

CEQA Reform:

How will 2025 legislative reforms to CEQA
and other laws affect my community?

CivicWell Fall 2025 Webinar Series
October 28, 2025

Today's Panelists



Erik de Kok, AICP

- Ascent (Moderator)
- Director of Interdisciplinary Planning



Greta Brownlow, PhD

- Ascent
- Director, Northern CA Environmental Practice Leader



Chad Beckstrom, AICP

- Ascent
- Principal, Southern CA Environmental Practice Leader



Ali Pezeshkpour, AICP

- City of Santa Ana
- Executive Director, Planning and Building Agency



Assembly Bill (AB) 130 and Senate Bill (SB) 131

- AKA “2025 Trailer Bills” – signed into law in June 2025 with the FY 2025-2026 State budget
- July 1, 2025 effective date for most provisions (with some exceptions)
- CEQA “Modernization” - new exemptions and other streamlining provisions
- Planning and Zoning Law amendments - RHNA, housing elements, other housing-related policy changes
- Residential Building Code – omits the next triennial code update and limits adoption of “reach codes” until 2031



What is the State trying to achieve with these bills?

- Accelerate Housing Production
- Increase Regulatory Certainty
- Institutionalize Key Housing Reforms
- Support Infrastructure and Economic Development
- Increase Wildfire Resilience
- Promote Parks and Trails

What are the opportunities and challenges for local communities?



Today's Webinar:

- Highlights some of the key provisions related to housing development and CEQA reform more broadly
- NOT an exhaustive summary or discussion review of every provision in AB 130 and 131!
- See the "AscentShare" e-newsletter series on the 2025 Trailer Bills for more information.



“AscentShare” e-newsletter series on the 2025 Trailer Bills

- CA 2025 Trailer Bills—A Deep-Dive Series
- Available at ascent.inc/ca-2025-trailer-bills
- AB 130 – Residential Reach Code Moratorium
- AB 130 – New Residential Infill Exemption
- SB 131 – Expedited Review for “Near-Miss” Projects
- SB 131 - New CEQA Exemption for Parks and Trails (Prop 4 Funded Projects)
- More articles to come



AB 130

- Urban Infill Exemption



Eligibility

- Housing development project
- Project size: up to 20 acres (or 5 acres for “builder’s remedy” projects)
- Infill site
 - Previously developed; 75% perimeter developed with urban uses; 75% area within ¼ mile of developed urban uses, or at least three of four sides developed with urban uses
- Within incorporated municipality or U.S. Census urban area
- Consistent with general plan and zoning (density bonus or builder’s remedy doesn’t make inconsistent)



Eligibility (cont.)

- Density at least 50% of the Housing Element default density (10 or 15 du/a)
- No transient lodging (hotels, motels, etc.) if “deemed complete” after 1/1/25
- No demolition of historic structures placed on register before preliminary application
- Public Resources Code 21080.66

SB 35 Required Qualifications

Not Allowed

- Certain areas of coastal zone
- Prime farmland
- Wetlands, habitat for protected species, conservation easement, natural resources protection plan

Allowed if Mitigated

- Very high fire hazard zone
- Hazmat site
- Alquist-Priolo earthquake zone
- Flood hazard area and floodway

Gov Code 65913(a)(6)

Additional Qualifications

- Labor Requirements for 100% lower income projects and buildings greater than 85 ft
- Proximity to freeway (500 ft): certain HVAC requirements and no freeway facing balconies
- Phase I and II studies and if necessary, remediation
- Certain requirements for tribal consultation



Tribal Consultation

Timeline	Requirements
Within 14 days of: • “notification” (before 7/1/26), OR • “deemed compete” (7/1/26 or later)	Notify Tribes
60 days from formal notification	Tribes must respond
Within 14 days of tribal acceptance	Initiate consultation
45 days from consultation initiation (plus optional 15-day extension)	Conclude consultation
Within 30 days from conclusion of consultation	Make decision on project



Tribal Consultation Takeaways

- Does not require that an agreement be reached, but consultation must be meaningful
 - Specific conditions of approval must be attached unless both tribe and project proponent agree that conditions can be eliminated
 - Any agreement beyond these conditions must be agreed to by tribe, local government, and project proponent
- Intent is to provide clearer rules (than AB 52) as to when consultation is completed

How AB 130 Differs from Other Exemptions

Full Statutory Exemption

- No complex streamlining processes
- Complete statutory exemption
- Eliminates environmental review requirements entirely for qualifying projects

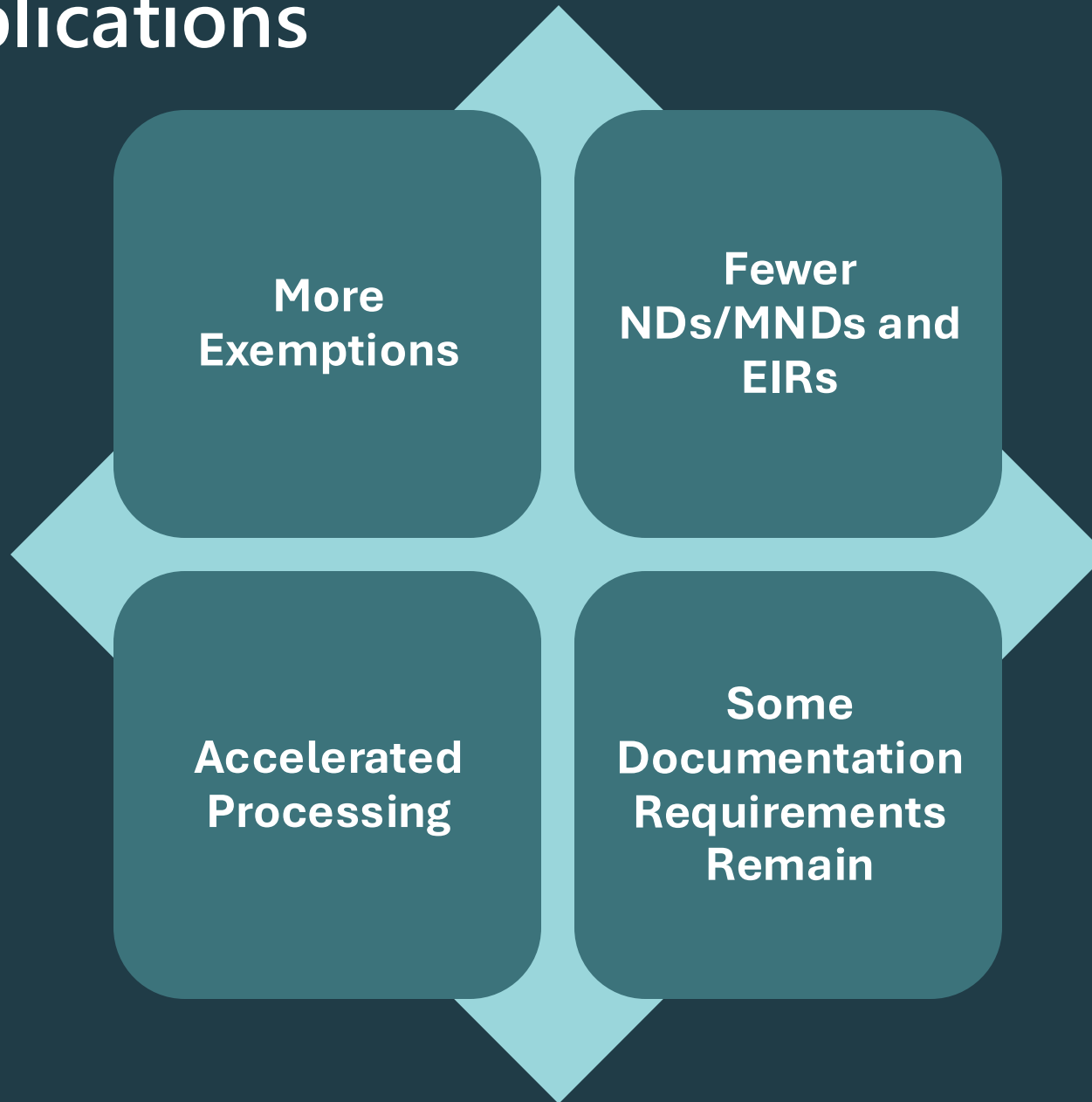
Broader Applicability

- Applies to sites located within the boundaries of an incorporated municipality or in an “urban area” as defined by the US Census Bureau
- No proximity to transit required
- No unit caps
- Larger sites allowed, up to 20 acres (potentially several city blocks in urban areas)
- No affordability requirements for most projects
- Limited labor requirements (only for 100 percent affordable or projects over 85 feet in height)

Simplified Criteria

- Not subject to CEQA Guidelines Section 15300.2 exceptions for categorical exemptions
- Fewer and less-restrictive environmental criteria
- No need to interpret whether impacts are “peculiar” to the project or site or determine if there are “unusual circumstances”
- Clearer, more objective standards

Practice Implications



Decision Tool Worksheet

AB 130 INFILL HOUSING EXEMPTION WORKSHEET

Decision-Assistance Tool for Determining Project Eligibility

If you answer **YES** to all questions below, your project likely qualifies for the exemption.

REQUIREMENTS	APPLICABILITY	YES	NO
Site Considerations			
Site Size: 20-acre maximum; 5-acre maximum for Builder's Remedy projects	Is the site 20 acres or less?		
	If the project is subject to Builder's Remedy, is the site 5 acres or less?		
Urban Area Existing and Surrounding Uses	Is the project located within the boundaries of an incorporated municipality or in an "urban area" as defined by the US Census Bureau? Tip: Check the US Census website: www.census.gov/programs-surveys/geography/guidance/geo-areas/urban-rural.html		
	Is the site currently developed or was it previously developed with an urban use?		
	If not, does the site meet the following criteria? - At least 75% of the perimeter of the site adjoins parcels that are developed with urban uses - At least 75% of the area within a one-quarter mile radius of the site is developed with urban uses - For sites with four sides, at least three sides are developed with urban uses and at least two-thirds of the perimeter of the site adjoins parcels that are developed with urban uses		
Consistency with General Plan and Zoning	Is the project consistent with the general plan and zoning?		
	If the site is not consistent with both, is it consistent with one or the other?		
Coastal Zone	Is the project located outside of the coastal zone, as defined in Division 20 (commencing with Section 30000) of the Public Resources Code? Tip: Check Division 20 of the PRC: www.coastal.ca.gov/coastact.pdf		
Proximity to Freeways	Is the site located beyond 500 feet of a freeway?		
	If not, does the project include HVAC and air filter systems and avoid balconies facing the freeway?		
Project Considerations			
Minimum Density	Is the project consistent with the following density deemed appropriate to accommodate lower-income households—at least half of the following: 30 du/ac in metropolitan counties 20 du/ac in suburban jurisdictions 10-15 du/ac in non-metropolitan counties		

Decision-Assistance Tool for Determining Project Eligibility

01

REQUIREMENTS	APPLICABILITY	YES	NO
Wage Requirements	Does the project comply with the following wage requirements? - NA if the project is less than 100% affordable and shorter than 85 feet in height - If the project is 100% affordable, prevailing wage must be paid - If the project is above 85 feet tall, prevailing wage must be paid and "skilled and trained" workforce must be used		
Hotel and Motel Projects	Does the project exclude hotel or motel uses? Note: Transient lodging uses are not eligible for the exemption unless their application was deemed complete by January 1, 2025.		
Environmental Considerations			
Phase I Environmental Assessment	Has a Phase I ESA or Preliminary Endangerment Assessment been completed? Tip: Search the Cortese List: calepa.ca.gov/sitecleanup/cortese/section-65962-5a If so, will remedial action address any concerns?		
Tribal Consultation	Has tribal consultation been initiated?		
	Have tribal concerns been addressed?		
Farmland	Does project avoid development on prime farmland or farmland of statewide importance, as defined pursuant to US Department of Agriculture land inventory and monitoring criteria? Tip: Check for Important Farmland: www.conservation.ca.gov/dlrp/fmmp		
Wetlands	Does the project avoid development on wetlands as defined in the US Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993)? Tip: Check the following resources for an initial screening: www.fws.gov/program/national-wetlands-inventory/wetlands-mapper , www.usgs.gov/national-hydrography/national-hydrography-dataset , and www.ecoallias.org . Should suspected wetlands be present, a qualified wetland ecologist should visit the site to determine if wetlands are present.		
Fire Hazards	Does the project avoid development in a very high fire hazard severity zone, as determined by the California Department of Forestry and Fire Protection (CAL FIRE) pursuant to Section 51178, or in a high or very high fire hazard severity zone as indicated on maps adopted by CAL FIRE pursuant to Section 4202 of the Public Resources Code? Tip: Check for fire-hazard severity zones: oem.fire.ca.gov/what-we-do/community-wildfire-preparedness-and-mitigation/fire-hazard-severity-zones		

Decision-Assistance Tool for Determining Project Eligibility

02

REQUIREMENTS	APPLICABILITY	YES	NO
Hazardous Wastes	Does the project avoid hazardous waste sites that are listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code? Tip: Search the Cortese List: calepa.ca.gov/sitecleanup/cortese/section-65962-5a		
	If the site is listed, has the Department of Toxic Substances Control cleared the site for residential or residential mixed use?		
Earthquake Fault Zone	Does the project avoid development within a delineated earthquake fault zone as determined by the State Geologist on 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 any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2? Tip: Check the California Department of Conservation Alquist-Priolo Fault Hazard Zone Maps: maps.cnra-cadoc.opendata.arcgis.com/datasets/cadoc:cgsc-seismic-hazards-program-alquist-priolo-fault-hazard-zones/about		
Flood Zones	Does the project avoid development within a 100-year flood zone or regulatory floodway as determined by the Federal Emergency Management Agency? Tip: Check flood zone maps: msc.fema.gov/portal/home#:~:text=About%20Flood%20Map%20Service%20Center,for%20better%20understanding%20of%20flood%20risk		
Historic Resources	Does the project avoid demolition of or adverse effects to historical structures listed on a national, state, or local historic register before the project's preliminary application was submitted? Tip: Consult local agency registers and check for listed historical resources: ohp.parks.ca.gov/ListedResources		
Conservation Lands	Does the project avoid development on 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 USC Section 1531 et seq.), or other adopted natural resource protection plan?		
Habitat for Protected Species	Does the project avoid development on habitat for special-status species? Tip: Run a CNDDB search www.wildlife.ca.gov/Data/CNDDB/Maps-and-Data Should suspected habitat be present, a qualified biologist should visit the site to determine if habitat is present.		
Conservation Easements	Does the project avoid development of land under a conservation easement?		

Decision-Assistance Tool for Determining Project Eligibility

03

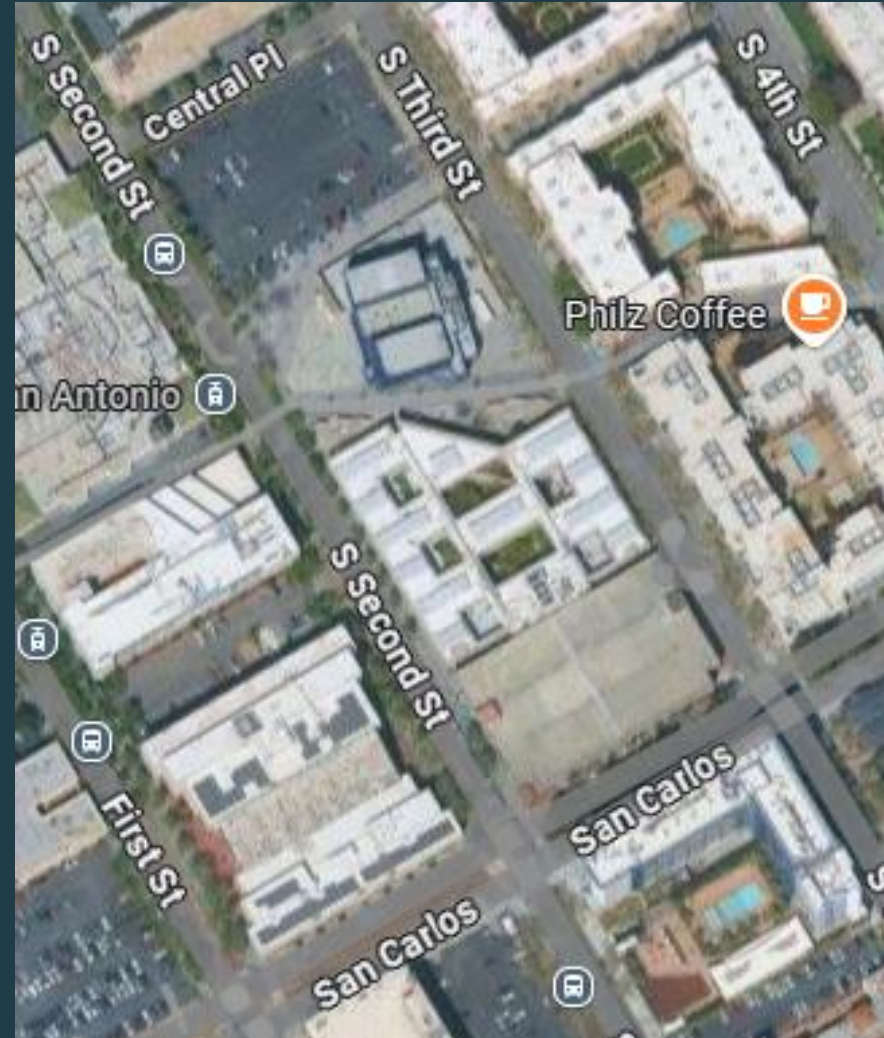
<https://ascent.inc/new-infill-exemption/>

Sample Project

- Located in the City of San Jose
- Up to 1,000 residential units in 10+ stories
- Designated Downtown Commercial (residential is allowable)
- Less than 5 acres in size
- In a developed area
- Not within 500 feet of freeway

Would qualify – subject to prevailing wage

Next steps – tribal consultation and Phase I ESA



Sample Project



- Located in the City of West Sacramento
- Up to 150 residential units
- Designated Medium Density Residential
- 9 acres in size
- In a suburban area
- Not within 500 feet of freeway

Would not qualify

Perimeter is not 75% developed

AB 130: VMT Mitigation Bank Program

VMT Mitigation Policy

- Establishes policy language to support preparation of a program of vehicle miles travelled (VMT) mitigation guidelines.
- Intended to facilitate the development of VMT-efficient affordable housing or related infrastructure.





VMT Mitigation

- Project with significant VMT impact may mitigate the impact to less than significance by funding or facilitating VMT-efficient affordable housing or related infrastructure
- Contributions to be determined pursuant to LCI guidance
- Requires LCI to issue its guidance by July 1, 2026, to be updated every 3 years
- Intended to be an option and not the sole method of mitigation

VMT Mitigation Funding Priority

1

Highest Priority

Affordable housing or related infrastructure projects in location-efficient areas, within the same region

Location-Efficient

Same Region



2

Medium Priority

Affordable housing or related infrastructure projects within the same region as the project

Same Region



3

Lower Priority

Affordable housing or related infrastructure projects in location-efficient areas outside of the originating region but within an adjacent region, within a defined proximity radius established by LCI

Location-Efficient

Adjacent Region

SB 131: Streamlining for Near Miss Projects

Eligibility

- Housing development projects that **almost** qualify for an exemption (Statutory exemptions; Classes 1-5, 12, 15, 20, 27, 30, and 32), but for a **single** condition
- A “condition” is defined as a “physical or regulatory feature of the project or its setting or an effect upon the environment caused by the project.”





Exclusions

- Does not apply to residential projects that also include:
 - Warehouse distribution centers
 - Oil and gas infrastructure facilities
 - Projects on parcels exceeding 4 acres that are either builders remedy projects or are very low, low, or moderate income, or emergency shelter projects that are inconsistent with a general plan and zoning ordinance (where a jurisdiction has a compliant housing element).
 - Projects located on natural and protected lands



Potential Single Condition Scenarios

Size and Scale Exceedances

Regulatory Inconsistencies

Environmental Threshold Triggers

Other Project Eligibility Limitations

Document Requirements and Enhanced Consultation

Focused CEQA Review (Initial Study, Negative Declaration, or EIR):

- Only address the single condition that makes project ineligible for exemption
- Does not require analysis of alternatives or growth inducing impacts
- All other required contents and noticing provisions of an ND, MND, or EIR would apply

Enhanced Consultation Process

- Facilitates more efficient project planning and review
- Applicants may request pre-filing consultation with lead agencies regarding the range of potential actions, alternatives, mitigation measures, and significant environmental effects



Implementation Uncertainties

- How to weigh the options of using SB 131 versus other available streamlining pathways?
- Definition of a single condition not well defined
- Most readily applicable when the single disqualifying condition is a physical condition
- How to determine the scope of analysis for:
 - exceedance of site size or number of units
 - contribution to a cumulative impact for single-issue area when there is no project analysis
 - a project that is not fully surrounded by urban development
 - A project that could result in a significant impact due to unusual circumstances—can this be limited to a single-issue analysis?
- What if the one condition relates to a series of site characteristics, such as AB 130's requirement that a project satisfies the requirements specified in paragraph (6) of subdivision (a) of Section 65913.4 of the Government Code, which includes numerous environmental conditions?



Best Practices for Implementation

Develop
standardized
procedures

Establish clear
criteria for
qualifying projects

Create templates

Document
conformance with
applicable criteria

Conduct pre-filing
consultation with
applicant

Prepare focused
technical studies

Coordinate with
legal counsel

Use in tandem
with AB 130 (Infill
Exemption)

SB 131: Exemption for Rezoning Required by Housing Element Update

Housing Element Rezoning Exemption

- Housing Element Law requires local governments to 1) identify sites that must be upzoned to meet RHNA and then 2) upzone sites as promised
 - Rezoning must occur 1-3 years from housing element certification deadline
 - CEQA applies to housing element zoning, and many local governments prepare EIRs
- **SB 131** exempts *most* rezoning that implement an approved housing element (e.g., except if project is on natural and protected lands)



SB 131: New CEQA Exemptions for Specific Project Types

Other Exemptions

- **Agricultural employee** housing that complies with 21159.22 and is funded by public funds (21080.44 new)
- Community water **systems for disadvantage communities** – added on-site wastewater treatment (21080.47 amended)
- **Community water systems** funded by certain public funds and “does not otherwise include any construction activities” (21080.47 new)
- **Linear broadband** within 30-feet of roadway right-of-way (21080.51 amended)
- Planning, design, site acquisition, construction, operation, or maintenance of **public park or nonmotorized recreational trail facilities** with certain funding – primarily coastal access and parks within disadvantaged communities (21080.57 new)
- A **daycare center** that is not in a residential area (21080.69 new)
- A **rural health clinic** (less than 50,000 square feet in total space) (21080.69 new)
- **Nonprofit food bank or pantry** (21080.69 new)
- **High-tech manufacturing** within an industrial area (21080.69 new)
- **High-Speed Rail Maintenance Facilities and Stations** – must have been already evaluated in a section’s environmental document (21080.71 new)

SB 131: Other Notable CEQA Changes

Other CEQA Changes



Revisions to administrative record preparation requirements for CEQA litigation



Infill guidance to be updated every two years starting 1/1/27
(Public Resources Code 21094.5.5)

A Municipal Planning Perspective

Santa Ana, California

Santa Ana

- County seat of Orange County, 27+ square miles, 310,000+ population
- Served by multiple freeways (I-5, SR-22, SR-55, & SR-57), as well as regional train (Amtrak and Metrolink) and OC Streetcar, set to open summer 2026
- Virtually every vacant or underutilized lot is considered an infill site



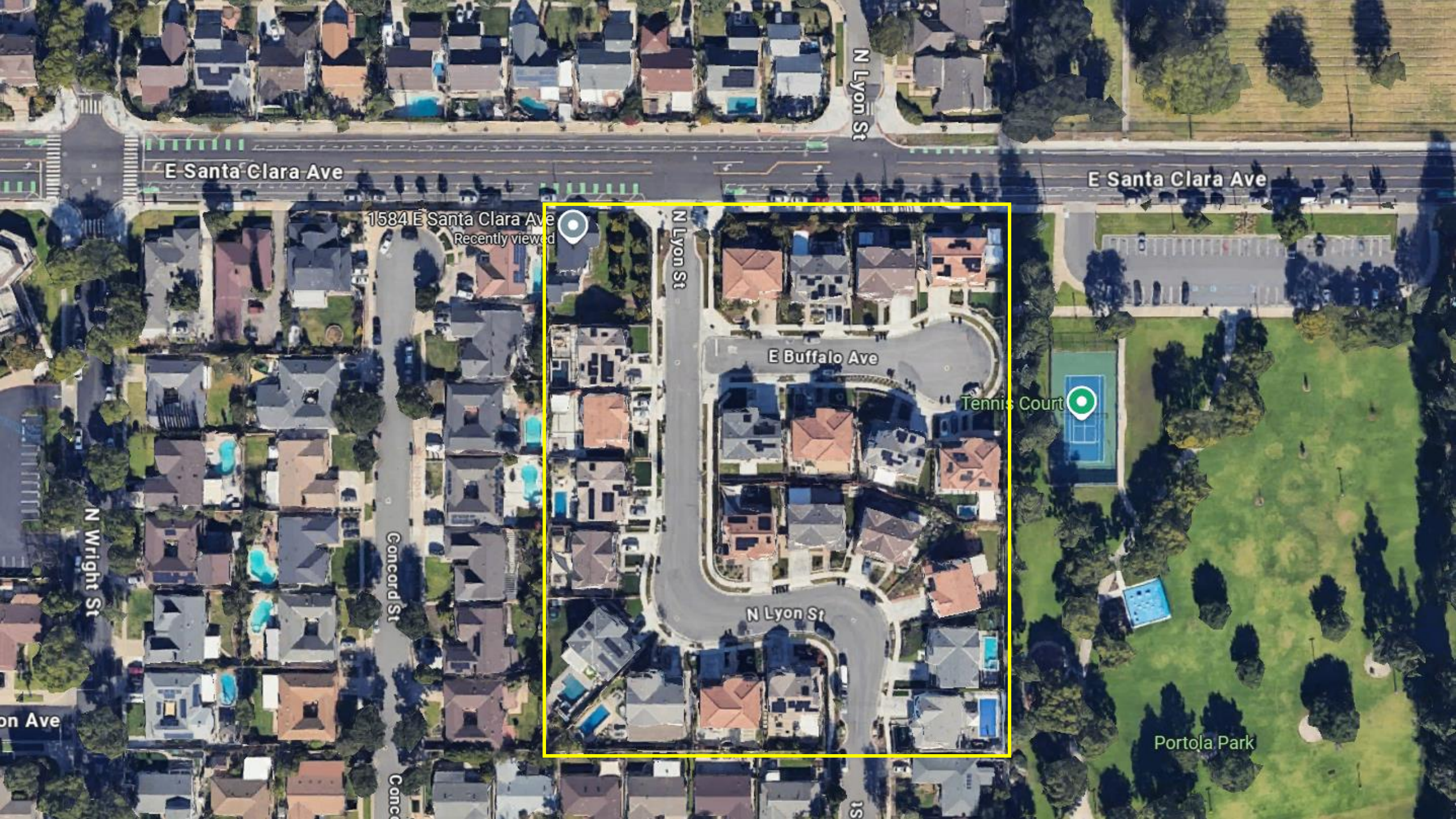
Could a Jurisdiction Benefit from AB 130 & SB 131?

- Recent exemptions or streamlining legislation has shown mixed results
- Examples:
 - Section 15195: Residential Infill Exemption, but must contain onsite affordability. *Think: how are physical impacts to the environment any different for market rate vs. affordable housing?*
 - AB 2011/SB 6: Streamlining for infill projects, but require either onsite affordable housing or skilled/trained workforce in construction. *Think: how are physical impacts to the environment any different for market rate vs. affordable housing, or projects using skilled/trained workforce in construction?*
- Studies from California Department of Finance and the Turner Center at UC Berkeley show that ADUs remain by far the most common form of housing (20%) under construction statewide

Case Study: Sexlinger Farmhouse & Orchard

- **Five-acre** site at 1584 E. Santa Clara Ave., Santa Ana
- Farmhouse constructed in 1914; approximately 250 Valencia Orange trees remaining by 2014
- Site annexed into Santa Ana in 1979 and zoned for residential use
- Development application for infill single-family homes submitted in 2010
- Following public input, site was **placed on local historic register in 2012**
- EIR prepared and revised/recirculated three (3!) times
- Following multiple public hearings, approved project included construction of 22 new single-family homes and restoration of the farmhouse into a 23rd home for sale, surrounded by historical orange trees on a 0.23-acre lot





E Santa Clara Ave

N Lyon St

E Santa Clara Ave

1584 E Santa Clara Ave
Recently viewed

N Lyon St

E Buffalo Ave

Tennis Court

N Wright St

Concord St

N Lyon St

on Ave

Portola Park

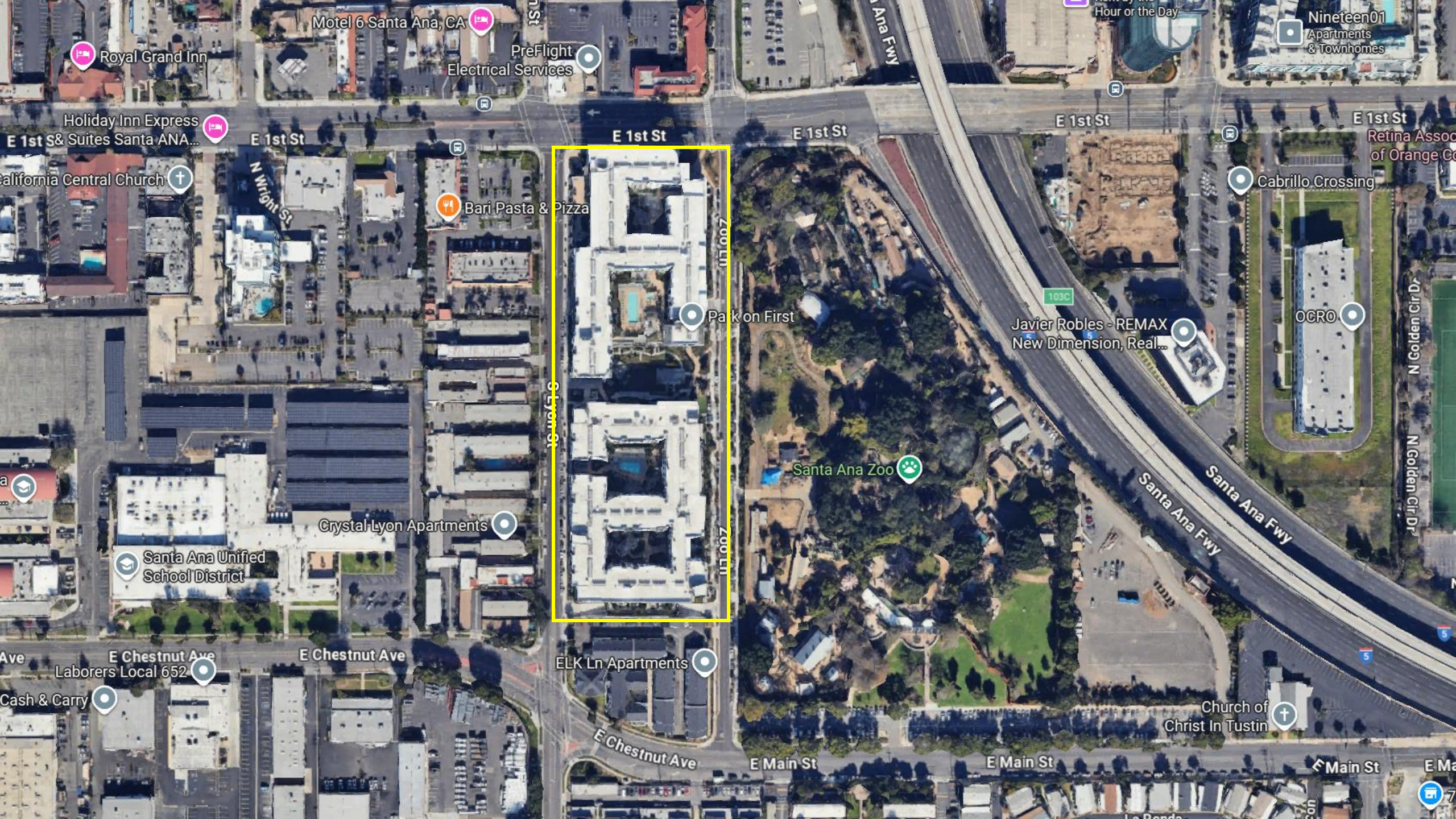
Case Study: Sexlinger Farmhouse & Orchard

- AB 130 repeals the expiration provisions of the Housing Crisis Act of 2019
 - Limits on number of public hearings
 - Local agency must determine whether the site of a housing development project is a historic site at the time the application is deemed complete
- Sexlinger orchard was located on a site that was **less than 20 acres** in size, **surrounded by urbanized uses**, and the farmhouse was determined to be **not historic at the time of application being deemed complete**
- Developer could have benefitted from AB 130 if it had been in place in 2014 when the project was ultimately approved

Case Study: Park on First (Formerly “Elan”)

- **Nine-acre** site at 1660 E. First Street, Santa Ana
- 603 units and 20,000 sq. ft. commercial, plus open space and street enhancements
- Former headquarters of the Elks Lodge in Santa Ana, built in 1961
- Application submitted early 2017; necessitated general plan amendment and zone change, and accompanying CEQA
- Initial review indicated CEQA would be addendum to existing EIR
- All technical studies supported addendum, but **historic review indicated existing Elks Lodge building on site was eligible for preservation**
- Triggered Subsequent EIR





Motel 6 Santa Ana, CA

Royal Grand Inn

PreFlight
Electrical Services

Nineteen01
Apartments
& Townhomes

Holiday Inn Express
E 1st S& Suites Santa ANA...

E 1st St

E 1st St

E 1st St

E 1st St

E 1st St

California Central Church

Bari Pasta & Pizza

Park on First

Javier Robles - REMAX
New Dimension, Real...

OCRO

Retina Assoc
of Orange Co

Cabrillo Crossing

Santa Ana Zoo

Santa Ana Fwy

Santa Ana Fwy

Crystal Lyon Apartments

Santa Ana Unified
School District

ELK Ln Apartments

E Chestnut Ave
Laborers Local 652

E Chestnut Ave

E Chestnut Ave

E Main St

E Main St

Main St

Church of
Christ In Tustin

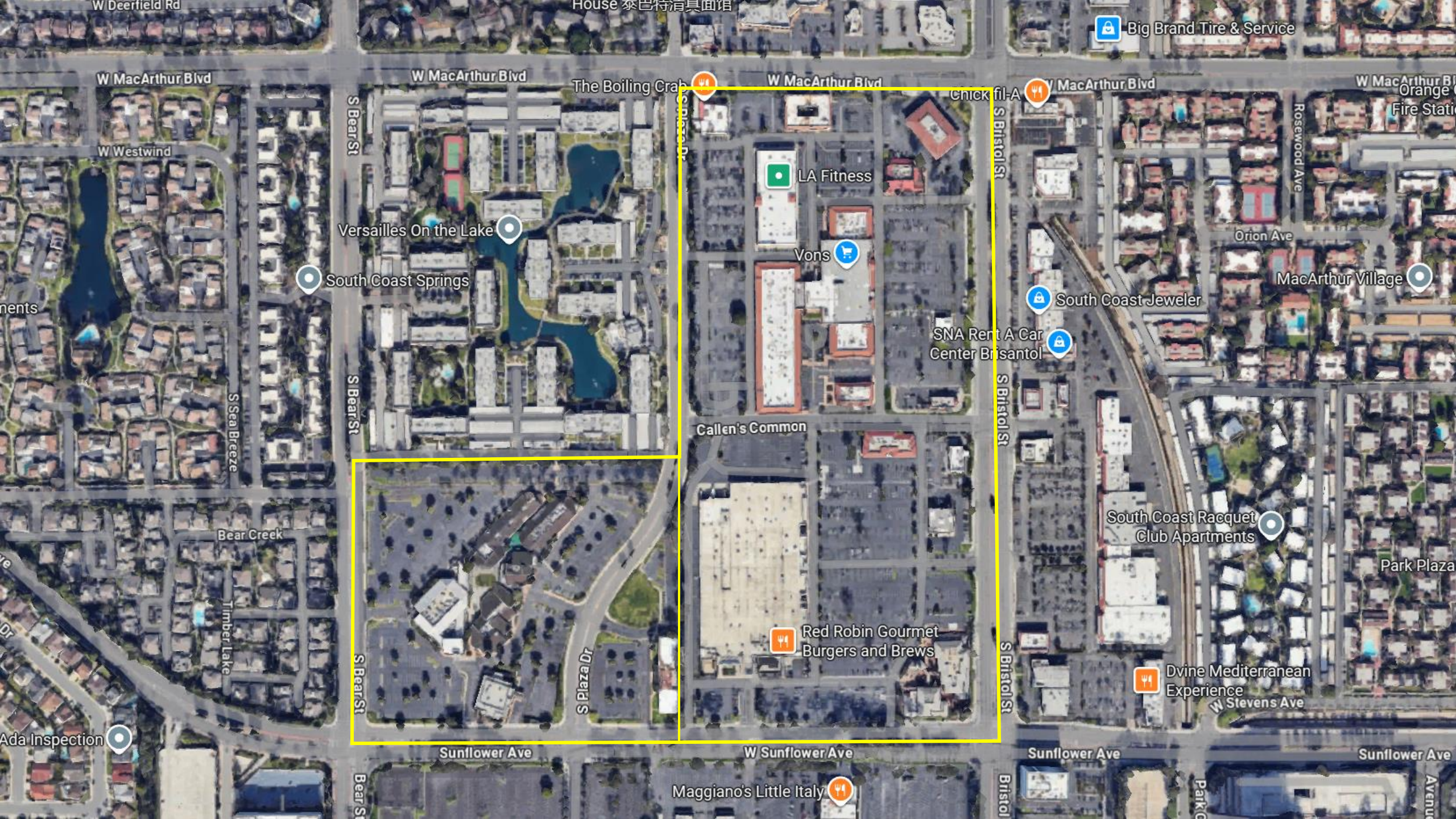
Case Study: Park on First (Formerly “Elan”)

- SB 131 addresses housing development projects that narrowly fail to qualify for any CEQA exemption due to a single disqualifying condition
- In those “near miss” instances, SB 131:
 - Limits CEQA review to environmental effects caused solely by that condition
 - Waives the need for analysis of project alternatives, cumulative impacts, and growth-inducing effects
- The **sole “miss”** for the Elan project was the identification of the 1961 Elk Lodge’s eligibility for historic preservation
- The Subsequent EIR resulted in a multifold increase in costs to the developer, additional staff resources, and lengthier review time
- Ultimately, the project was built, resulting in public benefits such as new publicly-accessible open space acreage, reconstruction of a major roadway leading to the Santa Ana Zoo, pedestrian enhancements, and Zoo wayfinding signage

Other Recent Santa Ana Projects

- Related Bristol Specific Plan (2024)
 - **41-acre** site, 3,750 residential units, 350,000 sq. ft. commercial, 250-room hotel, 200-unit senior continuum of care, and 13+ acres publicly-accessible open space
 - Necessitated Supplemental EIR
- The Village Santa Ana Specific Plan (2025)
 - **17-acre** site, 1,583 residential units, 80,000 sq. ft. commercial, 300,000 sq. ft. office, and 7+ acres publicly-accessible open space
 - Necessitated Supplemental EIR
- Santa Ana's General Plan Update was approved by the City Council in 2022, with an accompanying Final Program EIR
- CEQA reviews for both projects came down to:
 - **Recreation and Air Quality** impacts for Related Bristol
 - **Recreation** impacts for The Village





W MacArthur Blvd

W MacArthur Blvd

The Boiling Crab

W MacArthur Blvd

Chick-fil-A

W MacArthur Blvd

W MacArthur Blvd

W Westwind

S Bear St

Versailles On the Lake

South Coast Springs

LA Fitness

Vons

SNA Rent A Car
Center Bristol

South Coast Jeweler

MacArthur Village

Callen's Common

South Coast Racquet
Club Apartments

Red Robin Gourmet
Burgers and Brews

Dvine Mediterranean
Experience

Maggiano's Little Italy

Sunflower Ave

W Sunflower Ave

Sunflower Ave

Sunflower Ave

S Bear St

S Bristol St

S Bear St

S Plaza Dr

S Bristol St

W Stevens Ave

Bristol

Park G

Avenue

S Sea Breeze

Bear Creek

Timber Lake

nents

ve

Dr

Ada Inspection

Other Recent Santa Ana Projects

- The entitlement review process for each **project took about one year**, including drafting and circulating the EIR
- Both projects also **proposed development agreements** (DAs), which added about another year to their timelines
- Given the recency of both AB 130 and SB 131, it is **difficult to state with certainty** that these bills would have benefitted both projects, but reliance on staff's in-house expertise and a team of professionals helps further the City's goals of being pro-housing and pro-infill development
- Remembering **CEQA's goals** and how those fit in with the **City's goals** in the General Plan helps **staff remain committed to streamlined review** as much as possible

Questions?



AscentShare e-newsletter series on the 2025 Trailer Bills

- CA 2025 Trailer Bills—A Deep-Dive Series
- Available at ascent.inc/ca-2025-trailer-bills/
- AB 130 – Residential Reach Code Moratorium
- AB 130 – New Residential Infill Exemption
- SB 131 – Expedited Review for “Near-Miss” Projects
- SB 131 - New CEQA Exemption for Parks and Trails (Prop 4 Funded Projects)
- More articles to come