



# Development Streamlining Efforts

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November 2, 2023

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## PROJECT OVERVIEW AND SURVEY

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## PROJECT SCOPE

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### WHAT is the Project?



Preparation of user-friendly guidance materials and host facilitated workshops to support local agencies more easily identify appropriate streamlining tools and better understand state laws aimed to expedite reviews for housing projects

### WHY is it needed?



To address the housing crisis in the SCAG region where there is a shortage in affordable housing supply even with availability of streamlining and expediting options for housing development

### WHO is it for?



Local agencies but also can be utilized by others such as developers and land use professionals

## KICK-OFF AND SURVEY

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- Project kick-off in Fall 2021
- A survey was circulated to stakeholders in January 2022
- Questions included general demographic information, familiarity with and use of existing CEQA streamlining or exemption tools, and knowledge of state laws

## SURVEY RESULTS

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- A total of **163** respondents – combination of city planning staff, elected officials, community members, consultants, developers, and members of non-profit/advocacy groups
- Respondents generally indicated some familiarity with available streamlining tools
- *Over half* of the respondents indicated that their respective jurisdiction did not have the programs and processes in place to implement streamlining tools largely due to lack of staff time or understanding
- Many respondents also indicated that additional support (e.g., educational materials) would be significantly helpful in reviewing projects



## DEVELOPMENT STREAMLINING MATERIALS

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## MATERIALS

- Prepared a series of development streamlining guidance materials:
  - 14 total: 8 – CEQA Streamlining, 6 – Administrative Review Processes
- Included information on different state laws, exemptions, and streamlining options, implementable tools (e.g., checklists and worksheets), and references to SCAG’s RTP/SCS’s
- Published on SCAG’s website: <https://scag.ca.gov/streamlining>

## WEBSITE OVERVIEW

### Development Streamlining Materials

Recent changes in State laws to CEQA’s environmental review process as well as new State laws to streamline administrative review processes have created new opportunities for jurisdictions with regulatory land use control to streamline and shorten the entitlement process and accelerate the production of much needed housing.

The guidance materials below were developed to provide support and pathways for local jurisdictions and land use practitioners to address these challenges.

#### DEVELOPMENT STREAMLINING GUIDANCE MATERIALS

- What is CEQA Streamlining?
- Senate Bill 375: CEQA Streamlining
- CEQA Streamlining Options for Non-Exempt Housing Projects Covered by an Existing EIR: Project Eligibility Review Matrix
- CEQA Streamlining For Infill Projects and Projects Consistent With Community Plan and Zoning
- CEQA Categorical Exemptions
- CEQA Exemptions for Housing Projects: Project Eligibility Review Matrix
- Transit Priority Project and Transit-Oriented Project CEQA Exemptions
- CEQA Article 12.5 - Exemptions For Agricultural Affordable and Infill Housing
- Legislative Summary of AB 2345 - Density Bonus Law
- Density Bonus Law: What are Incentives, Concessions, and Waivers?
- Senate Bill 9: Ministerial Approval of Duplexes and Urban Lot Splits
- Senate Bill 10: Local Rezoning for “Missing Middle” Housing Production
- Senate Bill 35: Affordable Housing Streamlined Approval
- Senate Bill 330 and Senate Bill 8: Summary of Housing Crisis Act of 2019



# WORKSHEETS

## Class 32 Categorical Exemption – Infill Development

Requirements	Applicability	Yes	No	N/A
(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designations and regulations.	Is the project consistent with General Plan Designation, policies, and zoning? Are there design exceptions that have no environmental impacts?			
(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.	Site within city limits? Is site located within unincorporated areas, except PRC 42108.22 (eligibility of exemption for residential or mixed-use housing projects)? Site 5 acres or less? Surrounded by urban development?			
(c) The project site has no value as habitat for endangered, rare or threatened species.	Does the site contain trees, vegetation, wetlands/waters/riparian habitat that can support Special Status Species? (Tip: Run a CNDDB database search at <a href="http://www.sdbifish.ca.gov/Data/CNDDB/Maps.and.Data">www.sdbifish.ca.gov/Data/CNDDB/Maps.and.Data</a> )			
(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality or water quality.	The project does not include roadway or transportation system changes beyond site improvements. The project does not include a new stationary noise source. (Note: Stationary noise sources are typically associated with mechanical equipment rather than housing, especially a small housing project.) The project does not include a new source of air pollutant emissions. (Note: Stationary air pollutant sources may be associated with even small housing projects and may require air permits.) The project would not result in changes in site drainage that cannot be addressed through best management practices (BMPs) to prevent erosion and construction pollutants from entering stormwater.			

## WORKSHEETS

### Community Plan/Zoning Streamlining (Public Resources Code 421081.3 CEQA Guidelines 415183)

Requirements	Applicability	Yes	No	N/A
(a) CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies.	The project is consistent with the density established by zoning, community plan, or general plan for which an EIR has been certified.			
(b) In approving a project meeting the requirements of this section, a public agency shall limit its examination of environmental effects to those which the agency determines, in an initial study of other analysis:				
(1) Are peculiar to the project or the parcel on which the project would be located.	There are no unusual circumstances surrounding the project or site that could be triggered. Consider the following environmental topics:			
<b>Aesthetics:</b> The project would not add substantial light or glare or degrade the quality or character of the surrounding area.				
<b>Agriculture/Forestry:</b> The project does not include agricultural land or forested land.				
<b>Air Quality/GHG:</b> The project does not include new substantial sources of air pollutant emissions.				
<b>Biological Resources:</b> The project site does not contain wetlands, riparian habitat, special status species habitat.				

## WORKSHEETS

### Sustainable Communities Project Exemption Checklist (PRC 421155.1)

Requirements	Applicability	Yes	No	N/A
(a) The project meets the requirements of subdivisions (a) and (b) and one of the requirements of subdivision (c). The transit priority project is declared to be a sustainable communities project and shall be exempt from this division.				
(b) The transit priority project complies with all of the following environmental criteria:				
(1) The transit priority project is approved by a public hearing, that a transit priority project meets all of the requirements of subdivisions (a) and (b) and one of the requirements of subdivision (c), the transit priority project is declared to be a sustainable communities project and shall be exempt from this division.	Is site served by utilities (i.e., water, wastewater, electricity, natural gas, solid waste, and stormwater drainage)? If there are applicable in-lieu/development fees, has there been a commitment to pay them?			
(2) The site of the transit priority project does not contain wetlands/riparian habitat that can support Special Status Species. (Tip: Run a CNDDB database search at <a href="http://www.sdbifish.ca.gov/Data/CNDDB/Maps.and.Data">www.sdbifish.ca.gov/Data/CNDDB/Maps.and.Data</a> )	The site does not contain wetlands/riparian habitat that can support Special Status Species.			
(3) The site of the transit priority project does not contain wetlands/riparian habitat and does not have significant value as a wildlife habitat and the transit priority project does not harm any species protected by the Federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the Native Plant Protection Act (Chapter 10 commencing with Section 9002 of Division 2 of the Fish and Game Code), or the California Endangered Species Act (Chapter 1.5 commencing with Section 2052 of Division 1 of the Fish and Game Code), and the project does not cause the destruction or removal of any species protected by a local ordinance in effect at the time the application for the project was deemed complete.				

## WORKSHEETS

### SB 35 Eligibility Checklist

Requirements	Applicability	Yes	No	N/A
<b>HOUSING TYPES</b>				
Multi-family or Mixed-use	The development is a multifamily housing development containing at least two or more new residential units, or a mixed-use project where at least 25% of the square footage is dedicated to residential uses.			
Consistent with Objective Standards	The project meets all objective standards of the Planning Code at the time of SB 35 application submittal.			
<b>SITE REQUIREMENTS</b>				
Infill Development	At least 75 percent of the perimeter of the site adjoins parcels currently or formerly developed with urban uses, including parcels separated by a street or highway.			
Zoning or General Plan Consistency	The development is located on a legal parcel or parcels that are zoned or designated by the general plan for residential or mixed uses.			
Not Located in Sensitive Environment	The project site is not within a coastal zone, prime farmland, wetlands, a community conservation plan area, a habitat for protected species, or other a conservation easement.			
Not Subject to Hazardous Conditions	The project site is not within a high fire hazard severity zone, hazardous waste site, delineated earthquake fault zone, flood plain, or floodway.			
No Demolition of Residential Units	The project does not demolish any housing units that have been occupied by tenants in the last 10 years or demolish housing subject to any form of rent or price control, or are subject to a rented covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low incomes.			
Historic Structures	The project does not demolish a historic structure that has been placed on a national, state, or local historic register.			
Subdivisions	The development did not or does not include a subdivision of a parcel that is subject to the California Subdivison Map Act, unless the development either (a) receives a low income housing tax credit and is subject to the requirement that prevailing wages be paid, or (b) is subject to the requirements to any prevailing wages and to use a skilled and trained workforce.			

## What is CEQA STREAMLINING?

Streamlining under CEQA is a process by which an agency can expedite environmental review and approval of a project, such as through an applicable exemption or reliance on previously adopted environmental documents. The intent of the CEQA streamlining provisions is not to undercut or circumvent CEQA requirements, but rather 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.

There are several different streamlining approaches, including some of the traditional approaches to minimizing CEQA that many lead agencies already use, as well as some lesser-known options that are available in the Public Resources Code, CEQA Guidelines, and legislation.

The following chart demonstrates the concept of streamlining in its simplest form.

Is there a CEQA exemption that applies?	YES	Project does not require further CEQA. May file an NCE.
Is there another CEQA document that may cover the project?	YES	Streamlined review may be available.
Is the project a Transit Priority Project a residential, mixed-use or employment center on an infill site within a TRP or does it include designated structures for new housing?	YES	Traditional CEQA is required, but analysis may apply for smaller growth indicators, impacts, advanced aesthetics, and/or parking.
Prepare an NCE, NMD or EIR according to the CEQA Guidelines.	NO	

## CATEGORICAL EXEMPTIONS

### Introduction

Categorical exemptions are identified by the State Resources Agency for "classes" of projects as defined in the CEQA Guidelines (991300-15313) that have been determined not to have a significant effect on the environment and are therefore exempt from the provisions of CEQA to prepare environmental documents. These exemptions are intended to save agencies, and by extension, the public, time and resources. Agencies can complete a simple discretionary preliminary review to utilize a categorical exemption, which clears the project from typical environmental review under CEQA (CEQA Guidelines 91534).

There are three classes of categorical exemptions that can be utilized to streamline housing projects:

- Class 26. Acquisition of Housing for Housing Assistance Program, and
- Class 32. Infill Development Projects.

However, practitioners should be aware that projects that may otherwise meet the qualifications for one of the classes of categorical exemptions based on a series of exceptions identified in CEQA Guidelines 915300.2, that if triggered, prohibit the application of a categorical exemption.

The worksheets included herein provide a framework for a lead agency to conduct a preliminary review in order to:

1. decide whether the categorical exemption applies;
2. determine whether there are any exceptions that would prevent the use of a categorical exemption; and
3. substantiate the decision to use a categorical exemption or, alternatively, require further CEQA review.

<sup>1</sup> Note: Discretion is not required. The best way to substantiate the decision to include documentation is to prepare an NCE.

### CEQA Does Not Apply

Public Resources Code 1010 states that CEQA does not apply to projects that CEQA does not apply to. CEQA does not apply to projects that CEQA does not apply to. CEQA does not apply to projects that CEQA does not apply to. CEQA does not apply to projects that CEQA does not apply to.

## STREAMLINING for INFILL PROJECTS and PROJECTS CONSISTENT WITH COMMUNITY PLAN/ZONING



### Introduction

CEQA limits the environmental review requirements for qualifying "infill" projects and projects that are consistent with a certified EIR for a general plan, community plan, or zoning action. These limitations are "exceptions" in the traditional sense, but after performing some limited analysis, may lead to a determination that additional environmental review is not required. Streamlining the CEQA process, where additional review is still required, the scope of the review can be significantly narrowed by invoking the streamlining benefits of CEQA Guidelines 915318 or 915313.

# CEQA STREAMLINING

## TRANSIT PRIORITY PROJECT AND TRANSIT-ORIENTED PROJECT EXEMPTIONS



### Sustainable Communities Project Exemption (PRC 421155.1)

- SB 375, the Sustainable Communities and Climate Protection Act of 2008, provides among other things a "Sustainable Communities Project Exemption" for transit-oriented residential and mixed-use projects consistent with a Sustainable Communities Strategy (SCS) or Alternative Planning Strategy (APS). To qualify, projects must meet the Act's definition of a "Transit Priority Project" (TPP), which includes:
- up to 200 residential units located on or up to 8 acres,
  - at least 50% residential use,
  - if 25-50% are non-residential uses, must have a "form-area ratio (FAR) of not less than 0.75,
  - minimum density of at least 20 units/acre, and
  - site within one-half mile of a major transit stop or high-quality transit corridor contained within a regional transportation plan.<sup>1</sup>
- To qualify as a TPP a project must also meet nine eligibility criteria and seven parameters related to siting, siting, and protection of affordable housing. Additionally, the project must provide at least one of three specified community benefits related to affordable housing, payment of in-lieu fees, or provision of public open space. The SCS or APS must have been adopted by the California Air Resources Board (CARB). After a public hearing where a legislative body finds that a project meets all TPP requirements, that project can be declared a "Sustainable Communities Project" and avoid "infill" from CEQA.
- See [CEQA Exemptions Worksheet](#) to determine eligibility considering the criteria, parameters, and community benefits.

<sup>1</sup> The Current SCS (2010 Regional Transportation Plan/Sustainable Communities Strategy) shows High Quality Transit Areas on SB375-18.

# MATRICES

## Project Eligibility Review Matrix CEQA EXEMPTIONS FOR HOUSING PROJECTS

The following chart provides a summary of the various CEQA exemptions that are available for housing projects, along with the eligibility criteria and the limitations that may disqualify a project from applying the exemption. More details and worksheets are available for each of these on SCAG's website at: [scag.ca.gov/development-streamlining-efforts](https://scag.ca.gov/development-streamlining-efforts)

Your project may qualify if...					Disqualified if...
Housing Type/ # of Units	Applicability	Consistent with	Project Site	Location	
<b>Common Sense Exemption</b> CEQA Guidelines §15061(c)					
N/A	N/A	N/A	N/A	N/A	Potential for a significant effect on the environment, and it cannot be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.
<b>New Construction or Conversion of Small Structures (Class 3 Categorical Exemption)</b> CEQA Guidelines §15303					
1 unit, either SF or second dwelling unit <b>OR</b> ≤ 4 duplex units or similar MF	N/A	N/A	N/A	Residential zone	Triggers one or more exceptions due to location or environmental impacts (CEQA Guidelines §15300.2)

## Project Eligibility Review Matrix CEQA STREAMLINING OPTIONS FOR NON-EXEMPT HOUSING PROJECTS COVERED BY EXISTING EIR

The following chart summarizes the various CEQA streamlining options using prior EIRs for non-exempt housing projects, along with the qualifications, limitations, and streamlining benefits. More details and worksheets are available for each of these on SCAG's website at: <https://scag.ca.gov/development-streamlining-efforts>



Streamlining Provisions	Qualifications	Streamlining Benefits
<b>Tiering from prior EIR</b> CEQA Guidelines §15152 <sup>1</sup>	Consistent with general plan and zoning (rezone permitted if required to achieve general plan conformity). <b>AND</b> Consistent with or being carried out pursuant to a program, plan, policy, or ordinance with certified EIR.	Project EIR or ND limited to effects: • not identified as significant in prior certified EIR, and • that can be substantially reduced or avoided relative to prior EIR at project level.
<b>Use of an EIR from an Earlier Project</b> CEQA Guidelines §15153	Project is essentially the same in terms of environmental impacts and circumstances of the project that are described in a prior certified EIR.	May use prior EIR after review with an Initial Study using incorporation by reference, if necessary, to determine that the EIR adequately describes: • The general environmental setting of the project, • The significant environmental impacts of the project, and • Alternatives and mitigation measures related to each significant effect. Proper noticing, public review, and findings are still required.

<sup>1</sup> The rules in this section are general and other methods to streamline environmental review may be available which are governed by the more specific rules of those provisions. Examples of these are listed in §15152.1(b)(7-8).

# RECOGNITION

- In April 2023, the California State Chapter of the Association of Environmental Professionals recognized the Project with the Award of Merit for the Environmental Resource Document

## VIRTUAL WORKSHOPS & OFFICE HOURS

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- **Four (4) 90-minute Workshops (Completed)**

1. Current Streamlining Practices: Implementing SB 35 & SB 330
2. Recent Changes to Density Bonus Law: Legislative Overview
3. CEQA Streamlining Overview & Exemptions
4. CEQA Streamlining from Prior EIRs

*Recordings and materials available on SCAG's website:*

<https://scag.ca.gov/streamlining>

- **One (1) 90-minute Office Hours (Completed)**

- Participants: city planning staff, housing nonprofit organization staff, developer

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## CONTENT PREVIEW

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## DEVELOPMENT STREAMLINING MATERIALS

- Planners can utilize the SB 35 and SB 330 guidance materials to:
  - Learn about the law (when it passed, purpose, Government Code citation, etc.)
  - What projects qualify (housing types, objective standards, site requirements, parking, labor provision, etc.)
  - Description of the streamlined approval process (including a flow chart)
  - List of resources (with hyperlinks)
  - Use a checklist to see if their project qualifies
  - Description of new bills or case law that have modified the law

## DEVELOPMENT STREAMLINING MATERIALS

- PDF Previews:
  - [SB 35](#)
  - [SB 330 and SB 8](#)

## Workshop: "Current Streamlining Practices: Implementing SB 35 and SB 330"

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- Planners can watch the workshop recordings:
  - Provides a summary of each bill
  - Additional case law and bills that modify/upgrade SB 35 and SB 330 (not in guidance materials)
  - Listen to answers to questions asked by planners
- Access to slide materials on the website for all workshops



## UPCOMING EVENT

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## SCAG's Toolbox Tuesday Housing Series Part 2

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- November 14, 1-2:30 PM
- Sign up here: <https://www.jotform.com/form/212696988854176>
- For more information, please visit: <https://scag.ca.gov/post/toolbox-tuesday-housing-series-part-2>



# THANK YOU!

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For more information, please visit:

<https://scag.ca.gov/streamlining>