



Planning & Community Development

# **Streamlining Bills for Local Educational Agencies Housing Development Projects**

Special Joint City Council/PUSD

April 29, 2024





# AB 2295: What the law does

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- Deems a housing development project an allowable use on any real property owned by a local educational agency (LEA) if the housing development satisfies certain conditions.
  - > *Does not provide a ministerial process. Project still subject to local objective zoning, subdivision and design review standards.*
  - > *Can be combined with another streamlining bill (such as SB35) that establishes a ministerial review process.*
- Exempts a housing development project from various requirements regarding the disposal of surplus land.
- Guarantees a minimum density of 30 du/acre and 35 feet in height.



# AB 2295: What is a 'housing development'

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- An eligible 'housing development' must satisfy **all** the following 10 requirements:

### 1) **Project Size & Affordability:**

The project shall consist of at least 10 housing units. It shall have a 55+ year deed restriction requiring the majority of the units to be set at an affordable rents to lower-income or moderate-income households with at least 30% of the units affordable to lower-income households:

*30% minimum = Set aside for households at 80% or less AMI (very-low or lower income).*

*21% minimum or more = Set aside for households at 120% or less AMI (very-low, lower and moderate-income).*

*Remaining % = Can be any income level, including market-rate.*

100% of the units shall be rented by local educational agency employees first, then local public employees, and lastly to general members of the public. Rental priority must be offered in this order.



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- 4) **Density:** The residential density shall be the greater of the following:
- A) The residential density allowed on the parcel by the city.
  - B) The applicable density deemed appropriate to accommodate housing for lower income households in that jurisdiction, as specified in paragraph (3) of subdivision (c) of Section 65583.2.

*This will be a minimum of 30 du/acre in Pasadena, as permitted under the bill.*

- 5) **Height:** The height limit shall be the greater of the following:
- A) The height limit allowed on the parcel by the city.
  - B) Minimum of 35 feet.

*The height limit will be 35 feet in Pasadena, as permitted under the bill.*

- 6) The property is adjacent to a property that permits residential uses as a principally permitted use.
- 7) The property is located on an infill site.



# AB 2295: What is a 'housing development'

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### **8) Development Standards:**

- A-i) The housing development shall satisfy objective design review standards that do not preclude the housing development from achieving the residential density and height permitted.
  - A-ii) If a local agency has not adopted objective standards, the housing development shall be subject to local zoning, parking, design, and other ordinances, local code requirements, and procedures applicable to the processing or permitting of a housing development on the nearest parcel in a multi-family zone that meets or exceeds the density and height.
- 9)** The property is located entirely within any applicable urban limit line or urban growth boundary established by local ordinance.
- 10)** The housing development complies with all infrastructure-related requirements, including impact fees that are existing or pending at the time the application is submitted, imposed by a city or county or a special district that provides service to the parcel.



# SB 35: Additional Streamlining Option

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SB 35 was adopted in 2017 and is a streamlining bill for housing projects that comply with local zoning and state laws:

- Not limited to educational sites like AB 2295, but housing must be a permitted use.
- Established a ministerial application process (no discretionary reviews) and therefore projects not subject to CEQA.
- City application review must be completed within a compressed timeframe depending on the size of the project.
- Requires prevailing wage.
- Cannot be used on a site that removes a historic resource.
- Requires 10% of units for households at 50% or less AMI (very-low income) or 50% of units for households at 80% or less AMI (very-low or lower).



# Pasadena Regulations

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- Most PUSD sites in Pasadena are zoned PS (Public/Semi-Public).
- PS zoning requires a Conditional Use Permit (CUP) for allowed uses and Design Review. Development standards are established through the CUP.
- In the PS zone, only a few limited housing types are allowed with a CUP (Affordable Senior Housing, Residential Care and Dormitories). All other housing accessory only to a primary use.
- Per a potential scenario of combining AB 2295 and SB 35:
  - > Multi-family housing would be permitted by-right (subject to the criteria in both bills)
  - > The review process would be ministerial and no CEQA required.
  - > Must still meet City's Inclusionary Requirements for rental units (5% very-low, 5% lower, 10% moderate) and affordability levels of both bills.
  - > Subject to objective design standards, plan check review and building permits



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