



Planning Commission

Item #4. 2025 Housing Legislation Update

Alexander Abbe, Assistant City Attorney

26-27

January 14, 2026

Topics

- CEQA
- Density
- ADUs
- Teacher/student housing
- Streamlining
- Brown Act





CEQA

AB 130
SB 131



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AB 130: Infill Housing Exemption

- New exemption for residential & mixed-use
 - Max parcel size: 20 acres
 - Consistent with GP & ZO
 - Previously developed with, and bordering, “urban uses”
 - Min density: 15 du/ac



Andreea Cutieru bit.ly/4qmyFle



AB 130: Infill Housing Exemption



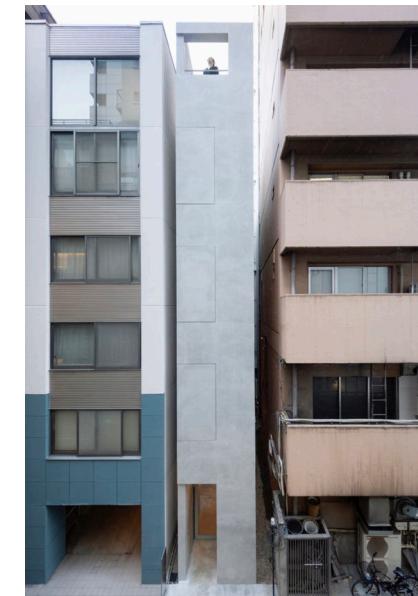
Andreea Cutieru bit.ly/4qmyFle

- Labor requirements:
 - Prevailing Wage if 100% lower-income
 - Skilled & trained workforce for buildings > 85'
- Exceptions for historic structures, wetlands, hazmat sites
- Housing within 500' of freeway has special air quality requirements



AB 130: Infill Housing Exemption

- Mixed-use ok [2/3 residential], but *not* hotels, motels, B&B's
- City still has to engage in tribal consultation process
- Developer has to complete a Phase I EA
- Took immediate effect on 6/30/25



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AB 130: Building Codes

- No more local amendments to Building Codes, between 10/1/2025 and 6/1/2031, *unless*:
 - Changes were in effect pre-9/20/2025
 - CBSC concludes justified by health & safety
 - Home hardening measures proposed by fire district
 - Necessary to implement GP approved pre-6/10/25 to incentivize all-electric construction



SB 131: New CEQA Exemptions



- “Advanced manufacturing” on industrial sites
- Childcare centers, in non-residential areas
- Nonprofit food banks / food pantries
- Federal qualified health clinics $\leq 50K$ sf



SB 131: New CEQA Exemptions

- High-speed rail
- Rezoning to implement Housing Element
- Certain parks & trail projects



SB 131



- New “**near miss**” CEQA streamlining
 - For housing projects that “narrowly fail” to qualify for CEQA exemption
 - N/A to oil/gas infrastructure
 - N/A to “natural and protected lands”



Density

SB 79
AB 87 / SB 92

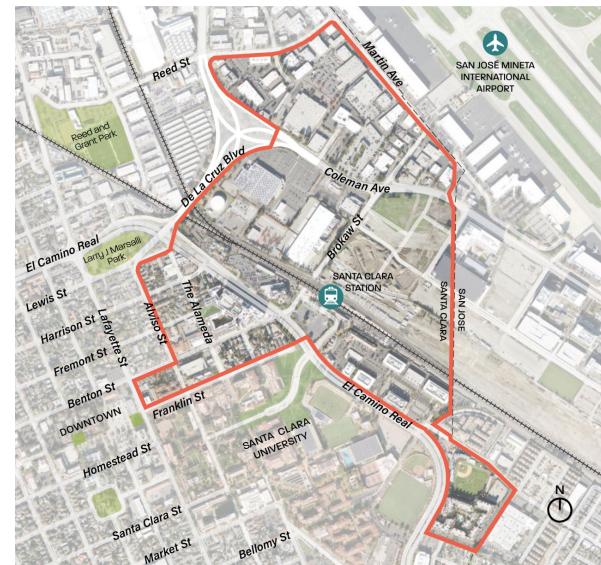


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SB 79

- By-Right High-Density Housing Near Train Stations
- Tier 1: Heavy Rail & High-Freq. Commuter Rail





SB 79

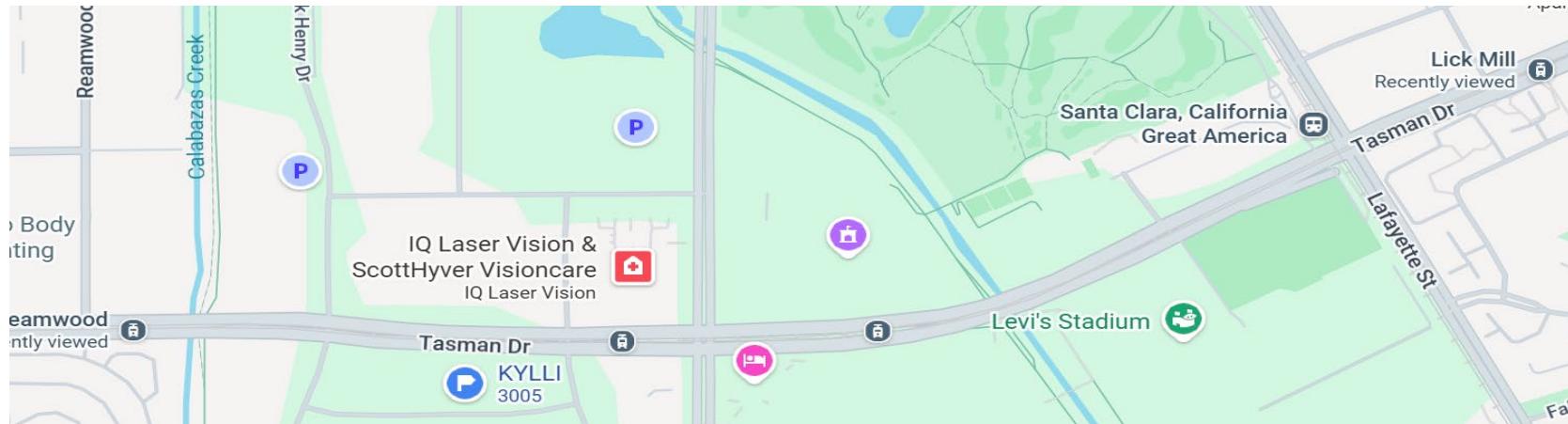
- By-Right High-Density Housing Near Train Stations
- Tier 1: Heavy Rail & High-Freq. Commuter Rail





SB 79

- Tier 2: Light Rail & Lower-Freq. Commuter Rail
[VTA Stations along Tasman Drive]





SB 79

| Type of Stop | Distance | Density* | Max Height | FAR |
|--------------|--------------------------------|-----------------|------------|------------|
| Tier 1 | 0 | 30 – 160 | 95' | 4.5 |
| | $\leq \frac{1}{4}$ mi | 30 – 120 | 75' | 3.5 |
| | $\frac{1}{4} - \frac{1}{2}$ mi | 30 – 100 | 65' | 3.0 |
| Tier 2 | 0 | 30 – 140 | 85' | 4.0 |
| | $\leq \frac{1}{4}$ mi | 30 – 100 | 65' | 3.0 |
| | $\frac{1}{4} - \frac{1}{2}$ mi | 30 – 80 | 55' | 2.5 |

* prior to density bonuses



SB 79 cont'd

Requirements

- Must have at least 5 du
- If mixed-use, 2/3 of sf must be residential
- Max unit size: 1750 sf



SB 79 cont'd

- Affordability: 7% ELI, 10% VLI, or 13% Low
- Labor: prevailing wage, skilled workforce if $> 85'$ h
- Applies to residential, mixed-use & commercial sites



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SB 79 cont'd





SB 79 cont'd

- Process to exempt certain sites, if City designates alt sites in a “TOD Alternative Plan,” and *HCD approves the Plan*, by July 1, 2026
 - Must maintain the same du capacity across the City
 - Max density reduction using TOD Alt Plan: 50%
- Effective July 1, 2026



AB 87 / SB 92

- Makes state density bonus law benefits inapplicable to *hotel* portions of mixed-use projects
- Concession/incentive can't increase FAR $> 2.5x$



ADUs

SB 543

AB 1154

SB 9 (2025)

Dwi Oblo / Reuters
<http://bit.ly/4qwm0T2>



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SB 543

- ADU processing changes
 - **15** bus. days for completeness
 - “Deemed complete” if late
 - Can’t add missing items
- Measuring square footage: clarifies that it’s *livable* sf
- ADUs/JADUs \leq 500 sf exempt from school fees; other fee limits





AB 1154: JADU Owner-Occupancy

- JADUs: 500 sf max, located entirely within SFR
- Existing law: City prohibited from adopting owner-occupancy requirements for ADUs, but *required* for JADUs
- AB 1154: City can *only* impose owner-occupancy requirement on JADUs with shared bathrooms



SB 9 (2025): HCD Ord. Review

- Existing law: City must adopt an ADU ordinance, and update regularly
- SB 477 (2024): Must seek HCD approval for *amendments*
- SB 9 (2025): If City fails to submit ordinance to HCD within 60d of amendment, ordinance is *void*
- If City fails to respond to HCD comments within 30d of receipt, ordinance is *void*. Responses:
 - Adopt changes recommended by HCD, or
 - Adopt resolution explaining why ordinance complies with law
- HCD review now also applies to local JADU regulations



Student/Teacher Housing

AB 648, AB 893
AB 1021, AB 752

Jann Kuusisaari CC BY 2.0
<https://bit.ly/49Cfp2g>

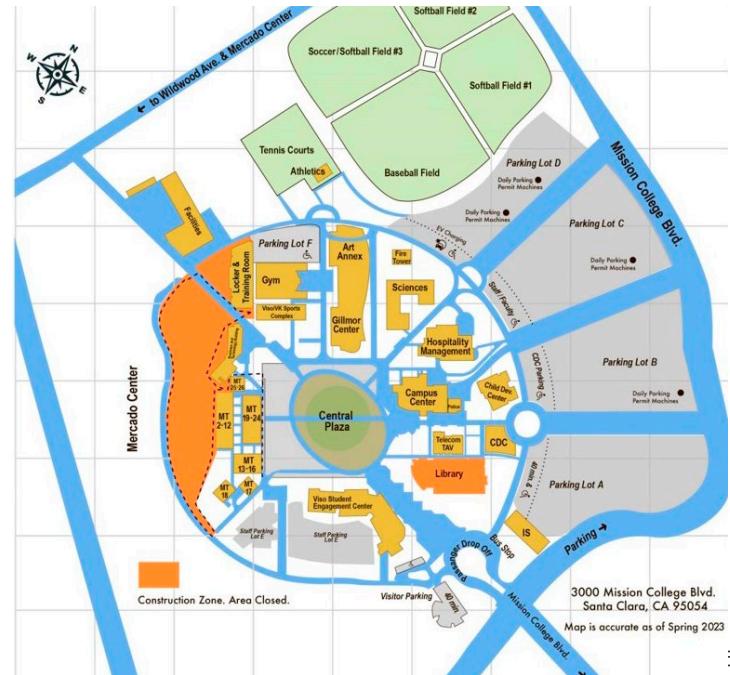


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AB 648: Community Colleges

- Exempts community college districts (CCDs) from ZO
- Applies to CCD properties within 1/2 mi of campus
- Applies to housing for
 - Students
 - Faculty/staff [affordable]





AB 893: Campus Development Zones

- AB 2011 (2022): Residential uses can be built on commercial corridors [15% Low, 8% VL/5% EL, 30% mod]
- AB 893: Expands AB 2011 to include “campus development zones” – 1/2 mile radius – targeting students, faculty, staff





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AB 648 / 893 Mission College





AB 1021

- AB 2295 (2022) allowed school districts to build affordable housing on district property

| | <u>AB 2295 (2022)</u> | <u>AB 1021 (2025)</u> |
|---------------|-----------------------|-----------------------|
| Affordability | 30% Low, 20% Mod | 30% Low, 20% Mod |
| Max Height | 35' | 35' / 65' |
| Max Density | 30 du/ac | 60 du/ac |



AB 752: Child daycare

- Daycare centers allowed *by right* on the same property as MFRs
- Prohibits city from imposing charges, taxes, fees (including business license) on the daycare





Streamlining



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Shortened Timelines

- AB 1308: Building Department must inspect residential projects \leq 10 du within 10 bus days
- AB 130: PSA Timelines apply to ministerial infill housing projects $<$ 20 ac (60 days to approve)
- AB 253: requires estimates of plan check timelines. If $>$ 30d, applicant can hire private plan checker.



SB 358: Vehicle Impact Fees

- City must reduce traffic impact fees for projects located ½ mile from 3 or more of the following:
 - Supermarket or grocery
 - Public park
 - Community center
 - Pharmacy or drugstore
 - Medical clinic or hospital
 - Public library
 - Elementary school
 - Licensed childcare facility
 - Restaurant



AB 507 Adaptive Reuse

- AB 1490 (2023): Streamlined processing for **100% affordable adaptive reuse** housing projects
- AB 507 adds additional income categories:
 - Rental: 8% VL/5% EL or 15% low
 - For-sale: 15% Low or 30% Mod





AB 507 Adaptive Reuse

- Applies in any zone *except* industrial
- To qualify, building must be
 - < 50 years old, or > 50 years old but not historic-eligible
 - > 50 years old and evaluated for historic significance
 - Historic building adaptation must follow Secretary of Interior Standards for Rehabilitation



AB 507 Adaptive Reuse

- Does not allow repurposing old hotel buildings
- Applies to mixed-use, but 1/2 sf must be residential, and non-residential portion must conform with zoning
- Prevailing wages, apprenticeship program, health care required for workers



Brown Act

SB 707



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SB 707

- Lots of changes, but only a few that apply to PC...
- Extends AB 2449 (2022) procedure for remote participation until Jan. 1, 2030
 - AB 2449: “emergency circumstances” or “just cause”
 - SB 707: everything combined into “just cause”
- “Person in the Room” disclosure



SB 707

- Eliminates sunset on Social Media Rules
 - AB 992 (2020) authorized members to communicate over social media, but...
 - Prohibited direct responses to other members [no comments, retweets, emoji's, or *likes*]
- City Must Provide Copy of Brown Act to Members



SB 707

- Reaffirms right to record (modernized language)
- Expands right to remove disruptive members
 - Now applies to remote participants
 - Must provide warning prior to removal (unless true threat of force)



SB 707: Inapplicable Provisions

- *Council* meetings must include 2-way telephonic or audiovisual comments
 - Specific requirements for when service disrupted.
 - Council must adopt “disruption policy” by 7/1.
- New restrictions on calling of Special Meetings
- Special rules for “subsidiary bodies”



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Questions





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