



Planning Commission

**Item 3: 21-115
2020 Housing Legislation**

January 27, 2021



Topics

- Update on 2018/2019 laws
- COVID-19 Responses
- Housing Element
- Streamlining
- Density Bonuses
- CIDs & ADUs
- Future legislation



Update on 2018/2019 Laws



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Update on 2018-2019 Laws...

- ADUs
- HAA – GP/ZO Inconsistency
- “Super” Density Bonuses: Ø
- SB 35 Streamlining: Ø

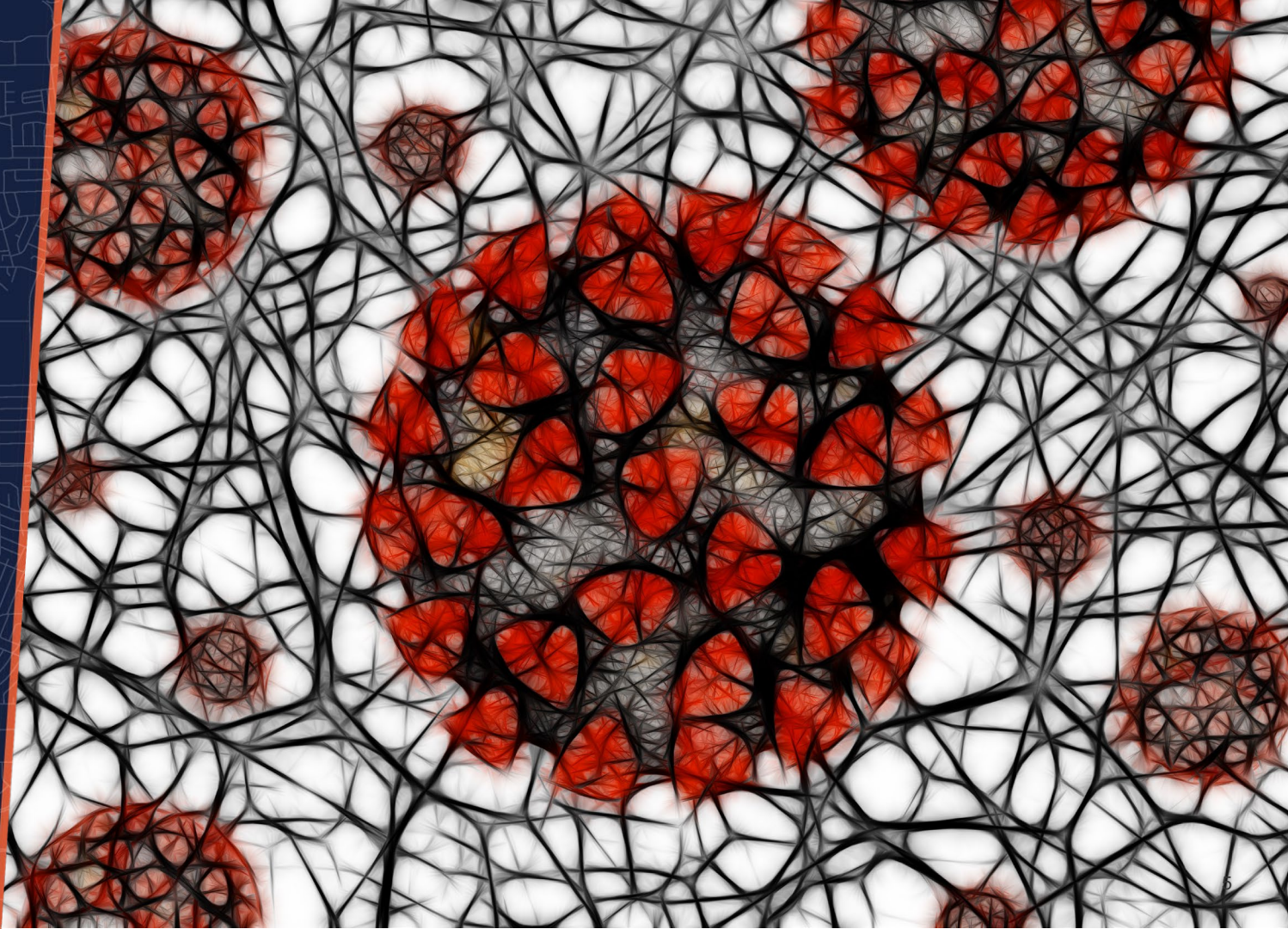
COVID-19

AB 3088

AB 1561



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Evictions: Federal Response

- Sep. 4, 2020: CDC issues order prohibiting residential evictions from 9/4/20 – 12/31/20
- Dec. 27, 2020: Act of Congress extends to 1/31/21
- Jan. 20, 2021: President Biden directs CDC to extend order; CDC extends it to 3/31/21



Evictions: City Response

- City ordinances #2014 & 2015, eff. Mar. 24, 2020.
- Prohibited residential evictions for
 - Nonpayment due to COVID-19 financial impacts
 - Other grounds not based on tenant fault
- In effect until Sep. 30, 2020.



Evictions: State Law (AB 3088)

- Statewide moratorium on residential evictions from Aug. 31, 2020 - January 31, 2021.
 - Tenants must pay 25% of back rent.
- Anticipated this week:
 - Extension of prohibition to June 30, 2021.
 - Partial payoffs for landlords



AB 1561: COVID-19 Extensions

- Extends by 18 months housing entitlements issued prior to March 4, 2020 that would expire prior to December 31, 2021.
 - Building Permits
 - PD rezones
 - CUPs



AB 1561: COVID-19 Extensions

- Extends by 30 days (to 60 days total) the time for Native American consultation on housing projects
 - Applies for application dates between March 4, 2020 and December 31, 2021.



Housing Element

AB 725



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Housing Elements

- Inventory of sites sufficient to achieve RHNA
- HCD reviews the City's plan & monitors progress

2014-2022 Santa Clara RHNA:

Income Group	Units Assigned	Percent of Total	Minimum Density	Maximum Density
Extremely Low	525	13%	30 du/ac	
Very Low	525	13%	30 du/ac	
Low	695	17%	30 du/ac	
Moderate	755	18%		
Above Moderate	1,593	39%		
Total	4,093	100%		



AB 725: Housing Elements

- Min. density of 4 du/ac for $\geq 25\%$ of moderate & above moderate
- Max density of 100 du/ac for $\geq 25\%$ of moderate

Income Group	Units Assigned	Percent of Total	Minimum Density	Maximum Density
Extremely Low	525	13%	30 du/ac	
Very Low	525	13%	30 du/ac	
Low	695	17%	30 du/ac	
Moderate	755	18%	$\geq 25\%$: 4 du/ac	$\geq 25\%$: 100 du/ac
Above Moderate	1,593	39%	$\geq 25\%$: 4 du/ac	
Total	4,093	100%		

Stream- lining

AB 831

AB 168

AB 1851



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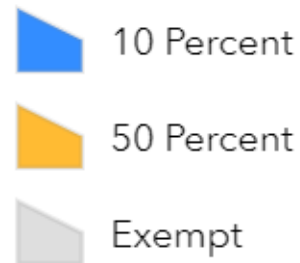
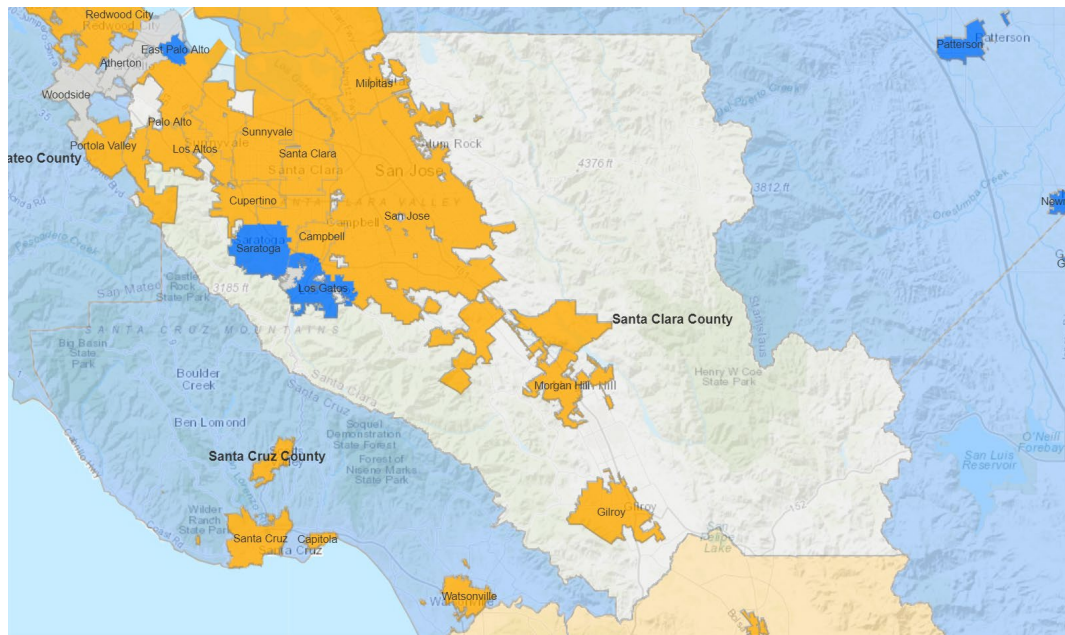
SB 35 Streamlining

SB 35 (2017) created ministerial approval process for certain affordable housing projects

- “Compliant” jurisdictions: 50%-affordable
- “Non-compliant” jurisdictions: 10%-low/VL, or 20%-moderate



SB 35 Compliance





AB 831: Streamlining Changes

- Changes SB 35 to provide a ministerial path to *modify* approved SB 35 development projects.
- Makes projects on a historical register *ineligible* for SB 35 streamlining
- New limitations on public improvements in conjunction with SB 35 projects



AB 168: Streamlining Changes

- Requires City to go through tribal consultation before processing SB 35 application
- SB 35 streamlining unavailable if Native American Tribe concludes that cultural resource would be affected



AB 1851: Religious Parking Lots

- Authorizes housing in religious institution parking lots, provided that total reduction in parking spaces $\leq 50\%$ of existing parking.
- City can require up to one parking space per unit for the affiliated housing project.



Density Bonuses

AB 2345



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Density Bonuses

- Existing law: DB for certain kinds of housing...

Affordability	Req'd %	Bonus	Max bonus	Incentives
Very Low	5%	20%	35%	1
	10%	32.5%		2
	15%	35%		3
Low	10%	20%	35%	1
	20%	35%		2
	30%	35%		3
Moderate [condos]	10%	5%	35%	1
	20%	15%		2
	30%	25%		3
100% Affordable	100% [80% L/VL; 20% mod]	80% [transit far] ∞ [transit near]	∞	4



AB 2345: Density Bonuses

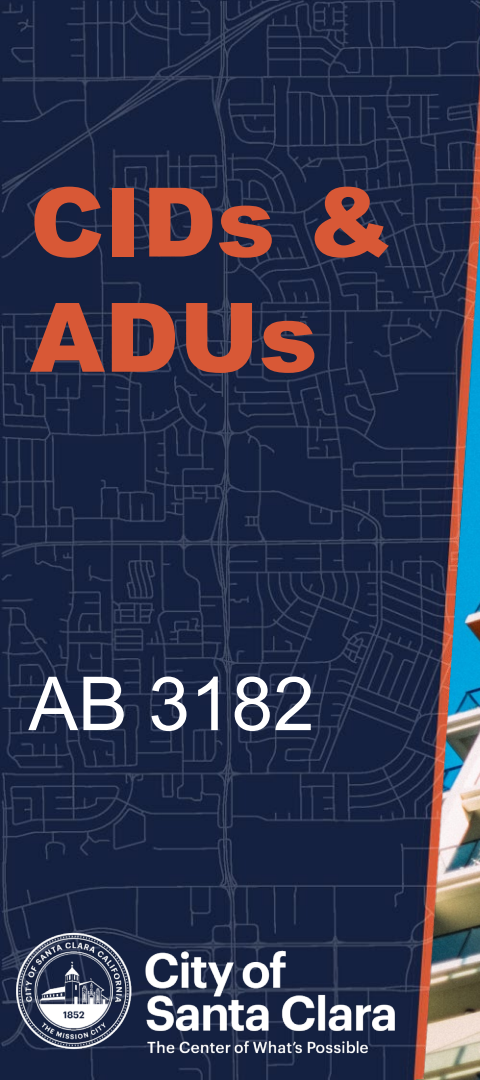
- Higher bonus & reduced eligibility requirements

Affordability	Req'd %	Bonus	Max bonus	Incentives
Very Low	5%	20%	35% 50%	1
	10%	32.5%		2
	15%	35% 50%		3
Low	10%	20%	35% 50%	1
	20% 17%	35% 30.5%		2
	30% 24%	35% 50%		3
Moderate [condos]	10%	5%	35% 50%	1
	20%	15%		2
	30%	25%		3
100% Affordable	100% [80% L/VL; 20% mod]	80% [transit far] ∞ [transit near]	∞	4



AB 2345: Density Bonuses

- Changed the “reduced parking” incentive:
 - Reduced from 2 spaces to 1.5 spaces per dwelling unit, for two- and three-bedroom units
 - 0.5 spaces for 20% L / 11% VL projects near transit
 - Eliminates parking for projects near transit that are 100% affordable or senior projects



CIDs & ADUs

AB 3182



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AB 3182: CIDs

- Requires that CIDs / HOAs to allow owners to rent out their units, including all ADUs and JADUs.
- Still allows CIDs / HOAs to:
 - cap total # of rental units at 25%
 - Prohibit short term rentals ≤ 30 days



AB 3182: ADUs

- Existing law required City to ministerially approve ADU applications within 60 days
- Under AB 3182, if City fails to act within 60 days, the application is deemed approved



The Future

SB 6, 9, 10 (2021)



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SB 6: Neighborhood Homes Act

- Would make housing developments an allowable use in most office & commercial zones
- Penalties would apply for noncompliance
- SB 35 streamlining would apply



SB 9: Eliminates SFR Zoning

- Ministerial approval for duplexes in single-family zones
- Ministerial approval for the subdivision of parcels into equal parts ≥ 1200 sf



SB 10: CEQA Exemption for MFRs

- New CEQA exemption to rezone any parcel for up to 10 units/parcel, if parcel located in:
 - Transit rich area
 - Jobs-rich area
 - Urban infill site



Questions



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