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The New Housing Approval Toolkit: CEQA, Streamlining, and Housing Approvals



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The New Housing Approval Toolkit

CEQA, Streamlining, and Housing Approvals

CalCities Webinar

August 18, 2026



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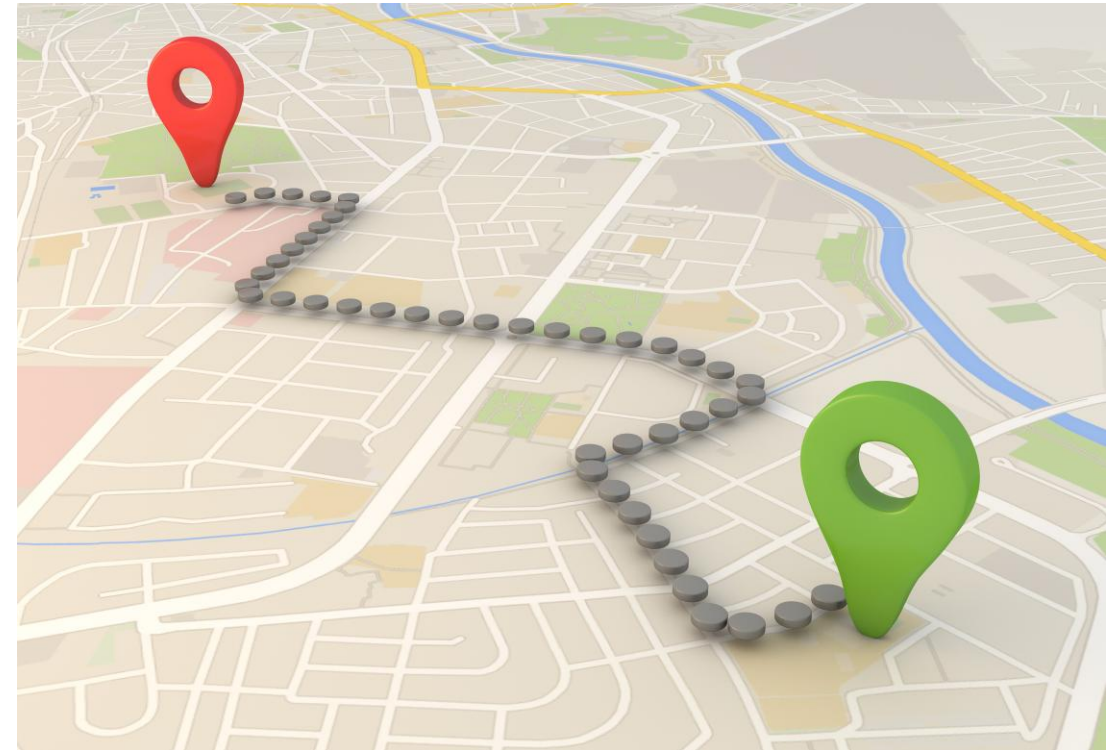


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Webinar Roadmap

1. California's Housing Crisis
2. Streamlined/Ministerial Housing
 1. SMAP (SB 35/423)
 2. Housing in Commercial Zones
 3. Religious Properties
 4. SB 79 and Others
 5. AB 130
3. CEQA Streamlining for Housing



California's Continued Housing Crisis

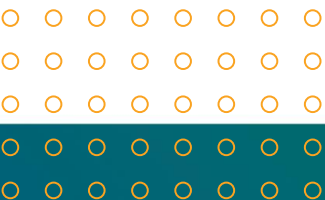


- Housing production has lagged estimated need for decades
- Average annual homes built: under 80,000
- Estimated homes needed annually: about 180,000
- More than 3 million renter households pay over 30% of income on rent
- Persistent underproduction helped create political demand for faster approvals and CEQA streamlining

Response from Sacramento



- Numerous bills in recent years aimed at curbing cities' ability to delay/deny housing development projects
- Consequence:
 - Erosion of local control over review and approval of housing projects
- Since 2017, more than 150 new housing laws aimed at addressing the statewide housing crisis.
- Big Idea- Streamlined and Ministerial Review Processes
 - *Quicker approval with less uncertainty = lower cost to build housing*
 - *Ministerial = No CEQA Review*



SMAP- SB 35/423

Streamlined Ministerial Approval of Multifamily Projects

What SMAP does

Purpose

Creates an opt-in streamlined ministerial approval process for qualifying multifamily projects.

Applies where HCD determines the jurisdiction is subject to SMAP based on RHNA progress, APR reporting, or housing-element compliance.

Project is reviewed against statutory criteria and objective local standards—not discretionary policy judgments.

Effect

No CUP or other nonlegislative discretionary approval for qualifying projects.

Because approval is ministerial, qualifying projects generally do not undergo project-level CEQA review.

SB 423 extended the law through Jan. 1, 2036 and expanded potential use in limited Coastal Zone and fire-hazard circumstances.

City Role

Confirm pre-application steps are complete before accepting the SB 35/423 application.

Determine consistency with objective standards and statutory eligibility requirements.

Approve if the planning director/equivalent position determines the project qualifies.

Eligibility screening: what must be checked

- 1 Pre-application**

Notice of Intent / SB 330 preliminary application; tribal notice and scoping consultation; public meeting if required by CTCAC/HCD Opportunity Map location.
- 2 Project basics**

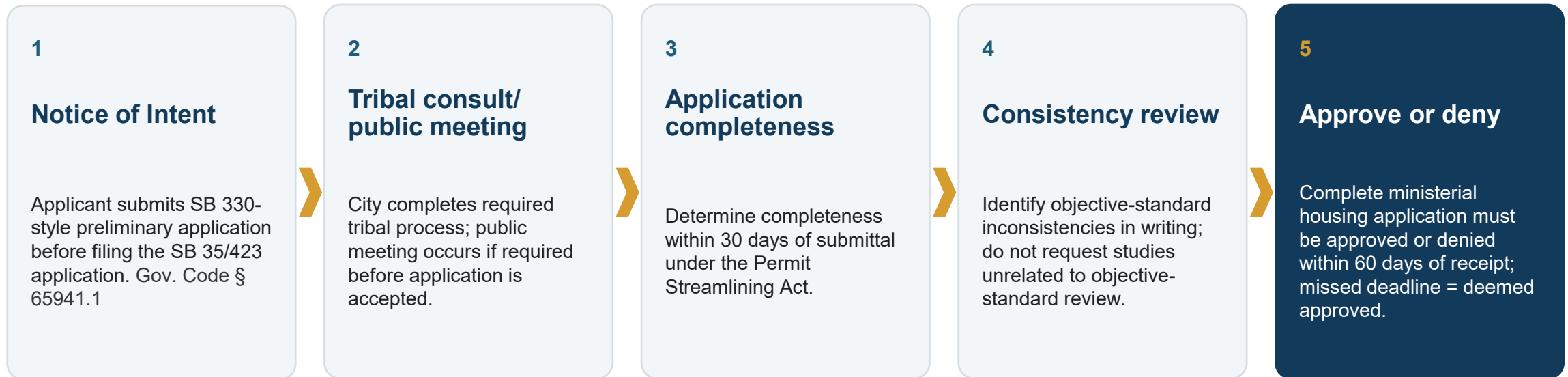
Multifamily project with 2+ residential units; legal urban parcel; at least 75% perimeter adjoins urban uses; at least 2/3 of square footage is residential.
- 3 Affordability**

Required percentage depends on HCD SMAP determination and project type; affordability restrictions must be recorded before first building permit.
- 4 Objective standards**

Review is limited to objective zoning, subdivision, design-review, general-plan and inclusionary standards in effect when the Notice of Intent was submitted.
- 5 Site exclusions**

Screen for statutory exclusions and exceptions: coastal limits, farmland, wetlands, VHFHSZ/SRA, hazardous sites, fault/flood areas, conservation lands, protected habitat, tenant housing and historic structures.

Processing after AB 130: manage the clock



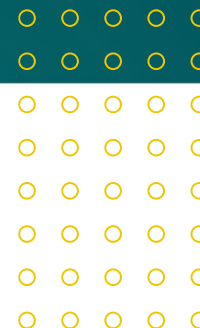
If the project is inconsistent or doesn't meet criteria, deny within the applicable deadline and provide the full written basis and path to cure.

Density bonus concessions/waivers are not treated as objective-standard conflicts for SB 35 consistency review.



By-Right Housing in Commercial Zones

SB 6/AB 2011/2243



AB 2011 & SB 6 – Residential Development in Commercial Zones



AB 2011

- Creates a **ministerial, CEQA-exempt approval path** for qualifying multifamily housing on commercial sites.
- Applies to **100% affordable** and **mixed-income** projects.
- Housing does **not** need to already be an allowed use.

SB 6

- Makes housing an **allowable use** on qualifying commercial sites.
- Does **not** create the same stand-alone ministerial approval path as AB 2011.
- Can pair with **SB 35/423** or the **HAA** where eligible.

Key distinction:

AB 2011 = approval pathway.

SB 6 = use authorization.

AB 2011: What Cities Need to Know



Eligible Projects

- Multifamily housing on qualifying commercial sites.
- Site must be urban, substantially surrounded by urban uses, and generally avoid industrial adjacency, mobilehome parks, and other statutory exclusions.
- Applicant must complete a **Phase I environmental assessment**.

Affordability

- **100% affordable pathway:** all units, excluding manager's units, restricted to lower-income households.
- **Mixed-income pathway:** rental and ownership projects must satisfy statutory affordability set-asides.

AB 2011 – Approval Process



- Limited Processing Time
 - 150 units or less → must be processed in 90 days
 - More than 150 units → must be processed in 180 days
- Must identify any inconsistencies with qualifying criteria within prescribed timelines, otherwise development is deemed to be in compliance
 - 150 units or less → Notice within 60 days of application submission
 - More than 150 units → Notice within 90 days of application submission
- **Only** objective standards apply
 - Ministerial Design Review – While the City can hold a design review hearing, it must be “**strictly focused**” on objective, applicable standards and it “***shall not in any way inhibit, chill or preclude the ministerial approval***” of the project

AB 2243: Why It Matters



AB 2243 expands and tightens AB 2011/SB 6

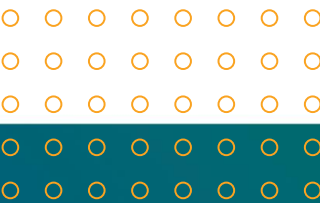
- Expands AB 2011 eligibility to additional commercial-corridor and **regional mall** sites.
- Removes the blanket freeway-distance exclusion and replaces it with air-quality requirements.
- Revises industrial-use definitions.
- Aligns Coastal Act treatment with SB 35/423.
- Adds stricter streamlining rules: 60/90-day inconsistency notices, 30-day resubmittal review, and limits on later-raised standards.

Density / Conversion Updates

- Mixed-income projects must meet minimum density thresholds.
- Existing nonresidential buildings may qualify for residential conversion.
- SB 6 expanded to include qualifying regional mall sites up to 100 acres.

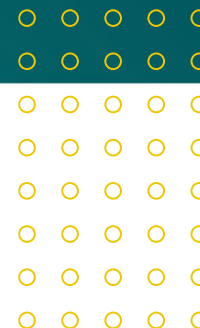
Bottom line:

AB 2243 makes commercial-site housing broader, faster, and harder to derail through late-stage objective-standard disputes.



Affordable Housing Developments on Church & Private Higher Ed Lands

SB 4 (Gov. Code section 65913.16)



SB 4: By-Right Affordable Housing on Faith & Higher-Ed Land



What SB 4 Does

- Creates a **by-right, ministerial approval pathway** for qualifying housing on land owned by:
 - Religious institutions; or
 - Non-public institutions of higher education.
- Applies to qualifying property owned by the institution on or before **January 1, 2024**.
- No discretionary land-use approval / project-level CEQA review** for a qualifying ministerial project.

Affordability

- Generally **100% affordable to lower-income households**, excluding manager units.
- Up to **20%** may serve moderate-income households.
- Up to **5%** may be reserved for institutional staff.

SB 4 turns qualifying institutional land into a state-created affordable-housing opportunity, even where local zoning would not otherwise permit the project.

SB 4: What Cities Actually Need to Review



1. Is the Site Eligible?

- Urban site; generally **75% of perimeter adjoining urban uses**.
- Screen for statutory exclusions involving industrial adjacency, environmental/hazard conditions, protected housing, tenant history, and historic resources.

2. What Can Be Built?

- Local agency may apply **objective standards only**.
- SB 4 establishes minimum density/height/parking rules that can override more restrictive local zoning.
- Density can be driven by statutory density, existing site entitlement, or qualifying adjoining development standards
 - Height generally includes the greater applicable local/adjoining height, with SB 4 providing additional development capacity.
 - *Plus Density Bonus*

3. Processing Is Ministerial

- Determine application completeness within **30 days**.
- Once complete, generally **approve or deny within 60 days**
- If the project does not satisfy SB 4 or applicable objective standards, the city needs to identify the problem and act within the deadline.



SB 79 and Other Miscellaneous Pathways

Miscellaneous - Housing Element Inventory Sites



- Gov. Code §65583.2(i) expressly states that, when at least 20% affordable projects are located on sites in the inventory, “the local government’s review . . . may not require . . . discretionary local government review or approval that would constitute a ‘project’ for purposes of [CEQA].” (See also Gov. Code § 65583.2(h))
- City must process projects ministerially on sites identified on the § 65583.2 sites inventory.
- Since ministerial projects are not subject to CEQA review, if the site is located on the sites inventory created pursuant to Gov. Code § 65583(a)(3), then the project is exempt from CEQA review by the express terms of Gov. Code § 65583.2(i).
- “Use by right” means the local government “may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a “project” for purposes of [CEQA].” (Gov. Code. § 65583.2)

Miscellaneous - SB 79



- What does SB 79 do?
 - Makes housing an allowable use near major transit stops
 - Expands by-right TOD development
- Two key mechanisms:
 - Automatic upzoning within ½ mile of major transit stops
 - Transfers land-use authority to transit agencies
- Where does it apply?
 - Applies only to 'Urban Transit Counties' (>15 passenger rail stations)
 - Counties: Los Angeles, Orange, San Francisco, Alameda, Santa Clara, San Mateo, Sacramento, San Diego
 - Smaller cities (<35k pop) → reduced SB 79 range

SB 79- What Can Be Built (General Standards)



- Minimum 5 dwelling units
- Minimum 30 du/acre (or local min if higher)
- Maximum 1,750 sq ft average per unit
- Local Control Options
 - Temporary TOD Ordinance:
 - Must be HCD-approved
 - May exclude sites if partially compliant (fire hazard, historic, etc.)
 - Permanent 'TOT Alternative Plan':
 - HCD approval required
 - Must maintain/exceed SB 79 net zoned capacity

SB 79- Development Standards



- Tier 1 (Heavy Rail)
 - ½ mile: 65 ft | 100 du/ac | FAR 3.0 (+ DB @75 du/ac)
 - ¼ mile: 75 ft | 120 du/ac | FAR 3.5 (+ DB @90 du/ac)
 - ≤200 ft: 95 ft | 160 du/ac | FAR 4.5 (“adjacency intensifiers”)
- Tier 2 (Light Rail / BRT)
 - ½ mile: 55 ft | 80 du/ac | FAR 2.5 (+ DB @60 du/ac)
 - ¼ mile: 65 ft | 100 du/ac | FAR 3.0 (+ DB @75 du/ac)
 - ≤200 ft: 85 ft | 140 du/ac | FAR 4.0 (“adjacency intensifiers”)

SB 79- Legal Effect



- SB 79 projects qualify under Housing Accountability Act (HAA)
- Local standards conflicting with SB 79 → preempted
- Eligible for early vesting with preliminary application
- Streamlined approval under SMAP for affordable projects
- Limitations
 - Subject to Inclusionary Housing Ordinances
 - Must replace demolished housing + provide relocation assistance
 - Projects >85 ft require union labor

Is Builder's Remedy a Streamlining Tool?



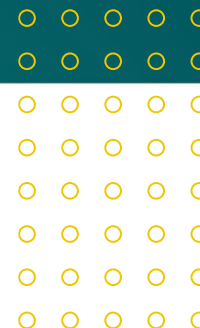
- No, Builder's Remedy is a path for a housing projects to bypass inconsistent zoning and general plan requirements when a jurisdiction's housing element is not substantially compliant at the time of application.
 - Affordability thresholds
 - AB 1893 expands access but also adds structure: density caps, objective-standard rules, density bonus integration, etc.
 - But AB 130 provides a quicker path to approval



Budget Trailer Bills (2025)

AB 130/SB 131

CEQA/housing reform package



What Cities Need to Absorb from the 2025 Package

- **PSA expansion:** ministerial housing entitlements now fall under the Permit Streamlining Act
- **Compressed timelines:** 60 days for *most* ministerial housing and 30 days for qualifying exempt infill housing
- **New CEQA tools:** AB 130 exemption and SB 131 near-miss review path
- **Permanent housing-law rules, annual shelter inspections,** and other implementation obligations
- **Bottom line:** this is a new local housing-processing regime, not just a CEQA update



Ministerial housing now carries a hard 60-day decision clock**



- Clock starts when the last item needed for completeness is actually *submitted* (§65950(a)(6))
- City review and correction comments do not stop the 60-day clock once the application is complete
- Approve or deny by day 60
 - Mutually agreed 90 day extension available (§ 65957)
- Do not rely on longer ministerial timelines in other housing statutes** (§ 65953(b))
- Process implication: completeness checklists must capture everything needed for a decision-ready application

**except for AB 2011

Qualifying infill housing can trigger a new 30-day final-action window

- AB 130 CEQA exemption requires approval/denial within 30 days from the later of two events**
 - Event A: conclusion of the tribal-consultation process
 - Event B: expiration of the Housing Accountability Act objective-standards consistency deadline (See § 65950(a)(7)(A)-(B))
- If the city cannot responsibly act in time, a tolling agreement is the cleanest risk-management tool
 - **SB 158 (September 2025)



AB 130 – PRC § 21080.66



- AB 130 creates a new statutory CEQA exemption for qualifying housing development projects
 - Housing Development Project: (1) residential-only projects; (2) certain mixed-use developments that meet specific residential use thresholds (e.g., at least two-thirds of the square footage is for residential use or at least 500 net new units with no hotel uses); (3) transitional or supportive housing; and (4) farmworker housing. (Gov. Code §65589.5)

AB 130 – PRC § 21080.66



Statutory exemption applies to projects that meet all of the following conditions:

- The site must not exceed 20 acres in size, except for a builder's remedy site, which cannot be more than four acres (PRC § 21080.66(a)(1))
- The project must be located in an incorporated city or urban area, as defined by the United States Census Bureau (PRC § 21080.66(a)(2))
 - To qualify as an urban area, the area must encompass at least 2,000 housing units or have a population of at least 5,000.

AB 130 – PRC § 21080.66

- The project site must meet one of the following criteria:
 - site previously developed with an urban use,
 - 75 percent or more of the site perimeter adjoins parcels developed with urban uses,
 - 75 percent or more of the area within a quarter-mile of the site is developed with urban uses, or
 - for sites with four sides, three of the four sides are developed with urban uses and at least two-thirds of the site perimeter adjoins parcels developed with urban uses

(PRC §21080.66(a)(3))

AB 130 – PRC § 21080.66



- The project must be consistent with the applicable general plan and zoning ordinance, as well as any applicable specific plan and local coastal program (PRC § 21080.66(a)(4))
 - If zoning and GP are inconsistent with one another, a project is “deemed consistent with both if it is consistent with one” (PRC, § 21080.66(a)(4)(B))
 - Density bonus, incentives/concessions, waivers, or reduced parking under Gov. Code section 65915 are not grounds to deem inconsistent (PRC, § 21080.66(a)(4)(C))
- The project must meet minimum residential density requirements (PRC §21080.66(a)(5)):
 - 5 units per acre in unincorporated nonmetropolitan counties, or
 - 10 units per acre in suburban jurisdictions, or
 - 15 units per acre in metropolitan jurisdictions

AB 130 – PRC § 21080.66



- **The project site must not be located on hazardous or sensitive lands** (See PRC § 21080.66(a)(6), citing Gov. Code, § 65913.4(a)(6)) including:
 - (i) parcels in the coastal zone that are not zoned for multifamily housing, lack a certified local coastal program, or are vulnerable to five feet of sea level rise;
 - (ii) prime farmland, farmland of statewide importance, grazing land, or land designated for agricultural preservation by local ballot;
 - (iii) wetlands;
 - (iv) very high fire hazard severity zones or state responsibility areas without required mitigation;
 - (v) hazardous waste sites unless remediated or approved for residential use;
 - (vi) delineated earthquake fault zones unless compliant with seismic safety standards;
 - (vii) 100-year floodplains or regulatory floodways unless compliant with FEMA standards;
 - (viii) lands under conservation easements or designated for conservation in habitat or natural resource protection plans; or
 - (ix) habitat for protected, sensitive, or special-status species under federal or state law.

AB 130 – PRC § 21080.66



- The project must not require demolition of a historic resource that was placed on a national, state, or local historic register before the date a preliminary application was submitted for the project pursuant to Section 65941.1 of the Government Code (PRC § 21080.66(a)(7))
- The project cannot include any transient lodging (e.g., hotel, motel, or bed and breakfast inn) (PRC § 21080.66(a)(8))

AB 130 – PRC § 21080.66



- The project must include a **condition of approval requiring a phase I environmental assessment** for hazardous substance releases, with mitigation requirements based upon results (PRC § 21080.66(c))
- The project must comply with specific environmental hazard and air filtration standards if within 500 feet of a freeway (PRC § 21080.66(c))
- The project must comply with **labor requirements**, including payment of prevailing wage for **100 percent affordable projects** and use of a **skilled and trained workforce for buildings exceeding 85 feet in height** (PRC § 21080.66(d))

AB 130 – PRC § 21080.66

Tribal Consultation Requirements (PRC § 21080.66(b))

- The local agency must notify all California Native American tribes traditionally and culturally affiliated with the project site within **14 days** of determining that the application is complete.
- Tribes have **60 days** to request consultation
- If a request is made, the local agency must begin consultation within **14 days**.
- Consultation must conclude within **45 days**, with a one-time **15-day** extension allowed.
- The process must be conducted in good faith and result in binding mitigation conditions to avoid significant impacts to tribal cultural resources, unless waived by the tribe.
- Unless otherwise agreed, the project must allow tribal monitoring during all ground-disturbing activities, avoid tribal cultural resources where feasible, and comply with protocols for the discovery of human remains or burial grounds.



AB 130 Pro-tip: Tribal Consultation



- Tribal consultation is important AND the gift of time:
 - 74 days (if no tribe requests consultation) to 148 days (if tribe requests consultation and extension)

SB 131 – The “Near Miss” Provision



- SB 131 establishes a CEQA process for housing development projects that narrowly fail to qualify for a statutory or categorical CEQA exemption due to a single disqualifying condition (PRC § 21080.1(b))
 - CEQA review limited to those environmental effects caused solely by that condition
 - Waives the need for analysis of project alternatives, cumulative impacts, and growth-inducing effects.
 - Does not apply to projects with multiple disqualifying conditions, or to projects involving distribution centers, oil and gas infrastructure, or located on natural and protected lands, as defined in Public Resources Code Section 21067.5.
 - Project has to be “similar in kind” to projects typically qualifying for the requested exemption
- SB 131 defines a “condition” as a “physical” or “regulatory” feature of the project or its “setting” or an effect upon the environment caused by the project.
- The scope and depth of analysis required in an Initial Study or EIR will vary depending on the nature of the disqualifying condition.

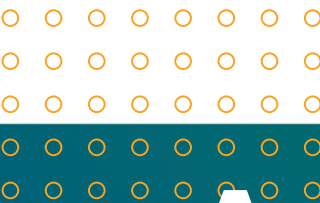
SB 131 creates a near-miss CEQA path for some housing projects



- Applies where a housing project misses an exemption because of exactly one disqualifying condition
- CEQA review is limited to effects caused solely by that condition
- Not available for multiple disqualifying conditions
- Open questions: the term “condition” is broad and may still generate scope disputes
 - Can it be used with AB 130 In-Fill Exemption?
 - What if timelines don’t align or multiple tribal consultation triggered?

Remember:

- Update application checklists so complete really means ready for a 60-day or 30-day decision
- Create one shot-clock calendar covering HAA, PSA, tribal consultation, hearings, and tolling deadlines
- Adopt an AB 130 exemption-screening form and internal routing protocol
- Review hearing-notice practices affecting residential units
- **These are not just CEQA bills; they are a new local housing-processing regime**



Additional CEQA Streamlining Paths for Housing

Low Income Housing Exemption (PRC § 21159.23)



CEQA does not apply to any development project that consists of the construction, conversion, or use of residential housing consisting of 100 or fewer units that are affordable to low-income households if both of the following criteria are met:

- The developer of the development project provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of the housing units for lower income households, as defined in Section 50079.5 of the Health and Safety Code, for a period of at least 30 years, at monthly housing costs, as determined pursuant to Section 50053 of the Health and Safety Code.
- The development project meets additional statutory requirements.

Note: CEQA would apply if there is a reasonable possibility that the project would have a significant effect on the environment or the residents of the project due to unusual circumstances or due to the related or cumulative impacts of reasonably foreseeable projects in the vicinity of the project.

SB 375 CEQA Streamlining



- SB 375, the Sustainable Communities and Climate Protection Act of 2008, provides a “Sustainable Communities Project Exemption” for Transit Priority Projects (TPPs) that are declared Sustainable Community Projects, as well as streamlined CEQA analysis for TPPs and certain residential or mixed use projects.
- The intent of these provisions is to streamline approvals for projects consistent with a Sustainable Communities Strategy (SCS) or Alternative Planning Strategy (APS).
- The types of CEQA relief for TPPs are dependent upon the project and the criteria that need to be met, and may be achieved through:
 - a Sustainable Communities Project CEQA Exemption (SCPE),
 - a Sustainable Communities Environmental Assessment (SCEA),
 - a streamlined limited EIR, or
 - a reduced level of analysis.

Projects Consistent With A Community Plan or Zoning (CCR § 15183)



- The zoning, community plan, or general plan policies must have been approved based on a certified EIR and all agencies required to implement mitigation measures identified in the EIR have committed to undertake the measures.
- The lead agency should prepare an initial study or other analysis limited to determining whether any impacts:
 - are peculiar to the project or the parcel on which the project would be located;
 - were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent;
 - are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action; or
 - are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.
- The lead agency must hold a hearing and make findings that the feasible mitigation measures in the prior EIR will be implemented.

Class 32 Infill Exemption (CCR § 15332)



- The project is consistent with the applicable general plan designation and all general plan policies, as well as with zoning designation and regulations.
- The project occurs within city limits.
- The site is 5 acres or less.
- The site is substantially surrounded by urban uses.
- The project site does not have any value as habitat for endangered, rare or threatened species.
- The project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- The site can be adequately served by all needed utilities and public services.

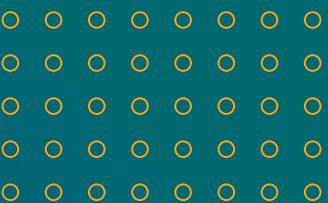
Class 3 Construction of Small Structures Exemption (CCR § 15303)



- Outside Urbanized Areas:
 - One single-family residence, or a second dwelling unit in a residential zone.
 - A duplex or similar multi-family residential structure totaling no more than four dwelling units.
- In Urbanized Areas:
 - Up to three single-family residences may be constructed or converted.
 - Apartments, duplexes and similar structures designed for not more than six dwelling units.

Final Thoughts

- Strong tools for developers to move housing projects quickly
- Lots of landmines and new issues for cities
- Expecting fewer CEQA lawsuits (but many sticky interpretation issues exist)
- Check HCD guidance, including new Technical Assistance and Enforcement Letters Dashboard and Housing Law Fact Sheets
 - <https://www.hcd.ca.gov/hau/enforcement-letters>
 - <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/housing-law-fact-sheets.pdf>



Questions?



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