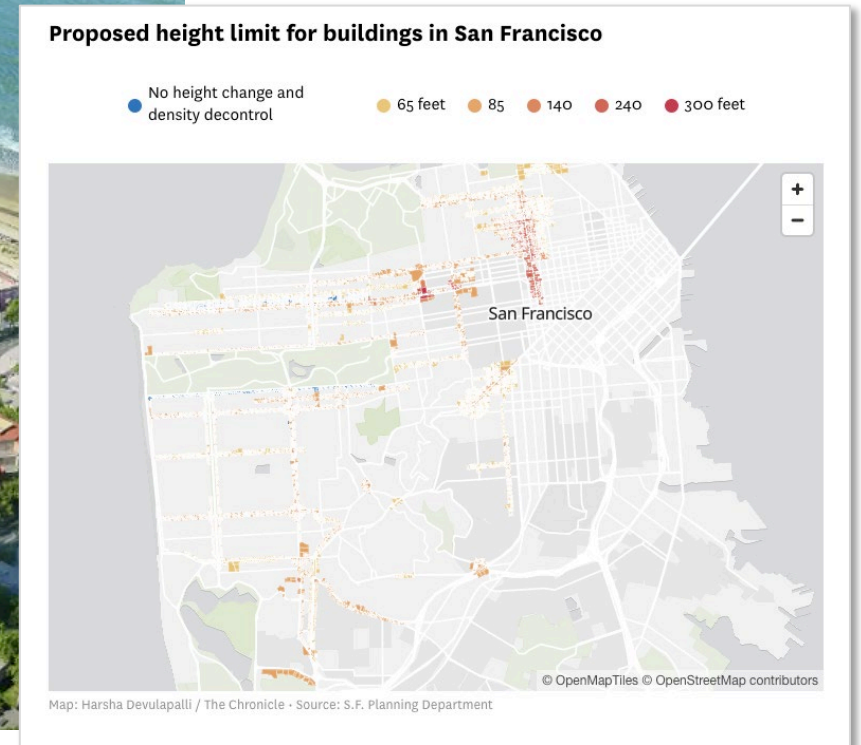
INCREASING PRODUCTION IN 2024 & BEYOND

State laws as well as local programs to increase production 2024 and beyond:

- State - SB 423, AB 2011, SB 4
- Local - Planning Section 315

Current plans to upzone transit corridors still under review and discussion.

Targets Northern and Western parts of City.



1190 HILLSDALE AVENUE

San Jose, CA

- 100% affordable of mixed affordability
- Going through CEQA as it is more cost effective than prevailing wage even though it is eligible for SB 35
- Current zoning welcomes and allows for the higher density
- Surrounding area is single family homes



RECENT AFFORDABLE HOUSING



5th & Mission

11 Stories

189 units



Kapuso at the Upper Yard

9 Stories

130 units

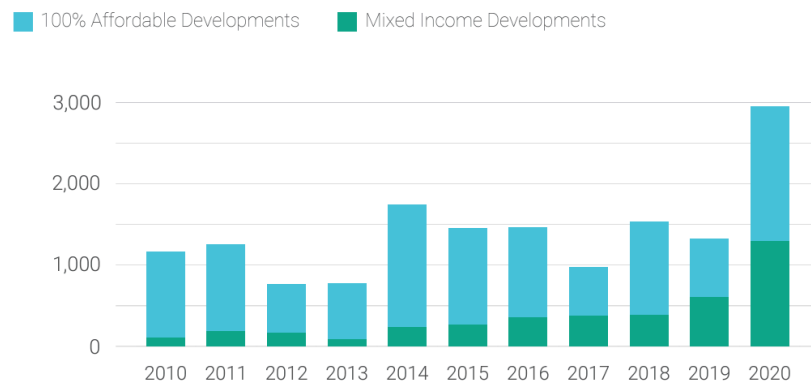


LA

LOS ANGELES IMPLEMENTATION

- Ministerial Density Bonus (City)
- Transit Oriented Communities Projects (TOC)
- Mayors Emergency Declaration 1 (ED1)

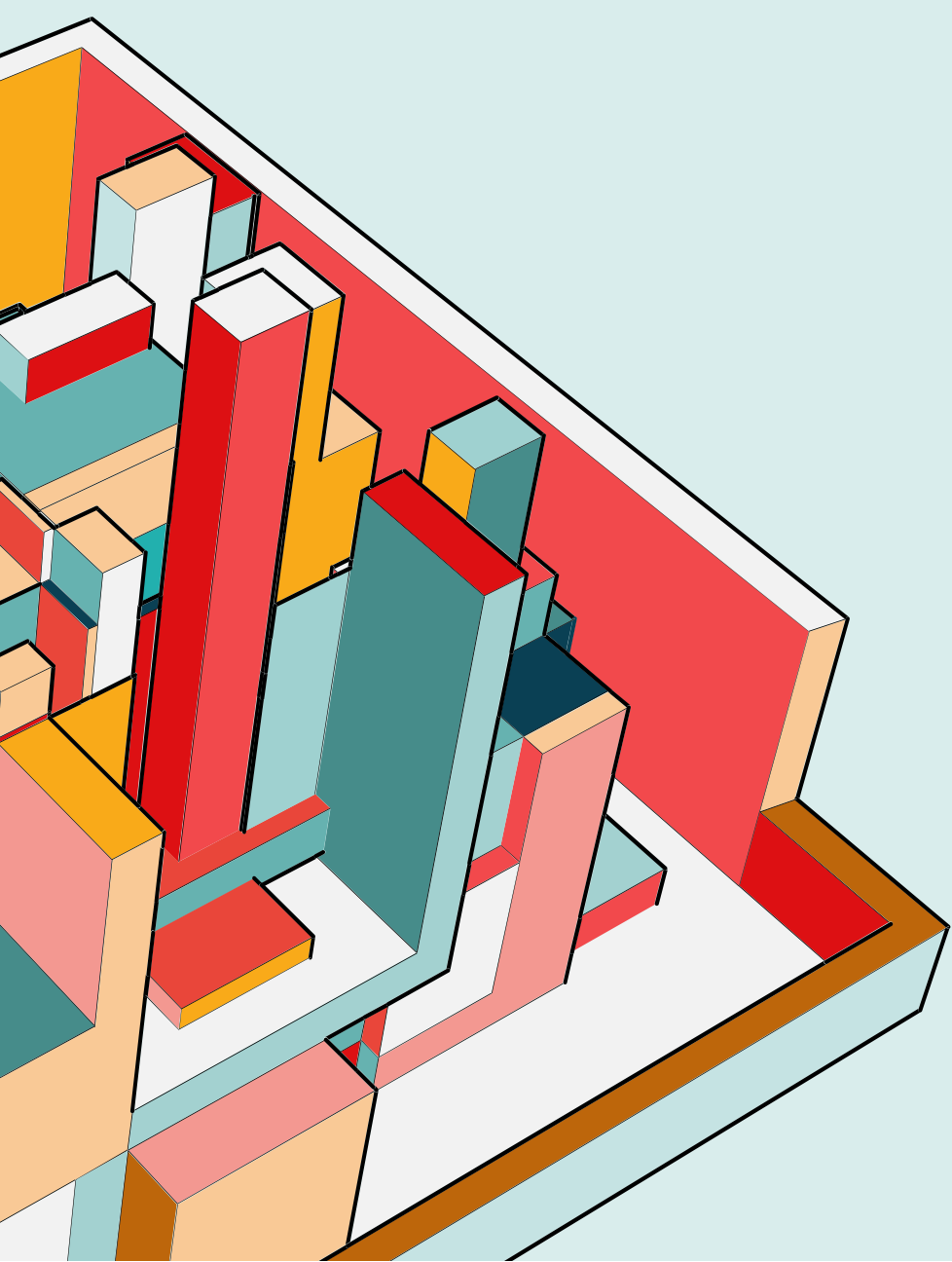
Chart ES.3: **Affordable Housing Production by Source of Affordability | 2010-2020**



1734 HUDSON | Los Angeles, CA

- ED1 Project
- Streamlined approval
- State Density Bonus
- Within ½ mile of transit





WRAP UP

Q&A



THANK YOU



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