

# Governor Signs New Housing and Parking Legislation

09.29.2022

In the past week, Governor Newsom signed over 40 bills that seek to streamline the development of housing and override minimum parking requirements. Below is a brief summary of the three most important bills: Assembly Bill 2011, Senate Bill 6, and Senate Bill 2097.

Under **AB 2011** (“The Affordable Housing and High Road Jobs Act of 2022”), local agencies must approve qualifying housing developments through two sets of ministerial review processes on sites zoned to allow office, retail, or parking as principally permitted uses, even though housing may not be an allowed use. First, the bill establishes one set of requirements and procedures for projects that are wholly dedicated as lower income housing. Second, the bill establishes another set of requirements and procedures for projects that include some affordable housing so long as the project is located along a “commercial corridor.” AB 2011 projects are subject to a number of minimum density requirements, specified objective development standards, and other restrictions to qualify for the streamlined process. All AB 2011 projects must pay prevailing wages, and projects of 50 units or more must use registered apprentices and provide health care expenditures for employees and dependents.

Separately, under **SB 6** (“The Middle Class Housing Act of 2022”), housing will be considered an “allowable use” in zones where office, retail, or parking is a principally permitted use, even if the local zoning does not allow housing in those zones. Unlike AB 2011, SB 6 does not create a new ministerial process for housing projects proposed on these nonresidential sites. Instead, a proposed SB 6 project may be subject to the local zoning standards and approval processes for projects in zones that have a comparable density to that required for the SB 6 project. For a commercial site to allow residential uses under SB 6, project sites must be 20 acres or less and projects must be developed at least at the jurisdiction’s housing element “default density.” In most instances, SB 6 projects must pay prevailing wages and use a skilled and trained workforce. Unlike AB 2011, SB 6 does not require that any units in the proposed housing project be maintained as affordable units (except to satisfy a local inclusionary housing requirement).

## ATTORNEYS

---

Nicholas R. Ghirelli  
Maricela E. Marroquín  
David M. Snow  
Diana H. Varat

Finally, **AB 2097**, with limited exceptions, prohibits local agencies from imposing or enforcing a minimum automobile parking requirement on a residential, commercial, or other development project if the project is located within one-half mile of a major transit stop (which includes rail or bus rapid transit stations, some ferry terminals, and certain intersections with high-frequency bus routes). Local agencies may continue to impose and enforce minimum parking requirements on projects that include a hotel, motel, bed and breakfast inn, or other transient lodging. In limited instances, local agencies may impose generally applicable minimum parking requirements if not imposing the normal parking requirement would have a “substantially negative impact” on either existing residential or commercial parking within one-half mile of a proposed housing project or on the agency’s ability to meet its lower income RHNA or identified special housing needs requirements for elderly or disabled populations.

In addition to the three bills mentioned above, the Governor also signed bills that expand the enforcement authority of the California Department of Housing & Community Development (HCD), and increase local agencies’ annual housing element reporting requirements. Finally, accessory dwelling unit requirements, density bonus law, and the SB 35 streamlining process also received minor revisions during this legislative session.

The full text of the Governor’s housing bills announcement can be found [here](#).

If you have any questions about these or other bills or would like additional information, please contact **Diana Varat, Nicholas Ghirelli, Maricela Marroquín, David Snow**, or any member of our **Municipal & Public Agency Law Department**.