

Summary of Recent Legislation Affecting General Plan Update

Updating the General Plan will require a review of the previously drafted policies to ensure conformance with State legislation and new guidelines approved or proposed since the original draft policies were developed in 2010-2011. The following briefly summarizes some of the legislation and guidelines that have been identified by staff as being most pertinent to the General Plan Update (GPU). Staff will be providing more detailed information on legislation and guidelines applicable to each General Plan Element prior to the subsequent Steering Committee meetings and public workshops on those elements.

Legislation Concerning Housing

The following summarizes some of the more pertinent recent housing-related legislation. For more detailed information on new housing laws passed in 2017, see the report *A 2018 Guide to New Housing Law in California* (linked at cityoflarkspur.org/GeneralPlanUpdate).

SB 35 allows for streamlining of multifamily housing project approvals in a city that fails to issue building permits for its share of the Regional Housing Need Allocation (RHNA) by income category. In a SB 35 city, which Larkspur would be 2401 due to its not meeting its “very low income” housing target, approval of a qualifying housing development on a qualifying site is a ministerial act, without CEQA review or public hearings. To be eligible for this streamlining, a project must be located on a residentially zoned parcel that is not constrained by a variety of environmental hazards or sensitive environmental resources. The project must meet a variety of criteria including that it contains 25-50% affordable units and that it be built by workers paid “prevailing wages.”

AB 1515, SB 167, and AB 678 make numerous changes to the Housing Accountability Act (HAA). Most importantly, the legislation requires more stringent proof that when denying or reducing the density of a project, a municipality must make findings that the denial or reduction is based on "a preponderance of evidence" that the project is found to have a specific, adverse impact on public health or safety based on objective written public health or safety standards, policies, or conditions, and that the impacts cannot be mitigated.

AB 1505 clarifies and strengthens the City’s ability to require affordable housing for new rental housing projects.

AB 1397 requires the inventory of land in a city's Housing Element to include sites that must be "available" for residential development and have "realistic and demonstrated" potential for development. Sites must have adequate utilities and, with limitations, must be approved for housing development.

SB 375 Sustainable Community Strategy (SCS) requires ABAG to develop an SCS to reduce GHG emissions 15% by 2035. The SCS that includes Larkspur is the Plan Bay Area 2040 adopted July 2017. Among other strategies, the plan encourages infill development to reduce vehicle miles travelled (VMT) and correspondingly reduce sprawl, energy use, and GHG emissions.

SB 743 states that aesthetic and parking impacts from residential and mixed use projects in infill development zones under the Plan Bay Area are not considered significant environmental impacts. It also requires a revision to how CEQA addresses transportation impacts, which, correspondingly, resulted in new proposed CEQA Guidelines that will concentrate traffic impact analysis on impacts to VMT rather than on roadway and intersection congestion.

Non-Housing Related Laws and Guidelines

Climate Change Legislation. The State has mandated a target of 40% reduction below 1990 levels in GHG emissions by 2030. Cities need to show how their actions are consistent with the State meeting this target.

General Plan Guidelines. The State has revised these guidelines with a new focus on developing policies that address climate change and its effects, wildfire hazard, healthy communities, infill development, and renewable energy.

Sea Level Rise Planning. The General Plan must now address climate change. The GPU should include climate adaptation and resiliency strategies pursuant to SB 379 using the vulnerability assessment tool, resiliency strategies and implementation measures to address sea level change.

BAAQMD 2017 Clean Air Plan and CEQA Air Quality Guidelines. The Plan outlines efforts and requirements needed to maintain air quality and reduce GHG emissions in the Bay Area. Among other guidelines and regulations, the 2017 guidelines provide thresholds of significance for greenhouse gas emissions as well as screening criteria to allow municipalities to determine if a project's impact on cumulative GHG emissions is less than significant when it is below a screening criterion, or in compliance with a qualified greenhouse gas reduction strategy.

CEQA Guidelines Update (Proposed). The State has proposed revisions to the CEQA Guidelines so they are consistent with recent legislation and court cases. This proposal is currently undergoing public review and comment. The Office of Planning and Research (OPR) expects the new final guidelines will be adopted later this year. Pertinent primary changes include using VMT to assess traffic impacts, requiring a full analysis of wildfire impacts, and clarifying that the assessment of aesthetic impacts to visual character or quality applies to public views.