



Planning Commission

Item 2. 2024 Housing Legislation

24-1240

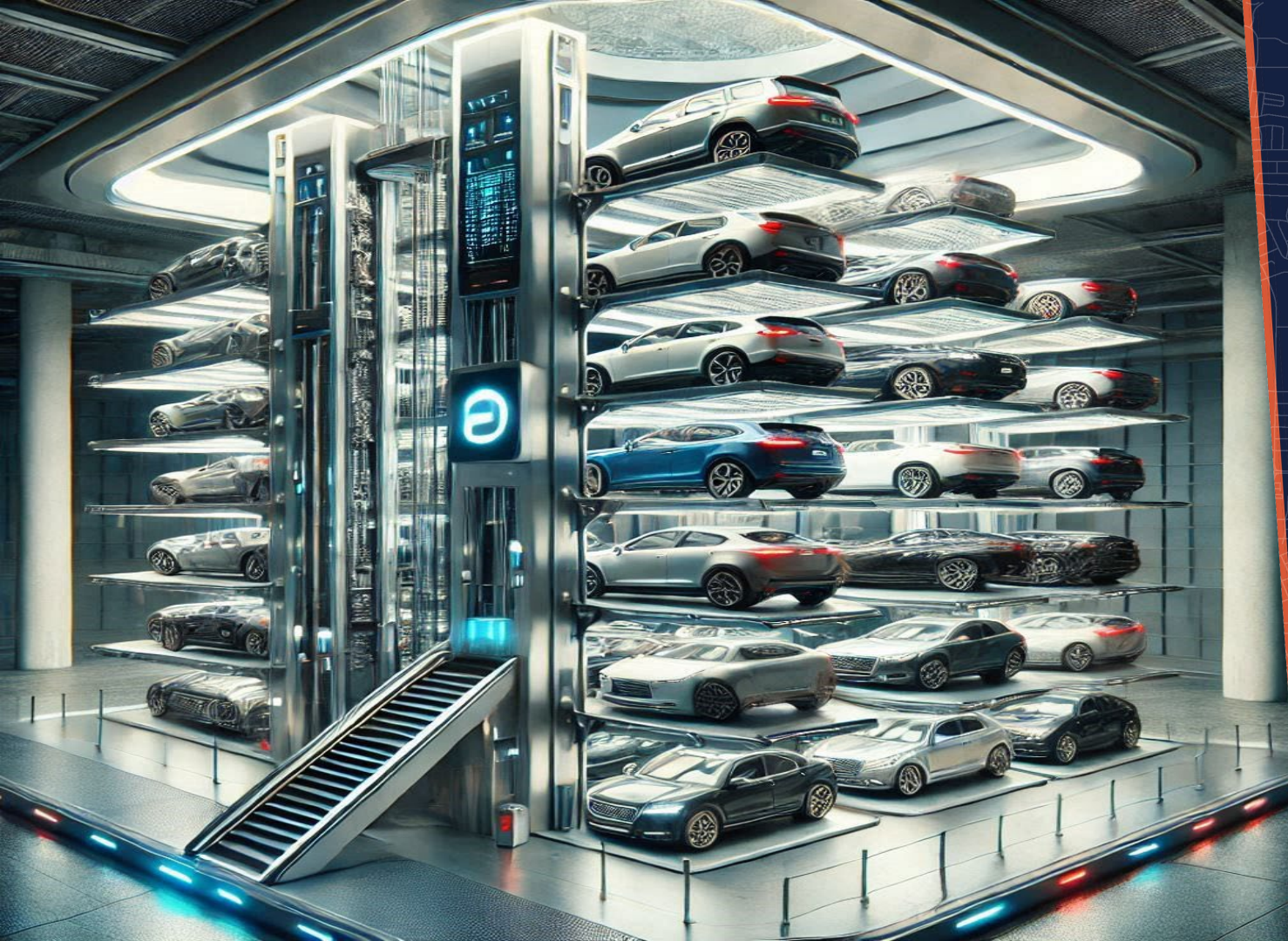
January 15, 2025



Topics

- Parking
- Housing in More Places
- Subdivisions
- ADUs
- Density Bonuses
- Fees & Timelines





Parking

AB 2553 (new)
Refresher on AB 2097
& other parking bills



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Parking - Refresher

- 1979: Density Bonus Law
 - Density bonus for providing affordable units
 - Also entitles developer to *incentives/concessions*
 - Modifications to setbacks, lot coverage, height, etc.
 - Most common incentive: *parking reduction*



Parking - Refresher

- Maximum allowable parking under DBL

Maximum Parking Requirements for DB Bonus developments (“Tier 1”)			
Income category	% of affordable units	# of bedrooms	Maximum spaces
Very Low	5-10%	0-1 bedroom	1 space / unit
Low	10-19%	2-3 bedrooms	1.5 spaces / unit
		4+ bedrooms	2.5 spaces / unit



Parking - Refresher

- Maximum allowable parking under DBL

Maximum Parking Requirements for DB Bonus developments ("Tier 2")			
Income Category	% of affordable units	# of bedrooms	Maximum spaces
Very Low	≥ 11%	any	0.5 spaces / unit
Low	≥ 20%		
Moderate	≥ 40%		

Maximum Parking Requirements for DB Bonus developments ("Tier 3")			
Income category	% of affordable units	# of bedrooms	Maximum spaces
Low	100%	any	0



Parking – Refresher



ADUs

- 2002: Max 1 parking space per bedroom
- 2016: Parking can be tandem, or on driveway
- 2016: Can't require *any* parking near transit
- 2017: Max 1 parking space, period.
 - (Santa Clara requires 0 spaces for ADUs)
- 2019: Eliminated *replacement parking*



Parking - Refresher

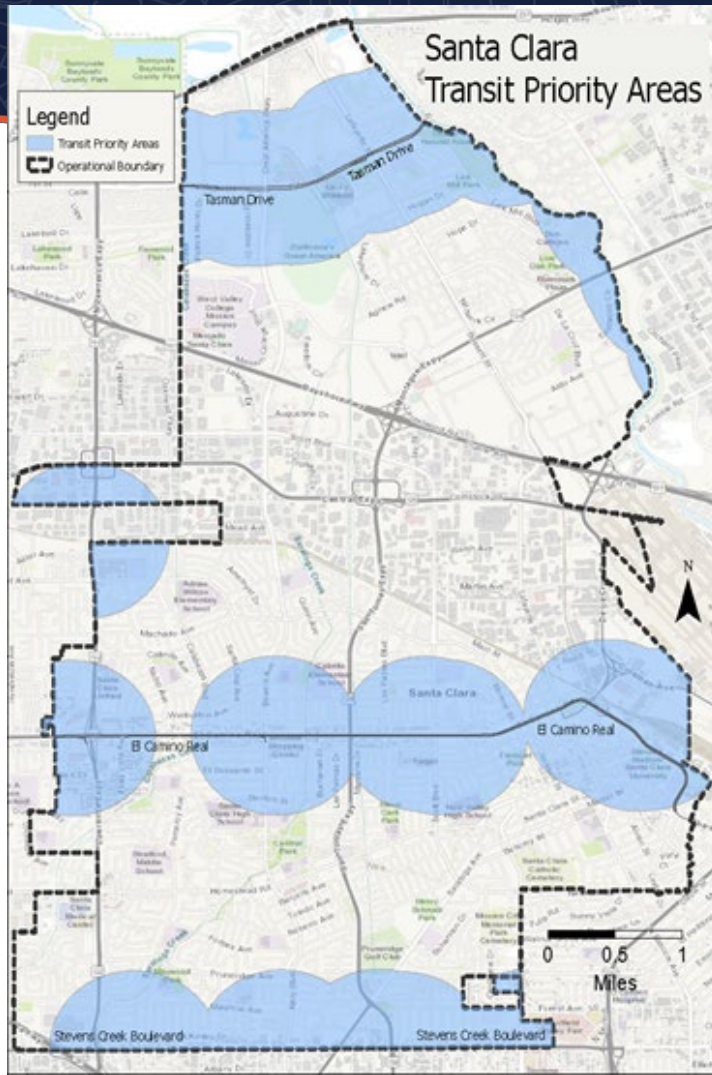
- SB 9 (2021)
 - Site $> \frac{1}{2}$ mi from transit:
1 space per unit
 - Site $\leq \frac{1}{2}$ mi from transit:
no parking spaces





AB 2097 (2022): Parking & Transit

- No parking requirements for development projects w/in 1/2 mi of transit
- Applies to “residential, commercial, or other”
- Major transit stop = train station, or intersection of 2 bus lines with **15-min.** headways
- *Not tied to affordability*
- AB 2097 N/A to event centers, disabled, EV %



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AB 2097 (2022): Parking & Transit

Exception, if City finds that lack of parking would negatively impact:

1. Low / very low income RHNA
2. Elderly or disabled special housing needs
3. Existing residential / commercial parking within 1/2 mile of the housing development project



AB 2097 (2022): Parking & Transit

- Findings must be made within 30 days
- Supported by *preponderance* of evidence
 - Most City findings require *substantial* evidence
- Cannot use exception if: 20% affordable, < 20du
 - Senior, student, disabled housing



AB 2553: “Major transit stops”

- Expands the definition of “major transit stop”
- Instead of requiring 15-minute headways, bus routes can now have 20-minute headways





Housing in More Places

AB 2243



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Housing In Church Parking Lots

SB 4 (2023)

- Housing on land owned by religious institutions (prior to 2024)
- 100% affordable (80% low / 20% mod)
- Density 30 – 40 du/ac
- Prevailing wage & labor requirements
- Ministerial / exempt from CEQA
- Can require 1 parking space per unit, *unless* near transit or a car share vehicle





Housing in Commercial Zones



2022: SB 6 (“Middle Class Housing Act”)

- MFRs ≥ 30 du/ac in commercial zones
- Subject to setbacks, lot coverage, parking (following R3 zoning standards)
- Prevailing wage, skilled/trained workforce
- Projects still subject to CEQA review
- No affordability reqs. beyond City Code



Housing in Commercial Zones



2022: AB 2011 (“Affordable Housing & High Roads Jobs Act of 2022”)

- Ministerial approval of MFRs, 30-80 du/ac
- 100% low/mod, in commercial zones
- 15% low (or 8% VL/5% EL) in commercial corridors
- Prevailing wages; apprentices; health care
- N/A to industrial sites, or *adjoining* industrial sites

Both laws are limited to sites ≤ 20 ac



AB 2243: Housing *AT THE MALL*

- Regional malls \leq 100 ac
- Height limits:
 - 35' – 45', depending on road width
 - 65' near major transit stop
 - Subject to increases with density bonuses
- N/A to industrial sites (but *adjoining* sites can now be industrial)
- Must pay prevailing wages & meet other labor standards
- Valley Fair & Santa Clara Town Center



Sub- divisions

SB 9 (2021)

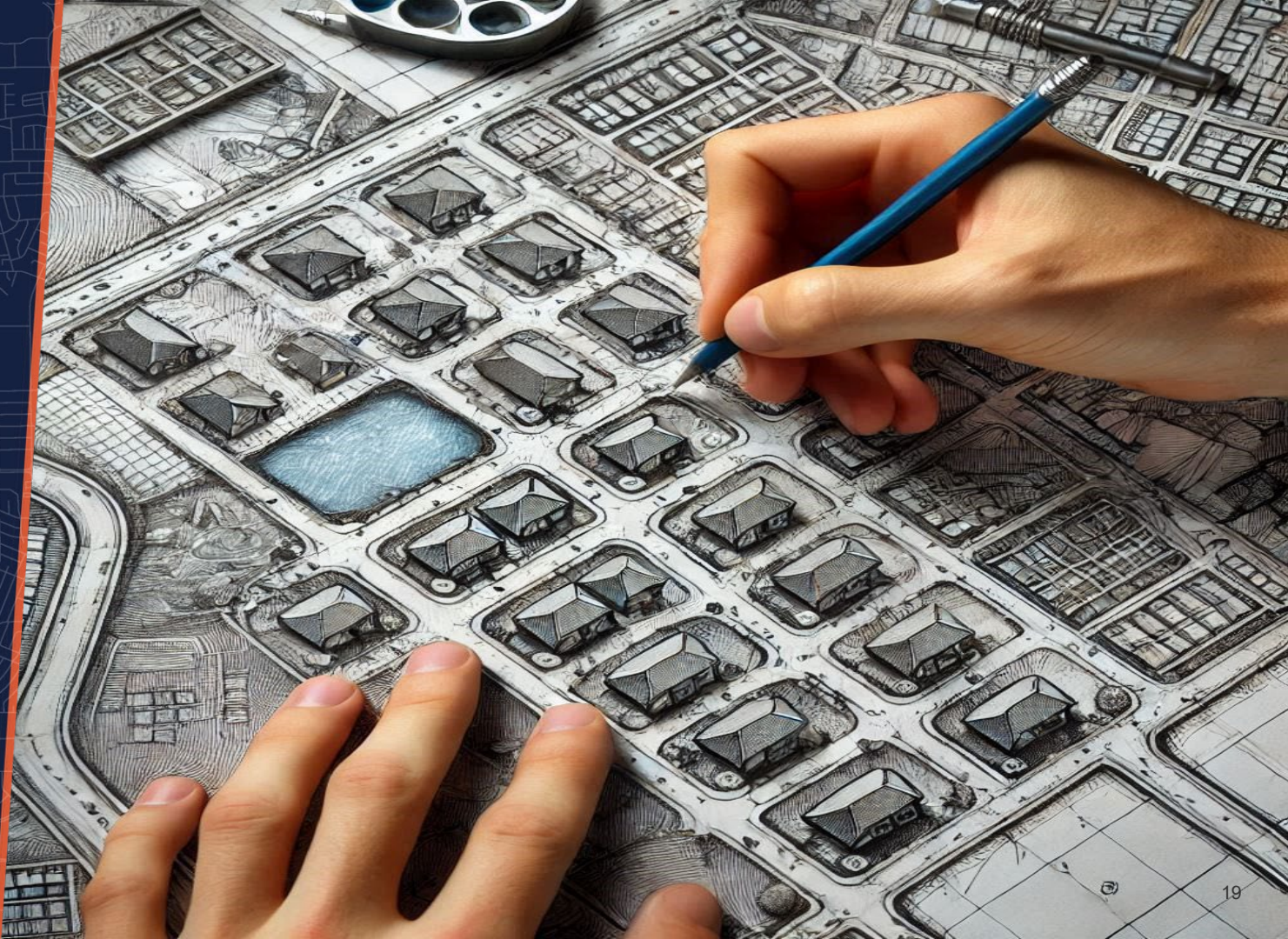
SB 450

SB 684 (2023)

SB 1123



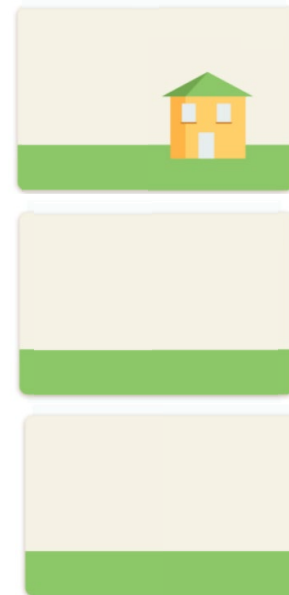
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SB 9: Ministerial Approval of...

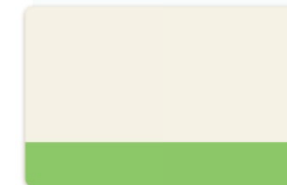
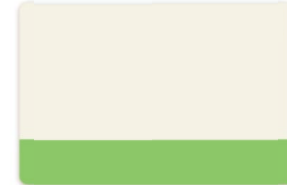
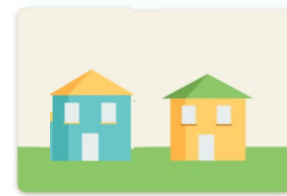
- 2 units per R-1 lot





SB 9: Ministerial Approval of...

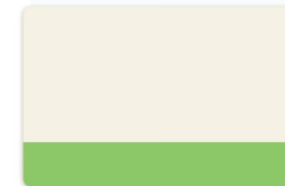
- 2 units per R-1 lot
 - Add a second SFR to a lot with an existing SFR





SB 9: Ministerial Approval of...

- 2 units per R-1 lot
 - Add a second SFR to a lot with an existing SFR
 - Build two new SFRs





SB 9: Ministerial Approval of...

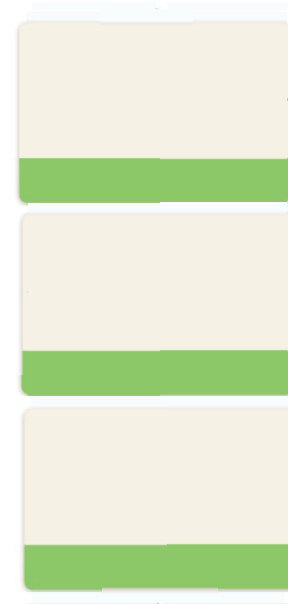
- 2 units per R-1 lot
 - Add a second SFR to a lot with an existing SFR
 - Build two new SFRs
 - Build new duplex





SB 9: Ministerial Approval of...

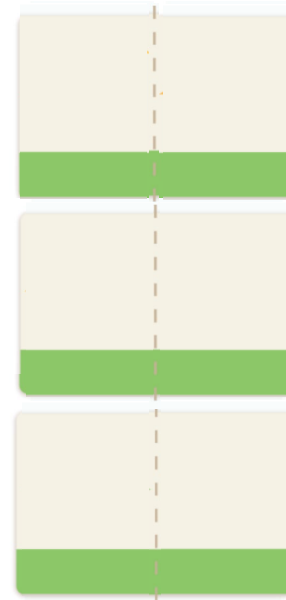
- Lot splits





SB 9: Ministerial Approval of...

- Lot splits





SB 9: Ministerial Approval of...

- Lot splits





SB 9: Ministerial Approval of...

- Lot splits
 - Divisions of 50/50 to 40/60 (“approximately equal area”)
 - Both parcels ≥ 1200 sf [CSC allows 1000 sf]
 - Applicant must intend to occupy a unit for 3+ years





SB 9: Limitations on City Auth

- City can only impose *objective* standards
- If project meets objective standards, can deny for health & safety or to protect “physical environment”
- City can require easements for public facilities
- City can require parcels to be connected to PROW
- City can limit short-term rentals



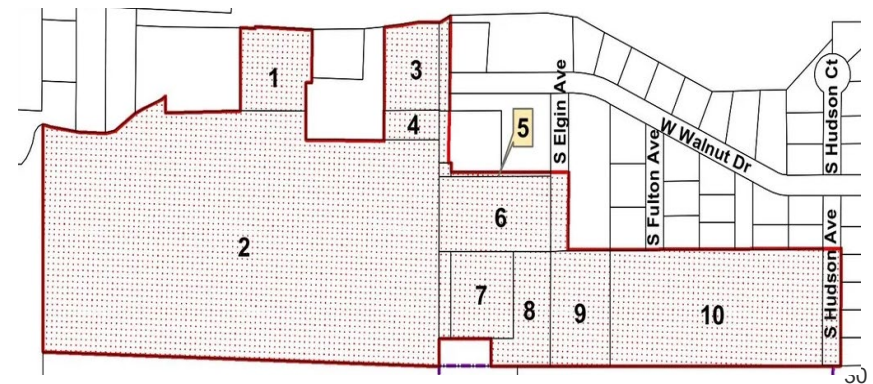
SB 450: Update to SB 9

- Denial of SB 9 units must be based on health & safety grounds (not “physical environment”)
- New *60 day* hard deadline to approve SB 9 units and SB 9 urban lot splits
- City can still impose objective standards, but only if they apply *uniformly* within the zoning district



SB 684 (2023): Streamlining ≤ 10 du

- Ministerial approval for subdivisions ≤ 10 du, to build 10 units, in *multifamily* zones
- Min density: use housing element, or zone max.
- Max parcel: 5 ac (start)
- Min parcel: 600 sf (end)
- Unit size: max 1750 sf
- Don't need to allow ADUs





SB 1123: Subdivision of SFR lots

- Extends SB 684 to apply to *single-family* lots
- Min density: match housing element, or 20 du/ac
 - ADUs don't count toward cap
 - Max parcel 1.5 acres (start)
 - Min parcel 1,200 sf (end)
 - Land must be *vacant*





ADUs

SB 1211
AB 2533



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ADUs & Replacement Parking

- Existing law
 - No replacement parking if garage, carport, or covered parking is converted to ADU
- SB 1211 (2024)
 - No replacement parking if garage, carport, or covered *or uncovered* parking is converted to ADU



ADUs on Multifamily Lots

- Existing: right to add ADUs to MFRs...
 - Attached ADUs in non-livable space, up to 25% of the # of existing dwelling units
 - Up to 2 detached ADUs [proposed/existing MFRs]



ADUs on Multifamily Lots

- SB 1211 (2024): right to add ADUs to MFRs...
 - Attached ADUs in non-livable space, up to 25% of the # of existing dwelling units
 - Up to 2 detached ADUs [proposed ~~existing~~ MFRs]
 - *Up to 8 detached ADUs [existing MFRs], but not to exceed number of existing units*



Nonconforming ADUs

- Existing law: Process to legitimize an illegally built ADU
 - Unit built prior to 1/1/2018
 - City can require corrections, if necessary for public health & safety, or safety of occupants





Nonconforming ADUs

- AB 2533 (2024): *Updated* process to legitimize an illegally built ADU/*JADU*
 - Unit built prior to 1/1/~~2018~~ **2020**
 - City can require corrections, if necessary for ~~public health & safety, or safety of occupants~~ ***to eliminate substandard conditions***
 - City must create checklist for compliance
 - Can't impose penalties



Density Bonuses

AB 3116

AB 2694



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Student Housing

SB 1227 (2018)

- Apartments & dorms,
≥ 5 units/beds
- 20% income-restricted
- Accredited institutions
only



Carla Yanni, *Living on Campus: An Architectural History of the American Dormitory* (2019).



Student Housing

SB 1227 (2018)

- Requires Master Lease or Operating Agreement
- Currently enrolled students (in all units)
- 35% density bonus
- 0 incentives



<https://pin.it/yGyNpMkpg>



Student Housing



Carla Yanni, *Living on Campus: An Architectural History of the American Dormitory* (2019).

SB 290 (2021)

- Added [1 incentive](#) for student housing
- Same 20% affordability requirement



Student Housing – AB 3116 (2024)

- No longer need Operating Memorandum/Master Lease. Instead, developer must have a *verification system*
- Clarifies definition of “student housing development”
- Applies to both current students & students enrolled *in the past 6 mo.*





Student Housing – AB 3116 (2024)

- Parking eliminated.
- Flat 35% bonus \Rightarrow *Variable* bonus of 35% – 50%
- 20% affordable: 1 incentive
- 23% affordable: 2 incentives



<https://pin.it/1Nd3e4GRe>



Senior Housing



- SB 1818 (2004) added senior housing as an eligible category
- 100% of units for seniors & companions
- 20% bonus
- 0 incentives



Shared Housing

- SB 682 (2022): Shared Housing
 - 5 more more dwelling units
 - 1 or more common kitchens & dining areas
 - Designed for permanent residence > 30d
 - Each unit must have its own bathroom, sink, refrigerator, and microwave
- Density bonus of 20-50%
- 1-3 incentives





AB 2694: Resid. Care Facilities



- Residential Care Facilities for the Elderly are now eligible
- RCFEs qualify as *shared housing*
- Individual units don't need kitchens
- Units may be shared by unrelated people
- Same bonuses/incentives as shared housing

Fees & Timelines

AB 3177

SB 937

AB 2729



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Fee Reductions

- Existing: Traffic Impact Fees must be reduced for projects within 1/2 mile of a “major transit station”
 - train station, ferry terminal, bus *hub*, or bus *transfer station*
- AB 3177: Reduced traffic fees near major transit *stops*
 - Intersection of 2 bus lines
 - 20 minute headways instead of 15 minute



Deferral of Utility Service Fees

- Existing: City can collect utility fees at the time application for utility service is received
 - Exception: nonprofit housing developers pay at CO
- SB 937: Fees can only be collected for utility service *connections*; other utility fees deferred to CO
 - Exception: *all* housing developers pay at CO



Extension of Housing Entitlements

- AB 2729
 - Extends housing entitlements by 18 months
 - Applies to projects permitted prior to 1/1/2024, expiring by 12/31/2025

EXTENDED



Questions





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