Western Riverside Council of Governments
Planning Directors Committee

AGENDA

Thursday, December 8, 2022
9:30 AM

Western Riverside Council of Governments
3390 University Avenue, Suite 200
Riverside, CA 92501

Join Zoom Meeting
Meeting ID: 854 2676 0182
Passcode: 222369
Dial in: (669) 900 9128 U.S.

SPECIAL NOTICE – COVID-19 RELATED PROCEDURES IN EFFECT

Due to the State or local recommendations for social distancing resulting from the threat of Novel Coronavirus (COVID-19), this meeting is being held via Zoom under Assembly Bill (AB) 361 (Government Code Section 54953). Pursuant to AB 361, WRCOG does not need to make a physical location available for members of the public to observe a public meeting and offer public comment. AB 361 allows WRCOG to hold Committee meetings via teleconferencing or other electronic means and allows for members of the public to observe and address the committee telephonically or electronically.

In addition to commenting at the Committee meeting, members of the public may also submit written comments before or during the meeting, prior to the close of public comment to jleonard@wrcog.us.

Any member of the public requiring a reasonable accommodation to participate in this meeting in light of this announcement shall contact Janis Leonard 72 hours prior to the meeting at (951) 405-6702 or jleonard@wrcog.us. Later requests accommodated to the extent feasible.

The Committee may take any action on any item listed on the agenda, regardless of the Requested Action.

1. CALL TO ORDER (Travis Randel, Chair)

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. PUBLIC COMMENT

At this time members of the public can address the Committee regarding any items within the subject matter jurisdiction of the Committee that are not separately listed on this agenda. Members of the public will have an opportunity to speak on agendized items at the time the item is called for discussion. No action may be taken on items not listed on the agenda unless authorized by law. Whenever possible, lengthy testimony should be presented to the Committee in writing and only pertinent points presented orally.

5. CONSENT CALENDAR

All items listed under the Consent Calendar are considered to be routine and may be enacted by one motion. Prior to the motion to consider any action by the Committee, any public comments on any of the Consent Items will be heard. There will be no separate action unless members of the Committee request specific items be removed from the Consent Calendar.

A. Summary Minutes from the October 13, 2022, Planning Directors Committee Meeting

Requested Action(s): 1. Approve the Summary Minutes from the October 13, 2022, Planning Directors Committee meeting.

6. REPORTS / DISCUSSION

Members of the public will have an opportunity to speak on agendized items at the time the item is called for discussion.

A. Residential Trip Generation Study

Requested Action(s): 1. Receive and file.

B. SB 9 Toolkit

Requested Action(s): 1. Receive and file.

C. Housing Legislation Wrap-Up Summary

Requested Action(s): 1. Receive and file.

D. Update of 2019 TUMF High-Cube Warehouse Trip Generation Study

Requested Action(s): 1. Receive and file.

7. REPORT FROM THE DEPUTY EXECUTIVE DIRECTOR

Chris Gray

8. ITEMS FOR FUTURE AGENDAS

Members are invited to suggest additional items to be brought forward for discussion at future Committee meetings.

9. GENERAL ANNOUNCEMENTS

Members are invited to announce items / activities which may be of general interest to the Committee.

10. NEXT MEETING

The next Planning Directors Committee meeting is scheduled for Thursday, February 9, 2023, at 9:30 a.m., on the Zoom platform with the option for Committee members to attend in-person.

11. ADJOURNMENT

Planning Directors Committee

Minutes

1. CALL TO ORDER

The meeting of the WRCOG Planning Directors Committee was called to order by Chair Travis Randell at 9:32 a.m. on October 13, 2022, on the Zoom platform.

2. PLEDGE OF ALLEGIANCE

Chair Randell led members and guests in the Pledge of Allegiance.

3. ROLL CALL

- City of Banning - Adam Rush
- City of Beaumont - Carole Kendrick
- City of Corona - Joanne Coletta
- City of Hemet - H.P. Kang
- City of Jurupa Valley - Diane Guevara
- City of Lake Elsinore - Richard MacHott
- City of Menifee - Doug Darnell
- City of Murrieta - David Chantarangsu*
- City of Perris - Kenneth Phung
- City of Riverside - Judy Eguez
- City of San Jacinto - Travis Randel (Chair)
- City of Temecula - Matt Peters
- City of Wildomar - Matt Bassi
- County of Riverside - John Hildebrand
- March JPA - Jeffrey Smith
- Riverside Transit Agency - Jennifer Nguyen

4. PUBLIC COMMENTS

Arnold San Miguel, SCAG, announced that SCAG is holding its 13th edition of its Southern California Economic Summit on December 1, 2022. SCAG has initiated "Money Mondays" to highlight open grant opportunities offered in the SCAG region that may be pertinent to an agency's workplan. Access Money Monday's at https://scag.ca.gov/get-involved-grant-opportunities. Grant opportunities are also shared on SCAG's Grant Opportunities webpage at https://scag.ca.gov/get-involved-grant-opportunities.

5. CONSENT CALENDAR – (Lake Elsinore / Banning) 16 yes; 0 no; 0 abstention. The County of Riverside did not respond. Item 5.A was approved.

A. Summary Minutes from the September 8, 2022, Planning Directors Committee Meeting

Action:
1. Approved the Summary Minutes from the September 8, 2022, Planning Directors Committee meeting.

6. REPORTS / DISCUSSION

A. 2022 Fee Comparison Analysis Update

Christopher Tzeng, WRCOG Program Manager, reported that WRCOG is conducting an update of the Fee Comparison Analysis based on 2022 fees. The Analysis is a comparison of fees that jurisdictions and agencies charge for development and includes all jurisdictions within Western Riverside County and some jurisdictions adjacent to the subregion. This Analysis was first conducted in 2016 and then in 2018.

An average of recent project trends was included in the Analysis, which includes five development prototypes: specific square footage of single-family, multi-family, retail development, office development, and industrial development.

A breakdown of fees for each land development type analyzed in five categories: regional transportation fees (TUMF), water / sewer connection and capacity fees, city / county capital facilities fees, school development impact fees, and other area / regional fees.

A summary of average development fee changes for the WRCOG subregion was emailed to various Committee for review and discussion on September 22, 2022. WRCOG is requesting input by October 20, 2022, to ensure fees utilized are reasonable. Changes in fees for the various prototypes were discussed. A few jurisdictions experienced particularly large changes.

The fee comparison for each jurisdiction and comparison charts for all WRCOG jurisdictions will be provided in November, with a draft final report presented in December 2022 / January 2023.

Action:
1. Received and filed.

B. Implementation of California Housing Legislation 2022

Taylor Libolt Varner with National Community Renaissance provided a presentation on California Housing Legislation approved in this past 2022 legislative session.

AB 2011 and SB 6 are both related to residential development on commercially zoned property; the bills are designed to fast-track housing development subject to certain conditions and requirements. One key difference in the two Bills is that AB 2011 requires that at least a portion of the units in a qualifying project are reserved for a below-market rate rents, while SB 6 does not come with any affordability restrictions.

Other bills discussed included the density bonus law, parking requirements, accessory dwelling units, housing financing, property taxes, housing elements, and annual progress reports.

Action:
1. Received and filed.

C. SB 9 Toolkit Update

Suzanne Peterson, WRCOG Senior Analyst, reported that WRCOG is developing a SB 9 Toolkit to include a model ordinance, analysis of standards, an infographic, and supplemental informational seminars. The draft Model Ordinance is available for review. The draft Model Ordinance covers both urban lot splits and duplexes. The outstanding sections that have not yet been completed are discretionary topics and will be completed over the next couple of months.

Any feedback will be incorporated or addressed at the next PDC meeting where WRCOG staff anticipates a final draft to be available.

Action:
1. Received and filed.

D. Proposed REAP 2.0 Activities

Suzanne Peterson, WRCOG Senior Analyst, reported that the Regional Early Action Planning (REAP) grant funding in the amount of $246M is being made available to SCAG. REAP 2.0 seeks to accelerate infill development that facilitates housing supply, choice, and affordability, reduce vehicle miles traveled, and affirmatively further fair housing.

SCAG is making most of the funding available through three programs: (1) $80M for County Transportation Commission Partnership Programs, (2) $88M for Programs to Accelerate Transformative Housing (PATH), and (3) $23M for the Subregional Partnership Program (SRP) 2.0.

The PATH Program includes three competitive funding opportunities for housing authorities, trust funds, catalyst funds, public agencies, water districts, other utilities, tribal entities, cities, and counties. The types of projects varies and WRCOG staff recommend reaching out to SCAG if interested. The guidelines and parameters for PATH Programs has not yet been set; staff anticipates this to be done at upcoming SCAG committee meetings in November 2022.

The SRP 2.0 allocates $1.6M to WRCOG to assist its member jurisdictions in the implementation of their 6th cycle Housing Elements. WRCOG is on schedule to submit a formal application to receive this funding.

Action:
1. Received and filed.

7. REPORT FROM THE DEPUTY EXECUTIVE DIRECTOR

Chris Gray, WRCOG Deputy Executive Director, reported that this Committee will continue meeting every other month; a schedule will be presented for adoption at the next meeting. The following items will be presented at the December meeting:

- Legislative wrap-up summary
- Final fee comparison analysis
- Revisit SB 9 implementation
- Single-family trip generation study (AB 602 compliance)

8. ITEMS FOR FUTURE AGENDAS

Committee member John Hildebrand asked for a presentation on the State's new wildfire requirements as it relates to CEQA.

9. GENERAL ANNOUNCEMENTS

Committee member John Hildebrand congratulated WRCOG Deputy Executive Director Chris Gray on recently receiving the Planner Emeritus Network Award for his dedication as a planning professional.

10. NEXT MEETING

The next Planning Directors Committee meeting is scheduled for Thursday, November 10, 2022, at 9:30 a.m., on the Zoom platform with an option for Committee members to attend in-person at the WRCOG office.

11. ADJOURNMENT

The meeting of the Planning Directors Committee adjourned at 10:41 a.m.

Item 6.A

Western Riverside Council of Governments
Planning Directors Committee

Staff Report

Subject: **Residential Trip Generation Study**

Contact: **Mike Wallace, Fehr & Peers, Principal, m.wallace@fehrandpeers.com, (213) 261-3050**

Date: **December 8, 2022**

Requested Action(s):

1. Receive and file.

Purpose:
The purpose of this item is to present the findings of the Residential Trip Generation Study.

WRCOG 2022-2027 Strategic Plan Goal:
Goal #5 - Develop projects and programs that improve infrastructure and sustainable development in our subregion.

Background:
Assembly Bill (AB) 602 (Grayson), effective January 1, 2022, requires local agencies which calculate fees proportionately to the square footage of the proposed units, to have a valid method to establish a reasonable relationship between the fee charged and the burden of the proposed development. The Transportation Mitigation Fee (TUMF) Program is an impact fee subject to AB 602 that is not currently based on square footage. The TUMF Program charges a fee based on the number of units of a development project. For example, a 1,500 square foot single-family dwelling unit is charged the same fee as a 4,500 square foot single-family dwelling unit. This study provides the preliminary analysis required to address the requirements of AB 602 and further explore if a shift in TUMF collection from a per unit fee to a fee based on size (square footage) is appropriate.

WRCOG worked with Fehr & Peers to review the relationship between travel behavior, residential unit size, and other residential characteristics. This study enabled WRCOG to research if there is a correlation between residential unit size and trip generation. This correlation will enable WRCOG to determine if a size-based TUMF fee structure may encourage the development of smaller, more affordable units. The key findings are provided below and the full study is provided as an attachment to this Staff Report.

Key Findings

- Is home size a key predictor of residential vehicle trip generation? **Yes, for homes of 2,500 square feet or less the trips increase with the larger home size. After 2,500 square feet, the**

number of trips stay constant with home size, all else being equal.

- Are there other characteristics that have a higher predictive relationship than home size? **Yes, the trip generation increases with the total household population, average number of children, and average number workers. Home size accounts for approximately 50% of the increase in home size for homes less than 2,500 square feet with the remaining 50% explained by multiple factors of the people within the home.**
- Does the location (i.e., TUMF zone) change the relationship of home size or the other characteristics? **No, the home location may influence the size, number of people, or household income, and/or the distance the trips travel, but does not influence the trips generated.**
- Are there recommended changes to the TUMF based on the findings? If so, what is the potential impact to the TUMF collection and home owners? **Yes, it is recommended that smaller homes pay a fee based on home size. The appropriate fee should be evaluated by the TUMF fee consultant to determine the potential impact to fee collected compared to the current fee expectation. Smaller homes paying less could potentially make home ownership less expensive overall compared to larger homes.**

Prior Action(s):
February 10, 2022: The Planning Directors Committee received and filed.

Fiscal Impact:
The Residential Trip Generation Study is covered in Transportation and Planning Department activities are included in the Agency's adopted Fiscal Year 2021/2022 Budget under the Transportation Department. Note: Fiscal impacts will be further analyzed with additional review and consideration of changes to the TUMF.

Attachment(s):
Attachment 1 - WRCOG Residential Trip Generation Study

Memorandum

Date: November 16, 2022

To: Suzanne Peterson, Christopher Gray, and Chris Tzeng – WRCOG

From: Mike Wallace, Eleanor Hunts, and Jason Pack – Fehr & Peers

Subject: WRCOG Residential Trip Generation
Contract No. 2022-65-1400-004 / Task Order No. 2022-65-1400-004-003

OC22- 0864

This memo summarizes the goals, data and analysis, key findings, and recommendations relating to the evaluation of vehicle trip generation and residential development characteristics. Specifically, this memo is intended to inform the Transportation Uniform Mitigation Fee (TUMF) guidelines on the relationship between residential trip generation and home size (square footage) as prescribed in California Assembly Bill 602 (AB 602). This draft memo will be followed-up with a phone call to discuss the recommendations and the memo will be revised and finalized based on the call.

Key Findings

Questions answered through the analysis and the findings are listed below.

- Is home size a key predictor of residential vehicle trip generation? **Yes, for homes of 2,500 square feet or less the trips increase with the larger home size. After 2,500 square feet the number of trips stay constant with home size, all else being equal.**
- Are there other characteristics that have a higher predictive relationship than home size? **Yes, the trip generation increases with the total household population, average number of children, and average number workers. Home size accounts for approximately 50% of the increase in home size for homes less than 2,500 square feet with the remaining 50% explained by multiple factors of the people within the home.**
- Does the location (i.e. TUMF zone) change the relationship of home size or the other characteristics? **No, the home location may influence the size, number of people, or household income, and/or the distance the trips travel, but does not influence the trips generated.**

- Are there recommended changes to the TUMF based on the findings? If so, what is the potential impact to the TUMF collection and home owners? **Yes, it is recommended that smaller homes pay a fee based on home size. The appropriate fee should be evaluated by the TUMF fee consultant to determine the potential impact to fee collected compared to the current fee expectation. Smaller homes paying less could potentially make home ownership less expensive overall compared to larger homes.**

Data Collection

This section describes the data that were used to evaluate the trip generation. Specifically, the identification and selection of study areas, method for obtaining and results of the travel activity, and collection of residential characteristics.

Study Area Selection

To determine the home characteristics that might influence trip generation, representative residential neighborhoods in each of the TUMF zones were identified. The criteria used for selecting neighborhoods included the following:

- Residential land use could be isolated from other uses
- Minimal cut through traffic
- As close to Census Blocks or Block Groups as possible to obtain demographic information
- Minimal construction activity that would change the number of units
- Diverse home size, household income

Based on local knowledge, aerial photos, Census geography, and home information from Zillow, WRCOG staff identified a preliminary list of potential study locations in each TUMF zone. Through discussions and review of each location, Fehr & Peers narrowed down the list of study locations to 23 neighborhoods, shown on **Figure 1**.

Travel Activity

StreetLight Data from smart phones were collected at 23 residential neighborhoods shown on Figure 1 were collected for trips that started or ended within each neighborhood. This method excluded trips that cut through the neighborhood. To avoid holidays, vacations, and to reflect travel when school is in session, data from March 1st through April 30th and September 1st through October 31st for all weekdays in 2019 were collected to represent the average vehicle trips per day for all homes within each study area.

Since StreetLight Data are based on location-based services (LBS) derived from cellular phone applications, 48-hour traffic counts were conducted at eight of the 23 study area locations as a point of comparison. The eight representative count locations were selected to have at least one location in each TUMF zone, minimize the number of roadways accessing the land use, and to allow the most accurate representation of trips associated with the residential homes without capturing cut through traffic. The eight locations where 48-hour counts were collected are shown on **Figure 2**.

As shown on **Figure 3**, the 48-hour traffic count variation from day to day and the StreetLight Data average are very similar, giving confidence that the StreetLight Data for all study areas would be representative.

Residential Characteristics

The number of homes and characteristics for the homes within each study area were obtained from multiple sources, as summarized in **Table 1**. To identify outliers and the range of values for each variable that would be used to estimate the trip generation, plots of each study location by TUMF zone were developed and are summarized below with reference to the appropriate figure.

- **Figure 4 – Median Square Footage**: good distribution across study areas and within each TUMF zone
- **Figure 5 – Average Persons per Household**: good distribution across study areas and within each TUMF zone
- **Figure 6 – Average Children per Household**: good distribution across study areas and within each TUMF zone, including one study area that has very high children per household and another study area that has very low children per household
- **Figure 7 – Average Workers per Household:** good distribution across study areas and within each TUMF zone
- **Figure 8 – Median Cost per Square Foot**: good distribution across study areas and within each TUMF zone

Based on the review of each variable, the range across the study areas and within each TUMF zone are appropriate for use in the trip generation analysis.

Trip Generation Results

The StreetLight Data daily vehicle trips were used to visually display the relationship of each home characteristic for each study area and within each TUMF zone. The appropriate figure number and conclusion for the relationship are listed below.

- **Figure 9 – Daily Vehicle Trips per Median Square Footage**: slight increase in vehicle trips as median square footage increases
- **Figure 10 – Daily Vehicle Trips per Average Persons per Household**: slight increase in vehicle trips as total number of people per household increases

- **Figure 11 – Daily Vehicle Trips per Average Children per Household**: slight increase in vehicle trips as average number of children per household increases
- **Figure 12 – Daily Vehicle Trips per Average Workers per Household:** slight increase in vehicle trips as average number of workers per household increases
- **Figure 13 – Daily Vehicle Trips per Median Cost per Square Foot**: no clear relationship between average number of workers and trip generation

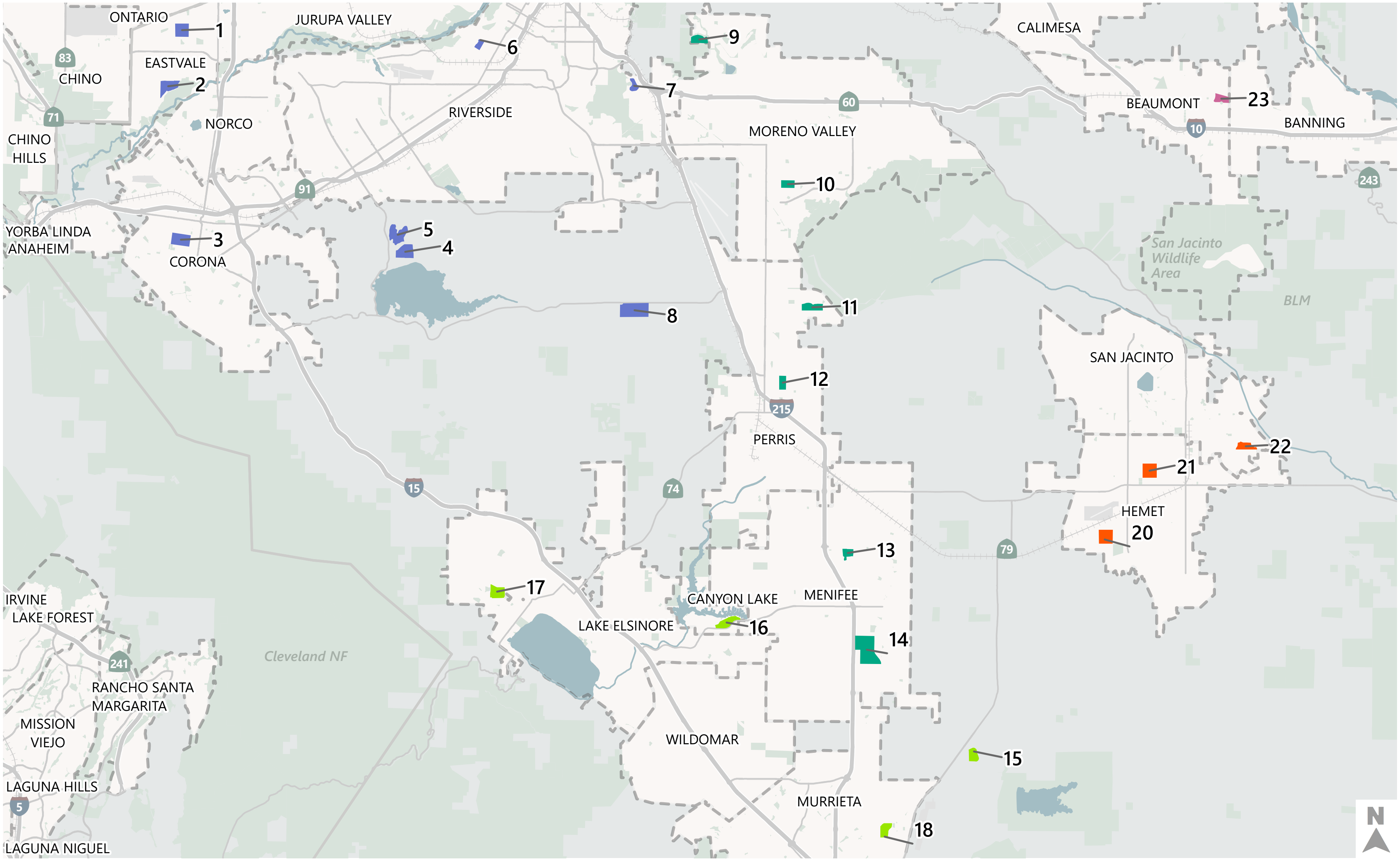
In addition to visual representations of the data, statistical analysis was performed to obtain the correlation between the variables to daily vehicle trips and to determine the regression equations.

Figure 16 – Correlation Matrix for All Variables: the correlation values in the green box for average and median home size of 0.7 indicate a strong positive correlation and mean as home size increases the number of trips increase. The correlation value of 0.7 results in an R-square of 0.49, meaning nearly half of the increase in trip generation is related to home size.

Based on Figures 10 and 11, the relationship between trip generation appeared to be linear, with the relationship possibly changing around 2,500 square feet. The linear regression analysis of average home size was performed for all home sizes, homes 2,500 square feet or smaller, and homes larger than 2,500 square feet. The results of the analysis are summarized in **Table 2**. The results show for home sizes of 2,500 square feet or less, the influence of the home size (represented by the coefficient) is nearly double that when all home sizes are included in the regression. The nearly zero coefficient and very high constant for the regression of home sizes above 2.500 square feet indicate that the trip generation is nearly constant for homes above 2,500 square feet.

Recommendations and Next Steps

Although home characteristics other than square footage have a slight increase in trip generation, the ability to forecast or control all of the characteristics other than home square footage is very difficult. Based on the results of trip generation and discussions with WRCOG regarding the feasible size of homes being constructed in the region, WRCOG will work with the TUMF fee consultant to identify and recommend appropriate fee adjustments based on square footage.



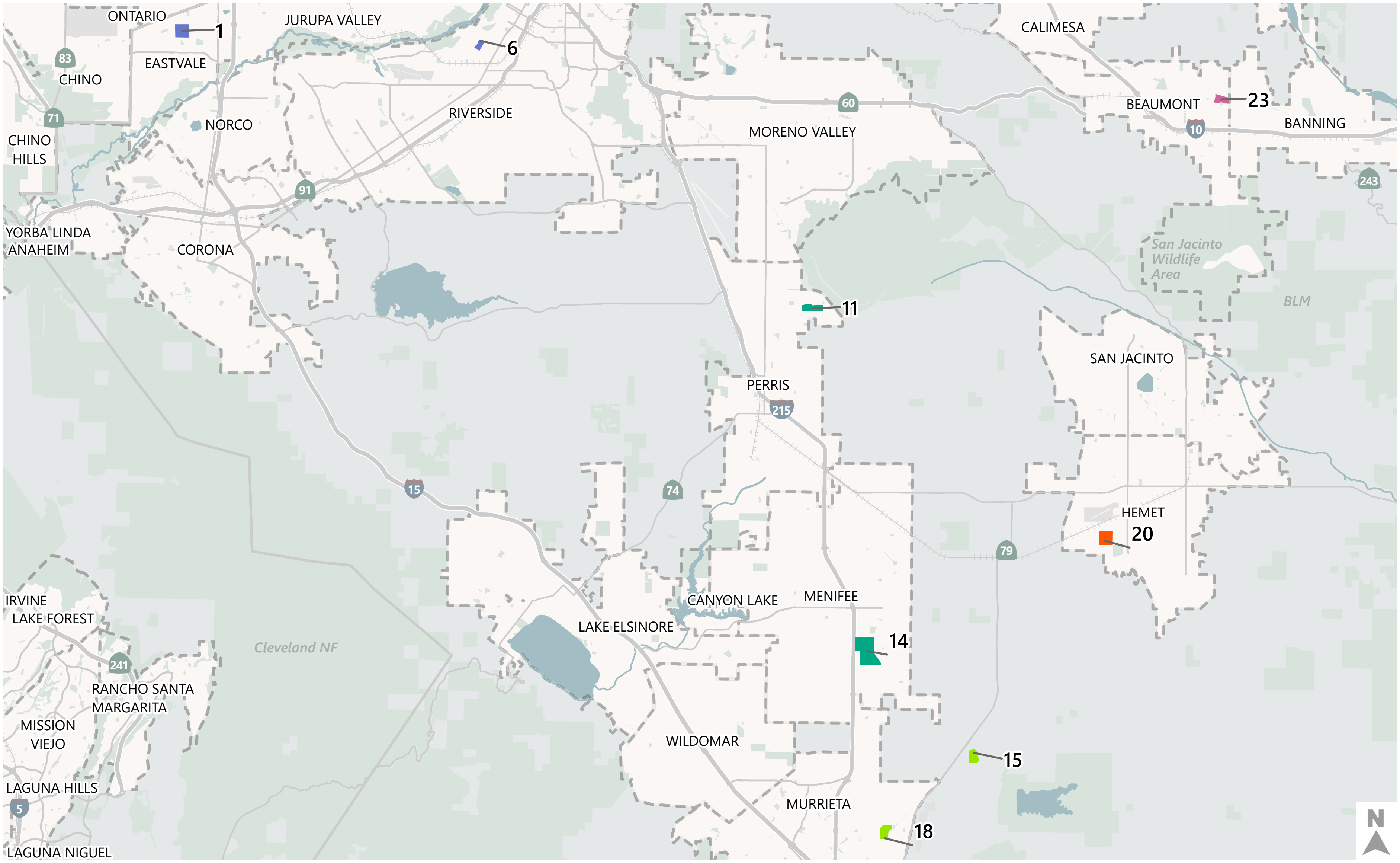
Study Location by TUMF Zone

- Central
- Hemet/San Jacinto
- Northwest
- Pass
- Southwest

City Boundaries

Figure 1

StreetLight Data Collection Locations



Study Location by TUMF Zone

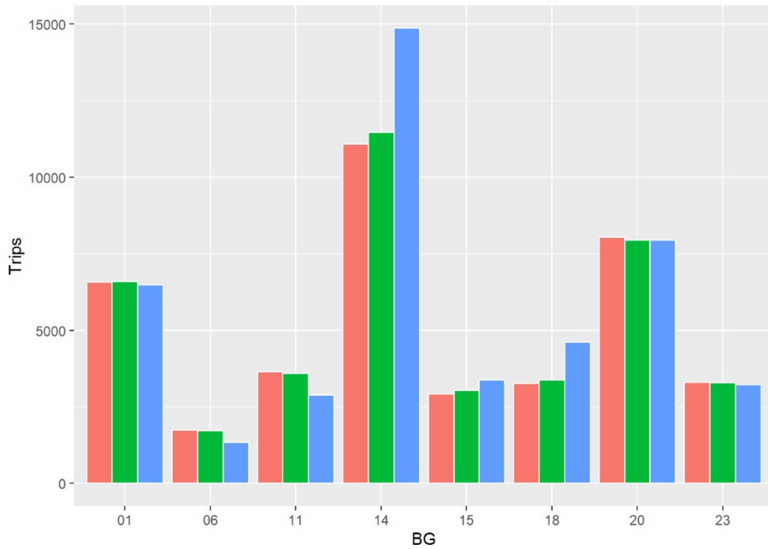
- Central
- Hemet/San Jacinto
- Northwest
- Pass
- Southwest

City Boundaries

Figure 2

Traffic Count Data Collection Locations

Figure 3 – Comparison of Individual Traffic Counts and StreetLight Data Average



Note: Red and green are the two days of manual count collection and blue are the StreetLight Data average. The BG number corresponds to the number on Figure 2.

Figure 4 – Median Square Footage

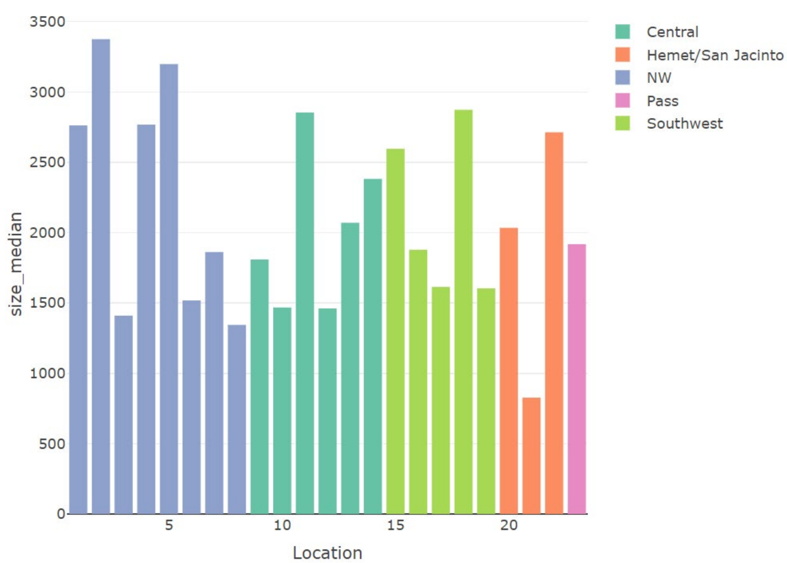


Figure 5 – Average Persons per Household

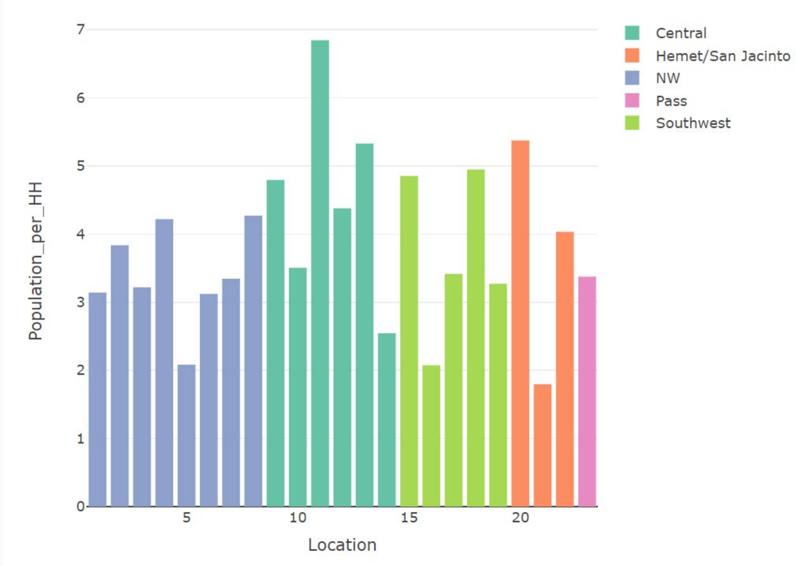


Figure 6 – Average Children per Household

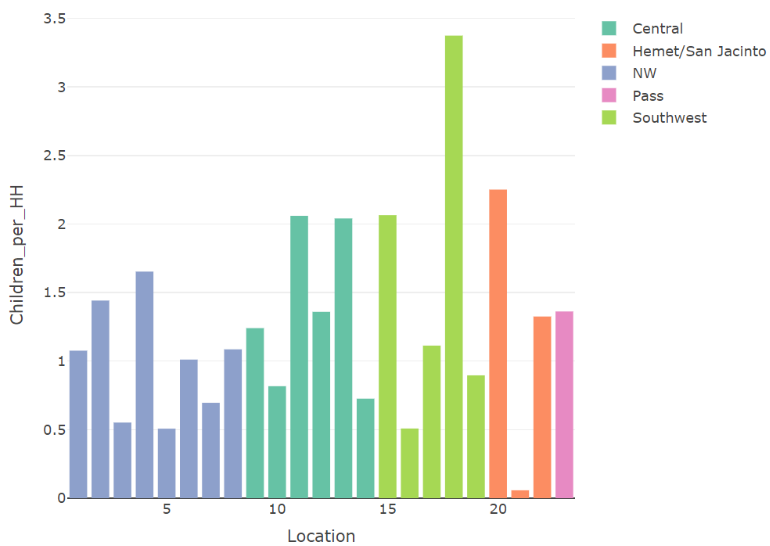


Figure 7 – Average Workers per Household

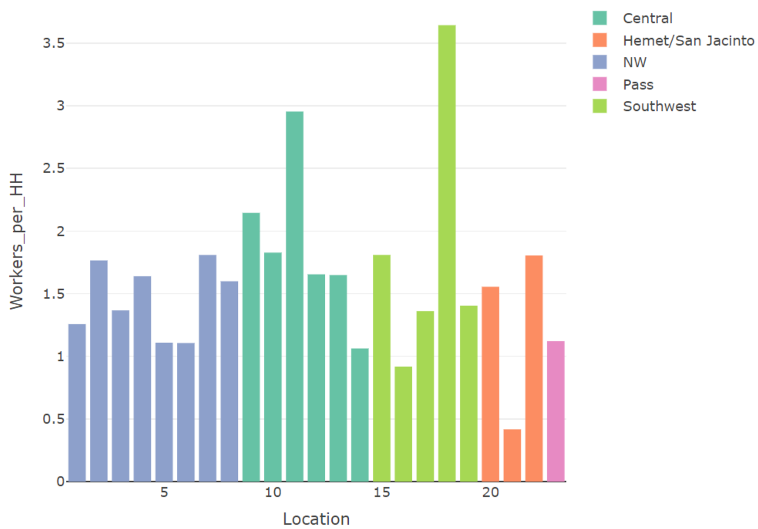


Figure 8 – Median Cost per Square Foot

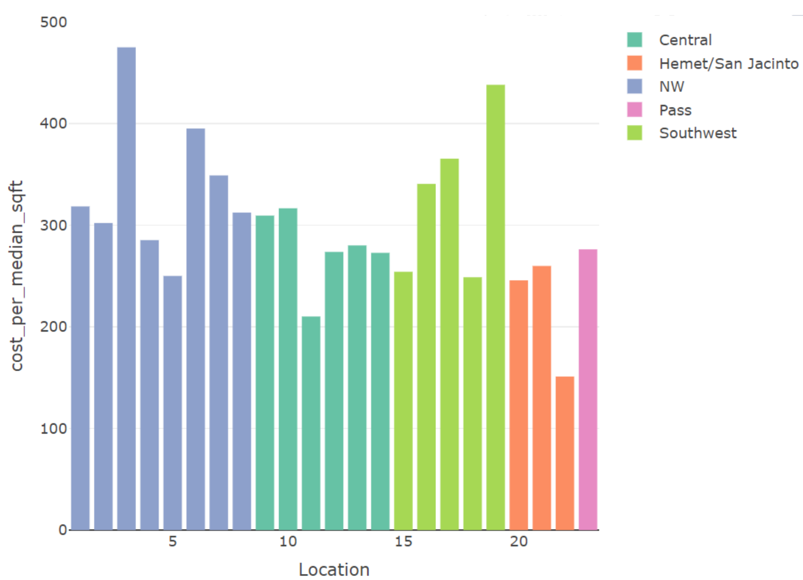


Figure 9 – Daily Vehicle Trips per Median Square Footage

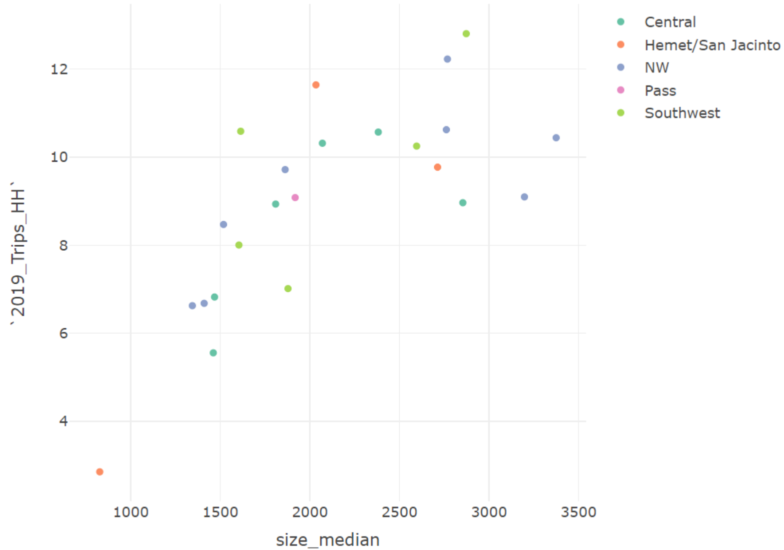


Figure 10 – Daily Vehicle Trips per Average Persons per Household

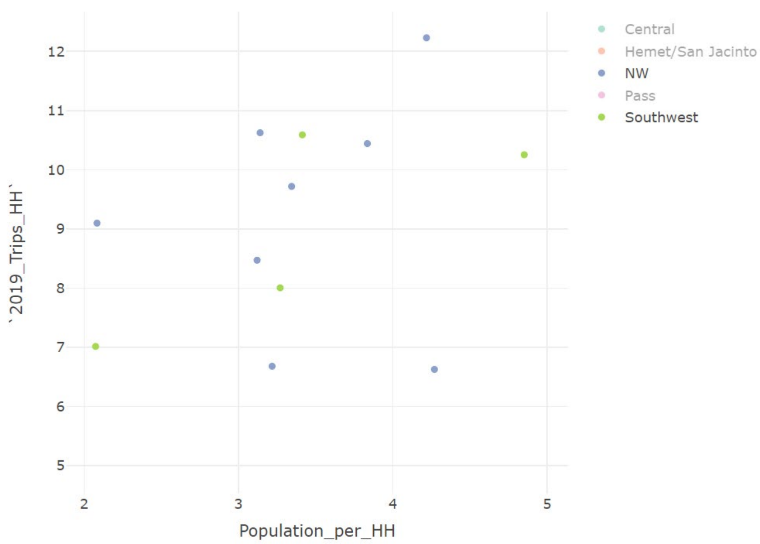


Figure 11 – Daily Vehicle Trips per Average Children per Household

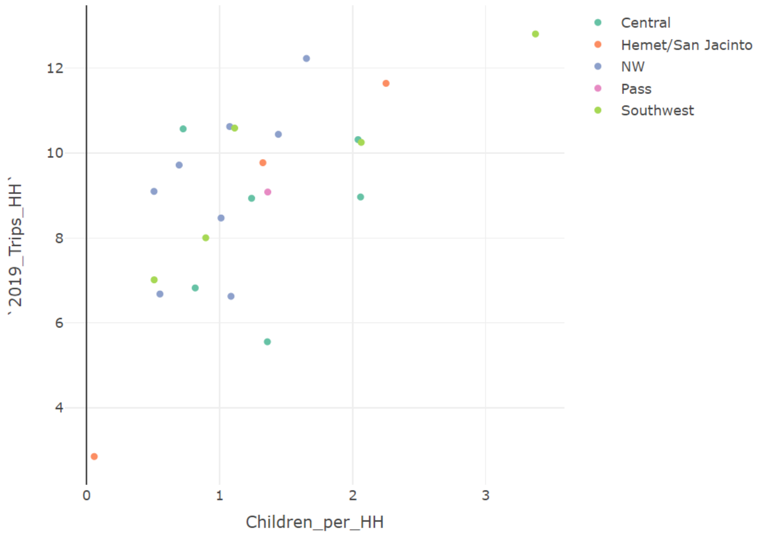


Figure 12 – Daily Vehicle Trips per Average Workers per Household

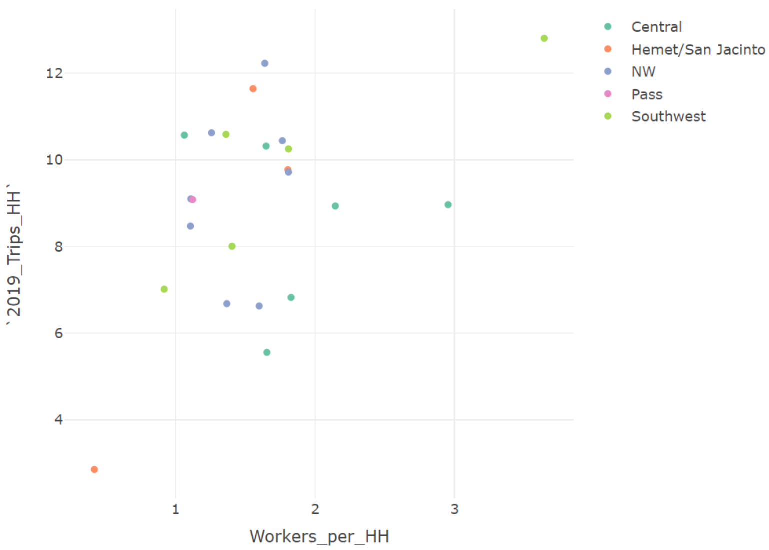


Figure 13 – Daily Vehicle Trips per Median Cost per Square Foot

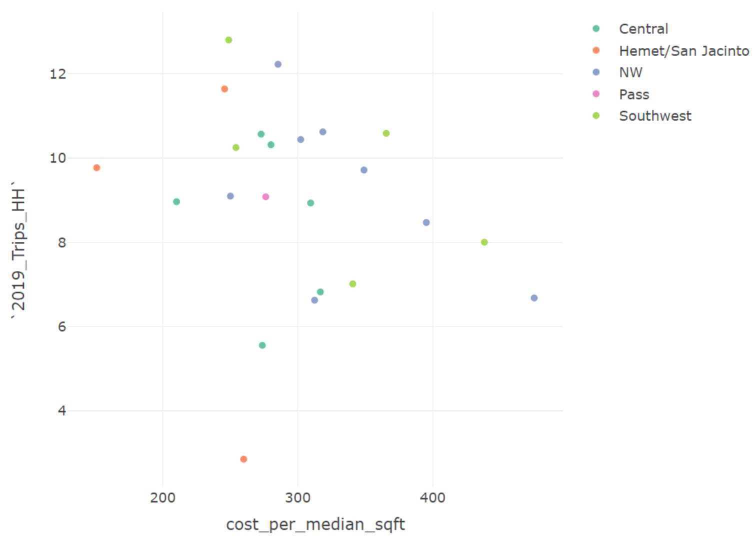


Figure 14 – Correlation Matrix for All Variables

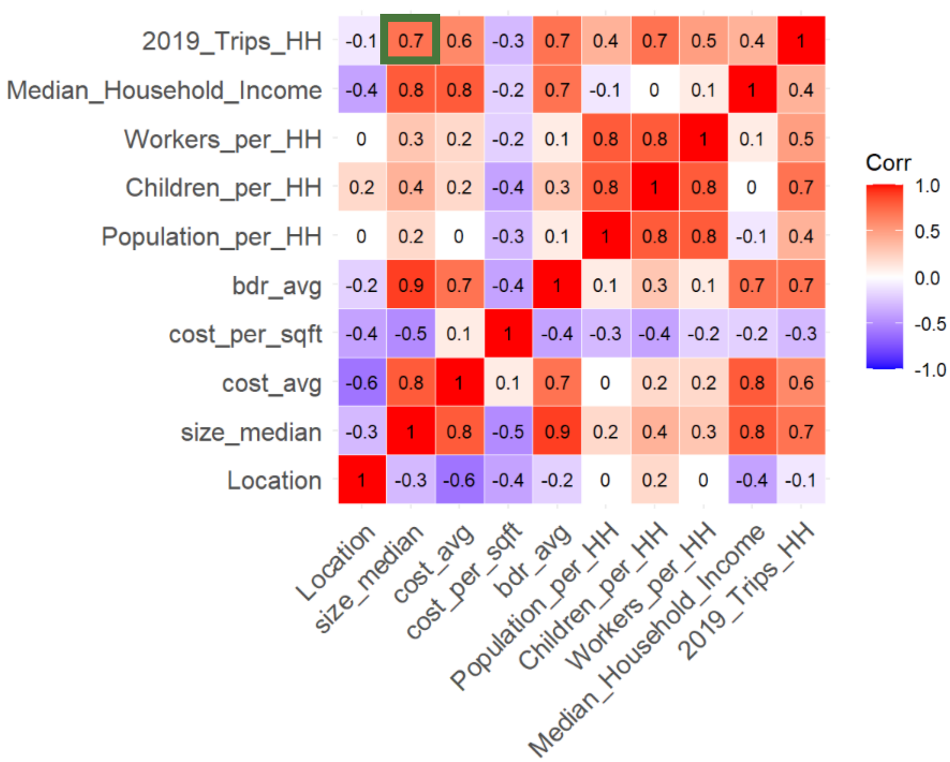


Table 1: Residential Home Data and Sources

Value	Source
Median Home Size	Zillow
Average Home Rooms	Zillow
Average Household Population	ACS 5 year and 1 year
Average Number of Children	ACS 5 year and 1 year
Average Number of Workers	ACS 5 year and 1 year
TUMF Zone	WRCOG
Average Household Income	ACS 5 year and 1 year

Table 2: Daily Total Vehicle Trip Regression Equation Summary

Home Size Variable	Coefficient	Constant	R-Squared
All home sizes			
Median Home Size (KSF)	2.26	4.22	0.507
Homes 2.5 KSF or smaller			
Median Home Size (KSF)	4.11	1.22	0.553
Homes over 2.5 KSF			
Median Home Size (KSF)	-0.3	11.57	0.007

Notes: KSF= Thousand Square Feet

Regression Equations
<u>All home sizes.</u>
Daily total vehicle trips = 2.26 * Median Home Size in Thousand Square Feet + 4.22

<u>Homes l 2.50 thousand square feet or less.</u>
Daily total vehicle trips = 4.11 * Median Home Size in Thousand Square Feet + 1.22

<u>Homes more than 2.50 thousand square feet.</u>
Daily total vehicle trips = -0.3 * Median Home Size in Thousand Square Feet + 11.57

Western Riverside Council of Governments
Planning Directors Committee

Staff Report

Subject: **SB 9 Toolkit**

Contact: **Alan Loomis, PlaceWorks Principal, aloomis@placeworks.com, (213) 623-1443**

Date: **December 8, 2022**

Requested Action(s):

1. Receive and file.

Purpose:
The purpose of this item is to present a draft SB 9 Toolkit and Model Ordinance.

WRCOG 2022-2027 Strategic Plan Goal:
Goal #2 - Identify and help secure grants and other potential funding opportunities for projects and programs that benefit member agencies.

Background:
WRCOG is utilizing SCAG Regional Early Action Planning (REAP) grant funding to create a toolkit for use by WRCOG member agencies in order to implement the requirements of Senate Bill (SB) 9. The Toolkit is designed to gather best practices from recently adopted SB 9 ordinances and identify specific standards that local jurisdictions may customize as needed to adjust to its unique geography. A key component of this toolkit is an SB 9 Model Ordinance. The draft Toolkit and Model Ordinance is available for review as an attachment to this Staff Report.

Prior Action(s):
August 11, 2022: The Planning Directors Committee received and filed.

March 1, 2021: The Executive Committee authorized the Executive Director to execute an MOU, substantially as to form, with SCAG for the REAP Subregional Partnership Program.

Fiscal Impact:
Transportation and Planning Department activities are included in the Agency's adopted Fiscal Year 2022/2023 Budget under the Transportation and Planning Department under Fund 110. The development of the toolkit is covered by REAP funding that has already been approved by SCAG and any costs associated with this effort will be reimbursed by SCAG

Attachment(s):
Attachment 1 - Draft SB 9 Toolkit

WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS

SENATE BILL 9 (SB 9) TOOLKIT

Draft

December 2022

ACKNOWLEDGMENTS

Prepared for:

City of Banning
City of Beaumont
City of Calimesa
City of Canyon Lake
City of Corona
City of Eastvale
City of Hemet
City of Jurupa Valley
City of Lake Elsinore
City of Menifee
City of Moreno Valley
City of Murrieta
City of Norco
City of Perris
City of Riverside
City of San Jacinto
City of Temecula
City of Wildomar

Prepared by: PLACEWORKS

TABLE OF CONTENTS

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INTRODUCTION

This Toolkit provides an overview of Senate Bill 9 (SB 9), presents five development scenarios for single-family residential lots, and contains the SB 9 Model Ordinance for jurisdictions within the Western Riverside Council of Governments (WRCOG).

Under SB 9, local agencies are expected to ministerially approve SB 9 applications without discretionary review or public hearings in single-family residential zoning districts and are subject to State-specified qualifications and limits. Jurisdictions can enforce objective zoning and design standards for new residential dwelling units applying SB 9 regulations. This Toolkit explains and clarifies the objective standards and requirements for SB 9 applications consistent with State law.

The development scenarios in this Toolkit will make the implementation of SB 9 projects more predictable and easier to interpret for all stakeholders, including decision makers, staff, applicants, and members of the public.

The Model Ordinance contains SB 9 requirements and a variety of "model" Objective Design Standards gathered from jurisdictions across Riverside County and elsewhere. Standards related to SB 9 projects can be edited and modified by respective jurisdictions within WRCOG before implementing and adopting the regulations for their jurisdiction.

The Toolkit organizes these topics into the following broad categories:

- Introduction to SB 9
- Development Scenarios
- SB 9 Model Ordinance

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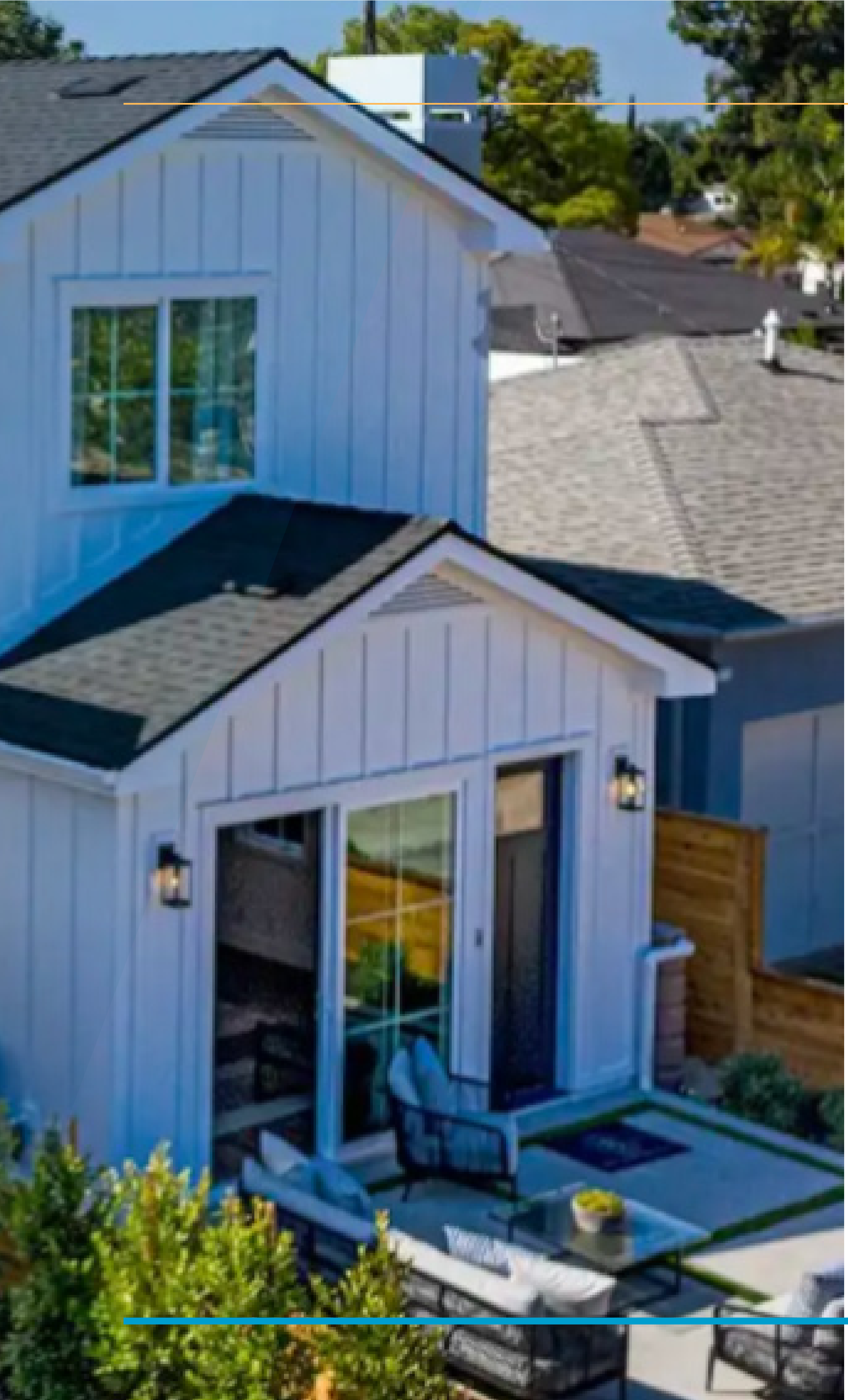
1 SB 9 FACTSHEET



"SB 9 is about opening the door for more families to pursue their version of the California Dream—whether that's building a home for an elderly parent, creating a new source of income, or buying that first house. It's about opportunity."

— Senator Toni Atkins, Author of SB 9

1.1. INTRODUCTION TO SB 9

Senate Bill 9 (SB 9) was adopted in January 2022 with a purpose to expand housing production in California by presenting two new alternatives for property owners to create additional units. The first alternative is referred to as "Urban Lot Splits" and second alternative is called "Two-Unit Development." The Urban Lot Split alternative allows property owners to subdivide a lot in single-family residential zone into two lots. Each of the two lots can have upto two residential units. The Two-Unit Development alternative allows development of additional residential units on lots that are not subdivided or split. Both alternatives may provide up to four residential units on the original lot. In both cases, the applications are subject to criteria, limitations, and design standards, which are described in Chapter 3, Model Ordinance.

The following section states the general eligibility criteria and some additional limitations for the two SB 9 development alternatives, including the "Urban Lot Splits" and "Two-Unit Developments."

1.2. ELIGIBILITY CRITERIA AND CHECKLIST FOR URBAN LOT SPLIT

Reference any qualification materials from your jurisdiction.

- ☑ Complete development and urban lot split application. Applicant must be the property owner.
- ☑ Applicant must submit an affidavit agreeing to live on property for three years from the date of approval of the urban lot split application.
- ☑ Property must be within an eligible single-family zoning district.
- ☑ Property must have at least one residence on it.
- ☑ Located in an Urbanized Area or Urban Cluster, as defined by the U.S. Census Bureau (essentially, an area with at least 2,500 people).
- ☑ Lot split cannot result in any parcel with more than two units on it.
- ☑ Each resulting parcel must be at least 1,200 sf and must be at least 40% of the size of the original parcel.
- ☑ Each resulting lot must have access to the right of way
- ☑ Property must not be within a designated historic district or a designated historic landmark.
- ☑ Public utility service should be available at time of application along with any required utility easements.
- ☑ Must show all existing and proposed easements on development plans.
- ☑ Property must not have been part of a previous SB 9 urban lot split.
- ☑ There must be access provided from all lots to the nearest public right-of-way.
- ☑ Shall not be adjacent to a parcel that was previously subdivided through an urban lot split by the property owner of the parcel on which the urban lot split is proposed or any person acting in concert with the owner.
- ☑ Need to submit proof that the existing lot is a legal lot under the Subdivision Map Act – if not, will have to go through the Certificate of Compliance process.
- ☑ A surveyed legal description of the new proposed lots with all required easements shown.
- ☑ The project cannot alter or demolish:
  - Deed-restricted affordable housing
  - Rent-controlled housing
  - Housing on parcels with an Ellis Act eviction in the last 15 yrs.
  - Housing occupied by a tenant currently or in the last 3 yrs.
- ☑ Lots in these areas may not be eligible or may need to meet additional qualifications:
  - Prime farmland or farmland of statewide importance
  - Wetlands
  - Identified for conservation or under conservation easement
  - Habitat for protected species

- Within CalFire high or very high fire hazard severity zone unless mitigated.
- A hazardous waste site
- Within a delineated earthquake fault zone
- Within a 100-year floodplain or floodway

1.3 ELIGIBILITY CRITERIA AND CHECKLIST FOR TWO-UNIT DEVELOPMENTS

☑ Applicant submits building permit application to Building Division

☑ Property must be located within an eligible single-family zoning district.

☑ Property must not be within a designated historic district or a designated historic landmark.

☑ If demolition of an existing structured is proposed, it must not have housed a tenant in the last three years, and must not be subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

☑ Site plan drawn to scale showing all proposed units, floor plan, and architectural elevations.

☑ Project does not remove more than 25% of exterior walls on a site that has a tenant or has had a tenant in the last 3 yrs. (even if the rental unit itself isn't altered)

☑ Located in an Urbanized Area or Urban Cluster, as defined by the U.S. Census Bureau (essentially, an area with at least 2,500 people).

☑ The project cannot alter or demolish:

- Deed-restricted affordable housing
- Rent-controlled housing
- Housing on parcels with an Ellis Act eviction in the last 15 yrs.
- Housing occupied by a tenant currently or in the last 3 yrs.

☑ Lots in these areas may not be eligible or may need to meet additional qualifications:

- Prime farmland or farmland of statewide importance
- Wetlands
- Identified for conservation or under conservation easement
- Habitat for protected species
- Within CalFire high or very high fire hazard severity zone unless mitigated.
- A hazardous waste site
- Within a delineated earthquake fault zone
- Within a 100-year floodplain or floodway
- Limitations for Urban Lot Splits and Two-unit Developments

☑ Parking: As defined in the law, the respective jurisdiction cannot require more than one off-street parking space per unit and cannot require any parking spaces if the parcel is close to transit.

- ☑ No short-term rental: Units created by SB 9 cannot be used for short-term rentals (less than 30 days)
- ☑ Homeowner's Association (HOAs): SB 9 does not require HOAs to approve or permit SB 9 units and/or urban lot splits.
- ☑ Local Standards: Jurisdictions may set zoning, subdivision, and design standards for SB 9 projects, but they must be objective, and they cannot preclude two units of at least 800 sf on each lot.
- ☑ Public health and safety: Your project can be denied if it creates a "specific, adverse impact on public health and safety."

1.4 ADDITIONAL LIMITATIONS FOR URBAN LOT SPLITS

- ☑ The project is limited to residential uses only
- ☑ Owner-occupancy: The applicant must sign an affidavit saying they intend to live in one of the units for 3+ years after approval
- ☑ Your jurisdiction cannot require correction of nonconforming zoning conditions
- ☑ Your jurisdiction may require easements for public services and facilities and/or to have access to the public right-of-way

1.5 ADDITIONAL LIMITATIONS FOR TWO-UNIT DEVELOPMENTS

- ☑ You may be required to do a percolation test if you have on-site wastewater treatment.

1.6 APPLICATION PROCESS

- ☑ Verify Eligibility: Before submitting a SB 9 application, complete the SB 9 Checklist & Planning Clearance Form (if applicable in your jurisdiction). This form must be signed off prior to submitting an application to Building and Safety or Planning.
- ☑ Submit Application to local jurisdiction. For urban lot splits, submit lot-split application with submittal requirements. For two-unit developments, submit application for building permit with Building Safety Department or other identified department for your jurisdiction.
- ☑ Jurisdiction Staff Review: Local jurisdiction determines whether application is complete within 30 days of submittal. Staff will review documents and plans and may potentially request revisions to be made.
- ☑ Permit Issuance or Approval of Parcel Map: Once application is complete, local staff reviews the application and determines whether to approve and attach any conditions of approval.

2 SB 9 SCENARIOS

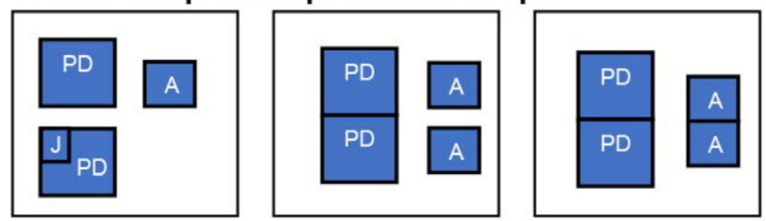
2.1 WHAT CAN I BUILD?

Qualifying urban properties in single-family zones can now add a second unit with SB 9. This provision is a great option for homeowners looking to build additional housing for their extended family. It's also beneficial for rental-property owners who want to add a second long-term rental unit.

Single-family property owners can also utilize SB 9 to subdivide their property into two lots of roughly equal size.

However, homeowners who split their property must commit to occupying one of the lots as their primary residence for a minimum of three years. Once the lot is split, homeowners have a wide variety of options for developing housing on their newly created lots. These possibilities include single-family dwellings, duplexes, and/or ADUs (depending on local guidelines).

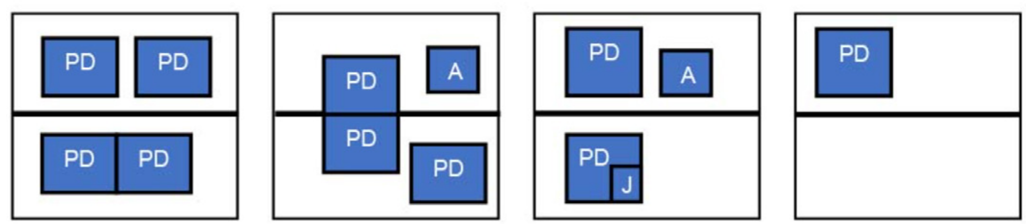
SB 9 Development Options: no lot split



PD = primary dwelling
A = accessory dwelling unit (ADU)
J = junior accessory dwelling unit (JADU)

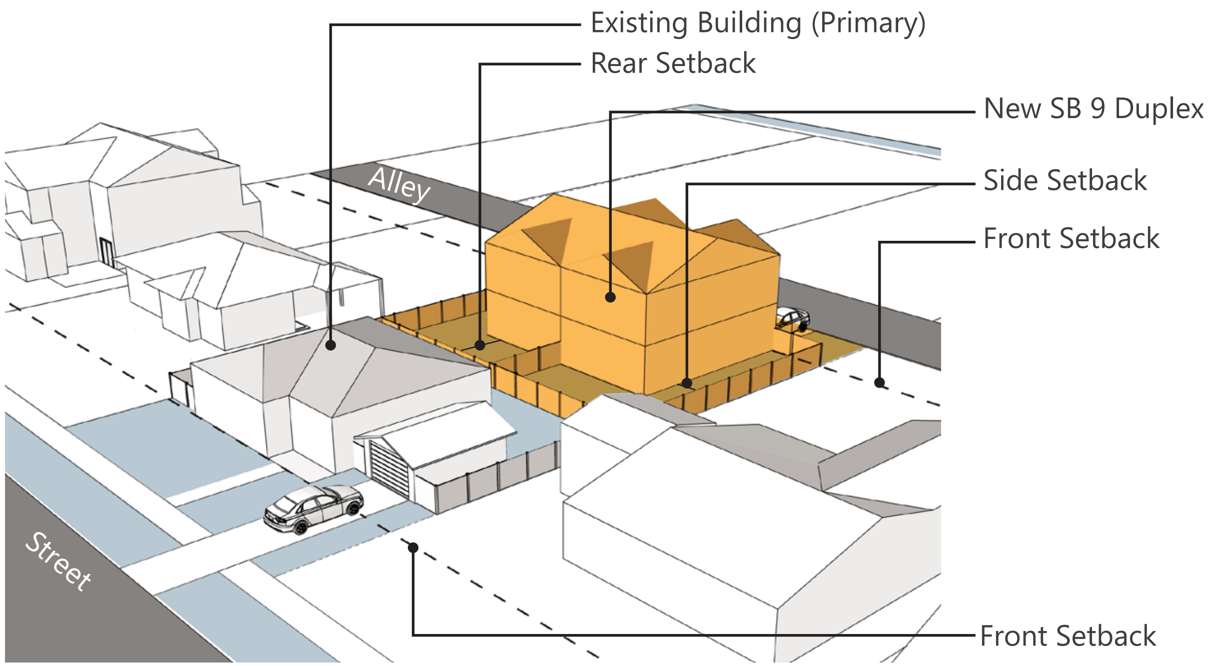
SB 9 Development Options: lot split

Lot splits can include development of one or two PDs per lot, one PD + one ADU or JADU per lot, or no development on one lot.



PD = primary dwelling
A = accessory dwelling unit (ADU)
J = junior accessory dwelling unit (JADU)

2.2 SITE STUDY - LOT WITH EXISTING HOUSE AND ALLEY ACCESS



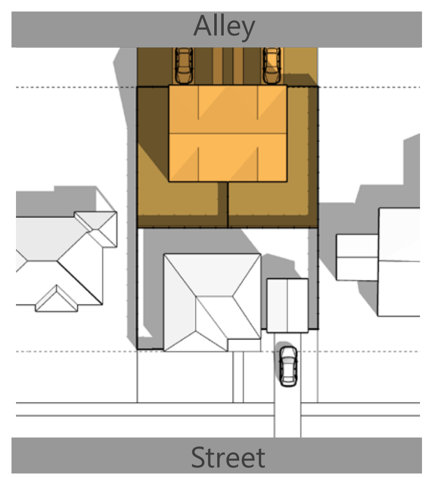
3
TOTAL UNITS

LOT SPLIT

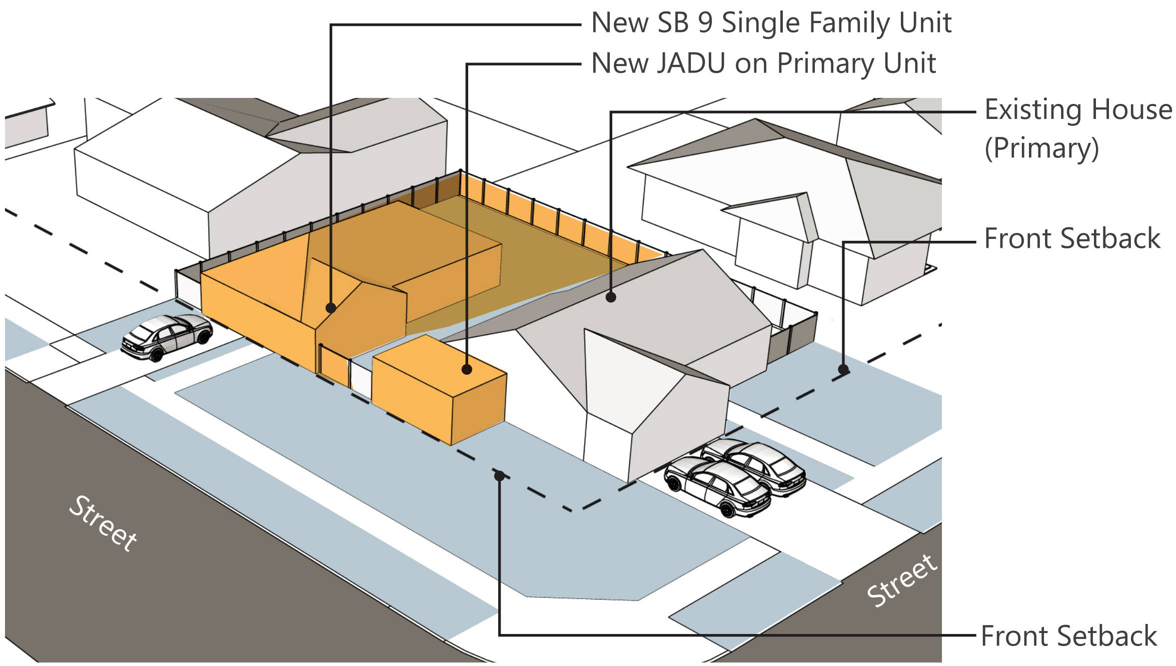
DRIVE-WAY

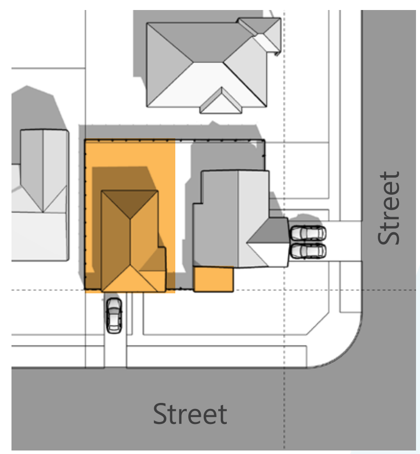
Site Configuration:

1. Have an alley on the back
2. Lot width is greater than 50’
3. Existing Unit takes less than half of the depth of the lot.



2.3 SITE STUDY - CORNER LOT WITH EXISTING HOUSE





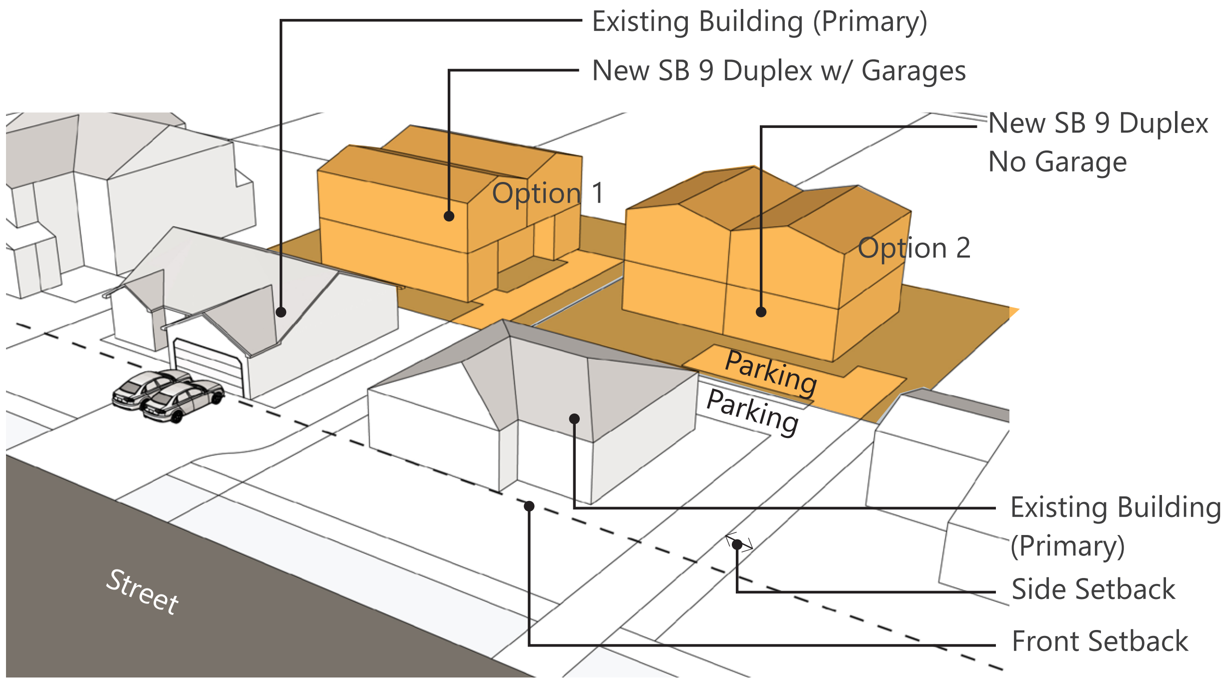
Site Configuration:

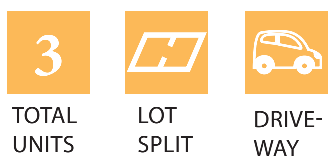
1. Corner Lot

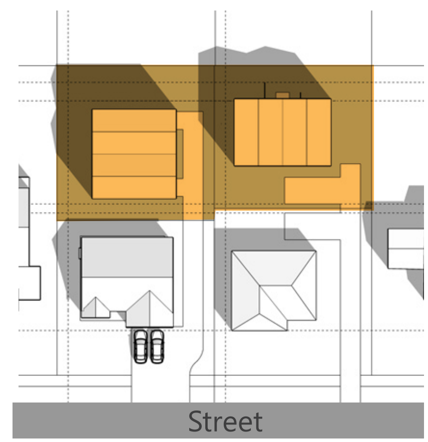
2. New building need to meet the front setback requirement

3. Lot split is optional

2.4 SITE STUDY - LOT WITH EXISTING HOUSE NO ALLEY ACCESS





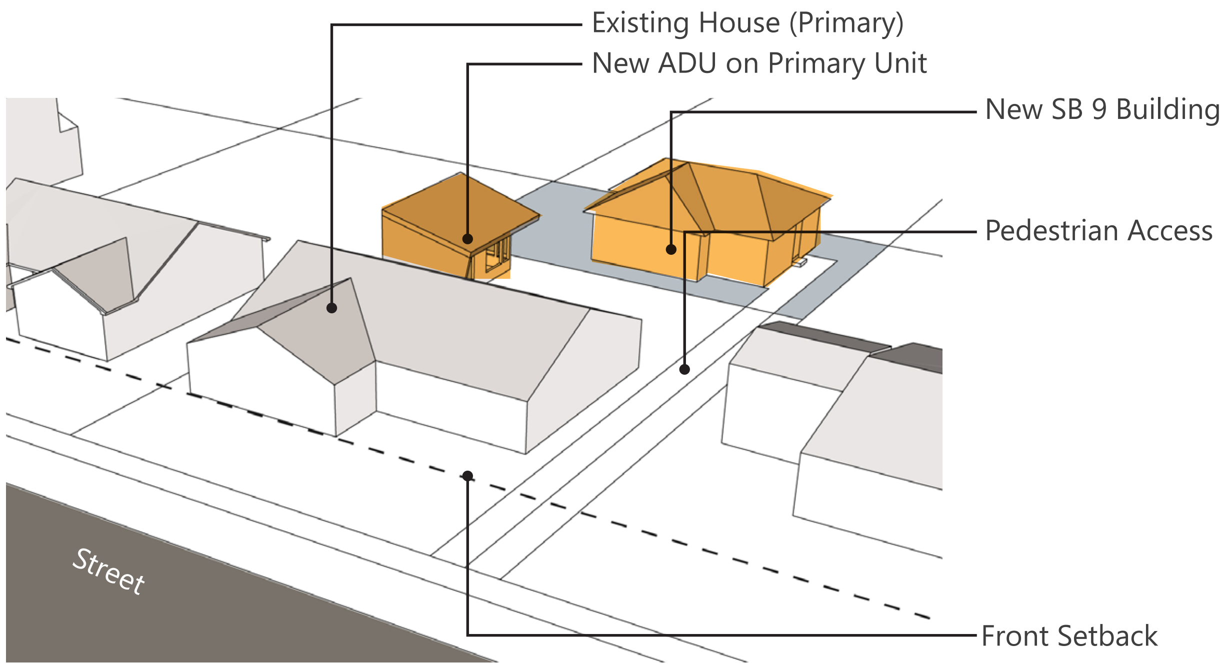


Site Configuration:

1. The edge of building to side setback should be no less than 15′.

2. The parking of new SB 9 units need to follow the design code

2.5 SITE STUDY - NO ALLEY ACCESS NO DRIVEWAY



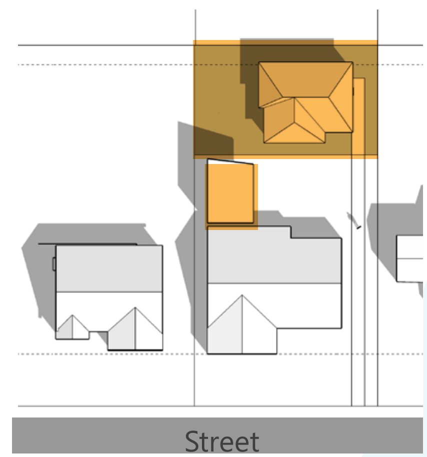
2 TOTAL UNITS

A ADU / JADU

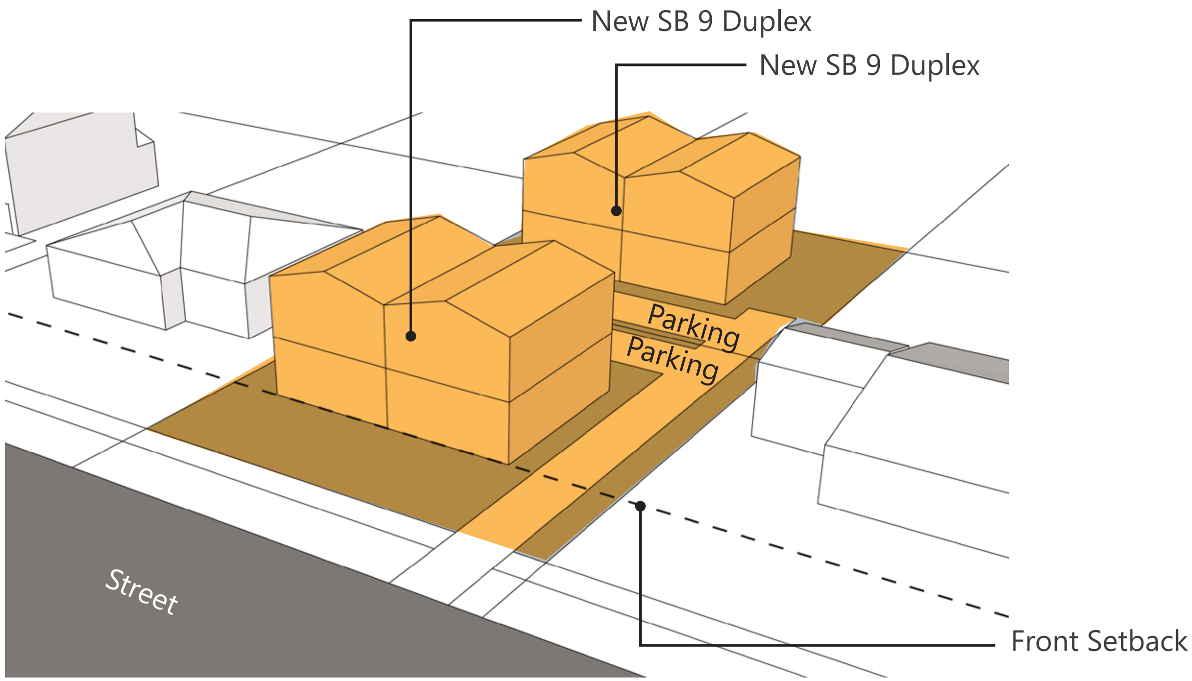
LOT SPLIT

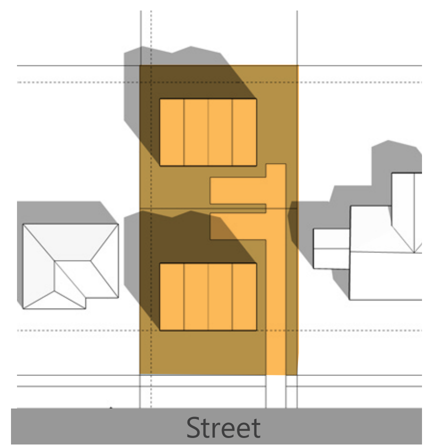
Site Configuration:

1. The edge of building to side setback should be no less than 8′.



2.6 SITE STUDY - VACANT LOT





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3 MODEL ORDINANCE

This Senate Bill 9 (SB 9) Model Ordinance establishes the purpose, applicability, qualifying criteria, and objective standards for Urban Lot Split and Two-Unit Developments. The intent of this model format is to provide local jurisdictions within Western Riverside County a template for customizing SB 9 Model Ordinance to their local needs.

This Model Ordinance envisions that regulations for Urban Lot Splits and Two-Unit Developments will be incorporated as new chapters or subsections under the single-family residential zoning code for each WRCOG jurisdiction.

Unless otherwise noted, provisions in this document reflect the provisions in SB 9. "Recommended" Provisions are recommended to clarify ambiguities in the statute or assist in enforcement. "Policy" Provisions are optional provisions for local agencies to consider.

Notes and recommended provisions for WRCOG jurisdictions are inserted as green-colored text. All red-colored text is the information that needs to be completed by local jurisdictions implementing SB 9.

3.1 NEW SUBSECTION XXX. XX.XX – URBAN LOT SPLITS

A. **Purpose.** The purpose of this section is to implement the provisions of Government Code section 66411.7 for urban lot splits in single-family residentially zoned properties (Insert Applicable Residential Zones).

B. **Applicability.** The City of (insert jurisdiction name) is required to ministerially approve urban lot split projects under Government Code Section 66411.7. If Government Code section 66411.7 is repealed, determined to be unlawful or otherwise unenforceable, then this section shall only govern lots previously created through an urban lot split and no applicant for an urban lot split may claim any rights hereunder. The intent of this section is to only implement the requirements of Government Code Section 66411.7, and this section shall not be construed to allow any greater rights to an urban lot split than the City is required to grant under state law.

C. **Definitions** (Jurisdiction can add or modify the definitions included in this section).

1. "Accessory Dwelling Unit" or "ADU" is an attached or detached dwelling unit that provides independent living facilities for one or more persons and is located on the same lot, with an existing or proposed primary single-family residential dwelling.
2. "Affordable SB 9 dwelling unit" means a dwelling unit that must be rented to a low-income household.
3. "City" means the City of (Jurisdiction), California.

4. “Flag lot” is a lot created to provide access from primary street to a dwelling unit (ADU or second single-familiy dwelling) that is located on the rear side of a lot. The driveway is provided along the long narrow “flag pole” and the lot shape is similar to a flag.
5. “Individual property owner” means a natural person holding fee title individually or jointly in the person’s own name or a beneficiary of a trust that holds fee title. “Individual property owner” does not include any corporation or corporate person of any kind (partnership, LP, LLC, C corp, S corp, etc.) except for a community land trust (as defined by Revenue and Taxation Code Section 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by Revenue and Taxation Code Section 214.15).
6. “Junior Accessory Dwelling Unit” or “JADU” is a unit that is contained entirely within a single-family dwelling or attached garage and does not exceed five hundred square feet in size
7. “Official” means the Development Services Official for the City or designee.
8. “Primary dwelling unit” means the existing or proposed single-family dwelling located on the lot, which meets all development standards for the underlying residential zoning district. If there are two single-family dwellings on a lot, the primary dwelling unit is the larger of the two dwelling units.
9. “Specific adverse impact” has the same meaning as in Government Code Section 65589.5(d)(2), which is a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete and does not include (1) inconsistency with the zoning ordinance or general plan land use designation or (2) the eligibility to claim a welfare exemption under Revenue and Taxation Code Section 214(g).
10. “Urban lot split” means the subdivision of an existing, legally subdivided lot into two lots in accordance with the requirements of Government Code Section 66411.7 and this section pursuant to a ministerial approval process.

D. Qualifying Criteria[1] (SB 9 Provisions, unless noted)

Within the time required by the Subdivision Map Act, the [Official] shall determine if the parcel map for the Urban Lot Split meets all the following requirements:

1. The parcel is located within one of the following single-family residential zones: _xxx_.
2. The parcel being subdivided is not located on a site that is any of the following:
    a. Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.
    b. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

1. Association of Bay Area Governments (ABAG) SB 9 Model Ordinance, https://abag.ca.gov/tools-resources/digital-library/sb-9-model-ordinancedocx, Accessed October 20, 2022.

c. Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178 of the Government Code, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by the [city/county], pursuant to subdivision (b) of Section 51179 of the Government Code, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development. (The local agency may wish to specify the relevant standards for very high fire hazard areas, hazardous waste sites, earthquake fault zones, flood hazard areas and floodways.)

d. A hazardous waste site that is listed pursuant to Section 65962.5 of the Government Code or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.

e. Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by the building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2 of the Government Code.

f. Within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph, the [city/county] shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by the [city/county] that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met (1) the site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the [city/county]; or (2) the site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

g. Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the [city/county] shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by the [city/county] that is applicable to that site.

h. Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.

i. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

j. Lands under conservation easement.

3. Both resulting parcels are no smaller than 1,200 square feet. (Local agencies may allow smaller lots if desired.)

4. Neither resulting parcel shall be smaller than 40 percent of the lot area of the parcel proposed for the subdivision.

5. The proposed lot split would not require demolition or alteration of any of the following types of housing:

   a. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low- or very low-income.

   b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

   c. A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the Government Code to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

   d. Housing that has been occupied by a tenant in the last three years.

6. The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Public Resources Code Section 5020.1, or within a site that is designated or listed as a [city/county] landmark or historic property or historic district pursuant to a [city/county] ordinance. (Local agencies may wish to specify which ordinance or code section designates historic properties.)

7. The parcel being subdivided was not created by an Urban Lot Split as provided in this section.

8. Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an Urban Lot Split as provided in this section.

9. The development proposed on the parcels complies with all objective zoning standards, objective subdivision standards, and objective design review standards applicable to the parcel as provided in the zoning district in which the parcel is located (Local agencies may wish to specify which ordinance(s) or code section(s) designate these objective standards.); provided, however, that:

   a. The [Official], or their designee, shall waive or modify any standard if the standard would have the effect of physically precluding the construction of two units on either of the resulting parcels created pursuant to this chapter or would result in a unit size of less than 800 square feet. Any modifications of development standards shall be the minimum modification necessary to avoid physically precluding two units of 800 square feet each on each parcel.

   b. Notwithstanding subsection (9)(i) above, required rear and side yard setbacks shall equal four feet (Localities may allow a smaller setback if desired.), except that no setback shall be required for an existing legally created structure, or a structure constructed in the same location and to the same dimensions as an existing legally created structure.

10. Each resulting parcel shall have access to, provide access to, or adjoin the public right-of-way. (Local agencies may wish to impose frontage requirements or requirements for access to the public right of way, such as the required width of a driveway.)

11. Proposed adjacent or connected dwelling units shall be permitted if they meet building code safety standards and are designed sufficient to allow separate conveyance. [Recommended provision from ABAG Model Ordinance] The proposed dwelling units shall provide a separate gas, electric and water utility connection directly between each dwelling unit and the utility.

12. Parking. (Agencies may reduce parking standards if desired.) One parking space shall be required per unit constructed on a parcel created pursuant to the procedures in this section, except that no parking may be required where:

    a. The parcel is located within one-half mile walking distance of either a stop located in a high-quality transit corridor, as defined in Public Resources Code Section 21155(b), or a major transit stop, as defined in Public Resources Code Section 21064.3; or

    b. There is a designated parking area for one or more car-share vehicles within one block of the parcel.

13. Compliance with Subdivision Map Act. The Urban Lot Split shall conform to all applicable objective requirements of the Subdivision Map Act (commencing with Government Code Section 66410)), except as otherwise expressly provided in Government Code Section 66411.7. Notwithstanding Government Code Section 66411.1, no dedications of rights-of-way or the construction of offsite improvements

may be required as a condition of approval for an Urban Lot Split, although easements may be required for the provision of public services and facilities.

a. The correction of nonconforming zoning conditions may not be required as a condition of approval.

b. Parcels created by an Urban Lot Split may be used for residential uses only and may not be used for rentals of less than 30 days.

c. [Recommended provision] If any existing dwelling unit is proposed to be demolished, the applicant will comply with the replacement housing provisions of Government Code Section 66300(d).

E. **Owner-Occupancy Affidavit.** The applicant for an Urban Lot Split shall sign an affidavit, in the form approved by the [city attorney/county counsel], stating that the applicant intends to occupy one of the housing units on the newly created lots as its principal residence for a minimum of three years from the date of the approval of the Urban Lot Split. This subsection shall not apply to an applicant that is a "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code or is a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code.

F. **[Recommended provision] Additional Affidavit .** If any existing housing is proposed to be altered or demolished, the owner of the property proposed for an Urban Lot Split shall sign an affidavit, in the form approved by the [city attorney/county counsel], stating that none of the conditions listed in New Subsection (XXX.XX.XX-Urban Lot Splits)(A)(5) above exist and shall provide a comprehensive history of the occupancy of the units to be altered or demolished for the past three years (five years if an existing unit is to be demolished) on a form prescribed by [Official]. The owner and applicant shall also sign an affidavit stating that neither the owner nor applicant, nor any person acting in concert with the owner or applicant, has previously subdivided an adjacent parcel using an Urban Lot Split. (Local agencies may want to include a provision that indicates enforcement/legal remedies where there is evidence of fraudulent intent. misrepresentation, etc.)

G. **[Recommended provision] Recorded Covenant.** Prior to the approval and recordation of the parcel map, the applicant shall record a covenant and agreement in the form prescribed by the [city attorney/county counsel], which includes the following:

1. Gives notice that the parcel was created through an urban lot split;
2. Gives notice of any site limitations resulting from the urban lot split;
3. A prohibition against further subdivision of the parcel using the Urban Lot Split procedures as provided for in this section;
4. A requirement that any dwelling units on the property may be rented or leased only for a period longer than thirty (30) days;
5. Provides a statement of intent to occupy a unit for a period of three years;
6. Expressly prohibits any non-residential use of the lots created by the urban lot split;
7. Expressly prohibits any development or construction on the parcel that would be inconsistent with this Chapter.

8. Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot;
9. Identifies the City as an intended third-party beneficiary with the right, but not the obligation, to enforce its terms and provisions; and
10. The City Manager/County Administrator or designee is authorized to enter into the covenant and agreement on behalf of the City/County and to deliver any approvals or consents required by the covenant.

The [Official] shall not issue a building permit for development on any lot created through an urban lot split unless the applicant provides a recorded copy of a deed restriction that satisfies the provisions above.

H. Specific Adverse Impacts. In addition to the criteria listed in this section, a proposed Urban Lot Split may be denied if the building official makes a written finding, based on a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact upon public health and safety or the physical environment, for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. A "specific adverse impact" is a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation and eligibility to claim a welfare exemption are not specific health or safety impacts.

I. Enforcement. The City Attorney/County Counsel shall be authorized to abate violations of this chapter and to enforce the provisions of this chapter and all implementing agreements and affidavits by civil action, injunctive relief, and any other proceeding or method permitted by law. Remedies provided for in this chapter shall not preclude the City/County from any other remedy or relief to which it otherwise would be entitled under law or equity.

J. Separate Conveyance

1. Within a resulting lot:
   a. Dwelling units on a single lot that is created by an urban lot split may not be owned or conveyed separately from each other.
   b. Condominium airspace divisions and common interest developments are not permitted on a lot that is created by an urban lot split.
   c. All fee interest in a lot must be held equally and undivided by all individual property owners.
2. Between resulting lots. Separate conveyance of the resulting lots is permitted. If dwellings or other structures (such as garages) on different lots are adjacent or attached to each other, the urban lot split boundary may separate them for conveyance purposes if the structures meet building code safety standards and are sufficient to allow separate conveyance. If any attached structures span or will span the new lot line, the owner must record appropriate conditions, covenants, restrictions, easements or other documentation that is necessary to allocate risk and responsibility between the owners of the two lots.

K. Restriction of Uses.

1. Residential-only. No non-residential use is permitted on any lot created by urban lot split.
2. No Short-Term Rentals. No dwelling unit on a lot that is created by an urban lot split may be rented for a period of less than 30 days.
3. Owner Occupancy Affidavit. The applicant for an urban lot split must sign an affidavit stating that the applicant intends to occupy one of the dwelling units on one of the resulting lots as the applicant's principal residence for a minimum of three years after the urban lot split is approved.

L. Fire-Hazard Mitigation Measures. A site in a very high fire hazard severity zone must comply with each of the following fire-hazard mitigation measures:

1. Emergency access and water supply requirements shall comply with the California Code of Regulations Title 14 and Title 24, Part 9
2. All new structures on the site must comply with current building code standards for dwellings in a very high fire hazard severity zone.

M. Affordable units. There is nothing in SB 9 that expressly prohibits the imposition of affordability requirements. One consideration prior to the imposition of such requirements would be whether the Urban Lot Splits would still be economically feasible if affordability were required. Ultimately, local agencies should consult with their legal counsel prior to imposing such requirements.

N. Standards Specific to Urban Lot Splits

The following development standards shall apply to urban lot splits approved under this section. In the event of a conflict between this subsection and any other development standard contained outside of the Development Code, this subsection shall govern. (These standards are optional provisions for local agencies to consider and modify)

3. Lot Access. (Local Discretion)
4. Unit Quantity (Local Discretion)
   a. If a parcel uses the Urban Lot Split provision, a local agency does not need to allow more than two units on each lot, including ADUs, JADUs, density bonus units, and two-unit developments. If an agency desires to take advantage of this provision, it should adopt the following:
   b. No more than two dwelling units may be located on any lot created through an Urban Lot Split, including primary dwelling units, accessory dwelling units, junior accessory dwelling units, density bonus units, and units created as a two-unit development.
   c. Jurisdictions do have the option of allowing additional units, likely ADUs or JADUs, on these lots. Agencies may wish to consider this for large lots, or in exchange for the applicant's agreement to record a covenant restricting sale or rental of the ADU to moderate- or lower-income households.
   d. Another alternative is to consider allowing an ADU and JADU with a primary dwelling unit on one lot, rather than two primary dwelling units.
5. Unit Size (Local Discretion)

   a. Parcel created by the Urban Lot Split shall not be smaller than 1,200 square feet in area.

6. Objective Design standards. Standards considered by some agencies include limits on dwelling unit size and height, distance between structures, and design requirements such as roof slope and materials matching existing structures. These standards cannot be imposed, however, if they would prevent the construction of units totaling 800 sf each. In addition, the Housing Crisis Act of 2019 (Government Code Section 66300) does not permit reductions in height, floor area ratio, lot coverage, or any other change that would reduce a site's residential development capacity below that existing on January 1, 2018. Consequently, height, size, and similar restrictions on units created through Urban Lot Splits should be limited to units that do not meet existing zoning standards.

   a. The Urban Lot Split shall create no more than two new parcels of approximately equal area. One parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision.

   b. No more than two primary dwelling units maybe be located on any lot that is created by an Urban Lot Split.

   c. Each resulting parcel shall be provided access to the public right-of-way.

   d. Easements for access and utilities shall be provided for any newly created parcels that do not front on a public street, private street, or alley. An easement shall have a minimum width of 12 feet.

   e. A lot created through an Urban Lot Split shall provide at least a 25-foot lot frontage along a public street or private street. Flag lots shall be exempt from this requirement.

   f. A flag lot, or a lot with a narrow projecting strip of land (less than 25 feet along a public or private street), is permitted.

   g. ADUs and JADUs shall be permitted on lots that have been created by an Urban Lot Split and shall be counted as SB 9 units.

   h. The Urban Lot Split shall conform to all applicable objective requirements of the Subdivision Map Act, except as otherwise provided in Government Code Section 66411.7.

   i. Newly constructed SB 9 units shall the match architectural style of primary dwelling, including but not limited to roof pitch, window size, proportion of window to wall, direction window opening, and exterior building materials.

   j. All SB 9 units shall be permitted to be two stories with a maximum height of 20 feet.

   k. All lots applying Urban Lot Splits shall have a minimum front setback of 15 feet. Front setback shall be measured from the adjacent public or private street that provides access to the lot.

   l. Modifications to objective standards: The application of objective standards shall be modified by the [Official] if the standards would preclude construction of units of minimum 800 square feet on each parcel.

O. Requirements; Grounds for Denial (Local Discretion)

1. Objective Development Standards for Urban Lot Split. An urban lot split, and any development of a parcel created from an urban lot split, shall comply with all requirements of this Chapter, all objective development standards set forth in this Code or otherwise established by the City, and all other City requirements that are not in conflict with Government Code Section 66411.7.
   a. The new lot line must be at a straight line starting from the front property line to the rear property line, or side if it is a corner lot. There shall be no curve or angles when subdividing the lot.
2. Subdivision Standards.
   a. Except as otherwise expressly provided in this section, an urban lot split must conform to all applicable objective requirements of the Subdivision Map Act (Government Code section 66410 et. seq.) and Section X of this Code.
   b. No dedication of rights-of-way or construction of offsite improvements shall be required for an urban lot split, except for those necessary to complete standard sidewalk, parkway, and/or drainage improvements directly associated with the subject property. To the extent that dedication of rights-of- way or construction of offsite improvements are necessary to avoid a specific adverse impact, the application shall be subject to denial.
3. Denial: The [Official] shall deny an application for an urban lot split if any of the following are true:
   a. Development and Subdivision Standards. The lot to be split does not satisfy the requirements of subsections (P)(1) or (P2) or (O).
   b. Zone. The lot to be split is not zoned for single family residential uses.
   c. Lot Location. The lot to be split does not satisfy the requirements of Government Code Section 65913.4(a)(6)(B)–(K). (See Government Code Section 66411.7(a)(3)(C).
   d. Inspection
      a. For lots within a high fire hazard severity zone, the application does not include proof of an inspection confirming full compliance with all fire-hazard mitigation measures required by state statutes. The inspection shall be conducted by the City's fire marshal or person authorized by the City to perform building inspections.
      b. For lots within a delineated earthquake fault zone, the application does not include proof of full compliance with applicable seismic protection building code standards.
4. Historic
   a. The lot to be split is a historic property or within a historic district that is included on the State Historic Resources Inventory.
   b. The lot to be split is within a site that is designated by ordinance as a city landmark, is considered a local historic property or resource, or is located within a local historic district.

5. Prior Urban Lot Split.
    a. The lot to be split was established through a prior urban lot split.
    b. The lot to be split is adjacent to a lot that was established through a prior urban lot split by the owner of the lot to be split or by any person acting in concert with the owner.
6. Impact on Protected Housing. The urban lot split requires or includes the demolition or alteration of any of the following types of housing:
    a. Housing that is income-restricted for households of moderate, low, or very low income.
    b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
    c. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Government Code Sections 7060–7060.7) at any time in the 15 years prior to submission of the urban lot split application.
    d. Housing that has been occupied by a tenant in the last three years.
7. Lot Size
    a. The lot to be split is smaller than 2,400 square feet.
        a. Either or both of the resulting lots are less than 1,200 square feet.
        b. Either of the resulting lots is more than 60% or less than 40% of the original lot area.
8. Easements. The applicant does not convey all easements required for the provision of public services and facilities.
9. Specific Adverse Impacts. If the Director makes a written finding, based on a preponderance of the evidence, that the project would have a "specific, adverse impact" on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
10. No Legal Requirement. If for any reason, including but not limited to repeal of Government Code Section 66411.7, initiative or referendum, court decision or any circumstance in which Section 66411.7 does not obligate the ministerial approval of an urban lot split or if for any reason the Director is not required to ministerially approve an urban lot split. To the extent that approval of an urban lot split is considered a municipal affair of a charter city, the intent of this section is that the Director shall deny an urban lot split notwithstanding any state statute to the contrary.

3.2 NEW SUBSECTION XXX.XX.XX – TWO-UNIT DEVELOPMENTS

A. **Purpose.** The purpose of this section is to establish regulations fortwo-unit projects in accordance with Government Code Section 65852.21.

B. **Applicability.** This section shall only apply to the extent that the City is required to ministerially approve two-unit projects under Government Code Section 65852.21. If Government Code Section 65852.21 is repealed, determined to be unlawful or otherwise unenforceable, then this section shall only govern then existing two-unit projects and no applicant for a two-unit project may claim any rights hereunder. The intent of this section is to only implement the requirements of Government Code Section 65852.21 and this section shall not be construed to allow any greater rights to a two-unit project than the City is required to grant under state law.

C. **Definitions**[2] (Jurisdiction can add or modify the definitions included in this section).

1. "Accessory Dwelling Unit" or "ADU" is an attached or detached dwelling unit that provides independent living facilities for one or more persons and is located on the same lot, with an existing or proposed primary single-family residential dwelling.
2. "Affordable SB 9 dwelling unit" means a dwelling unit that must be rented to a low-income household.
3. "City" means the City of (Jurisdiction), California.
4. "Flag lot" is a lot created to provide access from primary street to a dwelling unit (ADU or second single-familiy dwelling) that is located on the rear side of a lot. The driveway is provided along the long narrow "flag pole" and the lot shape is similar to a flag.
5. "Individual property owner" means a natural person holding fee title individually or jointly in the person's own name or a beneficiary of a trust that holds fee title. "Individual property owner" does not include any corporation or corporate person of any kind (partnership, LP, LLC, C corp, S corp, etc.) except for a community land trust (as defined by Revenue and Taxation Code Section 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by Revenue and Taxation Code Section 214.15).
6. "Junior Accessory Dwelling Unit" or "JADU" is a unit that is contained entirely within a single-family dwelling or attached garage and does not exceed five hundred square feet in size
7. "Official" means the Development Services Official for the City or designee
8. "Primary dwelling unit" means the existing or proposed single-family dwelling located on the lot, which meets all development standards for the underlying residential zoning district. If there are two single-family dwellings on a lot, the primary dwelling unit is the larger of the two dwelling units.
9. "Specific adverse impact" has the same meaning as in Government Code Section 65589.5(d)(2), which is a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date

2. Adapted from the City of Arcadia SB 9 Urgency Ordinance, https://cms9files.revize.com/arcadia/Shape%20Arcadia/Development%20Services/planning/SB9/Conformed%20Copy%20-%20Ordinance%20No.%202385.pdf, Accessed October 20, 2022.

the application was deemed complete and does not include (1) inconsistency with the zoning ordinance or general plan land use designation or (2) the eligibility to claim a welfare exemption under Revenue and Taxation Code Section 214(g).

10. A “two-unit project” means the development of two primary dwelling units or, if there is already a primary dwelling unit on the lot, the development of a second primary dwelling unit on a legally subdivided lot in accordance with the requirements of this section.

C. Qualifying Criteria[3]

1. Only individual property owners may apply for a two-unit project.
2. The [Official] shall ministerially approve all applications for two-unit projects that are subject to approval. Such applications shall be approved or denied in accordance with subsection (B) below. The [Official]'s decisions on applications shall be final.
3. An application for a two-unit project must be submitted on the City's approved form. Only a complete application will be considered. The City will inform the applicant in writing of any incompleteness within 30 days after the application is submitted. The City's application form shall, at a minimum, require the applicant to submit the following:
    a. Evidence that the applicant is an individual property owner.
    b. Proof that none of the circumstances set forth in Subsection E.
    c. Proof of any inspections required under Subsection (E)(2)(v).
    d. Proof that the requirements of Subsection (E)(2)(vii) are satisfied.
    e. In accordance with Subsection (7)(ii), a signed acknowledgment stating the applicant understands that the City will not approve the application if all nonconforming zoning conditions are not corrected.
    f. The application fee for a two-unit project shall be the same as the City's Preliminary Plan Review fee for Multi-Family Residential projects, as may be modified by the City Council from time to time, in accordance with applicable law.

D. Requirements and Grounds for Denial: The [Official] shall deny an application for a two-unit project if any of the following are true:

1. Development Standards. The two-unit project does not satisfy the requirements of Subsection (B)(1) above or (C) and (F) below.
2. Lawful Subdivision. The lot was not legally subdivided.
3. Zone. The lot is not zoned for single-family residential uses.
4. Lot Location. The lot does not satisfy the requirements of Government Code Section 65913.4(a)(6)(B)–(K). (See Government Code Section 66411.7(a)(3)(C).)

3. Adapted from the City of Arcadia SB 9 Urgency Ordinance, https://cms9files.revize.com/arcadia/Shape%20Arcadia/Development%20Services/planning/SB9/Conformed%20Copy%20-%20Ordinance%20No.%202385.pdf, Accessed October 20, 2022.

5. Inspection.
   a. For lots within a high fire hazard severity zone, the application does not include proof of an inspection confirming full compliance with all fire-hazard mitigation measures required by state statutes. The inspection shall be conducted by the City's fire marshal or person authorized by the City to perform inspections.
   b. For lots within a delineated earthquake fault zone, the application does not include proof of full compliance with applicable seismic protection building code standards.
6. Historic.
   a. The lot is a historic property or within a historic district that is included on the State Historic Resources Inventory.
   b. The lot is within a site that is designated by ordinance as a city landmark, is considered a local historic property or resource, or is located within a local historic district.
7. Impact on Protected Housing. The two-unit project requires or includes the demolition or alteration of any of the following types of housing:
   a. Housing that is income-restricted for households of moderate, low, or very low income.
   b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
   c. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Government Code Sections 7060–7060.7) at any time in the 15 years prior to submission of the urban lot split application.
   d. Housing that has been occupied by a tenant in the last three years.
8. Specific Adverse Impacts. If the [Official] makes a written finding, based on a preponderance of the evidence, that the project would have a "specific, adverse impact" on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
9. No Legal Requirement. If for any reason, including but not limited to repeal of Government Code Section 65852.21, initiative or referendum, court decision or any circumstance in which Section 65852.21 does not obligate the ministerial approval of a two-unit project, or if for any reason the [Official] is not required to ministerially approve a two-unit project. To the extent that approval of an urban lot split is considered a municipal affair of a charter city, the intent of this section is that the [Official] shall deny an urban lot split notwithstanding any state statute to the contrary.

E. Deed Restriction

The owner must record a deed restriction for the benefit of the City, in a form acceptable to the [Official] and the City Attorney, that does each of the following:

1. Gives notice that the two-unit project was created pursuant to this section.

2. Gives notice of any site limitations resulting from the two-unit project, including but not limited to restrictions on off-street parking, the size of units on the parcel and on the ability to obtain a standards modification for the parcel.
3. Expressly prohibits any development or construction on the parcel that would be inconsistent with this Chapter.
4. Expressly prohibits any rental of any dwelling on the property for a period of less than 30 days.
5. Expressly prohibits any non-residential use of the lot.
6. Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot
7. Expressly requires the individual property owners to live in one of the dwelling units on the lot as the owners' primary residence and legal domicile.
8. Identifies the City as an intended third-party beneficiary with the right, but not the obligation, to enforce its terms and provisions.
9. The [Official] shall not issue a building permit for any two-unit project unless the applicant provides a recorded copy of a deed restriction that satisfies the provisions in this Subsection.

F. **Fire-Hazard Mitigation Measures.** A lot in a very high fire hazard severity zone must comply with each of the following fire-hazard mitigation measures:

1. Emergency access and water supply requirements shall comply with the California Code of Regulations, Title 14 and Title 24, Part 9.
2. All new structures on the site must comply with current building code standards for dwellings in a very high fire hazard severity zone.

G. **Affordability requirements** (local discretion): Two-Unit developments shall comply with the affordability requirements in this section.

H. **Standards Specific to Two-Unit Projects.** These standards are optional provisions for local agencies to consider. Standards considered by some agencies/peer cities are listed below:

The following development standards shall apply to two-unit projects approved under this section. In the event of a conflict between this subsection and any other development standard contained outside of this Code (Development Code), this subsection shall govern.

1. Unit Quantity
   a. No more than two units of any kind may be built on a lot that results from an urban lot split. For purposes of this paragraph, "unit" means any dwelling unit, including, but not limited to, a primary dwelling unit, a unit created under this section of this code, an ADU, or a JADU.
   b. A lot that is not created by an urban lot split may have a two-unit project under this section.
2. Unit Size

a. The total floor area of each residential unit developed must be less than or equal to 800 square feet and at least 500 square feet.

b. A primary dwelling that was legally established prior to the urban lot split and that is larger than 800 square feet in floor area may remain as its lawful floor area and structural footprint at the time of the urban lot split.

c. A primary dwelling that was legally established prior to the urban lot split and that is smaller than 800 square feet in floor area may be expanded to 800 square feet in floor area after the urban lot split.

3. Maximum Height

a. The dwelling unit shall not exceed 20 feet in height or two stories, measured to the top of the roof ridge.

b. No roof deck shall be permitted on any new or remodeled dwelling unit on a lot resulting from two-unit or urban lot split project.

4. Setbacks

a. All setbacks shall comply with the respective jurisdiction's standards for single-family residential zones.

b. No additional setbacks shall be required for an existing dwelling unit or new SB 9 unit that is constructed in the same location and with same dimensions as an existing legally developed dwelling unit.

c. All units shall have a side and rear setback of minimum four feet. The unit may encroach into the rear or side setback only if the application of setback standards precludes the construction of two-units on one lot that are less than 800 square feet in floor area. Such a encroachment into the setback shall be necessary to allow construction of units at a maximum of 800 square feet in floor area.

d. All SB 9 units shall comply with underlying zoning regulations or have a minimum front setback of 15 feet, whichever is higher.

5. Parking

a. Subject to Government Code Section 65852.21(c)(1)(A)-(B), each new primary dwelling unit must provide at least one off-street parking space per unit. A driveway must lead to the parking space.

b. Enclosed garage spaces are permitted but shall be limited to two parking spaces.

c. Each garage parking space shall have interior dimension of 10 feet by 20 feet.

d. Tandem parking is permitted.

e. Parking shall not be permitted in front setback.

6. Floor Area: The floor area ratio (FAR) and lot coverage of the underlying zoning designation is applicable to the extent that it does not prevent two primary dwelling units on the lot at 800 square feet each. The total floor area of each dwelling unit shall be less than or equal to 800 square feet and minimum 500 square feet. A primary dwelling that has been developed prior to the Urban Lot Split and that is less than 800 square feet in area shall be expanded to 800 square feet after the Urban Lot Split.
7. Demolition Cap: The project may not demolish more than 25 percent of the exterior walls of an existing unit unless either the local agency permits otherwise or the site has not been occupied by a tenant in the last 3 years.
8. Materials of the exterior walls: For a new SB 9 dwelling unit, the exterior materials and design shall compliment the design of any existing primary dwelling unit on the property through the use of aesthetically pleasing exterior wall materials, paint color, window types, and door and window trims.
9. Roof Design: All SB 9 units shall provide roof forms with a pitch that compliment the existing, surrounding dwelling units and shall have contrasting roof materials.
10. Color palette: All SB 9 units shall provide contrasting colors on the building facade.
11. Exterior lighting: All exterior lighting shall be fully shielded and oriented downwards and limited to one exterior light fixture per exterior doorway, or the minimum standard necessary to comply with California Building Standards Code.
12. Windows: All SB 9 units shall provide wood window trim around all windows.
13. Landscape: At least 60% of the frontyard shall be landscaped.

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Item 6.C

Western Riverside Council of Governments
Planning Directors Committee

Staff Report

Subject: **Housing Legislation Wrap-Up Summary**

Contact: **Bill Blankenship, On-Call Legislative Consultant, billblankenship63@gmail.com, (951) 206-9020**

Date: **December 8, 2022**

Requested Action(s):

1. Receive and file.

Purpose:
The purpose of this item is to provide a summary of the key housing related legislative items.

WRCOG 2022-2027 Strategic Plan Goal:
Goal #1 - Serve as an advocate at the regional, state, and federal level for the Western Riverside subregion.

Background:
This item is reserved for an update on key housing legislative proposals, dates, and deadlines summarized as an attachment to this Staff Report.

Prior Action(s):
September 8, 2022: The Planning Directors Committee received and filed.

Fiscal Impact:
Transportation and Planning Department activities are included in the Agency's adopted Fiscal Year 2021/2022 Budget under the Transportation Department. In addition, this project is covered by REAP funding that has already been approved by SCAG.

Attachment(s):
Attachment 1 - Legislative Update

Bills introduced in 2021 (2-year bills) signed into law

SB 6, as amended, Caballero, Eggman and Rubio. Local Planning: housing: commercial zones. The Middle-Class Housing Act of 2022. Summary: The Middle-Class Housing Act of 2022 will unlock the development of additional housing units for middle-class Californians near job centers. The bill addresses a matter of statewide concern rather than a municipal affair; therefore, the bill will apply to all cities, including charter cities. The bill would deem a housing development project, as defined, an allowable use on a parcel that is within a zone where office, retail, or parking are a principally permitted use, if specified conditions are met, including requirements relating to density, public notice, comment, hearing, or other procedures, site location and size, consistency with sustainable community strategy or alternative plans, prevailing wage, and a skilled and trained workforce. The bill would authorize an interested party, including a labor organization that represents workers in the geographic area of the project, to bring an action for injunctive relief against a developer or prime contractor that proceeds with a project in violation of specified bidding requirements. The bill would require the Department of Housing and Community Development to undertake at least 2 studies on the outcomes of the provisions in the bill that include specified information, including, among other things, the number of projects built and the number of units built. The bill would provide that these provisions become operative on July 1, 2023, and would repeal the provisions on January 1, 2033. **Introduced:** *December 7, 2020 - the bill was introduced and read for the first time.* **Last Amended:** *August 11, 2022.* **Bill Status:** *September 28, 2022 the bill was approved by the Governor and Chaptered by the Secretary of State - Chapter 659, Statutes of 2022.*

AB 682, as amended, Bloom. Planning and zoning: density bonuses: Shared Housing.
Summary: The current Density Bonus Law, stipulates a city or county must provide a developer that proposes a housing development project within their jurisdiction a density bonus and other incentives, if the developer agrees to construct a project among other options, 10% of the total units of housing development for rental or sale to lower income households, as defined, or 5% of the total units for rental or sale to very low-income households, as defined and meets other requirements. The bill would provide that a housing development eligible for a density bonus be provided under these provisions includes a shared housing building, as defined, that will contain either 10% of the total units for lower income *households* or 5% of the *total* units for very low-income households, as described above. The bill would prohibit the city, county, or city and county from requiring any minimum unit size requirements or minimum bedroom requirements in conflict with the bill's provisions with respect to shared housing building eligible for a density bonus under these provisions. **Introduced:** *February 12, 2021 - the bill was read for the first time and went into print.* **Last Amended:** *August 24, 2022.* **Bill Status:** *September 28, 2022 the bill was approved by the Governor and Chaptered by the Secretary of State - Chapter 634, Statutes of 2022.*

AB 916, as amended, Salas. Zoning: bedroom addition.
Summary: Under the current Planning and Zoning Law, a city or a county is authorized to adopt ordinances that regulate the use of structures, buildings, and land for residential, commercial, industrial, and open space uses. The bill would prohibit a city or county from adopting or enforcing an ordinance that would require a public hearing as a condition of reconfiguring existing space to increase the number of bedrooms in an existing dwelling unit. The bill would apply these provisions only to a permit application for no more than 2 additional bedrooms within an existing dwelling unit. The bill would specify that these provisions are not to be construed to prohibit a local agency from requiring a public hearing for a proposed project that would increase the number of dwelling units within an existing structure. The bill would also include findings that ensuring adequate housing is a matter of statewide concern and is not a municipal affair. **Introduced:** *February 17, 2021 - the bill was read a first time and went into print.* **Last Amended:** *June 23, 2022.* **Bill Status:** *September 28, 2022 the bill was approved by the Governor and Chaptered by the Secretary of State - Chapter 635, Statutes of 2022.*

AB 1445, as amended, Levine. Planning and zoning: regional housing need allocation: climate change impacts. Summary: Under the current Planning and Zoning Law, each city and county are required to adopt a comprehensive general plan for development of land inside and outside of its boundaries. The general plan includes mandatory elements, such as a housing element. The law further stipulates that the council of governments or the planning department for cities and counties, without a council of governments adopt a final regional housing need plan that allocates a share of the regional housing need for each city and county. The proposed bill would authorize, as of January 1, 2025, that a council of governments, or the Department of

Housing and Community Development also consider the following: An emergency evacuation route, wildfire risk, rise in sea level risk and other impacts caused by climate change. **Introduced:** February 19, 2021 - the bill was introduced and went into print. **Last Amended:** August 24, 2022. **Bill Status:** September 30, 2022 the bill was approved by the Governor and Chaptered by the Secretary of State - Chapter 948, Statutes of 2022.

AB 1551, as amended, Santiago. Planning and zoning: development bonuses: mixed-use projects. **Summary:** Under the current Density Bonus Law, a city or county must grant a developer that proposes a housing development with a density bonus, additional incentives or concessions. The incentives are provided if the developer agrees to construct a percentage of units for lower income, very low income, or senior citizen housing, among other things, subject to certain requirements. The current law was in place until January 1, 2022. The bill would reenact the above-described provisions regarding the granting of development bonuses for certain projects. The bill would also require a city or county to submit to the Department of Housing and Community Development information describing the approved commercial development bonus. The bill would repeal these provisions on January 1, 2028 and add these duties to a local planning official. **Introduced:** *February 19, 2021 - the bill was introduced and went into print.* **Last Amended:** *January 13, 2022*. **Bill Status:** *September 28, 2022 the bill was approved by the Governor and Chaptered by the Secretary of State - Chapter 637, Statutes of 2022.*

Bills Introduced in 2022 that were signed into law

AB 1695, as amended, Santiago. Affordable housing loan and grant programs: adaptive reuse projects. **Summary:** Existing law establishes various programs and funding sources administered by the Department of Housing and Community Development to enable the development of affordable housing. The bill would provide that any notice of funding availability issued by the department for an affordable multifamily housing loan and grant program shall state that adaptive reuse of a property for affordable housing purposes is an eligible activity. The bill would define "adaptive reuse" for these purposes to mean the retrofitting and repurposing of an existing building to create new residential units. **Introduced:** *January 25, 2022 - the bill was read for the first and went into print.* **Last Amended:** *August 1, 2022.* **Bill Status:** *September 28, 2022 - the bill was approved the Governor and Chaptered by the Secretary of State - Chapter 639, Statutes of 2022.*

AB 1719, as amended, Ward. Community College Faculty and Employee Housing Act of 2022. **Summary:** Existing law, the Teacher Housing Act of 2016, authorizes a school district to establish and implement programs that address the housing needs of teachers and school district employees who face challenges in securing affordable housing. This bill would establish a substantially similar program for community college faculty and employees. The bill would define the term *"faculty or community college district employee"* for these purposes to mean any person employed by a community college district, but not limited to certified or classified staff. **Introduced:** *January 27, 2022 - the bill was read for the first time and went into print.* **Last Amended:** *April 18, 2022.* **Bill Status:** *September 28, 2022 the bill was approved by the Governor and Chaptered by the Secretary of State - Chapter 640, Statutes of 2022.*

AB 1991, as amended, Gabriel. Motels and Hotels: publicly funded shelter programs. **Summary:** Existing law regulates the terms and conditions of tenancies and defines the term *"persons for hire"* for the purposes of regulating residential tenancies. This bill would provide that the continued occupancy of a shelter program participant, as defined, in a motel or hotel does not constitute a new tenancy and is not considered a *"person who hires"* for the purposes of an unlawful detainer action if the shelter program meets the core components of Housing First and specified requirements related to termination policies and grievance process. The Bill would define *"shelter program participant"* as an occupant of a motel or hotel, as defined, who participates in specified city, county, continuum of care, state or federally funded shelter, interim housing, motel voucher or emergency shelter programs. This bill would prohibit specified provisions of the California Building Standards Code from causing a motel or hotel to be designated as nontransient solely as a result of a shelter program participants occupancy in the motel or hotel beyond a 30-day period, or from being interpreted to restrict the duration of occupancy for shelter program participants. This bill would prohibit a motel or hotel from adopting termination policies, restricting access rights, or imposing charges or fees specifically for shelter programs participants that do not apply to other occupants and would also prohibit a motel or hotel from requiring those shelter program participants to check out and reregister, move out of rooms or between rooms while actively enrolled in the shelter for the purposes of preventing occupants from establishing rights of tenancy. **Introduced:** *February 10, 2022 - the bill was read for the first time and went into print.* **Last Amended:** *August 18, 2022.* **Bill Status:** *September 28, 2022 the bill approved by the Governor and Chaptered by the Secretary of State - Chapter 645, Statutes 2022.*

AB 2011, as amended, Wicks. Affordable housing and High Roads Jobs Act of 2022.
Summary: The current Planning and Zoning Law authorizes a development proponent to submit an application for a multifamily housing development that is subject to a streamlined, ministerial approval process and not subject to a conditional use permit, if the development satisfies specified objective planning standards. The Bill would make certain housing developments that meet specified affordability and site criteria and objective development standards a use by right within a zone where office, retail or parking are principally permitted use, and would subject these development projects to one of 2 streamlined, ministerial review processes. The Bill would require a development proponent for a housing development project approved pursuant to the streamlined, ministerial review process to require, in contracts with construction contractors, that certain wage and labor standards will be met, including a requirement that all construction workers be paid at least the general prevailing rate of wages, as specified. This bill would define “use by right” for purposes of the Affordable Housing and High Road Jobs Act of 2022, in part, as a development project that is not a project for purposes of CEQA and the approval process established by this bill would be ministerial in nature, thereby exempting the approval of development projects subject to the that approval process from CEQA. **Introduced:** *February 14, 2022 - the bill was read for a first time and went into print.* **Last Amended:** *August 25, 2022.* **Bill Status:** *September 28, 2022 the bill was approved by the Governor and Chaptered by the Secretary of State - Chapter 647, Statutes of 2022.*

AB 2221, as amended, Quirk-Silva. Accessory dwelling units.
Summary: The Panning and Zoning Law, among other things, provides for the creation of accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions. This bill would specify that an accessory dwelling unit that is detached from the proposed or existing primary dwelling unit may include a detached garage. This bill would also require a permitting agency to approve or deny an application to serve an accessory dwelling unit or a junior accessory dwelling unit within the same timeframes. If a permitting agency denies an application for an accessory dwelling unit or junior accessory dwelling unit, the bill would require a permitting agency to return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant within the same timeframes. This bill would additionally prohibit a local agency from establishing limits on front setbacks. **Introduced:** *February 15, 2022 - the bill was read for the first time and went into print.* **Last Amended:** *June 6, 2022.* **Bill Status:** *September 28, 2022 the bill was approved by the Governor and Chaptered by the Secretary of State - Chapter 650, Statutes 2022.*

AB 2295, as amended, Bloom. Local educational agencies: housing development projects.
Summary: The bill would deem a housing development project an allowable use on any real property owned by a local educational agency, as defined, if the housing development satisfies certain conditions, including other local objective zoning standards, objective subdivision standards, and objective design review standards. The bill would deem a housing development that meets these requirements consistent, compliant, and in conformity with local development standards, zoning codes or maps and the general plan. The bill would authorize the land used for the development of the housing development to be jointly used or occupied by the local educational agency and any other party, subject to the specified requirements. The bill would exempt a housing development project subject to these provisions from various requirements regarding the disposal of surplus land. The bill would make these provisions effective on January 1, 2024, except that the bill would require the Department of Housing and Community Development to provide a specified notice to the planning agency of each county and city on or before January 31, 2023. The bill would *repeal its provisions on January 1, 2033.* **Introduced:** *February 16, 2022 – the bill was read for the first time and went into print.* **Last Amended:** *August 25, 2022.* **Bill Status:** *September 28, 2022 the bill was approved by the Governor and Chaptered by the Secretary of State - Chapter 652, Statutes of 2022.*
AB 2334, as amended, Wicks. Density Bonus Law: affordability: incentives or concessions in very low vehicle travel areas. **Summary:** The current Density Bonus Law, would require a city or county with a density bonus and other incentives or concessions, as specified, if the developer agrees to construct specified percentages of units for lower income, very low income, or senior citizen housing, among other things and meets additional requirements. Existing law also pertains to a for-sale unit that qualified the applicant for a density bonus, also requires that local government enforce an equity sharing agreement, as provided unless it

is in conflict with the requirements of another public funding source or law. This bill, with respect to the affordability requirements applicable to 100% lower income developments, would instead require the rent for the remaining units in the development be set at an amount consistent with the maximum rent levels for lower income households, as those rents and incomes are determined by California Tax Credit Allocation Committee. The bill, with regard to the enforcement of equity sharing agreements for for-sale units, would also permit the local government to defer to the recapture provisions of the public funding source. This bill would award a height increase if the project is located within a very low vehicle travel area, as defined. The bill would define *"designated county"* to include the Counties of Riverside, San Bernardino, Los Angeles, Orange, San Diego, Ventura, Santa Barbara, Alameda, Contra Costa, Marin, Napa, Solano, San Francisco, Santa Clara, Sonoma and San Mateo. This bill would make legislative findings and declarations as to the necessity of a special statute for those counties. **Introduced:** February 16, 2022 – the bill *was read for the first time and went into print.* **Last Amended:** *June 30, 2022.* **Bill Status:** *September 28, 2022 the bill was approved by the Governor and Chaptered by the Secretary of State - Chapter 653, Statutes of 2022.*

AB 2339, as amended, Bloom. Housing element: emergency shelters: regional housing need.
Summary: Existing law requires that the housing element identify adequate sites for housing, including rental housing, factory-built housing, mobile homes, and emergency shelters, and make adequate provisions for the existing and the projected needs of all economic segments of the community. The bill would revise the requirements of the housing element, as described above, in connection with zoning designations that allow residential use, including mixed use, where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The bill would delete language regarding emergency shelter standards structured in relation to residential and commercial developments and instead require that emergency shelters only be subject to specified written, objective standards. The bill would require that identified zoning designations where emergency shelters are allowed to include sites that meet at least one of certain prescribed standards. The bill would require those sites to be either (1) vacant and zoned for residential use. (2) vacant and zoned for non-residential use if the local government can demonstrate how the sites are connected to amenities and services that serve people experiencing homelessness. (3) nonvacant if the site is adequate and available for use as a shelter in the current planning period. The bill would also authorize a local government to accommodate its need for emergency shelters on sites owned by the local government if it demonstrates that the sites will be made available for emergency shelter during the planning period, they are suitable for residential use, and the sites are located near amenities as specified. **Introduced:** *February 16, 2022 - the bill was read for a first time and went into print.* **Last Amended:** *August 25, 2022.* **Bill Status:** *September 28, 2022 the bill was approved by the Governor and Chaptered by the Secretary of State - Chapter 654, Statutes 2022.*

AB 2483, as amended, Maienschein. Housing for individuals experiencing homelessness.
Summary: Existing law establishes the Department of Housing and Community Development and requires it to administer various programs intended to promote the development of housing, including the Multifamily Housing Program, pursuant to which the department provides financial assistance in the form of deferred payment loans to pay for the eligible costs of development of specified types of housing projects. This bill would require the department, by December 31, 2023, to award incentives, as specified, to Multifamily Housing Program project applicants that agree to set aside at least 20% of the projects units, or no more than 50% of the projects units if the project includes more than 100 units, for individuals that are experiencing homelessness, as defined, or eligible to receive specified services, including, among others, those received under the Program of All-Inclusive Care for the Elderly. This bill would authorize the state to contract with agencies or individuals to assist persons with disabilities in securing their own homes and to provide persons with disabilities with the supports needed to live in their own homes, including supportive housing.
Introduced: *February 17, 2022 - the bill was read for the first time and went into print.* **Last Amended:** *August 11, 2022.* **Bill Status:** *September 28, 2022 the bill was approved by the Governor and Chaptered by the Secretary of State - Chapter 655, Statute 2022.*

AB 2668, as amended, Grayson. Planning and Zoning.
Summary: The current Planning and Zoning Law until January 1, 2026, authorizes a development to submit an application for a multifamily housing development that is subject to a streamlined, ministerial approval process, as provided, and not subject to a conditional use permit, if the development satisfies specified objective planning standards. Existing law specifies that a development is consistent with the objective planning standards if there is substantial evidence that would allow a reasonable person to conclude that the development is consistent with the objective planning standards. This bill would clarify that a development

subject to these provisions is subject to a streamlined, ministerial approval process, and not subject to a conditional use permit or any other non-legislative discretionary approval The bill would specify that a local government is required to approve a development if it determines that the development is consistent with objective planning standards, as specified. The bill would prohibit a local government agency from determining that a proposed development is in conflict with the objective planning standards, if the application materials are not included and as long as the application contains sufficient information that would allow a reasonable person to conclude that the proposed development is consistent with the objective planning standards. **Introduced:** *February 18, 2022 - the bill was introduced and went into print.* **Last Amended:** *June 22, 2022.* **Bill Status:** *September 28, 2022 the bill was approved by the Governor and Chaptered by the Secretary of State - Chapter 658, Statutes 2022.*

2021-2022 Housing Bills that were gut and amended

SB 490, as amended, Caballero. *Community Anti-Displacement and Preservation Program*: technical assistance. **Original Bill Summary:** The bill would, upon appropriation by the Legislature, establish the *Community Anti-Displacement and Preservation Technical Assistance Program*, with the purpose of providing technical assistance to qualified entities engaged in acquisition-rehabilitation projects. The bill would define "acquisition-rehabilitation project" as a project to acquire and preserve unsubsidized housing units and attaching long-term affordability restrictions on the housing units. The bill would define "qualified entity" to include an eligible nonprofit corporation, community land trust, public housing authority, a nonprofit, limited-equity, or workforce housing cooperative, a resident association or organization, and a local or a regional government agency administering an acquisition-rehabilitation project funding program. The Bill would create the ***Community Anti-Displacement and Preservation Program* Technical Assistance Fund** within the State Treasury and would, upon appropriation by the Legislature, allocate the moneys in the fund to the department for the purposes of developing, implementing and administrating the program. **Introduced:** *February 17, 2021 - the bill was introduced and read for the first time.* **Last Amended:** *August 25, 2022.* **Bill Status:** *September 27, 2022 the bill was approved by the Governor and Chaptered by the Secretary of State - Chapter 602, Statutes of 2022.* *August 25, 2022 the Bill was amended to* the Buy American Food Act *and is no longer an affordable housing bill.*

AB 2179, as amended, Grayson. Development Fees: deferral.
Original Bill Summary: Under current law, a local agency is prohibited from imposing fees on a residential development for the construction of public improvements or facilities and requiring the payment fees until the date of the final inspection or the date the certificate of occupancy is issued or whichever comes first. The bill would prohibit a noncompliant municipality, as defined, that imposes any fees or charges on a qualified development project, from requiring the payment of fees until 20 years from the date of the final inspection or the date of the certificate of occupancy is issued or whichever comes first. **Introduced:** *February 15, 2022 - the bill was read for the first time and went into print.* **Last Amended:** *March 24, 2022 the bill received author's amendments and became the **Covid-19 relief: Tenancy Bill**.* **Bill Status:** *March 31, 2022 the bill was signed by the Governor and Chaptered by the Secretary of State - Chapter 13, Statutes of 2022.* The new bill extends, through June 30, 2022, two key components of California's answer to the economic hardship that the Covid -19 pandemic brought upon residential landlords and tenants: **1.** Protections against eviction for nonpayment of rent, but only in cases where an applicant for emergency rental assistance to cover the unpaid rent was pending as of March 31, 2022; and **2.** Preemption of additional local protections against eviction for nonpayment of rent that were not in place on August 19, 2020

2021-2022 Bills - that failed to meet Key Legislative Deadlines

SB 1067, as amended, Portantino. Housing development projects: automobile parking requirements.
Summary: The bill would prohibit a city or county from imposing any minimum automobile parking requirement on a housing development project, as defined, that is located within ½ mile of a public transit, as defined. The bill, would authorize a City and County to impose or enforce minimum automobile parking requirements on a housing development project if the local government makes written findings, within 30 days of the receipt of a completed application, that not imposing or enforcing minimum automobile parking requirements on the development would have a negative impact, supported by the preponderance of the

evidence in the record, that the city's or the county's ability to meet its share of specified housing needs or existing or existing residential or commercial parking is within ½ mile of the housing development. The bill would create an exception from the above-described provision if the development either dedicates a minimum of 20% of the total number of housing units to very low, low- or moderate-income households. *The bill would prohibit these provisions from reducing, eliminating, or precluding the enforcement of any requirement imposed on a housing development project that is located within ½ mile of public transit to provide electric vehicle supply equipment installed parking spaces or parking spaces that are accessible to persons with disabilities.* The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities. **Introduced:** *February 15, 2022 - the bill was introduced and read for a first time.* **Bill Amended:** *May 19, 2022.* **Bill Status:** *August 11, 2022 the bill was held in the Assembly Appropriations Committee and under submission.*

SB 1292, as amended, Stern. Accessory dwelling units: setbacks.
Summary: The current State Planning and Zoning Law, provides for the creation of accessory dwelling units – by local ordinance, or if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions. Existing law prohibits a local agency's accessory dwelling unit ordinance from imposing a setback requirement of more than 4 feet from the side and rear lot lines for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions of the existing structure. The bill would remove this prohibition on a local agency's accessory dwelling unit ordinance and would instead provide that the rear and side yard setback requirements for accessory dwelling units may be set by the local agency. The bill would authorize an applicant of an accessory dwelling unit to submit a request for an alternative rear and side yard setback requirement, if the local agency's setback requirements make the building of the unit infeasible. The bill would also prohibit any rear and side yard setbacks requirements previously established to be greater than those in effect on January 1, 2020. The bill further stipulates that if the local agency has not established an accessory dwelling unit ordinance as of January 1, 2020, the applicant rear and side yard setback requirement is 4 feet. **Introduced:** *February 18, 2022 - the bill was introduced and read for a first time.* **Bill Amended:** *March 16, 2022.* **Bill Status:** *March 24, 2022 the bill was set for first hearing and the hearing was canceled at the request of the author.*

SB 1369, as introduced, Wieckowski. Adaptive reuse projects: by-right: funding.
Summary: The bill would make an adaptive reuse project a use by right in all areas, regardless of zoning. The bill defines "adaptive reuse project" as any commercial, industrial, public or office building that has 25% occupancy or less which will be converted into a residential development project. The bill would define "use by right" to mean that the city or the County's review of the adaptive reuse project may not require a conditional use permit, planned unit development permit, or other discretionary city or county review or approval that would constitute a "project" for purposes of CEQA, as specified. Therefore, adaptive reuse projects would not be subject to CEQA. **Introduced:** *February 18, 2022 - the bill was introduced and read for a first time.* **Bill Amended:** *The bill did not receive amendments.* **Bill Status:** *March 28, 2022 the bill was set for a first hearing on March 31, 2022, the hearing was canceled at the request of the author.*

SB 1466, as introduced, Stern. Affordable Housing and Community Development Investment Program.
Summary: The bill would establish the ***Affordable Housing and Community Investment Program***, which would be administered by the Affordable Housing and Community Development Investment Committee. The bill would authorize a city, county, affordable housing authority, community revitalization and investment authority or a city, joint power agency, or a combination of these entities to apply to the Affordable Housing and Community Development Investment Committee for participation in the program. The bill would authorize the Committee to approve or deny plans for projects meeting specific criteria. The bill would also authorize certain local agencies to establish an affordable housing and community development investment agency and authorize an agency to apply for funding under the program and issue bonds, as provided, to carry out a project under the program. **Introduced:** *February 18, 2022 - the bill was introduced and read for a first time.* **Bill Amended:** *The bill did not receive amendments.* **Bill Status:** *March 10, 2022 the bill was referred to Committee and the bill's referral was rescinded because of limitations placed on committee hearings due to ongoing health and safety risks of the Covid-19 Virus.*

AB 411, as amended, Irwin. Veterans Housing and Homeless Prevention Bond Act of 2022.
Summary: Under current law, the Veterans Housing and Homeless Prevention Bond Act of 2014 authorizes the issuance of bonds in the amount of $600,000,000. The bond is to provide housing for veterans and their

families. The bill would enact the Veterans Housing and Homeless Prevention Bond Act of 2022 which will authorize the issuance of bonds in an amount, not to exceed $600,000,000. The bill also stipulates that the handling and disposition of the funds would occur in the same manner as the 2014 bond act. The Bill would provide for the submission of the Bond Act to the voters at the March 24, 2024 Statewide Primary Election. The bill requires a 2/3rds vote. **Introduced:** *February 3, 2021 - the bill was read for a first time and went into print.* **Bill Amended:** *January 24, 2022.* **Bill Status:** *August 11, 2022 the bill was located in the Senate Appropriations Committee and held under submission.*

AB 1674, as introduced, Voepel. Building Standards: photovoltaic requirements: accessory dwelling units. **Summary:** The bill would prohibit an accessory dwelling unit from being considered a newly constructed building for the purposes of the California Energy Code relating to the photovoltaic requirements for newly constructed buildings that are classified as a low-rise residential building. This bill would also require the Energy Commission, to study exempting accessory dwelling units from the specified photovoltaic requirements and make their recommendations to the California Building Standards Commission in time for the consideration and adoption for the next California Building Standards Code adoption cycle. **Introduced:** *January 20, 2022 - the bill was read for the first time and went into print.* **Bill Amended:** *The bill did not receive amendments.* **Bill Status:** January 27, 2022 *the bill was referred to the Assembly Committees on Housing and Community Development and Natural Resources.*

AB 1910, as introduced, Garcia. Publicly owned golf courses: conversion: affordable housing.
Summary: The bill would require the Department of Housing Community Development to administer a grant program for local agencies that would enter into a development agreement for the conversion of golf courses owned by the local agency for the purposes of housing and publicly accessible open space. The bill would require the Department to award grants based on the number of affordable units that the local agency proposes to construct as part of the conversion project. **Introduced:** *February 9, 2022 - the bill was read for the first time and went into print.* **Bill Amended:** *The bill did not receive amendments.* **Bill Status:** *May 11, 2022 the bill was located in the Assembly Appropriations Committee and was referred to the Suspense File. May 19, 2022 the bill is in Committee and held under submission.*

AB 1976, as amended, Santiago. Planning and zoning: housing element compliance: very low and lower-income households.
Summary: Existing law requires the Department of Housing and Community Development (HCD), in consultation with each council of governments, to each region's existing and projected housing need, and requires each council of governments, or the department for cities and counties without a council of governments to adopt a final regional housing need plan that allocates a share of the regional housing need to each city and county. The bill would authorize HCD, after notifying the City or County of the violation of the housing element provision and before notifying the Attorney General, either to complete the rezoning to accommodate 100% of the allocated need for housing for very low and lower income households on behalf of local government within the counties of Imperial, Los Angeles, Orange, Riverside or Ventura that failed to complete that rezoning by the required deadline, or to impose administrative civil penalties upon the local government of up to $10,000 per day until the local government is longer in violation of state law or HCD decides to refer the violation to the Attorney General. The bill would also authorize the court to order the appointment of an agent of the court to bring the jurisdiction's housing element into substantial compliance, if the jurisdiction has not brought its housing element into substantial compliance after 3 months following the imposition of the initial fine. **Introduced:** *February 10, 2022 - the bill was read a first time and went into print.* **Bill Amended:** *March 17, 2022.* **Bill Status:** *March 17, 2022 the bill was re-referred to the Assembly Committees on Housing and Community Development and Local Government.*

AB 2053, as amended, Lee Carrillo and Kalra. The Social Housing Act.
Summary: The bill would enact the Social Housing Act and would create the California Housing Authority, as an independent state body, the mission of which would be to produce and acquire social housing developments for the purposes of eliminating the gap between housing production and regional housing needs assessment targets. The bill will would prescribe the composition of the California Housing Authority Board, which will govern the authority. The Bill would proscribe the powers and duties of the authority and the board. **Introduced:** *February 14, 2022 - the bill was read for the first time and went into print.* **Bill Amended:** *June 23, 2022.* **Bill Status:** *June 30, 2022 the bill failed passage and a reconsideration was granted.*

AB 2186, as amended, Grayson. Housing Cost Reduction Incentive Program.

Summary: The bill would establish the Housing Cost Reduction Incentive Program which would be administered by the Department of Housing and Community Development. The program would be established for the purposes of reimbursing cities and counties for the development impact fee waivers or reductions that are provided to qualified rental housing developments. Upon budget appropriation, the bill would require the Department to provide grants to applicants in an amount which is equal to 50% of the amount of the development impact fee waived or reduced for a qualified rental housing development. The bill would further require a public entity that receives grant funds under the program to use the funds solely for the purposes of which the development impact fee that was waived or reduced would have been used for. **Introduced:** *February 15, 2022 - the bill was read for the first time and went into print.* **Bill Amended:** *March 23, 2022.* **Bill Status:** *August 8, 2022 the bill was referred to the Senate Appropriations Suspense File and on August 11, 2022 the bill was held under submission.*

AB 2218, as amended, Quirk Silva. California Environmental Quality Act: Standing: Proposed infill housing projects.
Summary: The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. The bill would provide that a person does not have standing to bring an action or proceeding to attack, review, set aside, void or annul acts or decisions of a public agency undertaken to implement a project involving the development of housing at an infill site, unless the person resides within 20 miles of the project. **Introduced:** *February 15, 2022 - the bill was read for the first time and went into print.* **Bill Amended:** *March 9, 2022.* **Bill Status:** *March 17, 2022 the bill was re-referred to the Assembly Committee on Rules - pursuant to Rule 96.*

AB 2428, as introduced, Ramos. Mitigation Fee Act: fees for improvements: timeline for expenditures.
Summary: The Mitigation Fee Act requires a local agency, that establishes, increases or imposes a fee as a condition of approval of a development project to determine a reasonable relationship between the fee's use and the type of development project for which the fee is imposed. The Act imposes additional requirements for fees imposed that provide for the improvement to be constructed and that the fees are deposited in a separate capital facilities account or fund. The bill would require a local agency to impose that a project applicant to deposit fees in an escrow account for specified project improvements. The requirement will be imposed as a condition to receiving a conditional use permit or equivalent development permit. The fees must be expended within 5 years of the deposit. **Introduced:** *February 17, 2022 - the bill was read for the first time and went into print.* **Bill Amended:** *The bill did not receive amendments*. **Bill Status:** *March 3, 2022 - the bill was referred to the Assembly Committees on Local Government and Housing and Community Development.*

AB 2485, as introduced, Choi. California Environmental Quality Act: exemption: emergency shelters and supportive housing. **Summary:** CEQA Law, currently exempts from its environmental review numerous categories of projects. The bill would exempt from the requirements of CEQA, emergency shelters and supportive housing for the homeless population. **Introduced:** *February 17, 2022 - the bill was read for the first time and went into print.* **Bill Amended:** *The bill did not receive amendments.* **Bill Status:** *March 10, 2022 - the bill was referred to the Assembly Committees on Natural Resources and Housing and Community Development.*

AB 2705, as amended, Quirk-Silva. Housing: fire safety standards.
Summary: Under current law, the State Fire Marshall is required to prepare, adopt and submit building standards, as well as other fire and life safety regulations to the California Buildings Standards Commission for approval. This bill would prohibit a legislative body of a county or city from approving a discretionary entitlement, that would result in a new residential development project located within a very high fire hazard severity zone, unless the county or city finds that the residential development project will meet specified standards that would address wildfire risks. **Introduced:** *February 18, 2022 - the bill was introduced and went into print.* **Bill Amended:** *May 23, 2022.* **Bill Status:** *August 8, 2022 the Senate Appropriations Committee referred the bill to the suspense file and August 11, 2022, the bill was held under submission.*

AB 2719, as introduced, Fong. California Environmental Quality Act: exemptions and highway safety.
Summary: CEQA Law, currently exempts from its environmental review numerous categories of projects, including emergency projects undertaken, carried out or approved by a public agency which will repair, maintain, or restore an existing road. The bill would exempt from the requirements of CEQA highway safety

improvement projects, as defined by the bill and undertaken by the Department of Transportation or a local agency. **Introduced:** *February 18, 2022 - the bill was introduced and went into print.* **Bill Amended:** *The bill did not receive amendments.* **Bill Status:** *April 5, 2022 the bill was set for its first hearing and the hearing was canceled at the request of the author.*

AB 2762, as introduced, Bloom. Housing: parking lots.

Summary: Under current State Planning and Zoning Law, each county and city are required to adopt a comprehensive, long-term general plan for the physical development of the county or city and specified land outside its boundaries. The general plan must include mandatory elements, including a housing element. This bill would allow local agencies to build affordable housing on parking lots that serve public parks and recreational facilities. **Introduced:** *February 18, 2022 - the bill was introduced and went into print*. **Bill Amended:** *The bill did not receive amendments.* **Bill Status:** *February 18, 2022 - the bill was introduced and a hearing was not set for the bill.*

Western Riverside Council of Governments Planning Directors Committee

Staff Report

Subject: **Update of 2019 TUMF High-Cube Warehouse Trip Generation Study**

Contact: **Chris Gray, WRCOG Deputy Executive Director, cgray@wrcog.us, (951) 405-6710**

Date: **December 8, 2022**

Requested Action(s):

1. Receive and file.

Purpose:

The purpose of this item is to provide an update regarding a trip generation study for high-cube warehouses.

WRCOG 2022-2027 Strategic Plan Goal:

Goal #5 - Develop projects and programs that improve infrastructure and sustainable development in our subregion.

Background:

WRCOG's TUMF Program is a regional fee program designed to provide transportation and transit infrastructure that mitigates the impact of new growth in Western Riverside County. Funds from TUMF are distributed based on an allocation codified in various MOU's between WRCOG, the Riverside County Transportation Commission (RCTC), the Riverside Conservation Agency (RCA), and the Riverside Transportation Agency (RTA). 46% of TUMF collections are retained by WRCOG and allocated to the five TUMF Zones based on the collections within that Zone. Another 46% of TUMF funds are provided to RCTC on a monthly basis for their use in funding regional TUMF projects per the TUMF Administrative Plan. 1.47% of all TUMF funds are allocated to RCA for the purchase of land in support of the Multi-Species Habitat Conservation Plan (MSHCP). 3% of TUMF funds are allocated to RTA for regional transit projects. The remaining 4% of TUMF funds collected go towards WRCOG for Program Administrative Expenses.

In 2019, WRCOG completed a study of high-cube warehouse facility trip generation (Attachment 1). The purpose of the study was to obtain data from local facilities and incorporate that data into the TUMF fee calculations for high-cube warehouses. The 2019 study evaluated data from 16 facilities within the Cities of Bloomington, Chino, Jurupa Valley, Moreno Valley, Perris, and Riverside. One of the key findings of this study was that the majority of the trips associated with these uses were automobile, not truck, trips. Based on the data provided, WRCOG performed a minor update to the *Fee Calculation Handbook* as it related to high-cube warehouses. The TUMF fee calculation for a high-cube warehouse reflects a significant discount for the standard industrial rate and any changes to this calculation process could have meaningful impacts to future TUMF collections. For the 2021/2022 Fiscal Year, over $13M in

TUMF was paid by industrial projects, the majority of which were high-cube warehouses.

WRCOG has retained Fehr & Peers to conduct an update of this study. For consistency purposes, the same sites which were previously studied will be studied again and the same methodology will be applied. Some reasons to update this study include:

- The original study used 2018 data (prior to COVID-19) and anecdotal evidence suggests that the level and type of delivery activity has changed since that time.
- Much of the industrial development currently being permitted are high-cube warehouses. Any change in the methodology or underlying data to calculate the fee obligation for a high-cube warehouse could impact the overall level of TUMF collections.
- WRCOG is currently working on an update to the TUMF Nexus Study. It is WRCOG's practice to update the Fee Calculation Handbook whenever the Nexus Study is updated so any updates for the High-Cube warehouse calculation can be done concurrently with these other updates.

Once the study has been updated, WRCOG will circulate the study for stakeholder and member agency review. Once finalized, the study will be disseminated through WRCOG's Committee structure.

Prior Action(s):
None.

Fiscal Impact:
Funding for this study is provided through the General Fund (Fund 110) Transportation & Planning Department through Local Transportation Funds (LTF). LTF is provided by RCTC and may be used for transportation planning and other related activities.

Attachment(s):
Attachment 1 - WRCOG High Cube Trip Generation Study

Technical Memorandum

To: Daniel Ramirez-Cornejo, Program Manager, WRCOG

From: Billy Park, Supervising Transportation Planner, WSP

Subject: **TUMF High-Cube Warehouse Trip Generation Study**

Date: January 29, 2019

Background

High-cube warehousing is emerging as an important development type in the Inland Empire. Studies such as Logistics & Distribution: *An Answer to Regional Upward Social Mobility*[1] and *Multi-County Goods Movement Action Plan*[2] suggests that this trend is likely to increase over time due to the Inland Empire's relative abundance of suitable sites compared to coastal counties.

A recurring analytical problem for the analyses of traffic impacts associated with proposed high-cube warehouses is the lack of reliable data regarding the number and vehicle mix of trips generated by this land development type. Specifically:

- The *2003 Fontana Truck Trip Generation Study*, which has been used for years by agencies in the Inland Empire, is based on the older type of high-cube warehouse. Newer warehouses generally are larger (often over 1 million square feet), much more automated, and generate far fewer trips per square foot.
- The use of overly-conservative estimates has produced results that were unreasonable when compared to actual field conditions. For example, the Environmental Impact Report (EIR) for the Skechers high-cube warehouse building in Moreno Valley included traffic forecasts that were substantially higher than the actual post-construction trip generation for both cars and trucks. Overstated forecasts are misleading to decision makers and could result in oversized infrastructure that could itself have environmental consequences, creates an undue burden on development, and could even have adverse legal consequences for the agencies involved.
- In 2011 the Commercial Real Estate Development Association, also known by its former acronym NAIOP, commissioned a trip generation study of high-cube warehouses focused on large highly-automated warehouses in the Inland Empire. NAIOP had hoped that their study, which found trip-gen rates considerably lower than previous studies, would be used in CEQA analyses going forward. However, concerns about potential bias by the sponsoring party have placed into question the validity of the study results. Similarly, a study commissioned by SCAQMD was viewed as possibly having an anti-development bias.
- Finally, in 2015 NAIOP and SCAQMD jointly sponsored a trip-gen study for high-cube warehouses through a respected neutral party, the Institute of Transportation Engineers (ITE). The report for this study, *High-Cube Warehouse Vehicle Trip Generation Analysis*, was completed in 2016.

The joint NAIOP/SCAQMD/ITE study resulted in a consensus on the trip generation rates to be used for the most common type of high-cube warehouse, a category they call "transload and short-term storage". The findings of the joint study generally indicated the trip generation rates for this use as being consistent with the trip generation rates for the broader category of high-cube warehouses as described by ITE in the 9th Edition of the *Trip*

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[1] *Logistics & Distribution: An Answer to Regional Upward Social Mobility*, Dr. John Husing for SCAG, June 2004

[2] *Multi-County Goods Movement Action Plan*, Wilbur Smith Associates, August 2008

Generation Manual. However, the report did not settle the issue of trip generation rates for two other specific types of high-cube warehouses:

> *"The single data points for fulfillment centers and parcel hubs indicate that they have significantly different vehicle trip generation characteristics compared to other HCWs. However, there are insufficient data from which to derive useable trip generation rates."*

The purpose of this technical memorandum is to gather sufficient data to develop reliable trip generation rates for fulfillment centers and parcel hubs for use in traffic impact studies in the Inland Empire.

Methodology

Number of Sites: The study team reviewed ITE's *Trip Generation Handbook 2nd* Edition, Chapter 4 of which describes how to perform a trip generation study that meets ITE's standards (which improves the defensibility of the results if they are used for CEQA analyses). ITE recommends that at least three sites, and preferably five, be surveyed for a given land use category. Based on the review of candidate sites identified by Western Riverside Council of Governments (WRCOG) staff, it was recommended that data be collected at a total of 16 sites for the purposes of this study.

Independent Variables: ITE's Trip Generation Manual measures the size of proposed developments using more than a dozen different independent variables, such as students (for schools), acres (for parks), etc. All High-Cube related categories in both 9th and 10th Editions of the Trip Generation Manual are reported in Square Foot Gross Floor Area (GFA) measured in thousands of square feet (TSF), which is also the independent variable used for the TUMF program. Some other ITE employment categories use employment as the independent variable, as does SCAG in its Sustainable Communities Strategy. WRCOG provided GFA for all sites and employment data for eight fulfillment centers and one parcel hub site.

The ITE *Trip Generation Manual* typically reports trip generation rates two ways; namely as the average rate and using the "best fit" mathematical relationship between the number of trips generated and the independent variable. R-squared, also known as the coefficient of determination, is used to measure how well the best fit equations match the surveyed traffic counts. The *Trip Generation Manual* recommends that the best fit equation only be used when the R^2 is greater than or equal to 0.50 and certain other conditions being met; otherwise the average rate should be used.

Data Collection

WRCOG provided a list of recommended trip generation study sites after reviewing potential sites within the Inland Empire with its member agencies. The list included 11 fulfillment centers and 5 parcel hub sites as follows:

Fulfillment Centers

1. Walmart: 6750 Kimball Ave, Chino, CA 91708
2. Amazon: 24208 San Michele Rd, Moreno Valley, CA 92551
3. Lineage Logistics: 1001 Columbia Ave Riverside, CA 92507
4. P&G: 16110 Cosmos Street, Moreno Valley, CA 92551
5. Big 5: 6125 Sycamore Canyon Blvd, Riverside, CA 92507
6. Nestle USA: 3450 Dulles Drive, Jurupa Valley, CA
7. Home Depot: 11650 Venture Drive, Jurupa Valley, CA
8. ACT Fulfillment Center: 3155 Universe Drive, Jurupa Valley, CA
9. Petco: 4345 Parkhurst Street, Jurupa Valley, CA
10. Komer: 11850 Riverside Drive, Jurupa Valley, CA
11. Ross: 3404 Indian Ave Perris, CA 92571

Parcel Hubs

12. UPS: 15801 Meridian Pkwy, Riverside, CA 92518
13. FedEx: 330 Resource Dr, Bloomington, CA 92316
14. FedEx Freight: 12100 Riverside Drive, Jurupa Valley, CA
15. UPS Chain Logistics: 11811/11991 Landon Drive, Jurupa Valley, CA
16. DHL: 12249 Holly St N, Riverside, CA 92509

Traffic counts were collected at all of these sites. These were 72-hour driveway counts collected using video cameras for three-midweek days starting June 26, 2018. Video collection was determined to be preferable to collection data by means of machine counts, which can be problematic for driveways where vehicles are maneuvering at slow speeds. Video counts provide the ability for human viewers to review the captured footage to classify vehicles into 5 types (car, large 2-axle, 3-axle, 4-axle, and 5+ axle truck). The three-day average was calculated and used for the purposes of this study.

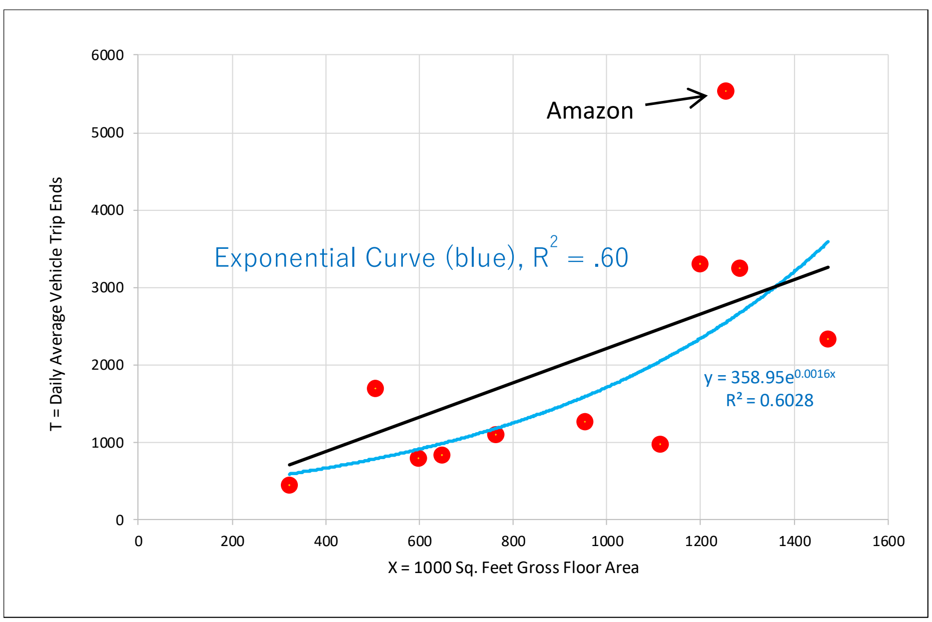
Fulfillment Centers

By Building Size

Exhibit 1 displays a data plot of daily vehicle trips for the 11 fulfillment centers against building size as the independent variable. The average trip generation rate for fulfillments centers (see black line in Exhibit 1) was found to be 2.2 trips/TSF, compared to the 1.4 trips/TSF found for conventional high-cube warehouses in the ITE/SCAQMD/NAIOP study (i.e. about 50% higher).

Exhibit 1 denotes one outlier data point representing the Amazon site in the upper right of the chart. As shown, the average daily trips generated at this facility is over 50% higher than the trips generated at the two sites of similar size (Walmart and Ross), which appears indicative of a greater frequency of same day e-commerce deliveries from Amazon to individual consumers.

Exhibit 1: Data Plot for Daily Total Vehicle Trip Ends against Building Size (Fulfillment Center)



The best fit equation was an exponential relationship with R^2 of 0.60 (i.e. high enough to meet the criteria of acceptability). This is shown as a blue line in Exhibit 1. An exponential relationship, meaning that the larger the building the higher the trip generation rate, is quite unusual.

Exhibit 2 takes a deeper look at this by showing the daily vehicle trip generation rates for each of the 11 surveyed fulfillment centers sorted by the smallest to the largest building size from left to right. As shown, small sites tend to generate fewer trips per thousand square feet, but higher percentage of trucks. On the other hand, largest sites tend to generate a higher number of car trips, but fewer truck trips. So not only is the overall trip generation rate affected by building size, the vehicle mix is affected as well.

Exhibit : **t Center**

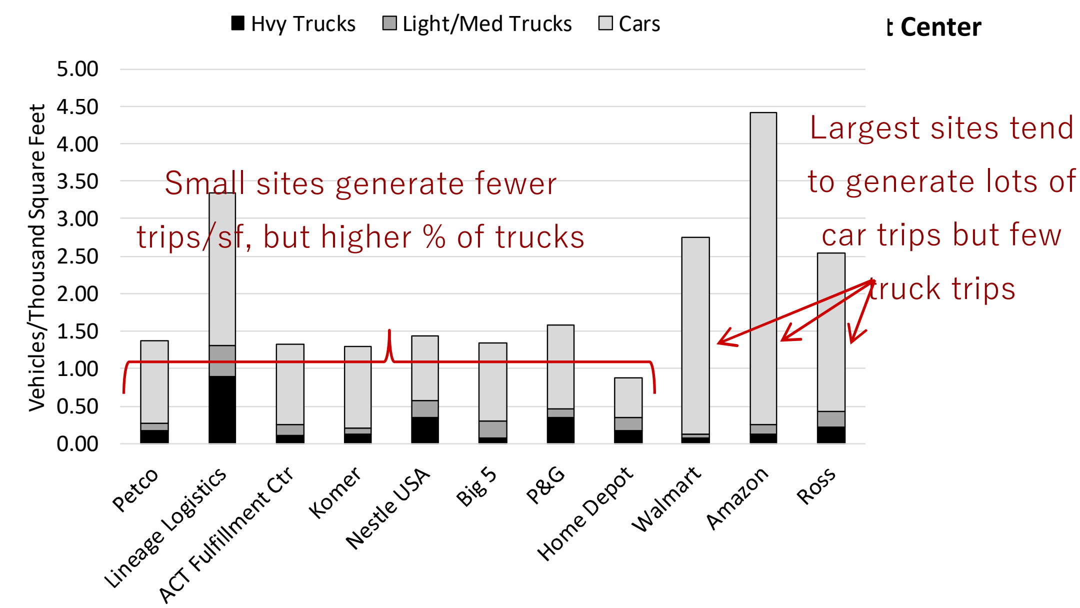


Exhibit 3 and

Exhibit 4 show data plots for AM and PM peak hour vehicle trip ends against building size (respectively). The fitted curves had a low R^2, and so we recommend using the average rate.

Exhibit 3: Data Plot for AM Peak Hour Vehicle Trip Ends against Building Size (Fulfillment Center)

Amazon →

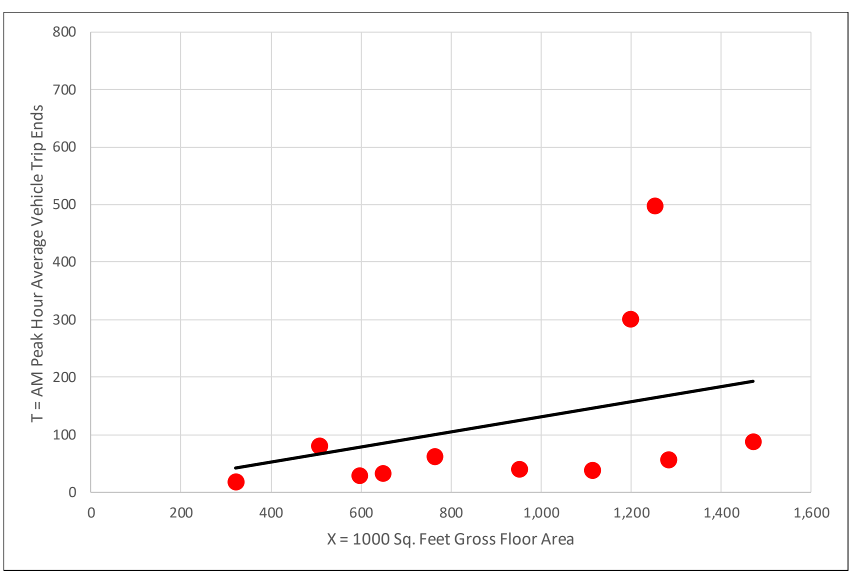


Exhibit 4: Data Plot for PM Peak Hour Vehicle Trip Ends against Building Size (Fulfillment Center)

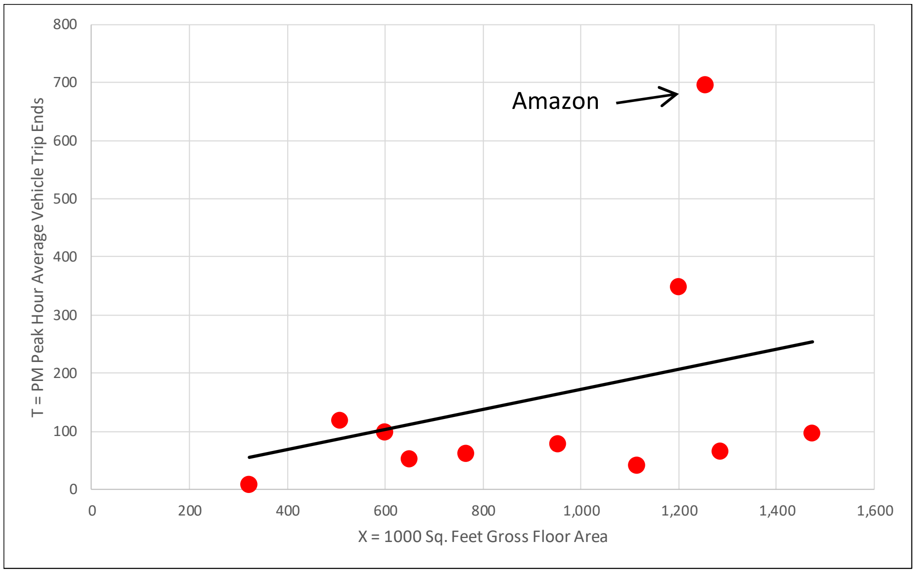
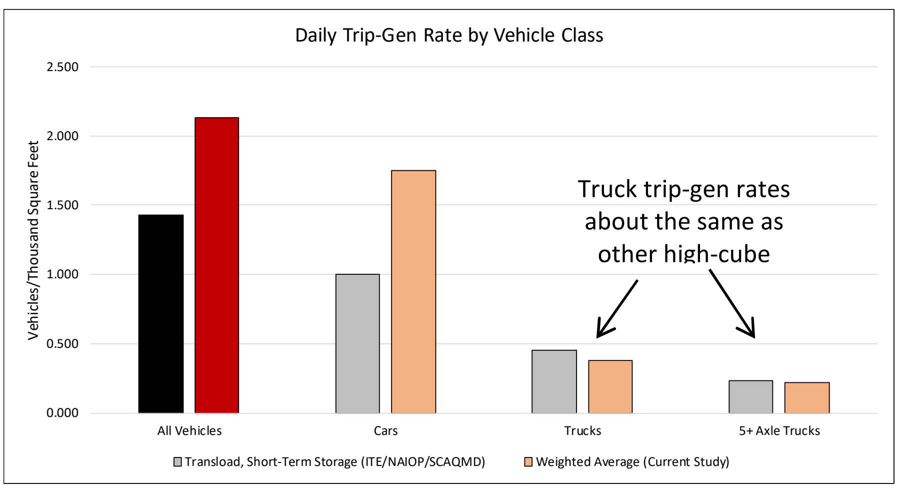


Exhibit 5 compares the average trip generation rates of 11 fulfillment centers with the rates found for conventional transload and short-term storage warehouses in the 2016 high-cube warehouse trip generation study[3] by SCAQMD/NAIOP/ITE. As shown, the fulfillment centers generate more daily vehicle trips than conventional warehouse facilities although trucks are roughly the same. This means that the additional trips by fulfillment centers are entirely due to additional car traffic, which is almost double the rate of car trips generated by conventional warehouses.

Exhibit 5: Conventional Warehouse vs Fulfillment Centers



Visual observation of the fulfillment center sites indicates the higher trip generation rates for cars appears to be mostly due to the use vans and passenger cars as delivery vehicles, particularly for the larger facilities operated by retailers such as Amazon and Walmart.

[3] *High-Cube Warehouse Vehicle Trip Generation Analysis*, Institute of Transportation Engineers, 2016

Exhibit 6 summarizes the AM and PM peak hour trip rates and the daily rates for fulfillment centers based on the findings of this study, and compares the results to rates for conventional transload and short-term storage warehouses.

Exhibit 6: Summary of Trip Generation Rates per Thousand Square Feet of Gross Floor Area for Fulfillment Centers

Vehicle Class	AM Peak Hour		PM Peak Hour		Daily	
	Conventional Warehouse*	Fulfillment Center	Conventional Warehouse	Fulfillment Center	Conventional Warehouse	Fulfillment Center
Cars	0.057	0.103	0.086	0.144	1.000	1.750
2-4 Axle Trucks	0.009	0.008	0.013	0.011	0.221	0.162
5-Axle Trucks	0.015	0.011	0.010	0.010	0.233	0.217
Total	0.082	0.122	0.108	0.165	1.432	2.129
% Higher than Conventional		49%		52%		49%

* Transload, Short-Term Storage category in 2016 TIE/ NAIOP/ SCAQMD study

By Employee

The WRCOG contacted the surveyed fulfillment centers and obtained employment data for eight of the eleven sites. Exhibit 7 shows a data plot for those eight sites for daily total vehicle trip ends against the number of employees. The best fit equation was logarithmic function which had an R^2 of 0.84, indicating a very good fit. Notably, the Amazon site, which was an outlier for trip generation based on floor area (see Exhibit 1), correlates more closely to other sites when employment is used instead. The average trip generation rate for fulfillments centers (represented by the black line in Exhibit 7) was found to be 2.0 trips/TSF

No comparison was made to any previous rates per employees because none of the previous high-cube warehouse related trip generation studies included correlation of trips with employment data.

Exhibit 7: Data Plot for Daily Total Vehicle Trip Ends against Employee (Fulfillment Center)

The data plots for the AM and PM peak hour total vehicle trip ends against the number of fulfillment center employees are shown in Exhibit 8 and Exhibit 9. The best fit equations are linear regressions (shown with black lines) which show a good R^2 for both the AM and PM peak periods.

Exhibit 8: Data Plot for AM Peak Hour Total Vehicle Trip Ends against Employee (Fulfillment Center)

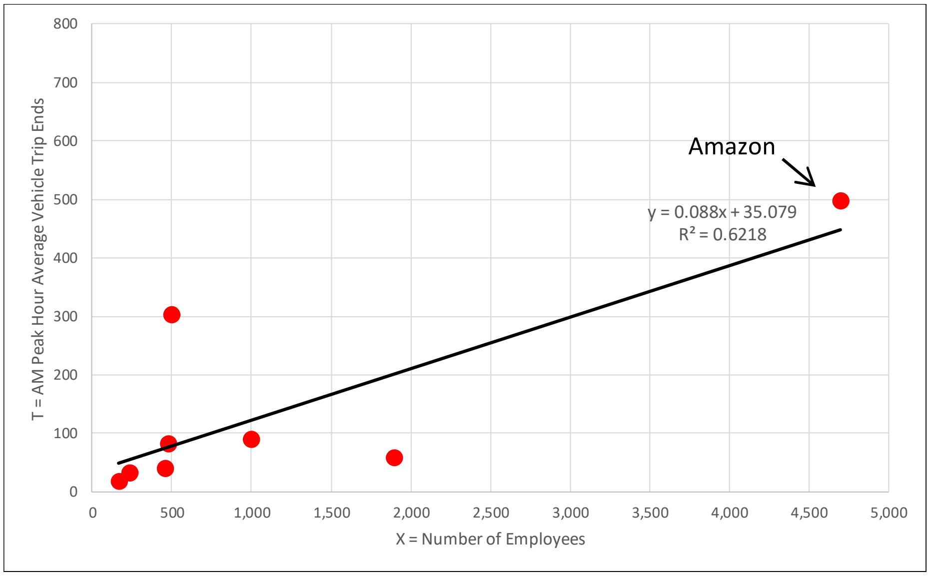


Exhibit 9: Data Plot for PM Peak Hour Total Vehicle Trip Ends against Employee (Fulfillment Center)

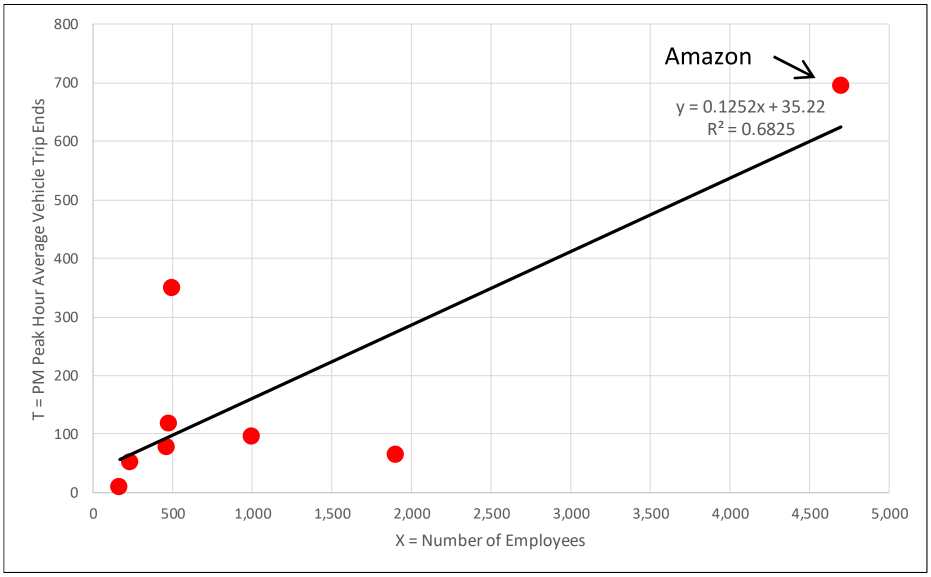


Exhibit 10 summarizes the AM and PM peak hour trip rates and the daily rates for trip generation per employee at fulfillment centers based on the findings of this study.

Exhibit 10: Summary of Trip Generation Rates per Employee for Fulfillment Centers

Vehicle Class	AM Peak Hour	PM Peak Hour	Daily
Cars	0.102	0.139	1.673
2-4 Axle Trucks	0.006	0.008	0.125
5-Axle Trucks	0.009	0.008	0.178
Total	0.118	0.155	1.977

Parcel Hubs

By Building Size

Exhibit 11 displays daily vehicle trip generation rates by building size for each of five parcel hub sites. They are sorted by the smallest to the largest building size from left to right. In this case the small sites generate significantly more trips of every kind than the larger sites, which is the opposite to the pattern observed for fulfillment centers.

Exhibit 11: Daily Trip Generation Rates at Parcel Hubs

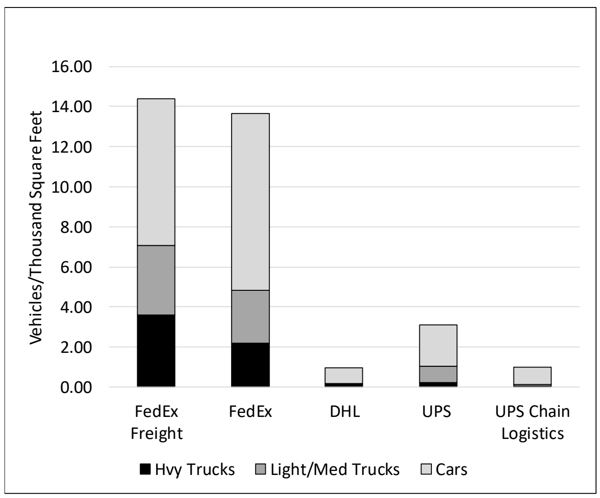


Exhibit 12 shows a data plot of daily vehicle trips of five parcel hubs against building size. As shown, a linear best fit was negative. During the collection of traffic data, construction activity was observed at the FedEx site potentially tainting the validity of these data to represent typical trip generation characteristics. To determine if the trip generation at this site was contributing to the poor data correlation, Exhibit 13 displays the same daily data plot without the FedEx site. The linear best fit shows a positive slope, but remains almost flat effectively indicating no correlation between the daily trips and building size based on the analysis of these sites.

The basic premise of the ITE trip generation approach is that the number of trips generated by a project is proportional to its size. That premise does not hold true for the parcel hubs in this sample and so no meaningful trip generation rates could be determined based on the data collected in support of this study. It should be recognized that a sample size of four or five sites represents the minimum recommended by ITE for valid trip generation studies, and for this reason, it is recommended that additional sites would need to be investigated and included in the data set to develop a more definitive finding on trip generation rates. Furthermore, it may be appropriate to determine the specific function at each site, due to the disparity between the rates observed at the FedEx sites versus the other three sites. It is likely that the function served by the respective sites is significantly different, as reflected in the trip generation rates, thereby necessitating reclassification of these uses for comparative purposes.

Exhibit 12: Data Plot for Daily Total Vehicle Trip Ends against Building Size (Parcel Hubs)

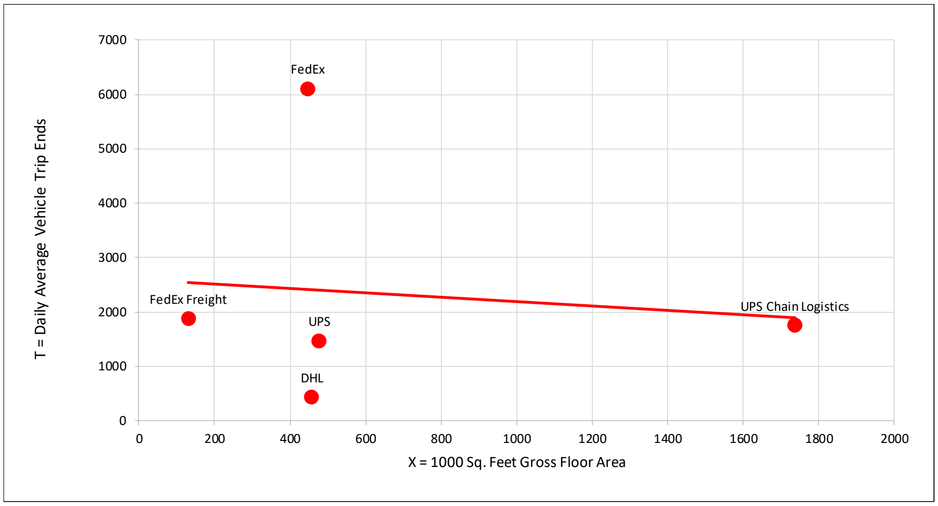
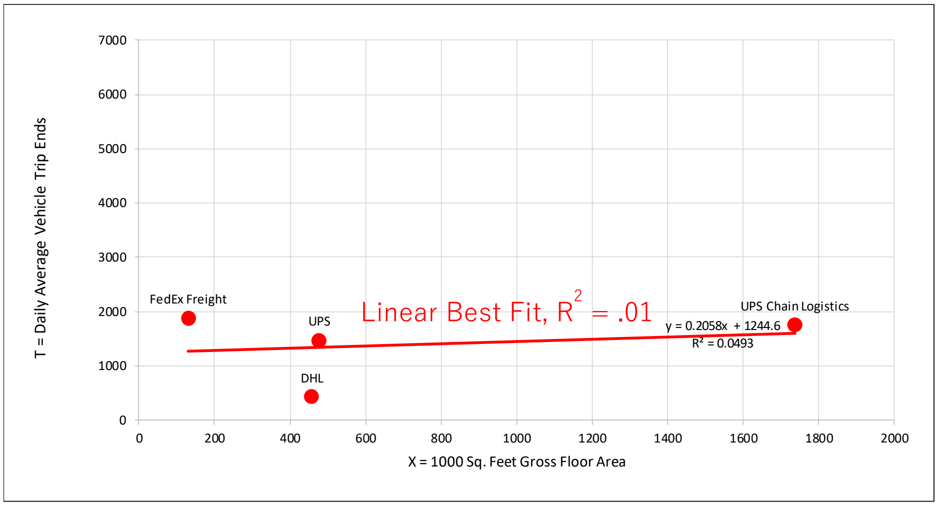


Exhibit 13: Data Plot for Daily Vehicle Trip Ends against Building Size without Construction Site



Conclusions

Our survey of 11 fulfillment centers produced trip generation rates based on the gross floor area of the sites that satisfies ITE's standards for use. The findings of the study indicate that the daily trip generation rates for fulfillment centers is approximately 2.1 trips per thousand square feet of gross floor area, which is roughly 50% higher than the comparable rate for conventional transload and short term storage warehouses previously defined in the ITE *Trip Generation Manual* Version 10. The results of the study further indicate that the higher rates were entirely due to more cars traffic at these sites; the trip generation rates for trucks was found to comparable to those at conventional warehouses.

Employment data were available for eight out of 11 fulfillment center sites. This provided the ability to determine trip generation rates per employee. The study results indicate that that trip generation for fulfillment centers is approximately 2.0 trips per employee. The study also found that the trip generation rate per employee correlated more closely that the trip generation rate per thousand square feet of gross floor area.

The data from the five parcel hubs did not show any statistically meaningful relationship between trips and building size. Therefore, no trip generation rate could be calculated. However, the data collected at these sites may provide a useful basis for further comparison with additional sites to provide more data points for analysis.