

Date of Hearing: April 30, 2025

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Juan Carrillo, Chair

AB 648 (Zbur) – As Introduced February 13, 2025

**SUBJECT:** Community colleges: housing: local zoning regulations: exemption

**SUMMARY:** Exempts from a city’s or county’s local zoning regulations the construction of faculty, staff, and student housing projects when constructed on property owned or leased by a community college district (CCD). Specifically, **this bill:**

- 1) Provides that, notwithstanding any other law, the construction of a faculty and staff housing project, student housing project, or university housing development project shall be exempt from local zoning regulations of a city, county, or city and county when constructed on property owned or leased by a CCD.
- 2) Defines the following terms for purposes of this bill:
  - a) “Faculty and staff housing project” means one or more housing facilities to be occupied by faculty or staff of one or more campuses, and owned by a public university, including dining, academic, and faculty and staff support service spaces and other necessary and usual attendant and related facilities and equipment;
  - b) “Student housing project” means one or more housing facilities to be occupied by students of one or more campuses and owned by a public university, including dining, academic and student support service spaces, and other necessary and usual attendant and related facilities and equipment;
  - c) “University housing development project” means a student housing project or a faculty and staff housing project that is not located, in whole or in part, on a site that is prime farmland or farmland of statewide importance, wetlands, within a very high fire hazard severity zone, a hazardous waste site or hazardous substances release site, within a delineated earthquake fault zone, within a special flood hazard area, within a regulatory floodway, lands identified for conservation, habitat for protected species, or lands under conservation easement, as specified.
- 3) Finds and declares that the construction of a faculty and staff housing project, student housing project, or university housing development project on property owned or leased by a CCD is a state priority to address California’s growing affordable housing shortage and its impact on students, is consistent with the state’s development and funding of a holistic, student-centered, affordability and basic needs infrastructure, furthers the state’s interest in advancing economic development through education and training, is a matter of statewide concern, and is not a municipal affair, as defined in Section 5 of Article XI of the California Constitution. Therefore, this bill applies to all cities, including charter cities.

**EXISTING LAW:**

- 1) Requires each county or city to adopt a general plan for the physical development of the county or city and authorizes the adoption and administration of zoning laws, ordinances, rules, and regulations by cities and counties. (Government Code § 65300)
- 2) Requires the general plan to contain seven mandatory elements: land use, circulation, housing, conservation, open-space, noise, and safety. (Government Code § 65302)
- 3) Requires a county or city's housing element to be updated every five or every eight years, depending on the jurisdiction. (Government Code § 65588)
- 4) Requires county or city zoning ordinances to be consistent with the general plan of the county or city. (Government Code § 65860)
- 5) Authorizes the legislative body of any county or city to adopt ordinances that regulate the use of buildings, structures, and land as between industry, business, residences, open space, including agriculture, recreation, enjoyment of scenic beauty, use of natural resources, and other purposes. (Government Code § 65850)
- 6) Establishes the California Community Colleges (CCC) as a postsecondary education system in this state, under the administration of the Board of Governors; and, specifies that the CCC consist of CCDs. (Education Code § 70900)
- 7) Provides that every CCD is under the control of a board of trustees, referred to as a "governing board." The governing board of each CCD is required to establish, maintain, operate, and govern one or more community colleges in accordance with law. In so doing, the governing board may initiate and carry on any program, activity, or may otherwise act in any manner that is not in conflict with or inconsistent with, or preempted by, any law and that is not in conflict with the purposes for which community college districts are established. (Education Code § 70902)
- 8) Authorizes any CCD to enter into leases and agreements relating to real property and buildings to be used by the district. (Education Code § 81330)
- 9) Authorizes the governing board of a school district, by a vote of two-thirds of its members, to render a city or county zoning ordinance inapplicable to a proposed use of property by the school district. The governing board of the school district may not take this action when the proposed use of the property by the school district is for nonclassroom facilities, including, but not limited to, warehouses, administrative buildings, and automotive storage and repair buildings. (Government Code § 53094)

**FISCAL EFFECT:** None.

**COMMENTS:**

- 1) **Bill Summary and Author's Statement.** This bill exempts from a city's or county's local zoning regulations the construction of faculty, staff, and student housing projects when constructed on property owned or leased by a CCD.

According to the author, “This bill is aimed at addressing housing insecurity for our community college students and staff and preventing homelessness. California’s community college students face some of the highest rates of housing insecurity and homelessness in the state. By eliminating zoning barriers to the construction of critical housing projects, California will take another bold step toward tackling our affordable housing crisis. Housing is a fundamental need for community college students and staff. This legislation will cut through red tape and ensure that students can focus on their studies, and staff can focus on their work, without the stress of not knowing where they will sleep at night.”

This bill is sponsored by Santa Monica College, LA Community College District, Abundant Housing LA, and the Student HOMES Coalition.

- 2) **Police Power.** The California Constitution allows cities and counties to “make and enforce within its limits, all local, police, sanitary and other ordinances and regulations not in conflict with general laws.” It is from this fundamental power (commonly called the police power) that cities and counties derive their authority to regulate behavior to preserve the health, safety, and welfare of the public—including land use authority.
- 3) **Planning and Zoning Law.** State law provides additional powers and duties for counties and cities regarding land use. Each city and county must prepare and periodically update a comprehensive, long-range general plan to guide future planning decisions. A general plan must contain seven mandatory elements, including a land use element and a housing element. Most of cities’ and counties’ major land use decisions – subdivisions, zoning, public works projects, use permits, etc. – must be consistent with their general plans. Development decisions must carry out and not obstruct a general plan’s policies.

The California Supreme Court has called the general plan “the constitution for all future development” because it presents a vision and a set of principles for future growth in the community. It serves an important role in shaping the location and type of development that will occur, ensuring that there is adequate infrastructure to support that development, providing adequate open space, and mitigating future risks from fire, floods, and climate change. Zoning ordinances then effectuate the requirements in the housing element and general plan. Those ordinances are specific where the general plan is not.

- 4) **Local Zoning.** Local governments use their police power to enact zoning ordinances that establish the types of land uses that are allowed or authorized in an area. Local zoning laws are a foundational tool that cities and counties use to ensure compatible land uses that are in alignment with their general plan. By designating specific areas for residential, commercial, industrial, and other uses, zoning helps maintain public health, safety, and quality of life—such as by preventing a factory from being sited next to a school or a nightclub next to a quiet residential block. These local controls also allow communities to plan infrastructure, transportation, and public services in a coherent way.

Zoning often identifies a primary use for parcels in the area, as well as other uses that are allowed if they meet conditions imposed by the local government. For example, an agricultural area may be zoned to allow agricultural uses “by right”—without local discretion—but also allow development of a single family home as an ancillary use, so that the farmer has a house to inhabit. Zoning ordinances also contain provisions to physically shape development and impose other requirements, such as setting maximum heights and

densities for housing units, minimum numbers of required parking spaces, setbacks, and lot coverage ratios. These ordinances can also include conditions on development to address aesthetics, community impacts, or other particular site-specific considerations. While zoning laws must be consistent with the general plan they can, in practice, lag behind updates to the general plan.

- 5) **Student Housing Crisis.** California has 116 community colleges (CCs), organized into 73 CCDs. Of the 116 CCs, 12 currently offer student housing. According to the May 2024 *Update on Student Housing Assistance* by the Legislative Analyst's Office (LAO), "Housing insecurity can refer to a range of challenges related to student's living arrangements. At California's higher education segments, students are commonly described as housing insecure if they face challenges such as difficulty paying rent or utilities, living in overcrowded units, or needing to move frequently. The higher education segments tend to use 'homelessness' to refer more specifically to lacking a stable place to stay at night. The segments' definitions of homelessness typically include students without a permanent home who are temporarily staying with relatives or friends ('couch surfing'), at hotels or motels, in emergency shelters or transitional housing, and in places not meant for habitation (such as cars or tents)."

According to LAO's report, 58% of California's community college students have faced housing insecurity and 24% have experienced homelessness. However, it should be noted that the response rate of this survey was not reported, but LAO estimates the respondents reflect 6% of total headcount at participating colleges. According to the California Community Colleges Student Housing 2024 Report, more than 78% of California community colleges that currently offer housing also have students on waiting lists.

- 6) **Rezoning for Housing.** Many efforts have been undertaken, and are currently underway, to alter local zoning processes to encourage more housing.
- a) **Rezoning for RHNA.** Each city or county must show in its Housing Element how it will zone enough land to meet its share of housing units, based on the Regional Housing Needs Allocation (RHNA). RHNA is set using state and regional data and includes targets for very low-, low-, moderate-, and above moderate-income housing. If a jurisdiction's Housing Element does not identify enough existing, properly zoned sites to accommodate its RHNA, the Housing Element must have a program to rezone properties for housing to make up for the shortfall within a certain timeframe (typically three years). If a local government fails to complete the rezoning by the deadline, HCD may decertify a housing element and may refer the jurisdiction to the Attorney General.
- b) **Legislative Efforts.** AB 1398 (Bloom) of 2021 required expedited rezoning for local jurisdictions that fail to adopt a legally compliant housing element within 120 days of the statutory deadline.

SB 330 (Skinner) of 2019, the Housing Crisis Act, restricted, for a period of five years, actions by cities and counties that would reduce the production of housing, including by changing the general plan, land use designation, or zoning of a parcel to a less intensive use.

SB 35 (Wiener) of 2017 established a streamlined, ministerial review process for certain multifamily affordable housing projects that are proposed in local jurisdictions that have not met regional housing needs, until 2026.

SB 9 (Atkins, et al.) of 2021 required ministerial approval of housing developments with two units (duplexes) and subdivision maps that meet certain conditions, and increases the length of time that cities and counties can extend the validity of existing subdivision maps.

SB 10 (Wiener) of 2021 authorized a city or county to pass an ordinance that is not subject to the California Environmental Quality Act (CEQA) to upzone any parcel for up to ten units of residential density if the parcel is located in a transit-rich area or an urban infill site.

AB 2011 (Wicks) of 2022 enacted the "Affordable Housing and High Road Jobs Act of 2022", which created a ministerial, streamlined approval process for 100% affordable housing projects in commercial zones and for mixed-income housing projects along commercial corridors, as specified. The bill also imposed specified labor standards on those projects, including requirements that contractors pay prevailing wages, participate in apprenticeship programs, and make specified healthcare expenditures.

- 7) **CCDs Compared to UCs and CSUs.** The California Constitution and existing law treats UCs, CSUs, and CCDs differently.
- a) **UCs.** UCs are constitutionally created and therefore have full powers of organization and government. As such, the UC is not subject to regulations of local governments, such as city and county general plans and land use and zoning policies, when using the property under the UC's control in furtherance of the UC's academic mission. This applies to property owned or leased, regardless of location. This was held up in court in 2024 in *The Regents of the University of California v. Superior Court*, in which the Court of Appeal concluded that construction of a new hospital at the UCSF Parnassus Heights campus would advance the university's academic missions and educational purpose, and therefore was immune from local building and zoning regulations. However, it is important to note that most UCs are incorporated into the local city and have zoning agreements with the city. Further, many campuses have additional memorandums of understanding (MOUs) about housing and utilities in addition to zoning.
  - b) **CSUs.** The CSU system, while not constitutionally created, is a state entity established to serve a statewide public purpose. Therefore, CSUs, like UCs, are generally not subject to local zoning regulations when carrying out governmental functions aligned with their mission, unless the Legislature specifies otherwise [*Hall v. City of Taft* (1956) 47 Cal. 2d 177, 183.]. As described in the CSU CEQA Guidebook from 2019, "whether the CSU enjoys immunity in a particular case will always depend on whether the project is sufficiently related to the governmental purposes of the CSU (e.g., construction and maintenance of its buildings and housing facilities) and the nature of the activity being regulated. (See *City of Malibu v. Santa Monica Mts. Conservancy* (2002) 98 Cal. App. 4th 1379, 1383; *Bame v. City of Del Mar* (2001) 86 Cal. App. 4th 1346, 1358; *Regents of University of California v. City of Santa Monica* (1978) 77 Cal. App. 3d 130, 136- 137; *Board of Trustees v. City of Los Angeles* (1975) 49 Cal. App. 3d 45, 49-50.) Such immunity may also be transferred to a lessee if the activity to be regulated is in

furtherance of the CSU's governmental purposes. (*See Bame*, 86 Cal. App. 4th at 1358; *Board of Trustees*, 49 Cal. App. 4th at 48-49; 57 Ops. Cal. Atty. Gen. 124 (1974); 68 Ops. Cal. Att. Gen. 114 (1985).)''

Housing or other development projects by a UC or CSU remain subject to state-level environmental review under the California Environmental Quality Act (CEQA).

- c) **CCDs.** In contrast to UCs and CSUs, CCDs are not state entities. At the highest administrative level, UCs are governed by a Board of Regents, CSUs by a Board of Trustees, and CCDs by a Board of Governors. All three boards are largely appointed by the Governor, but the UC Regents and CSU Trustees require confirmation by the Legislature, while the CCD Governors do not. While the UC and CSU systems operate as centralized state agencies with broad statewide mandates and relatively autonomous Boards, CCDs are designed to reflect and respond to the specific needs of the regions they serve.

The statewide Board of Governors of the California Community Colleges provides guidance and regulatory oversight, but it does not have the same centralized control as the UC Regents or CSU Trustees. Instead, the Board of Governors sets broad policy, while individual CCDs retain significant autonomy. Each CCD is under control of a Board of Trustees (also called a governing board), which consists of locally elected officials. Each district's locally elected Board makes critical decisions about budgets, educational programs, and facilities, often in direct consultation with local agencies and civic organizations.

8) **Policy Considerations.** The Committee may wish to consider the following:

- a) Whether it is reasonable to extend similar, and more permissive, land use authority to CCDs as held by UCs and CSUs, given that UCs and CSUs are state agencies, while CCDs are primarily governed at the local level.
- b) Whether incompatible land uses, such as agricultural and residential activity near one another, may occur if CCDs are authorized to build housing on any land they own or lease, regardless of local zoning laws.
- c) Several sponsors and supporters of this bill have stated, "The bill will streamline the construction of student housing at California Community Colleges (CCC) by exempting new student and staff housing projects from local zoning regulations if the project is constructed on property owned or leased by a California Community College District (CCCD), the same exemption CCCDs already have for classroom facilities." It is unclear whether existing law, which exempts school districts' classroom facilities from local zoning laws (Government Code § 53094), applies to CCDs, or only to K-12 school districts and County Offices of Education.

9) **Committee Amendments.** In order to address some of the policy considerations raised above, the Committee may wish to consider the following amendment:

81055. (b) Notwithstanding any other law, the construction of a faculty and staff housing project, student housing project, or university housing development project shall be exempt

from local zoning regulations of a city, county, or city and county when constructed on property owned or leased by a community college district, **if the parcel meets either of the following requirements:**

- (1) The parcel is contained either wholly or partially within a one-half mile radius of a “main campus,” as defined by Section 94849 of the Education Code;**
- (2) The parcel is contained either wholly or partially within a one-half mile radius of a satellite campus that existed before July 1, 2025.**

- 10) **Related Legislation.** AB 893 (Fong) expands the eligibility for a streamlined, ministerial approval for a development project to include developments located in a campus development zone, as defined, as long as the development meets certain affordability requirements and objective standards. This bill is pending in this Committee.

AB 1021 (Wicks) makes a number of changes to AB 2295 (Bloom), Chapter 652, Statutes of 2022, which authorized a housing development project as an allowable use on any real property owned by a local educational agency (LEA), and exempts these housing development projects from the California Environmental Quality Act (CEQA). This bill is pending in this Committee.

- 11) **Previous Legislation.** AB 2243 (Wicks), Chapter 272, Statutes of 2024, made changes to the Affordable Housing and High Road Jobs Act.

AB 2011 (Wicks), Chapter 647, Statutes of 2022. Created the Affordable Housing and High Road Jobs Act, which deems the development of 100% affordable and qualifying mixed-income housing development projects that are located in commercial corridors and zoning districts to be a use by right and requires local agencies to approve these projects ministerially if certain development and workforce criteria are met.

- 12) **Arguments in Support.** According to Santa Monica College, sponsor of this bill, “Community college students often lack basic housing security... While there are multiple factors contributing to this crisis, one that cannot be ignored (and can easily be remedied) is the ease with which educational institutions can build student housing. The CSU and UC systems have long had the authority to build student and staff housing regardless of how a property is zoned, but CCCs have never been given the same authority. This has led to difficulty moving forward with much needed community college housing projects. With over half of CCC students experiencing housing insecurity, it is imperative that the state allow CCCs to increase the student housing supply as quickly as possible.

“This bill will give community colleges the authority to build housing for students and staff on property owned or leased by the CCCD without spending years going through the onerous rezoning processes. Community colleges will still be required to follow other local regulations and consult with their local planning department. Locally elected community college governing boards will still be responsible for making the final approval of proposed student housing projects for their districts. This will give CCCDs the same authority to override local zoning that the UC and CSU systems currently have. In doing so, this bill will remove a significant barrier to addressing homelessness and housing amongst community college students in California...”

YIMBY Action states, “By exempting these critical projects from local zoning regulations, the bill ensures that much-needed housing can be built more efficiently reducing costs and delays. This approach supports students and educational staff while advancing the state’s broader goals of increasing housing supply and affordability...”

“California’s severe housing shortage is causing skyrocketing homelessness and poverty, crippling our economy, and exacerbating our global climate crisis. These impacts fall disproportionately on California’s low-income workers and families and disproportionately affect communities of color. AB 648 will help address the housing shortage and ensure a welcoming California where everyone can thrive.”

- 13) **Arguments in Opposition.** League of California Cities and the California State Association of Counties (CSAC), state, “A one-size-fits-all approach to local zoning will not achieve our shared goals. Under existing law, all congregate housing, such as college dorms and similar housing does not count for local government’s progress in achieving their Regional Housing Needs Allocation (RHNA) process, even though local governments diligently work with state and local community colleges and universities to site for and plan to develop affordable student housing.

“Additionally, while the University of California and California State Universities are governed by boards controlled by the state, community college boards are made up of locally elected individuals which are primarily responsible to the constituents of the district they represent. The state’s decision in 2023 (AB 358, Addis) to remove community colleges from having to comply with the Field Act’s requirement to have their facilities construction plans reviewed by the state Department of General Services indicates a state desire to relinquish direct oversight of these types of projects. However, we believe it is prudent for cities and counties to retain their oversight role of the land use process to take over the role the state recently abdicated itself from. Retaining local land use authority that county Board’s of Supervisors and City Councils have under existing law would provide an effective partner that could work with their local Community College Board that is pursuing a housing development to ensure the community benefits from the proposed housing.

“This measure would extend the exemptions to community college districts’ land owned or leased by the local jurisdiction without specifying the development must comply with general plan requirements. The general plan is the blueprint for local jurisdictions and is important for local governments to plan for smart economic growth and residential development. By exempting any lands owned or leased from local zoning regulations, local governments cannot account for their multiple-year process to plan for and develop the community. In addition, local community college districts do not have planners on staff with experience that can balance the needs of local communities and the campus. Further, state housing laws require local governments to affirmatively further fair housing by working to prevent the concentration of housing for specific groups in a single area. The broad exemptions provided in this bill favors the development of housing for one group, community college students over others, which is the antithesis of affirmatively further fair housing.

“To further improve the law, our organizations recommend that the author remove the language to include land leased to the community college to be exempt from local zoning regulations and require the development to comply with local general plan and zoning

requirements. At a minimum, the proposal should require community college districts to consult with local planning staff and follow the adopted local general plan and their respective zoning regulations regarding where housing can or cannot be developed. In addition, Cal Cities would encourage the author to allow local jurisdictions to include student housing in their RHNA progress to account for the efforts at the local level to site and plan for affordable student, faculty, and staff housing.”

14) **Double Referred.** This bill is double-referred to the Higher Education Committee, where it passed on a vote of 7-3 on March 18, 2025.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

Santa Monica Community College District [SPONSOR]  
 Los Angeles Community College District [CO-SPONSOR]  
 Abundant Housing LA [CO-SPONSOR]  
 Student HOMES Coalition [CO-SPONSOR]  
 Allan Hancock College  
 Antelope Valley Community College District  
 Associated General Contractors of California  
 Cabrillo Community College District  
 California Apartment Association  
 California Community Colleges Chancellor's Office  
 California Yimby  
 Cerritos College  
 Chabot Las Positas Community College District  
 Circulate San Diego  
 City of Santa Monica  
 Coast Community College District  
 Community College League of California  
 Community for Excellent Public Schools  
 Compton Community College District  
 Construction Employers' Association  
 Contra Costa Community College District  
 East Bay Yimby  
 El Camino Community College District  
 Genup  
 Grow the Richmond  
 Los Angeles City College (LACC)  
 Los Angeles Pierce College  
 Los Rios Community College District  
 Mountain View Yimby  
 Napa-Solano for Everyone  
 Northern Neighbors  
 Peninsula for Everyone  
 Power CA Action  
 Rio Hondo College  
 Riverside Community College District

San Bernardino Community College District  
San Diego Community College District  
San Diego Unified School District  
Santa Cruz Yimby  
Santa Monica College Associated Students  
Santa Monica Forward  
Santa Rosa Yimby  
Santiago Canyon College  
Seed House Project  
SF Yimby  
South Bay Yimby  
Spur  
Streets for All  
Student Senate for California Community Colleges  
The Two Hundred  
Ventura County Yimby  
Victor Valley Community College District  
Welcoming Neighbors Home  
Yimby Action  
Yimby LA  
Yimby SLO

**Opposition**

California State Association of Counties (unless amended)  
League of California Cities (unless amended)

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