



# **Planning Commission**

**Item #3.**

**2021 Housing Legislation**

**January 10, 2022**



# Topics

- SB 9: Four-plexing in single family zones
- SB 10: 10-unit upzonings
- More on ADUs
- Changes to the density bonus law



# Topics

- New minimum FARs for multifamily housing
- Integration of BMR units
- Changes to Housing Element Process
- Intergenerational Housing



# SB 9

## The California H.O.M.E. Act

*(The Housing Opportunity & More Efficiency Act)*

**SB 9**

subtitle



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## **SB 9: Ministerial Approval of...**

- Construction of 2 units per 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
  - 2 new parcels of “approximately equal lot area”
  - Both parcels must be  $\geq 1200$  sf
  - Applicant must intend to occupy one unit for 3+ years



# **SB 9: “Ministerial Approval”**

- No CEQA review
- No hearings



## **SB 9: Requirements**

- Can't alter/demolish a rental unit
- Not applicable to historic properties
- If rental units created, term must be  $\geq 30$ d
- Certain special types of land ineligible (wetlands, prime farmland, conservation easements)





## **SB 9: What the City *can* impose**

- Easements for provision of public facilities & services
- Requirement that new parcels are connected to a public right-of-way





## **SB 9: What the City *can* impose**

- “Objective” zoning, subdivision & design standards\*
- “Objective” means:
  - no personal or subjective judgment
  - uniformly verifiable
  - knowable by both the applicant & public official



# **SB 9: \*Limitations on city control**

- Setbacks
  - Maximum for side & rear lot: 4 feet
  - No* requirement for existing structure, or new building constructed on same footprint
- No correction of LNC conditions



# SB 9: \*Limitations on city control



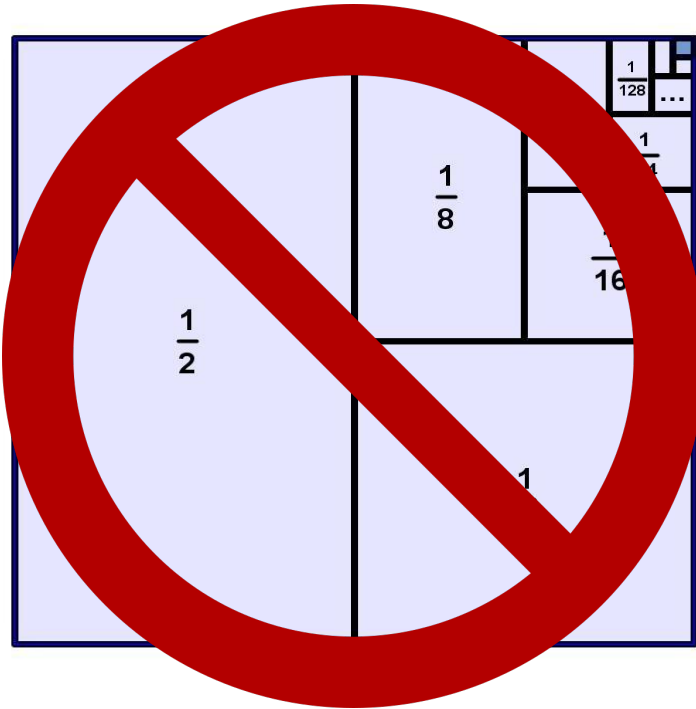
- Parking
  - Site  $> \frac{1}{2}$  mi from transit:  
1 space per unit
  - Site  $\leq \frac{1}{2}$  mi from transit:  
*no parking spaces*



# **SB 9: \*Limitations on city control**

- Subdivision improvements
  - No dedications of PROW
  - No construction of offsite improvements
- Development standards must allow for construction of 2 units of 800 sf each

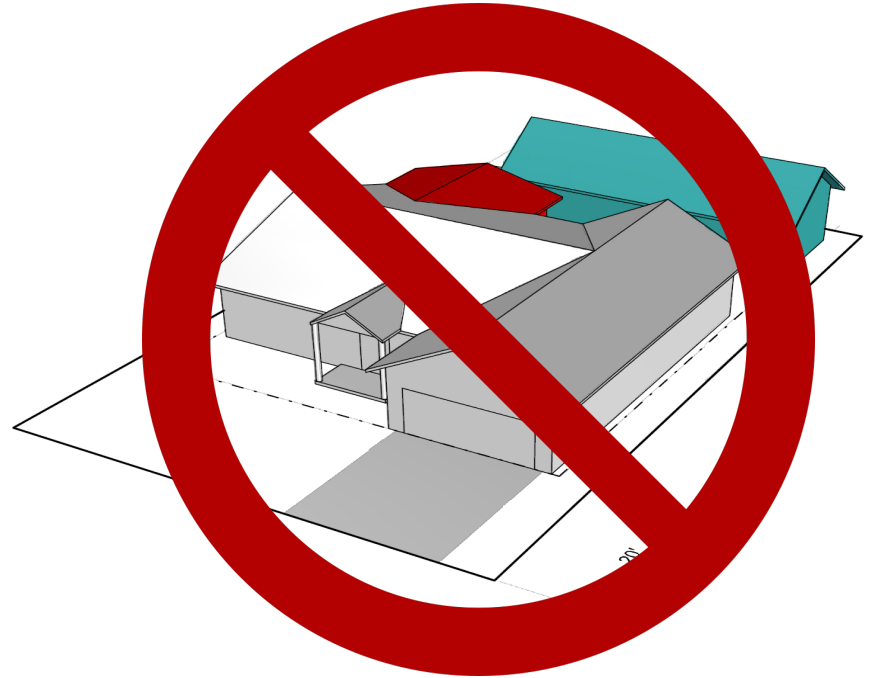
# SB 9: How Often Can It Be Used



- Limit of *one* subdivision under SB 9.
- Any subsequent lot split would have to go through standard subdivision process

## SB 9: Interplay with ADUs

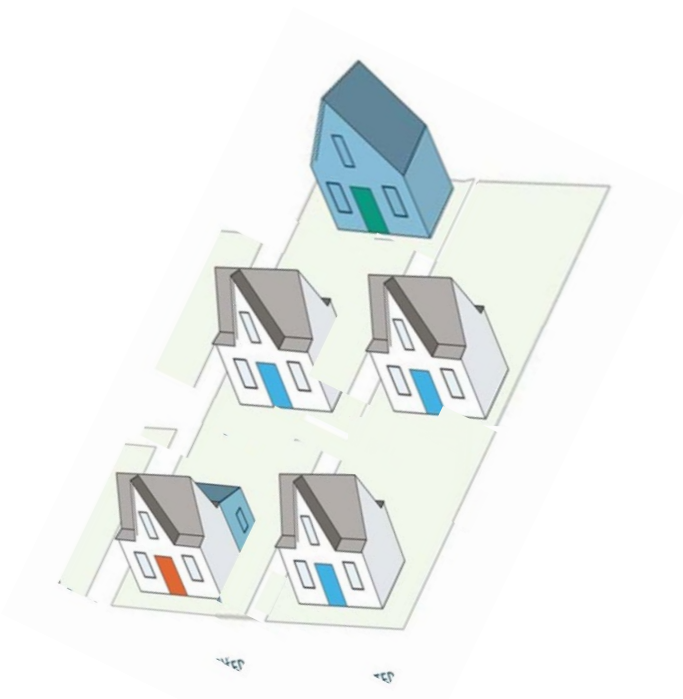
- *Lot split*: parcels become *ineligible* for an ADU.





# SB 9: Interplay with ADUs

- *Second SFR, with no lot split: ADU laws apply.*
- *After lot split: ADU laws cannot be used.*







# SB 9

- Upcoming
  - Jan. 25: options for controls
  - Redondo Beach lawsuit
  - Initiative petition

# UPZONING



**SB 10**



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# **SB 10: 10-unit upzonings**

- Provides the option to bypass CEQA for upzoning residential parcels for up to 10 units per parcel.
- Applies to parcels in
  - transit-rich areas, or
  - urban infill areas

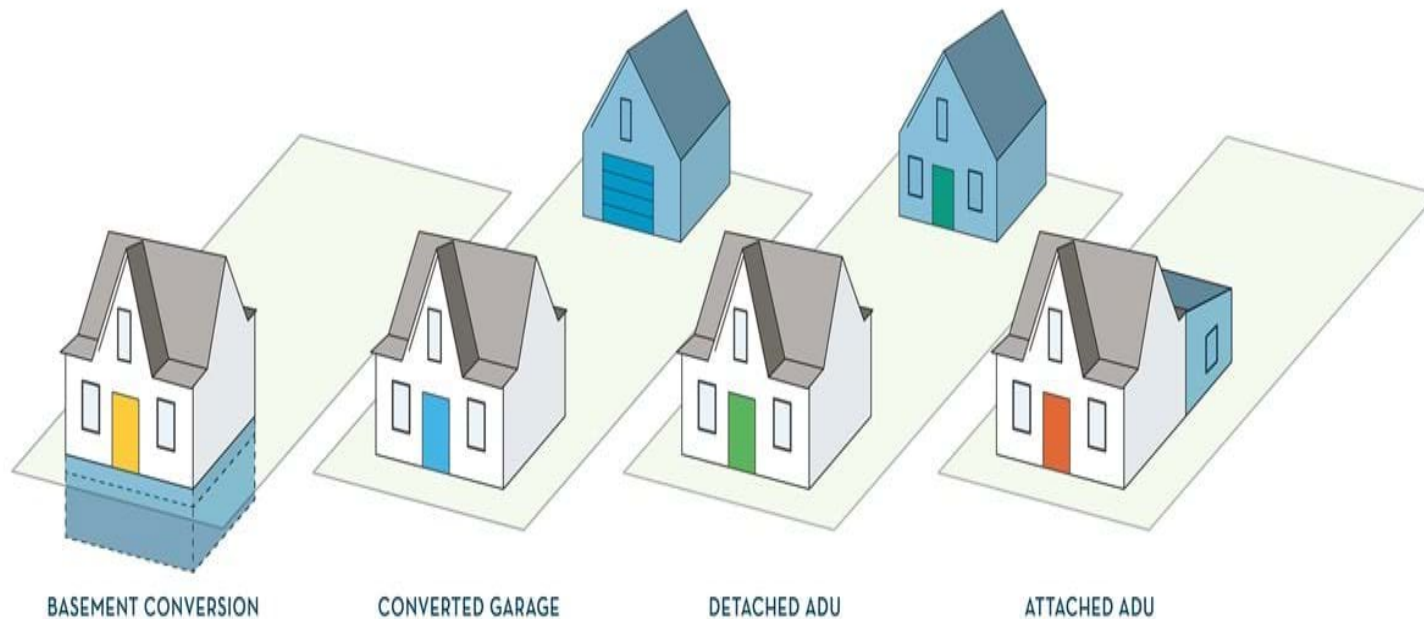


## **SB 10: 10-unit upzonings**

- Projects proposed on the upzoned parcels are still subject to environmental review, unless they qualify for a CEQA exemption or streamlining

# ADUs

AB 345  
AB 1584



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# ADUs

## AB 345

- City must allow separate sale of an ADU from the primary dwelling unit
- Unit must be deed-restricted for 45y
- ADU must have been built by housing nonprofit
- Buyer must intend to be owner-occupant



# ADUs

- AB 1584
  - Covenants that prohibit ADUs on R-1 lots are unenforceable



# Density Bonuses

SB 290

AB 634



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# Density Bonuses



Housing type	Required %	Bonus	Max Bonus	Incentives
Very Low	5%	20%	50%	1
	10%	32.5%		2
	15%	50%		3
Low	10%	20%	50%	1
	17%	30.5%		2
	24%	50%		3
Moderate [condos]	10%	5%	50%	1
	20%	15%		2
	30%	25%		3
100% Affordable	100% [20% mod & 80% L/VL]	80% [transit far] $\infty$ [transit near]	$\infty$	4
Student	20% low	35%	35%	0





# Density Bonuses: SB 290

- Adds incentive for BMR student housing

Housing type	Required %	Bonus	Max Bonus	Incentives
Very Low	5%	20%	50%	1
	10%	32.5%		2
	15%	50%		3
Low	10%	20%	50%	1
	17%	30.5%		2
	24%	50%		3
Moderate [condos]	10%	5%	50%	1
	20%	15%		2
	30%	25%		3
100% Affordable	100% [20% mod & 80% L/VL]	80% [transit far] ∞ [transit near]	∞	4
Student	20% low	35%	35%	0 1



# Density Bonuses: SB 290

- Replaces “condos” with “for-sale units”

Housing type	Required %	Bonus	Max Bonus	Incentives
Very Low	5%	20%	50%	1
	10%	32.5%		2
	15%	50%		3
Low	10%	20%	50%	1
	17%	30.5%		2
	24%	50%		3
Moderate <b>{condos}</b> <b>[for sale]</b>	10%	5%	50%	1
	20%	15%		2
	30%	25%		3
100% Affordable	100% [20% mod & 80% L/VL]	80% [transit far] ∞ [transit near]	∞	4
Student	20% low	35%	35%	<b>0 1</b>



# Density Bonuses: SB 290

- Parking reductions (tier 1)

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



# Density Bonuses: SB 290

- Parking reductions (tiers 2 and 3)

Maximum Parking Requirements for DB Bonus developments ("Tier 2")

Income category	% of affordable units	# of bedrooms	Maximum spaces
Very Low	$\geq 11\%$	any	0.5 spaces / unit
Low	$\geq 20\%$		

Maximum Parking Requirements for DB Bonus developments ("Tier 3")

Income category	% of affordable units	# of bedrooms	Maximum spaces
Low	100%	any	0



# Density Bonuses: SB 290

- Parking reductions (tier 2) for moderate income

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%		
<b>Moderate</b>	<b>≥ 40%</b>		



# Density Bonuses: SB 290

- *Old:* Ok to deny incentive if “specific, adverse impact” on...
  - historic resources
  - health and safety
  - physical environment



# Density Bonuses: SB 290

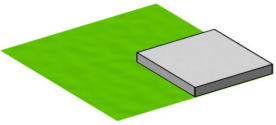
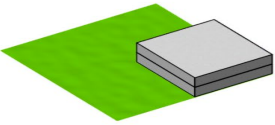
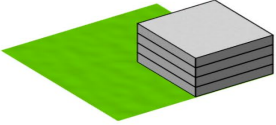
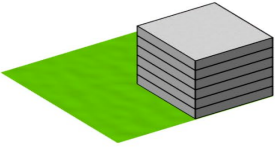
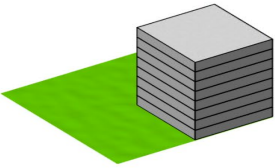
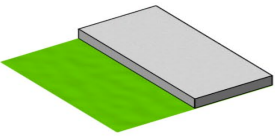
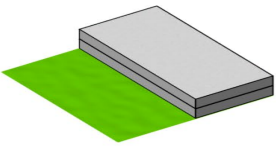
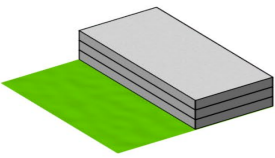
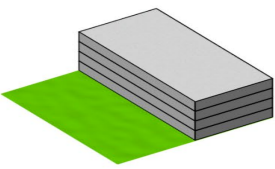
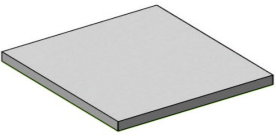
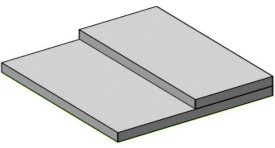
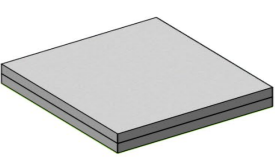
- *Now:* Ok to deny incentive if “specific, adverse impact” on...
  - historic resources
  - health and safety
  - ~~physical environment~~
- Can no longer deny incentives based on “impacts on the physical environment”





# Density Bonuses

- AB 634
  - Cities can require affordability periods > 55y

FAR FSI BCR	0.25 25%	0.5 50%	1 100%	1.5 150%	2 200%
25%					
50%	not possible				
100%	not possible	not possible			

# Minimum FARs

SB 478

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<https://commons.wikimedia.org/w/index.php?curid=82605669>



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# Minimum FAR for MFRs

SB 478:

- Minimum Floor Area Ratio (FAR)
  - 1.0 for projects with 3-7 units;
  - 1.25 for projects with 8-10 units.
- Also, for 3-10 units: Minimum lot size cannot be the basis for disapproving a project.



# INTEGRATION

## Integration of Housing

AB 491



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# Integration of BMR Units

- AB 491
  - Affordable units can't be isolated from market-rate units (i.e., a specific floor or specific area of a floor).
  - Affordable units must have same access as market-rate to entrances, common areas & amenities
  - Declaratory of existing law



# Housing Element

AB 215,  
1398, 787,  
1304



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# Housing Elements

- AB 215
  - Creates a 30-day public comment period on draft housing elements
  - Requires City to take 10 business days to consider & incorporate public comments into draft element
  - Strengthens HCD's enforcement tools



# Housing Elements

- Prior law: if HE fails to identify sufficient sites, City must rezone sufficient sites for “by right” development of 20% BMR projects within 3 years
- AB 1398: must rezone within 1 year





# Housing Elements

- 25% of RHNA can be satisfied by conversion of market-rate to very low- and low-income units
- AB 787: 25% of RHNA can be attained through conversion of moderate-income units
  - Units must not have been already affordable
  - Initial rent  $\leq$  10% than last 12 months average rent



# Housing Elements

- AB 686 (2018): housing element must “affirmatively further fair housing” (AFFH)
- AB 1304 (2021)
  - Site inventory must identify sites needed to meet AFFH requirement
  - Analyze relationship of sites to the AFFH duty



# Treehouse Foundation

## Intergenerational Housing



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# Intergenerational Housing: SB 591

- Authorizes the establishment of intergenerational housing developments that would include senior citizens, caregivers, and transition-age youth
- $\geq 80\%$  seniors
- $\leq 20\%$  youth/caregiver
- All units must be 100% affordable



# Questions



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