



Planning Commission

Item 3. 2019 Housing Legislation

January 29, 2020



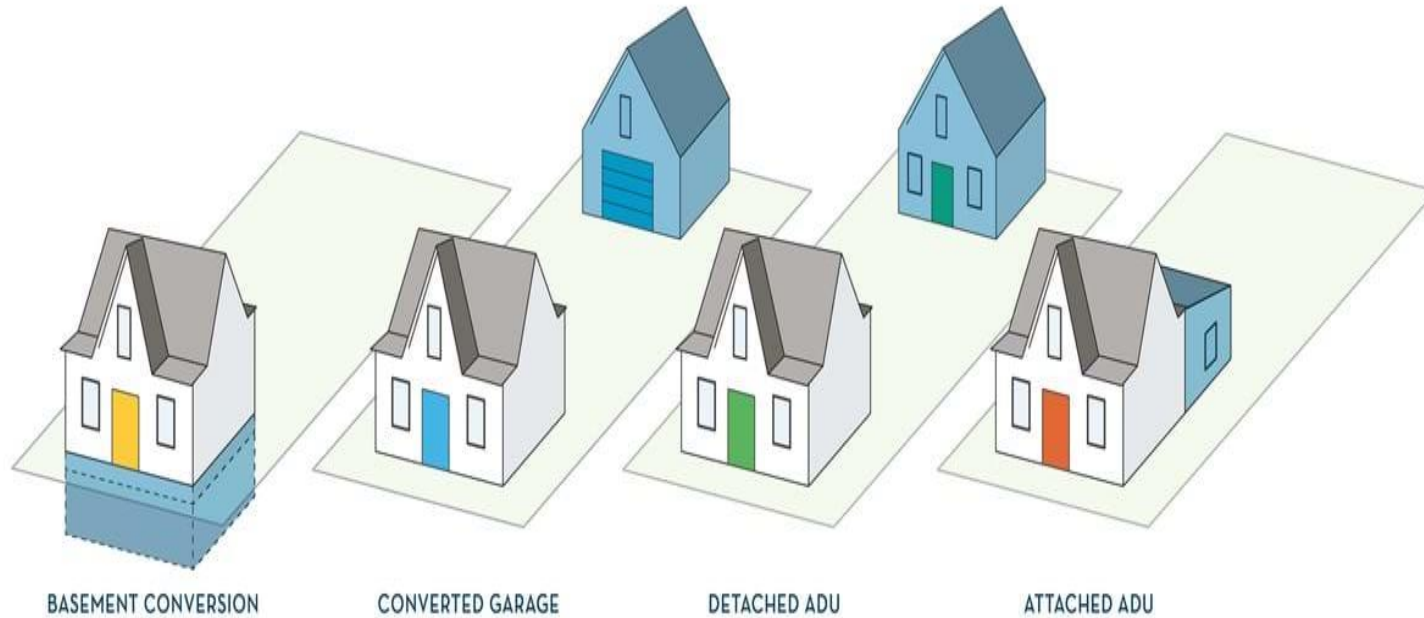
2019: A big year for housing...

- Accessory Dwelling Units (ADUs)
- “Streamlining” bills: SB 330, SB 235, AB 1485
- Density Bonuses – AB 1763
- “By-right” Housing – SB 744, SB 450, AB 101
- Surplus Lands – AB 1486, AB 1255, SB 6, SB 211
- New online disclosures – AB 1483
- Tenant Protections - AB 1482, SB 222/329, AB 1110

ADUs

AB 881, 68, 671

SB 13



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Accessory Dwelling Units

- Multiple Units.
 - Now have to allow 2 ADUs per lot.
 - Multifamily buildings can have one ADU inside.
- JADUs. “Junior” ADUs (150 – 500 sf attached).
- Lot coverage: No maximum allowed.
- Lot size: No minimum allowed.



Accessory Dwelling Units

- Setbacks: As of 2018, max of 5 feet. Now, 4 feet.
- Height. Our current ordinance caps height at 14'. Now have to allow up to 16'.
- Footprint expansion. “Attached” units can now expand by up to 150'.
- Parking. Cannot require replacement parking.



Accessory Dwelling Units

- Impact fees.
 - ADUs < 750 sf: Can't impose impact fees.
 - ADUs \geq 750 sf: Fees depend on size of main house
- Owner-occupancy. City cannot require.



Accessory Dwelling Units

More HCD Involvement

- HCD review of ordinance. HCD will send findings back; City may then need to revise ordinance.
- Housing Element. New Obligation to incentivize ADU construction in housing element
- RHNA: ADUs will now expressly count toward meeting RHNA allocation.



Accessory Dwelling Units

Remaining local authority:

- Can set maximum size (1000 sf or 850 sf)
- Short-term rentals. Ok to prohibit in ADUs.
- Height limits (as long as at least 16')
- Objective landscaping, design, historic standards
- Other objective development standards (unless size of ADU would be < 800 sf)



Accessory Dwelling Units

- Effective Date
 - January 1, 2020
 - Standards that conflict with new state law provisions are “null and void”



Streamlining Development

SB 330, SB 235, AB 1485



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“Housing Crisis Act” – SB 330

New streamlined process for housing development

- “Preliminary Application” process
- Application form limited to discrete list of info
 - Historic determination now part of pre-application
- Policies & fees frozen when preliminary application complete



“Housing Crisis Act” – SB 330

- Limit of 5 public hearings on project
- Shortened PSA deadlines
- Prohibits new caps / moratoria on housing
- Prohibits new subjective design criteria
- Locks in density “floor”

... as of Jan. 1, 2018



“Housing Crisis Act” – SB 330

- Developer obligations if units to be demolished:
 - Must replace same number as will be demolished
 - Must also replace all protected units
 - Tenants can remain until 6 mo. before construction
 - Relocation benefits & ROFR



Streamlining – AB 1485, SB 235

- SB 35 (2017) created ministerial approval for 50%-affordable projects, or 10%-affordable for “non-compliant” jurisdictions
- Now, 20%-moderate projects will now qualify for streamlining, in “non-compliant” jurisdictions
- Also expands the number of mixed-use projects subject to SB 35 streamlining



Density Bonuses

AB 1763



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“Super” Density Bonus, AB 1763

- Previously: 3 incentives + density bonus for...
 - Affordable housing (5 – 35%)
 - Senior citizen housing (20%)
 - Student housing (35%)
 - Housing combined with child care, land donations



“Super” Density Bonus, AB 1763

- AB 1763: 4 incentives, and new bonus for...
 - 100% affordable project
 - 80% low/very low
 - 20% moderate



“Super” Density Bonus, AB 1763

- Amount of Super Bonus:
 - If > 0.5 mi from major transit stop, 80% bonus
 - If ≤ 0.5 mi from major transit stop:
 - no maximum density
 - height increase of 3 additional stories/33 feet



By-Right Housing

SB 744, SB 450, AB 101



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By-Right Housing Types

- 2007: Emergency Shelters
- 2018: Supportive Housing
- 2019: Low Barrier Navigation Centers



Supportive Housing

- By-right for mixed-use & multifamily zones
- New exemptions from CEQA review
 - Supportive housing ≤ 50 du
 - Projects funded by “No Place Like Home” program
 - Conversions of existing hotels to supportive housing
- Shortened timeframes for certain CEQA challenges



Low Barrier Nav. Centers - SB 744

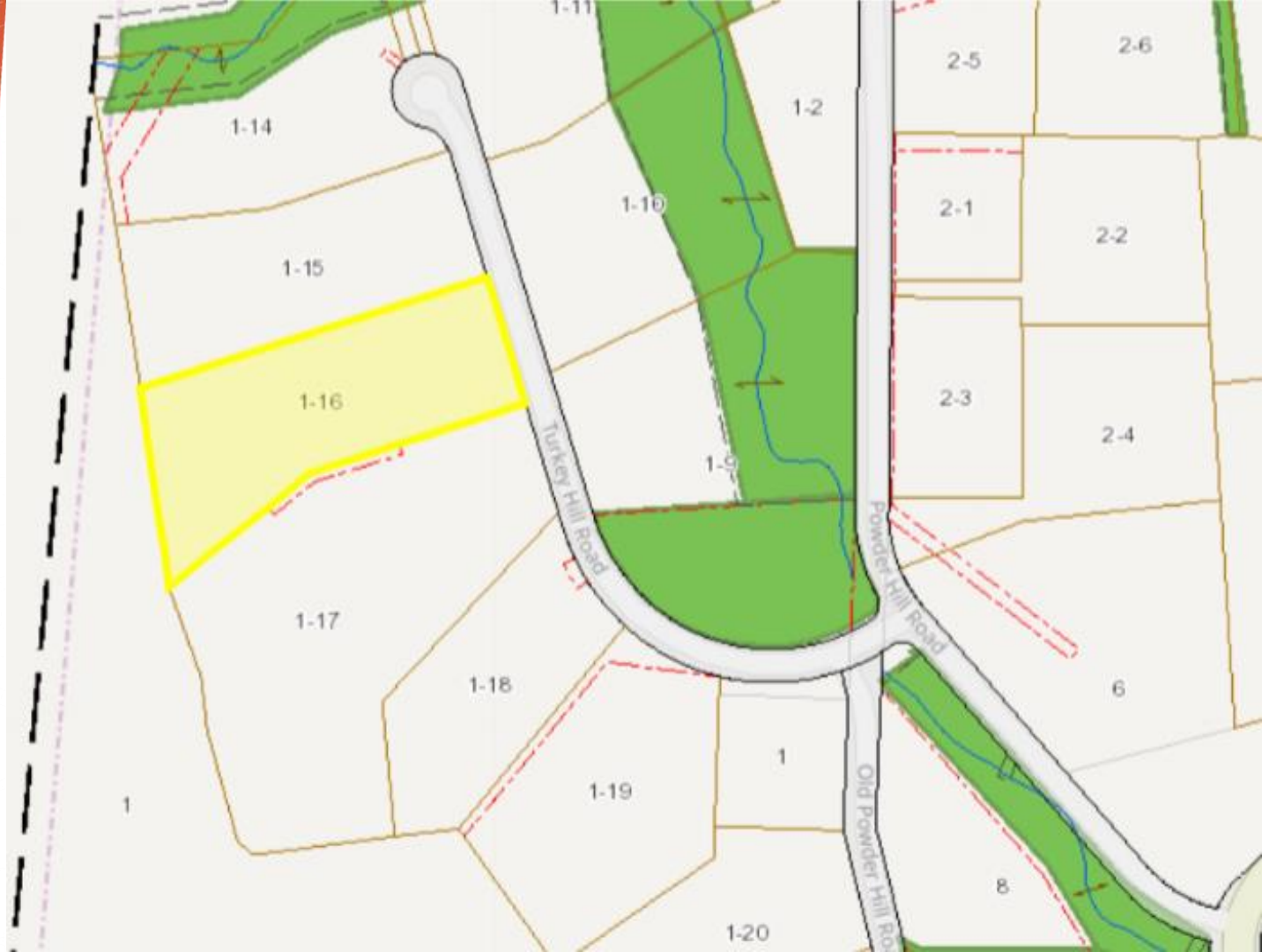
- By-right for mixed-use & nonresidential zones
- Exempt from CEQA review
- To qualify as LBNC, must contain:
 - Supportive services
 - Coordinated entry system
 - System for entering client data into HMIS

Surplus Lands

AB 1486, 1255
SB 6, 211



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Surplus Lands – AB 1486

- Changes to surplus land process
- 15% inclusionary requirement
- Cannot disallow residential development
- Cannot impose design standards that would substantially affect viability of affordable housing
- HCD: annual reports, oversight, penalties



Surplus Lands – AB 1486

Process

- Notify specified agencies & “housing sponsors”
- Wait 60d for responses; negotiate for 90d
- Notify HCD; respond if deficiency finding



Surplus Lands – AB 1486

Penalties

- Interested parties can sue City to disgorge a portion of any final sale or lease price
 - 30% for first violation
 - 50% for subsequent violations
- Penalties paid into housing trust fund, or Building Homes & Jobs Trust Fund



Surplus Land– AB 1255, SB 6, 211

- Annual report due to HCD each year by Dec. 31 with an inventory of surplus lands
- HCD will transmit data to DGS
- DGS will create publicly available & searchable database of surplus properties
- SB 211: Caltrans can lease certain rights-of-way to cities for \$1 for temporary emergency shelters



Online Disclosures – AB 1483

For residential projects, City webpage must show:

- Schedule of all applicable fees, exactions, and affordability requirements
- List of all information required to file development application
- Current & 5 previous annual fee reports



Online Disclosures – AB 1483

- City webpage must now include:
 - Archive of nexus studies & cost of service studies
 - All zoning requirements & development standards applicable to each parcel
- Deadline for compliance:

January 1, 2020



Tenant Protections

AB 1482, SB 222/329, AB 1110



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Tenant Protections

- AB 1482
 - caps rent at 5%+CPI or 10% (whichever is lower);
 - requires just cause for eviction
 - Relocation benefits
- SB 222/329 prohibits Section 8 discrimination
- AB 1110: 90d notice for > 10% rent increases

COMING ATTRACTIONS
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2020 Legislation



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On the horizon...

- More streamlining
 - SB 4 – TOD housing consistent with General Plan
 - AB 1279 – state-designated “high resource” areas
- AB 1484: limits imposition of impact fees
- A new SB 5?: funding for affordable housing



On the horizon...

SB 50

- 1/2 mi from “major transit stop” or bus stop on “high quality bus corridor”
- Exempt from density, FAR, parking, height, etc.
- No CEQA review
- Latest version would give cities an additional 2 years to come up with “alternative plans”



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