



Sunnyvale

Update on California Housing Laws

Presented By:
Office of the City Attorney &
Community Development Department
City Council, January 14, 2020



Topics

- **2019 Housing Related Legislation**

Summary

- ◆ Over 100 Bills introduced
 - ◆ Over 40 Bills signed
 - ◆ **23 Bills Signed with Impacts on Sunnyvale**
 - ◆ Most Substantial Changes: SB 330 & ADUs
 - ◆ **5+ Bills carried over**
- **2020 Pending Legislation:** SB 50, AB 1484, etc.





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2019 Legislation

23+ Housing Bills with Local Impacts

Density Bonus +

AB 1763

Tenant Protections

AB 1482, SB 222/329,
AB 1110

Housing Investment/Financing

AB 1010, AB 116, AB 1743,
SB 196, AB 1487

Reporting & Transparency

AB 1255, AB 1486, AB 1483,
SB 6

ADU

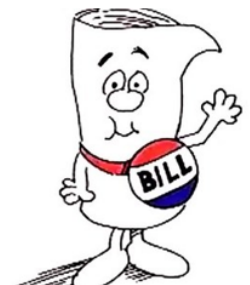
AB 68, SB 13, AB 881,
AB 671, AB 587

Streamlined/Increased Housing

AB 1485, SB 330

CEQA & Transit Definition

AB 101, AB 1560



Density Bonus for 100% Affordable Projects

AB 1763

▲ Greater than ½ mile from ***Major Transit Stop***:

- **80%** Density Bonus
- 4 concessions

▼ Less than ½ mile of ***Major Transit Stop***:

- ***UNLIMITED*** density
- 3 additional stories
- 4 concessions



Tenant Protections

AB 1482, SB 222/329, & AB 1110

AB 1482

- ◆ Caps annual rent increases at 5% plus CPI
- ◆ Just cause for eviction and other relocation benefits
- ◆ Various exemptions
- ◆ No City enforcement
- ◆ Sunsets 2030

SB 222/329

- ◆ Prohibits Section 8 discrimination (and other vouchers)

AB 1110

- ◆ 90 day notice for 10% rent increase



Affordable Housing Financing

AB 1487

- ❖ CASA Compact
- ❖ Creates Bay Area Housing Finance Authority
 - ◆ Allocate new revenue sources/taxes and issue bonds



Reporting Requirements/Transparency

AB 1255, AB 1486, & AB 1483

❖ AB 1255

- Annual report to HCD: inventory of surplus land

❖ AB 1486

- Surplus land to be included in Housing Element

❖ AB 1483

- Transparency for all development standards, fees, and requirements

❖ SB 6

- HCD publishes residential land inventory from HE

ADU Updates

AB 68, SB 13, AB 881, & AB 671

❖ **All** single-family residential properties entitled to:

Standard ADU (SADU)

Junior ADU (JADU)

SADU + JADU

❑ **Detached:** SADU min. allowed:

- 800 sq. ft.
- 4 ft. minimum side & rear yard **setback**
- 16 ft. maximum **height**

❑ **Existing Space:** in primary dwelling—to create

- JADUs (maximum 500 sq. ft.)
- SADUs

ADU Updates

AB 68, SB 13, AB 881, & AB 671

- **Multi-family** developments may also be entitled to SADUs.
- **NO** Replacement parking
- **NO** New parking required
- **NO** Deed restrictions for SADUs (*through 2025*)
- **NO** Short-term rentals in new ADUs



Sunnyvale Ordinance Adopted January 7, 2020

Housing Crisis Act of 2019

SB 330 (Skinner) – Overview

Variety of substantive and procedural requirements to spur housing development

Some provisions sunset in 2025

- City's requirements must be **Objective & Transparent**
- **Preliminary Application** locks in Fees & Standards
- Maximum 5 Public Hearings (qualified projects)
- Shortened deadlines under Permit Streamlining Act

Housing Crisis Act of 2019

SB 330 (Skinner) – Overview, *continued*

- Invalidates
 - ◆ **Housing Caps** (*see next slides*)
 - ◆ Moratoria
 - ◆ Down-Zoning
- Lower income residents: protections for displacement
- Projects must still comply with CEQA
 - ◆ Exemptions may apply: e.g. Infill or SB 35

Housing Crisis Act of 2019

SB 330 (Skinner) – No Housing Caps

Lawrence Station Area Plan (LSAP)



- Existing
 - ◆ Minimum and “Maximum” Density by zone
 - ◆ LSAP-wide development reserve based on incentives
- Update
 - ◆ Site specific densities, with maximums based on incentives

Housing Crisis Act of 2019

SB 330 (Skinner) – No Housing Caps

El Camino Real Plan (ECR-CSP)

- Existing
 - ◆ No zoning density
- Preliminary Plan
 - ◆ Node and Segment
 - Minimum and “Maximum” Density
 - Node or Segment development reserve based on incentives
- Proposed Update
 - ◆ Site specific densities (based on Node, Segment, & Other)
 - ◆ Maximums based on incentives
 - ◆ No shared reserves



Housing Crisis Act of 2019

SB 330 – Preliminary Application (PA)

- Submittal Requirements:
 - ◆ PA requirements specified in SB 330
 - ◆ Formal Application:
 - Comprehensive list of requirements provided up front
 - No additional items after first review
 - 30 days maximum for each review
 - Project decision made within specific timeframe (based on CEQA determination); and
 - Project must start construction within 2.5 years of approval date
- Development fees locked for 180 days
 - After complete submittal

Housing Crisis Act of 2019

SB 330 – Anti-gentrification

- Demolished units
 - ◆ Must build: Same or Greater number of units
- Tenants in “protected units”
 - ◆ Must receive relocation benefits
 - ◆ Entitled to units in the new project at affordable rent
- Protected units
 - ◆ Are, or have been, occupied by low or very low income tenants in the previous five years
- City must verify compliance with above requirements
 - ◆ Before approving the project

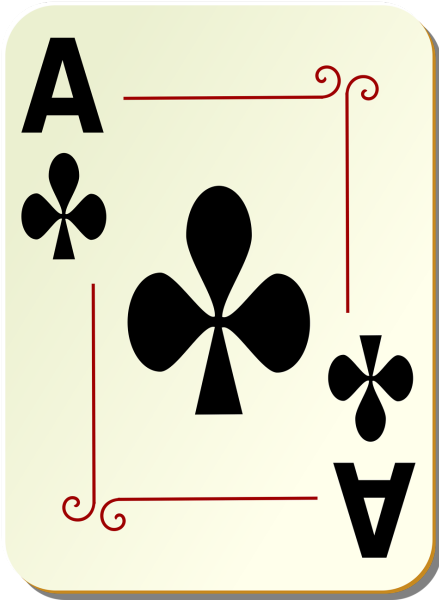
Housing and CEQA / Transit Definition

A few tweaks – No major reforms

- **CEQA-exempt SB 35** projects now include option for:
 - ◆ 20% moderate income projects in the Bay Area (AB 1485)
- For **Mixed-use SB 35** projects:
 - ◆ Calculation of 2/3 residential now excludes underground spaces such as garages and basements
- New **CEQA** exemption (AB 101) for:
 - ◆ Homeless Navigation Centers
- Definition of “**Major Transit Stop**” (AB 1560)
 - ◆ Broadened: includes bus rapid transit (*affects various CEQA exemptions*)

Housing and CEQA

Tweaks, *continued*



- **CEQA** trumps SB 330 in important ways:
 - ◆ Projects must comply with necessary mitigation measures
 - ◆ Permit Streamlining Act deadlines are triggered by CEQA determination



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Pending Legislation

Pending Housing Legislation with Local Impacts

❖ **SB 50** 🔥

- ◆ Increases allowed density, removes CEQA review, streamlines development of housing (*more info on next slide*)

❖ **SB 4**

- ◆ Streamlines housing development, if consistent with GP

❖ **AB 11**

- ◆ State financing mechanism for development of housing

❖ **AB 1279**

- ◆ State designated “high resource” areas = housing development is streamlined

❖ **AB 1484**

- ◆ Limits City from req. impact fees for housing dev. projects

❖ **To be continued.....**

SB 50 (Wiener)

Streamlined Approval of Housing Development

Eligible Projects:

- ◆ ½ Mile from a “Major Transit Stop”; or
- ◆ ¼ Mile from a stop on a “High-Quality Bus Corridor”

Exempts Projects from:

- ◆ Maximum Density
- ◆ FAR
- ◆ Parking
- ◆ Height and other zoning and design objectives

Standards/Review

- Heights of 45-85
- FAR of 250% - 450%
- City can apply:
 - ◆ Objective Development and Design Standards
- Dictates required number of affordable units
- No CEQA review





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Questions & Discussion