



TOWN OF PORTOLA VALLEY

4:30 PM – Ad Hoc Housing Element Committee Meeting
Monday, November 15, 2021

**THIS MEETING IS BEING HELD
VIA TELECONFERENCE ONLY**

MEETING AGENDA

Remote Meeting Covid-19 Advisory: On September 16, the Governor signed AB 361, amending the Ralph M. Brown Act (Brown Act) to allow legislative bodies to continue to meet virtually during the present public health emergency. AB 361 is an urgency bill which goes into effect on October 1, 2021. The bill extends the teleconference procedures authorized in Executive Order N-29-20, which expired on September 30, 2021, during the current COVID-19 pandemic and allows future teleconference procedures under limited circumstances defined in the bill. Portola Valley Town Council and commission and committee public meetings are being conducted electronically to prevent imminent risks to the health or safety of attendees. The meeting is not available for in-person attendance. Members of the public may attend the meeting by video or phone linked in this agenda.

Below are instructions on how to join and participate in a Zoom meeting.

Join Zoom Meeting Online:

Please select this link to join the meeting:

<https://us06web.zoom.us/j/84496233164?pwd=b01zci9iYy9lMW15SENYWktCamNDUT09>

Or: Go to Zoom.com – Click Join a Meeting – Enter the Meeting ID

Meeting ID: 844 9623 3164 **Passcode:** 644998

Or Telephone:

1. 669.900.6833

1.888.788.0099 (toll-free) Enter same Meeting ID and Passcode

*6 - Toggle mute/unmute.

*9 - Raise hand.

Remote Public Comments: Meeting participants are encouraged to submit public comments in writing in advance of the meeting. Please send an email to housing@portolavalley.net by 12:00 PM on the day of the meeting. All comments received by that time will be distributed to Committee Members prior to the meeting. All comments received are included in the public record.

We encourage anyone who has the ability to join the meeting online to do so. You will have access to any presentations that will be shown on your screen and can easily provide comments using the “raise your hand” feature when the Chair calls for them.

Approximate timeframes are provided for agenda items as a guide for the Chair, Committee Members, and the public. Actual times may vary.

Committee Members:

Jeff Aalfs - Town Council Subcommittee

Aimee Armsby

Sue Crane

Sarah Dorahy

Erik Doyle

William Kelly

Anne Kopf-Sill - Planning Commission Representative

Andrew Pierce - Race and Equity Committee Representative

Al Sill - ASCC Representative and Vice-Chair

Jocelyn Swisher - Chair

Nicholas Targ - Planning Commission Representative

Bob Turcott

Janey Ward

Sarah Wernikoff - Town Council Subcommittee

Helen Wolter

Staff Contacts:

Laura Russell - Planning & Building Director

Adrienne Smith - Senior Planner

4:30 PM - CALL TO ORDER AND ROLL CALL

ORAL COMMUNICATIONS

Persons wishing to address the Ad Hoc Housing Element Committee on any subject not on the agenda may do so now. Please note however, that the Ad Hoc Housing Element Committee is not able to undertake extended discussion or action tonight on items not on the agenda. Comments will be limited to two minutes per person.

COMMITTEE DISCUSSION

1. Accessory Dwelling Unit (ADU) Discussion (1.5 Hours)

- Background, Terminology, History, Income Category Assignment
- Recent Town Code amendments
- Income Categories and Projections for Cycle 6

2. Feedback from Community Meeting and Town Council/Planning Commission Study Session (30 Minutes)

INFORMATIONAL ITEM

3. Committee Outreach to Community (10 Minutes)

STAFF AND COMMITTEE REPORTS

4. Staff Updates/Announcements (15 Minutes)

- *Topics look ahead*
- *Department of Housing and Community Development (HCD) Staff Visit*
- *SB9 Update*
- *Department of Justice Housing Strike Force*
- *Administrative updates*

APPROVAL OF MINUTES

5. Ad Hoc Housing Element Committee Meeting of 10/18/21 (5 Minutes)

ADJOURNMENT

COMMUNICATIONS DIGEST

Public comments received since the last meeting will be distributed to the Committee at the end of each agenda packet.

AVAILABILITY OF INFORMATION

For more information on the items to be considered by the Committee, please email housing@portolavalley.net.

Any writing or documents provided to a majority of the Town Council or Commissions regarding any item on this agenda will be made available for public inspection at Town Hall located 765 Portola Road, Portola Valley, CA during normal business hours. Copies of all agenda reports and supporting data are available for viewing and inspection at Town Hall.

ASSISTANCE FOR PEOPLE WITH DISABILITIES

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department at (650) 851-1700. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

PUBLIC HEARINGS

Public Hearings provide the general public and interested parties an opportunity to provide testimony on these items. If you challenge any proposed action(s) in court, you may be limited to raising only issues you or someone else raised at the Public Hearing(s) described in this agenda, or in written correspondence delivered to the Committee at, or prior to, the Public Hearing(s).



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Ad Hoc Housing Element Committee

FROM: Laura Russell, Planning & Building Director
Adrienne Smith, Senior Planner

DATE: November 15, 2021

RE: **Accessory Dwelling Unit Discussion**

I. Background

a. Terminology

An Accessory Dwelling Unit (ADU) is a complete independent living facility for one or more persons. ADUs (also referred to as second units, in-law units, casitas, or granny flats), have several variations:

- Detached: The unit is separated from the primary structure.
- Attached: The unit is attached to the primary structure.
- Converted Existing Space: Space (e.g., master bedroom, attached garage, storage area, or similar use, or an accessory structure) on the lot of the primary residence that is converted into an independent living unit.
- Junior Accessory Dwelling Unit (JADU): A specific type of conversion of existing space that is contained entirely within an existing or proposed single-family residence.

b. Legislative History

ADUs and JADUs are a flexible form of housing that can help Californians more easily access job-rich, high opportunity areas and are a unique opportunity to address a variety of housing needs and provide affordable housing options for family members, friends, students, the elderly, in-home health care providers, people with disabilities, and others. Further, ADUs offer an opportunity to maximize and integrate housing choices within existing neighborhoods.

The California Legislature has determined that allowing ADUs in areas zoned for single-family and multifamily uses is an essential component in addressing California's housing needs. Beginning in 2016, the State has passed a series of increasingly permissive laws intended to streamline and simplify the process for creating ADUs at the local level. Most recently, a series of ADU laws effective January, 2020, instituted a maximum permit approval period, ministerial approval of ADUs meeting certain

minimum objective standards and reduced permitting fees. These legislative and policy changes have increased ADU development across many California communities.

c. Income Category Assignment

The below two tables illustrate the Cycle 5 (2014-2022) Housing Element ADU income category assignment and the projected Cycle 5 ADU production vs. 2018-YTD actual ADU production:

Cycle 5 ADU Income Category Assignment and Projected Units

Income Category	% Assigned	Projected Units
Very Low Income	50%	26
Low Income	19%	10
Moderate Income	21%	11
Above Moderate Income	10%	5
Total Units/Category	100%	52

Actual Units According to Income Category 2018-YTD

Income Category	2018	2019	2020	2021 YTD	Cycle 5 YTD Actual
Very Low Income	1	4	1	-	6
Low Income	1	1	0	-	2
Moderate Income	1	1	1	-	3
Above Moderate Income	1	4	1	-	6
Total Units	4	10	3	8	25

II. Recent Town Code Amendments

In response to the numerous legislative changes to the State's ADU laws outlined above, the Town has gone through two recent major ADU Ordinance updates. In 2019 Town Council adopted a new ADU Ordinance that included the following policies:

- ADU Size limitations
 - External ADUs (new square footage) on parcels less than 3.5 acres are limited to 1,200 SF or 50% of the existing building (whichever is more restrictive);
 - Internal ADUs (conversions of existing buildings) are limited to 1,700 SF;
- Allowing ADUs in all zoning districts and on properties less than one acre in size (with some limitations);

- Allowing a separate address and separate utilities from the main house;
- Streamlined review process that would shorten review times while preserving the opportunity for neighbor comments; and
- Second driveways, in rare cases, with ASCC approval.

To further implement state law and address fire safety concerns, the town went through a new round of updates to the ADU Ordinance adopted by Town Council on July 14, 2021. Additional information is available in the First Reading [staff report](#) (see p. 88). A separate ADU Fire Safety Checklist was adopted by Town Council on August 11, 2021. Additional information is available in the [staff report](#) (see p. 35).

III. Income Categories and Projections for Cycle 6

a. Cycle 6 Income Categories

For the upcoming Cycle 6 Housing Element (2023-2031), the Town's Housing Element consultant 21 Elements is generally advising San Mateo County jurisdictions to follow the below ADU affordability categorizations:

Very Low Income (0-50% AMI)	30%
Low Income (51-80% AMI)	30%
Moderate Income (81-120% AMI)	30%
Above Moderate Income (120+ AMI)	10%

However, jurisdictions must consider ADU affordability classifications in concert with Affirmatively Furthering Fair Housing (AFFH), a required component of the Housing Element. Many ADUs are affordable to lower and moderate income households because they are rented to family and friends of the homeowners. However, if minorities are underrepresented among homeowners, the families and potentially friends of the homeowners will be primarily white. Therefore, relying too heavily on ADUs to achieve the low income units required by the Regional Housing Needs Allocation (RHNA) could inadvertently exacerbate patterns of segregation and exclusion. Jurisdictions with fair housing concerns may want to use more conservative assumptions based on open market rentals, excluding units made available to family and friends, as summarized below:

Very Low Income	5%
Low Income	30%
Moderate Income	50%
Above Moderate Income	15%

At this time, the department of Housing and Community Development (HCD) has not provided definitive guidance on which ADU affordability breakdown communities should choose. Town staff will continue to work with consultants and the HCD to ensure the Ad Hoc Housing Element Committee has the best information available in order to reach a recommendation on ADU income category classification.

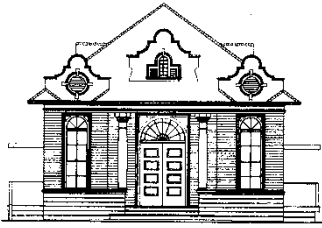
b. Cycle 6 Unit Projection

To estimate the Town's expected ADU unit production in Cycle 6, Town staff are considering past ADU unit production in conjunction with recent ADU ordinance updates to encourage the construction of new units. Staff is proposing the Committee consider the following draft unit numbers according to income distribution:

Income Category (30-30-30-10% split)	Cycle 6 Proposed Units
Very Low Income	24
Low Income	24
Moderate Income	24
Above Moderate Income	8
Total Units	80

Income Category (5-30-50-15% split)	Cycle 6 Proposed Units
Very Low Income	13
Low Income	76
Moderate Income	126
Above Moderate Income	38
Total Units	80

The above unit estimates and income methodology will need to be reviewed and approved by HCD.



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Ad Hoc Housing Element Committee

FROM: Laura Russell, Planning & Building Director
Adrienne Smith, Senior Planner

DATE: November 15, 2021

RE: **Feedback from Community Meeting and Town Council/Planning Commission Study Session**

I. Overview

Town Council and Planning Commission met in a joint session on October 27, 2021 to provide feedback to staff on the general Housing Element update community engagement strategy and for Town Council and Planning Commission to provide high level feedback on the Housing Element update process to help guide the work of the Ad Hoc Housing Element Committee.

II. Summary of Community Meeting #1

The Town held its first community-wide Housing Element update meeting on October 14, 2021, via Zoom. The meeting was well-attended by over 70 participants including councilmembers Aalfs and Wernikoff and a number of Ad Hoc Housing Element Committee members. The meeting was administered by the Town's housing element consultant Urban Planning Partners (UPP) and the format consisted of an overview presentation covering the housing trends and basic requirements of a housing element. Meeting participants were later randomly assigned to breakout rooms to provide an opportunity for small-group discussion. Each breakout room was facilitated by either a Town staff person or a representative of UPP who posed various discussion questions to the group. After approximately thirty minutes of discussion, all breakout rooms rejoined the main meeting room where facilitators provided a summary of key discussion themes. The meeting concluded with a brief staff presentation of upcoming meetings and next steps in the Housing Element update process.

The meeting presentation is available on the Town's website [here](#) and the meeting recording (excluding the breakout room discussions) is available to watch [here](#). Staff has prepared an overall meeting summary, including key break out room discussion topics (see attached summary). Breakout room participants expressed a range of opinions, but several recurring topics emerged:

- Housing for people who work in the Town (teachers, fire fighters, Town employees, Sequoias staff etc.)
- Housing for the elderly and those with special needs
- Diversity of housing choices and affordability levels to meet range of needs
- Fire safety – concerns about evacuation with increased population
- Objection to State dictating Town's housing interests
- Impact of ADUs (past and future) on Regional Housing Needs Allocation (RHNA) and streamlining permitting process
- Improving existing Town infrastructure and public transportation
- Maintain Town's rural character and open spaces; new housing that blends in
- Multifamily housing along main corridors Alpine and Portola roads
- Affordable housing units located along main roads, proximate to shops and services

After the meeting, participants were sent a brief survey to gauge meeting experience and provide an opportunity for pose questions. Moving forward, staff will use the feedback to hone the community-wide meeting process and compile an FAQ document to be posted on the Town website.

Two more community-wide meetings are being planned for Winter and Spring/Summer 2022 where participants will consider draft Housing Element goals and policies and later, the draft Housing Element itself.

III. Town Council and Planning Commission Joint Session Feedback

Staff suggested the following questions for Town Council and Planning Commission discussion:

- What are some of the Town's key housing needs and challenges?
- What policies and programs have the most promise to meet the Town's housing needs?
- Would you rather see new units (aside from ADUs) spread throughout the Town or fewer projects in more concentrated locations?
- Imagine it's the year 2031. What does success look like with this Housing Element update? What words describe the housing in your community now?

The discussion yielded a range of feedback and committee Members are encouraged to watch the [meeting recording](#) (discussion starts at 1 hour 9 minutes; public comment begins at 2 hours 6 minutes).

AttachmentPortola Valley Housing Element Update 2023-2031
Community Meeting #1

Date/Time: October 14, 2021, 6:00-7:30pm via Zoom

Participants were asked to sign up in advance; however, everyone was admitted that wished to attend.

[Meeting Presentation](#)[Meeting Recording](#)**Desired Outcomes:**

- Attendees:
 - Are familiar with basic requirements of the Housing Element
 - Understand current housing trends and housing need
 - Build relationships with community members & partners
- Town staff and consultant:
 - Learn about the community's ideas
 - Listen to comments and concerns
 - Provide information on how to stay involved

Attendees:

- ~70 members of the public, which fluctuated somewhat throughout the meeting
- Town Council Members
 - Jeff Aalfs
 - Sarah Wernikoff
- Town Staff
 - Jeremy Dennis, Town Manager
 - Laura Russell, Planning & Building Director
 - Adrienne Smith, Senior Planner
 - Dylan Parker, Assistant Planner
- Consultants
 - Carla Violet, Project Manager
 - Curtis Banks, Project Director
 - Leslie, Senior Advisor
 - Mona Al-Abadi, Associate Planner
 - Alyssa Chung, Project Planner

Meeting Summary:

Council Member Jeff Aalfs welcomed participants and provided a brief introduction to the project. Laura Russell (Planning & Building Director) walked attendees through the meeting program and shared a Zoom poll to collect anonymous demographic information. The demographic information is solely used to understand which members of the community are being reached, and who may be missing from participation.

Next, Carla Violet, project manager for Urban Planning Partners, described the background and context for the Housing Element Update. She presented comparisons of the state, county, and town's demographics and housing needs. Additionally, she described State housing legislations, and provided an overview of the contents and requirements of the Housing Element, including the Town's Regional Housing Needs Allocation (RHNA) and criteria for selection of new housing sites. Links to the power point presentation and recording of the main session are both available above.

Following the presentation, Town staff and consultants facilitated six, 30-minute breakout rooms of approximately 10 to 12 participants. In each breakout room, participants were asked the following questions in a free-discussion format:

1. What are some of the Town's key housing needs and challenges?
2. What ideas, policies, programs and suggestions do you have to meet the Town's housing needs?
3. Would you rather see new units (aside from ADUs) spread throughout the Town or fewer projects in more concentrated locations?
4. Imagine it's the year 2031. What does success look like with this Housing Element update? What words describe the housing in your community now?

Breakout Room Discussion

Icebreaker Question: What is one thing you value/love about Portola Valley?

- Sense of community
- Uniqueness of the area within Silicon Valley, but close to amenities
- Natural beauty
- Hiking and bike trails and open space
- Schools
- Neighbors
- Rural quality
- Quiet
- Great place for family
- Peace and calm
- Nature provided respite from COVID

Question 1: What are some of the Town's key housing needs and challenges?

- Finding existing homes that are accessible are hard to find
- Environmental constrains are a challenge – how can we meet our RHNA and maintain everything we love about Portola Valley?

- With this much housing, when will the Town reach capacity?
- Housing needs are key – folks that work at the Sequoias have to drive a great distance to Portola Valley because no proximate affordable housing. This contributes to traffic
- Need to be able to house all those that work in Portola Valley (especially given our lack of public transportation)
- Portola Valley is in a high fire danger area. The number one priority is for residents to be safe
- Building more housing doesn't mean the cost of housing will go down
- If there's no vacant land, how will we provide new housing?
- Wouldn't be able to afford to live in Portola Valley without living with family. We need housing to be inclusive and accessible
- Infrastructure needs/issues like water, evacuation routes, and more schools - all cost money
- Need workforce housing, no one working at the Town's schools can live here
- Need to be more welcome to diverse populations, races and socioeconomic statuses
- We need to be able to house our fire workers (especially with Town's known fire risks)
- Need more multi-generational housing; it should be easier for elderly owners to make room for their extended families
- Need housing for small groups of single people (ex. Group of five residents) that share common areas and facilities
- Need housing for populations with special needs
- Concern about the cost of housing for young families, and essential workers
- Overall lack of affordable housing
- Affordable housing for seniors to age in place
- Drought, fire danger and lack of public transportation are challenges
- Applaud Woodside Priory's housing efforts; need to find ways to house people that contribute to the Town ex. Fire fighters/teachers/grocery store workers
- Challenge = fighting state's socialistic agenda
- Ladera (adjacent to Portola Valley) had discriminatory effects
- Preserve rural nature of the area
- Single-family homes have been essential even though Town has history of discrimination

- Transportation – no/little public transportation; 1 bus/day
- Should not isolate the lower income housing to only one area – should be disbursed throughout Town
- Lower wage workers might not want to live here – younger people want more active area – we don't necessarily want to adjust housing to that demographic
- Increasing density hasn't been tracked by Town – need to be able to count ADUs toward RHNA – Town said they couldn't count them – concerned we have added a lot of ADUs but we don't track them; some were illegal and have become legalized
- Don't support public buses coming through – Portola Valley was envisioned as a different type of community – almost no places like it left
 - Used to have teachers/fire fighters living here, but have created an unfair labor market – do we know if these people want to live in Portola Valley?
- It's not the residents who should decide who should live here
- Fire safety – don't have fixed evacuation plan – has to be included
- Was planning to do ADU and asked how many had been built but couldn't get an answer
- Disagree with RHNA numbers, should have been challenged by Town; unavailability of lots, safety, geologic and earthquake issues, wildfire issues
 - Increasing density of housing will increase fire danger
- Not housing needs but housing demands; fire issues (two major entrances for Town), challenges to resisting what State is telling Town to do
- Transportation limited to only two main corridors; need more public transportation
- ADUs are relatively easy to build and offer more housing; regulations are excessive, rigid, and inconsistent with mission statement
- Very little affordable housing for all but the most wealthy, difficult for people who work in town, younger families and seniors with fixed incomes to live here
- Fire dangers, limited amount of available land given scenic corridors, cost of building in this area
- How do we assess what our housing needs actually are? Do we respond to the affordability levels the State wants without knowing who wants to live here?
- Tried to house adult daughter in ADU who worked nearby, but were too short on minimum lot area required by Town – should consider on case-by-case basis to facilitate more housing
- Fire safety – lives on north side of Town, really only one way out in case of a wildfire
- Worried about getting out of Town in case of wildfire – especially worried about how Stanford Wedge project will exacerbate the problem because of added traffic
 - Concerned about adding new housing in general and traffic impacts – believes housing should be dispersed throughout the Town
- Addressing housing needs will be a slow process, but believes we'll be able to meet the challenge

Question 2: What ideas, policies, programs and suggestions do you have to meet the Town's housing needs?

- Need to help streamline the ADU permit process. New construction will help – need to fast track the process and make redevelopment more flexible

- Create another group living situation or extend the Sequoias (very successful example in Portola Valley)
- Form a coalition with other similar towns such as Mill Valley and present ideas to help educate lawmakers in Sacramento
- Provide pre-approved plans for residents and remove requirement for ADUs to match the character of the primary residences
- Need to start by addressing Town's fire issues
- Need to maintain Town aesthetics
- Need to consider housing proximity to services ex. Grocery store
- Should be clustered closer to Ladera and on Portola and Alpine roads – critical for low-income residents to have access to basic services
- Town should survey potential housing users to determine what kind of housing people actually need. Ex. Is it group housing? Supportive housing? Maybe it's not only about more housing, but about finding the best housing solutions to meet actual needs
- We need sufficient public transit to service future low-income residents
- ADU's are helpful to achieve RHNA but not necessarily helpful to achieve affordable housing
- It's too difficult to get Town approval to build ADUs and to get inspections for permit finals
- Can't meet RHNA without multifamily zoning
- Would love small multi-family housing units near Town's churches
- Town has met total RHNA for cycle 5, but not for each specific affordability category
- Address fire safety and issue of residents losing home insurance
- Fire insurance, water supply issues; what is the deciding factor? Housing needs or safety element components?
- Safety Element should be completed before we work on the Housing Element; feels upset with the Town
- Need long-term planning in the Town, 10-20-30-year plans to address infrastructure, transportation, these things need to be addressed before proposing new housing
- There might be lots of large, underutilized homes where homeowners willing to carve out separate units to house new residents
- Was in Stinson Beach and saw a rental apartment above a store – Town of Stinson Beach had acquired it and turned it into rental housing – could find housing opportunities in Town's existing commercial buildings
- Mixed use projects: Build second level above existing commercial uses for housing – subtle increase in massing; could look at vacant areas behind commercial buildings at corner of Alpine and Portola roads

- Key to compliance with RHNA will be a broad range of approaches
- Important to note that not all users will want to own, don't want people to end up house poor - some might only want to rent
 - Both affordable housing to own and to rent will satisfy RHNA

Question 3: Would you rather see new units (aside from ADUs) spread throughout the Town or fewer projects in more concentrated locations?

- Would like Portola Valley to be more walkable with mixed-use buildings with retail on the bottom. More opportunities to walk and bike are needed
- The condo building with two stories and six units in Portola Valley is a good example of more dense housing that fits in with the area
- Build more clustered/ranch style housing with shared facilities where vacant land is available (although it's hard to find). We don't want anything to look denser than it is today
- This depends on the demographic we are trying to cater to: Woodside Priory is a good example
- No high-rise housing
- Need to preserve scenic corridors
- Look at both options – some concentrated housing and others spread out
- More senior housing is needed. The Sequoias has about 200 units. We need more “affiliated housing” for care workers at the Sequoias
- Teachers, firefighters, etc. need more options. In 1968, there were 900 children in Portola Valley and the population was mostly young families in the 1960s
- Needs to be well-thought out, denser and clustered around shops and services
- Concentrated for walkability and proximity to transit
- Preference is to spread out, but in terms of safety, all new units should be concentrated near the exits of Town

Question 4: Imagine it's the year 2031. What does success look like with this Housing Element update? What words describe the housing in your community now?

- New housing fits into the existing Town environment, it's not too dense, less than four stories high
- Housing is built along Alpine and Portola roads, (location of Town's flattest land and closest to public transit)
- There's a good variety of housing options to meet different needs

- Housing is located at the corner of Alpine and Portola roads to create more of a hub; there's apartments or condos next to Roberts Market and a community room for the elderly community, there are more places for seniors to meet, housing that's walkable
- Town's parkland and recreation areas are intact
- There's housing that serves populations in need such as seniors, disabled people and staff housing because pure affordable housing projects are difficult
- New housing blends into the landscape and allows a good mix of people to live in Town
- More public transportation
- It looks like it does now
- It's safer, with an emphasis on fire safety
- Given fire danger, hopes the town is still standing; want to see infrastructure improvements
 - Hopes in light of SB9 and SB10 that common sense will prevail
 - Wants new housing not to put new (or existing) residents in danger
- Taken a fresh look at underutilized office space – made decisions based on what's changed over the years and looked outside the box (especially in light of Covid, work-from-home)

Additional Questions/Comments from Breakout Sessions:

- How do we make sure housing is affordable to begin with? Higher density/smaller units? Otherwise, it won't be affordable for lower income affordability categories
- What is the final number of units built for RHNA cycle 5?
- SamTrans cutting the Portola Valley bus route – how are we going to service lower income residents?
- More time should've been allocated to the breakout rooms
- How do you ensure ADU's are affordable?
- Disappointed in presentation – didn't hear about disadvantages of building more homes
- How does State law maintain/know the cost that landlords are charging? How will they know that landlords aren't jacking up the prices? Deed restrictions?
- School district helped people buy homes – does the Town continue to support programs for teachers/public safety workers to live here?

- Had at least three meetings about housing – have been discouraged – what residents said wasn't properly communicated to Town Council
 - Never had a discussion of what has happened
- Make tree removal process easier by requiring the homeowner to put money into a fund for planting future trees
- Heard about a new development project on a vacant lot adjacent to Roberts – what is it?
- Does the Housing Element have to have a mechanism to ensure housing units are built?
- We were only town in San Mateo County that didn't ask for any relief from RHNA – all others asked for reduced numbers
- Town didn't address issue with the state at all – Portola Valley is along many miles of parkland
- Stanford wedge project – great deal of danger because parcel is so steep; story poles didn't show all the buildings
- Town isn't providing realistic approaches to increasing housing
- The Town is being sneaky
- We want to upgrade the ADU that came with the house, but was told we need to wait until 2023
- Town has spent so much money with HIP Housing and HEART of San Mateo County – many are renting a room
- More interested in hearing about ADUs to meet housing demands. How many more ADUs would we need to meet the RHNA. Safety trumps ridiculous requirements for housing
- Get the State out of local housing planning for the Town. Lawsuit against SB9
- Concern about how additional people will impact wildfire evacuation problems
- Fire safety issues need to be addressed before new housing is discussed
- Let's stay realistic as things change in our planning
- Wants to be sure feedback in this group will be shared with broader community

After the breakout rooms convened, each facilitator gave a brief summary of their group's discussion. Participants expressed a range of opinions, but several recurring topics emerged:

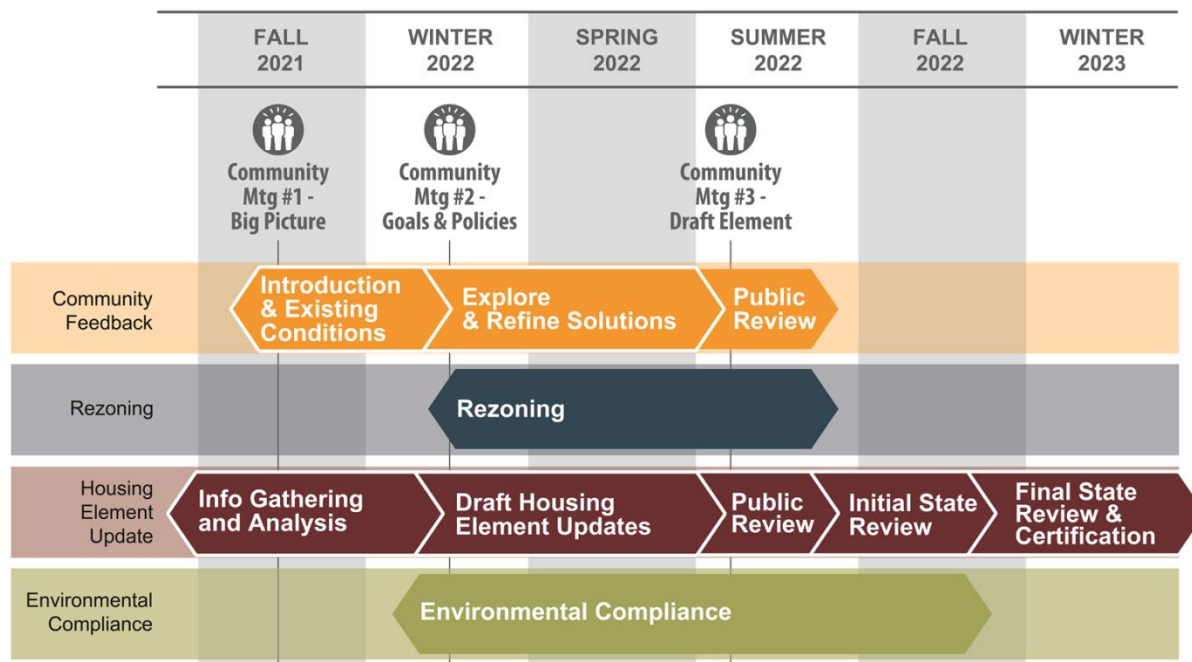
- Housing for people who work in the Town (teachers, fire fighters, Town employees, Sequoias staff etc.)
- Housing for the elderly and those with special needs
- Diversity of housing choices and affordability levels to meet range of needs
- Fire safety – concerns about evacuation with increased population
- Objection to State dictating Town's housing interests
- Impact of ADUs (past and future) on RHNA and streamlining permitting process

- Improving existing Town infrastructure and public transportation
- Maintain Town's rural character and open spaces; new housing that blends in
- Multifamily housing along main corridors Alpine and Portola roads
- Affordable housing units located along main roads, proximate to shops and services

At the end of the meeting, Town staff and consultants shared the project's timeline and provided resources for further community engagement, including updates and upcoming public meetings.

AD HOC HOUSING ELEMENT COMMITTEE TOPICS FOR CONSIDERATION

Housing Element Update Timeline:



Past Meeting Topics:

Committee Values, Decorum and Public Comment

- Committee's mission, values goals
- Committee and public comment decorum

Organization/Evaluation of Existing Housing Element

- What have we achieved? Challenges and opportunities

Portola Valley Demographic and Housing Trends

- What does the data tell us about the Town?

Housing Affordability Income Categories

- Defining affordability categories

Housing Element Law

- Housing and Community Development (HCD) Annual Reporting Requirement
- Consequences to falling short on RHNA
- Rezoning requirement

Housing Sites Inventory Pt. I

- Review possible housing site scenarios

Regional Housing Needs Zoning Target Concept

- Housing Element No Net Loss Law
- How to Plan for a Zoning Target

Upcoming Meeting Topics (order to be determined):

Accessory Dwelling Units (ADUs)

- How is affordability assigned
- Town data
- Future ADU production

Affiliated Housing

- Discussion of current program
- Expansion or revision

Housing Element Interaction with other General Plan Elements

- Understanding Housing Element crossover areas

Housing Sites Inventory Pt. II and III

- Committee will recommend new sites for housing

Implications of SB 9

- Examine how legislative changes will interact/impact Housing Element update

Resilience and Safety

- Wildfire risk
- Geology and seismic considerations

Affordable Housing Programs

- How to establish and maintain units as affordable
- Other ways to encourage housing opportunities

Housing Element Policies and Programs

- Policies form the Housing Element framework and programs lay out how to facilitate the policies

Implementing Housing Element Concepts

- Examining any necessary zoning code amendments to accommodate new housing sites



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Ad Hoc Housing Element Committee

FROM: Laura Russell, Planning & Building Director

DATE: November 15, 2021

SUBJECT: Update on Legislation – SB9 and SB10

On October 13, the Town Council received a report on SB9 and SB10 and provided feedback to staff on how to proceed to address this legislation. The staff report is attached to this memo and the meeting recording is available at <https://www.youtube.com/watch?v=o1z9EFYg8ss> (time stamp 20:20) if the Commission or members of the public would like to review it.

The Town Council formed a Subcommittee of Mayor Derwin and Vice Mayor Hughes to work with staff to develop an emergency ordinance for review at the December 8, 2021 Council meeting.

ATTACHMENTS

1. October 13, 2021 Staff Report



TOWN OF PORTOLA VALLEY

STAFF REPORT

TO: Mayor and Members of the Town Council

FROM: Jeremy Dennis, Town Manager
Cara Silver, Town Attorney
Laura Russell, Planning & Building Director

DATE: October 13, 2021

RE: Discussion of New Housing Legislation, including SB 9 regarding Urban Lot Splits and SB 10 exempting certain rezonings from environmental review

RECOMMENDATION

Staff recommends that the Town Council discuss the new housing legislation recently signed by the Governor with particular focus on the steps needed to implement SB 9 before January 1, 2022, to preserve as much local control as possible.

BACKGROUND

This session Governor Newsom signed a series of bills designed to increase housing production and affordability. (Attachment 1.) The bills reflect the State Legislature's perception that local agencies are not doing enough to promote housing and that state intervention is needed at the expense of local control. The bills continue the Legislature's trend of forcing cities and towns to transition from discretionary processes to more streamlined, ministerial processes for residential housing developments. This report focuses on SB 9 and 10, the major two bills. Much like the 2020 legislation governing Accessory Dwelling Units (ADUs), some of the bills, particularly SB 9, are complex and not clearly written. This report represents staff's collective effort to provide the most up to date interpretation of this new legislation, but note that interpretations are still evolving.

DISCUSSION

1. SB 9

SB 9 requires cities and counties in urbanized areas to ministerially approve two units on a lot and so-called "urban lot splits" in single-family residential zones. SB 9, effective on January 1, 2022, is another legislative effort to increase housing production and affordability through "by right" zoning. The bill prevents local agencies from applying a discretionary hearing or considering subjective factors, such as design review and neighborhood character, for

qualifying applications that meet basic criteria. The bill has two major components: discussed below: (1) urban lot splits and (2) by right two unit development projects.

By-right “Urban Lot Splits”

Under SB 9, local agencies must ministerially approve certain subdivisions of one lot into two without discretionary review or a hearing.¹

Qualifying Criteria:

Each new lot is at least 1,200 square feet, (though the local agency may set a lower minimum).

1. The split results in two new lots of approximately equal size (60/40 split at most).
2. The split does not involve the demolition or alteration of affordable housing, rent-controlled housing, housing that was withdrawn from rent within the last 15 years or housing occupied by a tenant (market-rate or affordable) in the past 3 years.
3. The lot to be split is zoned single-family residential.
4. The lot is not a historic landmark or within a designated historic district.
5. The lot is within an urbanized area or urban cluster, or within a city that has an urbanized area or urban cluster, as identified by the U.S. Census Bureau. (This is most every urban and suburban city in California).
6. The development is not located on a site that is any of the following:
 - Farmland
 - Wetlands,
 - Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, This subparagraph does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51 179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.²
 - A hazardous waste site;
 - Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards;
 - Located in areas contained prescribed flood risk;
 - Lands identified for habitat conservation or containing protected species as prescribed; or
 - Lands under conservation easement.
7. The original lot was not established through a prior SB 9 lot split. (This was added to prohibit “serial” lot splits.)

¹ Senate Bill 9 (2021), Sec. 2, adding Gov. Code 66411.7.

² It is not clear what types of fire hazard mitigation measures “pursuant to existing building standards” or “state fire mitigation measures” this carveout is referencing. Note similar language is also used in SB 10.

8. Neither the owner nor anyone acting in concert with the owner previously subdivided an adjacent parcel through an SB 9 lot split.

Standards

The following standards apply to urban lot splits:

- *Objective only.* Under SB 9, local agencies may only impose *objective* zoning standards, *objective* subdivision standards and *objective* design standards on an eligible project³—and even then, only to the extent that the standards do not physically preclude the construction of two units of at least 800 square feet.
- *Limited parking.* Local agencies may require only one off-street parking space per unit—none if the site is close to transit or a car share vehicle location.
- *Setbacks of four feet or less.* Side and rear setbacks are limited to four feet or less generally, but none at all may be imposed on an existing structure or one that is constructed in the same location and to the same dimensions as an existing structure. (This mirrors recent amendments to state ADU law.)
- *Residential only.* Local agencies must prohibit non-residential use of the new lots.
- *No dedications or offsite improvements.* No right-of-way dedications or construction of offsite improvements may be required.
- *No corrections of nonconformities.* Local agencies may not require the correction of nonconforming zoning conditions.
- *Three-year owner occupancy.* The applicant-owner must sign an affidavit stating that the owner intends to occupy one of the housing units as the owner's principal residence for at least 3 years following the lot split. Community land trusts and qualified nonprofit corporations are exempt. No other owner-occupancy requirement is allowed.
- *Report to State Department of Housing and Community Development.* Local agencies must include the number of SB 9 lot split applications in annual housing element reports.
- *Limited grounds to deny.* A local agency may only deny a qualifying SB 9 lot split if it finds that the resulting housing development project would have a specific, adverse impact on public health and safety or the physical environment and there is no feasible, satisfactory mitigation.

By-right Two-Unit Development Projects

In addition to the lot splits described above, SB 9 would require a local agency to ministerially approve up to two residential units on a lot in a single-family residential zone without discretionary review or a hearing.⁴ This applies to building two new units or adding a second one. It also applies to building a single residential unit on a lot. Thus, going forward, the Town would not be able to apply subjective design review to any

³ "Objective standards are defined by State law as "involving no personal or subjective judgment by a public official and being uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official." (Government Code § 65589.5(h)(8).)

⁴ Senate Bill 9 (2021), Sec. 1, adding Gov. Code 65852.21.

single family home proposed on a single lot, regardless of whether it is associated with an urban lot split.

Qualifying Criteria

To qualify for a ministerial SB 9 two-unit development approval, criteria are similar to those for a lot split.

1. The site is in a single-family residential zone.
2. The lot is located within a city that has an urbanized area or urban cluster.
3. The project does not involve demolition or alteration of affordable housing, rent-controlled housing, housing that was withdrawn from rent within the last 15 years or housing occupied by a tenant (market-rate or affordable) in the past 3 years.
4. The project does not involve demolition of more than 25 percent of the existing exterior walls of an existing dwelling unless a) the local agency chooses to allow otherwise or b) the site has not been occupied by a tenant in the last 3 years.
5. The site is not a historic landmark or within a designated historic district.
6. The site does not fall under the location prohibitions discussed in Criteria 6 above (e.g. farmland, waste site, etc.)

Standards

As with SB 9 lot splits, local agencies may only impose *objective* zoning standards, *objective* subdivision standards and *objective* design standards on an eligible two-unit development project. Even then, it can only be to the extent that the standards do not physically preclude the construction of two units of at least 800 square feet. Local agencies may not require off-street parking if the site is near transit or a car share vehicle location. As with urban lot splits and ADU legislation, side and rear setbacks are limited to four feet or less generally, but none at all may be imposed on an existing structure or one that is constructed in the same location and to the same dimensions as an existing structure.

One or two unit homes on a single lot may be denied only upon a written finding that the proposed housing development project would have would have a specific, adverse impact on public health and safety or the physical environment and there is no feasible, satisfactory mitigation.⁵

Short Term Rentals Not Allowed

Local agencies must prohibit short-term rentals in any dwelling created under SB 9 (whether through the lot split or two-unit development approval, or both).

ADUs Not Required

When not combined with an urban lot split, an accessory dwelling unit or junior

⁵ Interestingly, under the two-unit residential project section of the law this finding must be made by the “building official”, whereas under the urban lot split provision, the finding must be made by the “local agency.” It is not clear whether this distinction was intentional.

accessory dwelling unit may be added to each unit. When combined with an urban lot split, no accessory dwelling unit or junior accessory dwelling unit may be developed on the site.⁶

CEQA Exemption

Because approval under SB 9 is ministerial, the California Environmental Quality Act does not apply. In addition, the bill creates a new statutory exemption for an ordinance adopted to implement SB 9.

Subdivision Map Extension

SB 9 also changes the lifespan of tentative subdivision maps. Local agencies may now extend map expiration by an additional year—up to 2 years generally and up to 4 years for maps that are conditioned on significant public improvement obligations.

SB 9 applies to towns which include some portion of an urbanized area⁷ or urban cluster⁸ as designated by the United States Census Bureau. SB 9 applies to the Town because the Town contains an urbanized cluster. (See https://www2.census.gov/geo/maps/dc10map/UAUC_RefMap/ua/ua78904_san_francisco--oakland_ca/DC10UA78904_000.pdf.)⁹

Impact on Portola Valley

Terner Center Analysis

In July of this year, the UC Berkeley Terner Center for Housing Innovation published an [analysis](#) of SB 9 on the state of California. Their work concluded that of the 7.5 million available single-family housing parcels, 714,000, or .12 of available lots, would be market-feasible under SB 9. (See Attachment 4.)

The Terner Center also conducted a city-by-city analysis, but did not include cities with less than 5,000 single-family housing parcels. Thus Portola Valley's housing stock was not analyzed.

Staff Analysis

Staff also considered impacts associated with SB 9 on Portola Valley. The Town has many physical constraints for development, including steep slopes and geologic hazards that were considered prior to the construction of existing homes on those lots. In many parts of Town,

⁶ The question of whether an ADU or JADU may be added to a lot only utilizing the urban lot split or the two unit-development provision is still not clear.

⁷ An urbanized area consists of densely settled territory that contains 50,000 or more people.

⁸ An urban cluster consists of densely settled territory that contains at least 2,500 people, but fewer than 50,000 people.

⁹ One of the open interpretation issues is whether the city or the parcel itself must be partially located within an urban area or cluster.

it may not be feasible to create additional housing space while still keeping the existing home intact. Additionally, as single-family home development changes over time in the state, existing single-family residences will likely become scarcer, increasing their value as-is.

While it is possible that SB 9 will encourage more speculative development and will result in a few additional urban lot splits or construction of two smaller units on a single lot, staff does not view this as a realistic scenario at this point. Instead, the removal of subjective design review over single family homes is likely to be the most impactful aspect of SB 9 in Portola Valley. Most cities do not have as robust a discretionary review process for single family homes as Portola Valley. For example, Palo Alto only requires discretionary design review for two story homes. The intent of the legislation does not appear directed at removing design review for a stand alone single family home, but on its face the new legislation appears to mandate ministerial review for a stand alone single family home not exceeding 800 square feet with 4 foot setbacks (similar to the ADU regulations).

Timeline for Drafting Implementing Ordinance

SB 9 becomes effective on January 1, 2022. Ideally, the Town would have an implementing ordinance in place by this time. To comply with this deadline, it is likely staff will be bringing forward an urgency ordinance. The local implementing ordinance would need to do the following:

- Provide a process for acting on “urban lot splits”.
- Adopt objective standards for these mandatory, ministerial lot splits and two-unit development projects

2. SB 10

Senate Bill 10 eases the process for local governments to rezone neighborhoods near mass transit or an urban infill site to increase density with apartment complexes of up to 10 units per parcel. The new legislation also exempts such ordinances and projects from review under the California Environmental Quality Act in an attempt to reduce costs and time it takes for projects to be approved. The key provisions of this bill are:

- The Town Council may adopt an ordinance to upzone a parcel for up to 10 units of residential density per parcel if the parcel is located in (1) a transit rich area or (2) an urban infill site.¹⁰ Portola Valley does not currently have any transit rich areas but does have urban infill sites.

¹⁰ “Urban infill site” means a site that satisfies all of the following:

(A) A site that is a legal parcel or parcels located in a city if, and only if, the city boundaries include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel or parcels wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(B) A site in which at least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses. For the purposes of this section, parcels that are only separated by a street or highway shall be considered to be adjoined.

- The ordinance shall be exempt from CEQA;
- Parcels located in Very High Fire Severity Zones are exempt unless the sites “have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.”
- The parcel is also exempt if it has been dedicated open space or park by local initiative;
- The ordinance must contain a finding that it is enacted to affirmatively further fair housing; and
- If the ordinance supersedes other zoning restrictions adopted by initiative, it must be approved by 2/3 of the Council.

Since this legislation simply grants authority to adopt such an ordinance –and does not require the Council to do so—it is not expected to adversely impact the Town.

FISCAL IMPACT

Town staff anticipates spending both Town Attorney and planning staff time drafting an SB 9 implementing ordinance to comply with the January 1, 2022 effective date. It is also likely that revenue will decrease slightly as the Town transitions from a discretionary to a ministerial review for most single family home projects.

ATTACHMENT

1. [List of 2021 Housing Bills](#)
2. [SB 9 Legislation](#)
3. [Turner Center Report on SB 9](#)
4. [SB 10 Legislation](#)

(C) A site that is zoned for residential use or residential mixed-use development, or has a general plan designation that allows residential use or a mix of residential and nonresidential uses, with at least two-thirds of the square footage of the development designated for residential use.

2021 Legislative Session – Housing Related Bills Signed by Governor

Below is a list of housing related bills signed by the Governor during this legislative session. Staff has not had time to analyze all bills and will provide additional information as available.

- AB 68 by Assemblymember Sharon Quirk-Silva (D-Fullerton) – Department of Housing and Community Development: California Statewide Housing Plan: annual reports.
- AB 215 by Assemblymember David Chiu (D-San Francisco) – Planning and Zoning Law: housing element: violations.
- AB 345 by Assemblymember Sharon Quirk-Silva (D-Fullerton) – Accessory dwelling units: separate conveyance.
- AB 447 by Assemblymember Tim Grayson (D-Concord) – California Debt Limit Allocation Committee: income taxes: low-income housing tax credits.
- AB 491 by Assemblymember Christopher Ward (D-San Diego) – Housing: affordable and market rate units.
- AB 571 by Assemblymember Chad Mayes (I-Rancho Mirage) – Planning and zoning: density bonuses: affordable housing.
- AB 602 by Assemblymember Tim Grayson (D-Concord) – Development fees: impact fee nexus study.
- AB 634 by Assemblymember Wendy Carrillo (D-Los Angeles) – Density Bonus Law: affordability restrictions.
- AB 721 by Assemblymember Richard Bloom (D-Santa Monica) – Covenants and restrictions: affordable housing.
- AB 787 by Assemblymember Jesse Gabriel (D-Encino) – Planning and zoning: housing element: converted affordable housing units.
- AB 838 by Assemblymember Laura Friedman (D-Glendale) – State Housing Law: enforcement response to complaints.
- AB 948 by Assemblymember Chris Holden (D-Pasadena) – Bureau of Real Estate Appraisers: disclosures: demographic information: reporting: continuing education.
- AB 1029 by Assemblymember Kevin Mullin (D-South San Francisco) – Housing elements: prohousing local policies.
- AB 1043 by Assemblymember Isaac Bryan (D-Los Angeles) – Housing programs: rental housing developments: affordable rent.

- AB 1095 by Assemblymember Ken Cooley (D-Rancho Cordova) – Affordable rental and owner-occupied housing: equity in state and local programs.
- AB 1297 by Assemblymember Chris Holden (D-Pasadena) – California Infrastructure and Economic Development Bank: public and economic development facilities: housing.
- AB 1304 by Assemblymember Miguel Santiago (D-Los Angeles) – Affirmatively further fair housing: housing element: inventory of land.
- AB 1398 by Assemblymember Richard Bloom (D-Santa Monica) – Planning and zoning: housing element: rezoning of sites: prohousing local policies.
- AB 1466 by Assemblymember Kevin McCarty (D-Sacramento) – Real property: discriminatory restrictions.
- AB 1584 by the Committee on Housing and Community Development – Housing omnibus.
- SB 263 by Senator Susan Rubio (D-Baldwin Park) – Real estate applicants and licensees: education requirements: fair housing and implicit bias training.
- SB 290 by Senator Nancy Skinner (D-Berkeley) – Density Bonus Law: qualifications for incentives or concessions: student housing for lower income students: moderate-income persons and families: local government constraints.
- SB 381 by Senator Anthony Portantino (D-La Cañada Flintridge) – Surplus residential property: priorities, procedures, price, and fund: City of South Pasadena.
- SB 478 by Senator Scott Wiener (D-San Francisco) – Planning and Zoning Law: housing development projects.
- SB 591 by Senator Josh Becker (D-Menlo Park) – Senior citizens: intergenerational housing developments.
- SB 728 by Senator Robert Hertzberg (D-Van Nuys) – Density Bonus Law: purchase of density bonus units by nonprofit housing organizations.
- SB 791 by Senator Dave Cortese (D-San Jose) – California Surplus Land Unit.
- AB 1174 by Assemblymember Tim Grayson (D-Concord) – Planning and zoning: housing: development application modifications, approvals, and subsequent permits.
- SB 8 by Senator Nancy Skinner (D-Berkeley) – Housing Crisis Act of 2019.
- SB 9 by Senator Toni G. Atkins (D-San Diego) – Housing development: approvals.
- SB 10 by Senator Scott Wiener (D-San Francisco) – Planning and zoning: housing development: density.

Senate Bill No. 9

CHAPTER 162

An act to amend Section 66452.6 of, and to add Sections 65852.21 and 66411.7 to, the Government Code, relating to land use.

[Approved by Governor September 16, 2021. Filed with
Secretary of State September 16, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

SB 9, Atkins. Housing development: approvals.

The Planning and Zoning Law provides for the creation of accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions.

This bill, among other things, would require a proposed housing development containing no more than 2 residential units within a single-family residential zone to be considered ministerially, without discretionary review or hearing, if the proposed housing development meets certain requirements, including, but not limited to, that the proposed housing development would not require demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income, that the proposed housing development does not allow for the demolition of more than 25% of the existing exterior structural walls, except as provided, and that the development is not located within a historic district, is not included on the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district.

The bill would set forth what a local agency can and cannot require in approving the construction of 2 residential units, including, but not limited to, authorizing a local agency to impose objective zoning standards, objective subdivision standards, and objective design standards, as defined, unless those standards would have the effect of physically precluding the construction of up to 2 units or physically precluding either of the 2 units from being at least 800 square feet in floor area, prohibiting the imposition of setback requirements under certain circumstances, and setting maximum setback requirements under all other circumstances.

The Subdivision Map Act vests the authority to regulate and control the design and improvement of subdivisions in the legislative body of a local agency and sets forth procedures governing the local agency's processing, approval, conditional approval or disapproval, and filing of tentative, final, and parcel maps, and the modification of those maps. Under the Subdivision Map Act, an approved or conditionally approved tentative map expires 24

months after its approval or conditional approval or after any additional period of time as prescribed by local ordinance, not to exceed an additional 12 months, except as provided.

This bill, among other things, would require a local agency to ministerially approve a parcel map for an urban lot split that meets certain requirements, including, but not limited to, that the urban lot split would not require the demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income, that the parcel is located within a single-family residential zone, and that the parcel is not located within a historic district, is not included on the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district.

The bill would set forth what a local agency can and cannot require in approving an urban lot split, including, but not limited to, authorizing a local agency to impose objective zoning standards, objective subdivision standards, and objective design standards, as defined, unless those standards would have the effect of physically precluding the construction of 2 units, as defined, on either of the resulting parcels or physically precluding either of the 2 units from being at least 800 square feet in floor area, prohibiting the imposition of setback requirements under certain circumstances, and setting maximum setback requirements under all other circumstances. The bill would require an applicant to sign an affidavit stating that they intend to occupy one of the housing units as their principal residence for a minimum of 3 years from the date of the approval of the urban lot split, unless the applicant is a community land trust or a qualified nonprofit corporation, as specified. The bill would prohibit a local agency from imposing any additional owner occupancy standards on applicants. By requiring applicants to sign affidavits, thereby expanding the crime of perjury, the bill would impose a state-mandated local program.

The bill would also extend the limit on the additional period that may be provided by ordinance, as described above, from 12 months to 24 months and would make other conforming or nonsubstantive changes.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment. CEQA does not apply to the approval of ministerial projects.

This bill, by establishing the ministerial review processes described above, would thereby exempt the approval of projects subject to those processes from CEQA.

The California Coastal Act of 1976 provides for the planning and regulation of development, under a coastal development permit process, within the coastal zone, as defined, that shall be based on various coastal resources planning and management policies set forth in the act.

This bill would exempt a local agency from being required to hold public hearings for coastal development permit applications for housing developments and urban lot splits pursuant to the above provisions.

By increasing the duties of local agencies with respect to land use regulations, the bill would impose a state-mandated local program.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

The people of the State of California do enact as follows:

SECTION 1. Section 65852.21 is added to the Government Code, to read:

65852.21. (a) A proposed housing development containing no more than two residential units within a single-family residential zone shall be considered ministerially, without discretionary review or a hearing, if the proposed housing development meets all of the following requirements:

(1) The parcel subject to the proposed housing development is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(2) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.

(3) Notwithstanding any provision of this section or any local law, the proposed housing development would not require demolition or alteration of any of the following types of housing:

(A) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(B) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(C) Housing that has been occupied by a tenant in the last three years.

(4) The parcel subject to the proposed housing development is not a parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

(5) The proposed housing development does not allow the demolition of more than 25 percent of the existing exterior structural walls, unless the housing development meets at least one of the following conditions:

(A) If a local ordinance so allows.

(B) The site has not been occupied by a tenant in the last three years.

(6) The development is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

(b) (1) Notwithstanding any local law and except as provided in paragraph (2), a local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards that do not conflict with this section.

(2) (A) The local agency shall not impose objective zoning standards, objective subdivision standards, and objective design standards that would have the effect of physically precluding the construction of up to two units or that would physically preclude either of the two units from being at least 800 square feet in floor area.

(B) (i) Notwithstanding subparagraph (A), no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

(ii) Notwithstanding subparagraph (A), in all other circumstances not described in clause (i), a local agency may require a setback of up to four feet from the side and rear lot lines.

(c) In addition to any conditions established in accordance with subdivision (b), a local agency may require any of the following conditions when considering an application for two residential units as provided for in this section:

(1) Off-street parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:

(A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.

(B) There is a car share vehicle located within one block of the parcel.

(2) For residential units connected to an onsite wastewater treatment system, a percolation test completed within the last 5 years, or, if the percolation test has been recertified, within the last 10 years.

(d) Notwithstanding subdivision (a), a local agency may deny a proposed housing development project if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is

no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(e) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.

(f) Notwithstanding Section 65852.2 or 65852.22, a local agency shall not be required to permit an accessory dwelling unit or a junior accessory dwelling unit on parcels that use both the authority contained within this section and the authority contained in Section 66411.7.

(g) Notwithstanding subparagraph (B) of paragraph (2) of subdivision (b), an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

(h) Local agencies shall include units constructed pursuant to this section in the annual housing element report as required by subparagraph (I) of paragraph (2) of subdivision (a) of Section 65400.

(i) For purposes of this section, all of the following apply:

(1) A housing development contains two residential units if the development proposes no more than two new units or if it proposes to add one new unit to one existing unit.

(2) The terms “objective zoning standards,” “objective subdivision standards,” and “objective design review standards” mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

(3) “Local agency” means a city, county, or city and county, whether general law or chartered.

(j) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

(k) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local agency shall not be required to hold public hearings for coastal development permit applications for a housing development pursuant to this section.

SEC. 2. Section 66411.7 is added to the Government Code, to read:

66411.7. (a) Notwithstanding any other provision of this division and any local law, a local agency shall ministerially approve, as set forth in this section, a parcel map for an urban lot split only if the local agency determines that the parcel map for the urban lot split meets all the following requirements:

(1) The parcel map subdivides an existing parcel to create no more than two new parcels of approximately equal lot area provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision.

(2) (A) Except as provided in subparagraph (B), both newly created parcels are no smaller than 1,200 square feet.

(B) A local agency may by ordinance adopt a smaller minimum lot size subject to ministerial approval under this subdivision.

(3) The parcel being subdivided meets all the following requirements:

(A) The parcel is located within a single-family residential zone.

(B) The parcel subject to the proposed urban lot split is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(C) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.

(D) The proposed urban lot split would not require demolition or alteration of any of the following types of housing:

(i) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(ii) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(iii) A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

(iv) Housing that has been occupied by a tenant in the last three years.

(E) The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

(F) The parcel has not been established through prior exercise of an urban lot split as provided for in this section.

(G) Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split as provided for in this section.

(b) An application for a parcel map for an urban lot split shall be approved in accordance with the following requirements:

(1) A local agency shall approve or deny an application for a parcel map for an urban lot split ministerially without discretionary review.

(2) A local agency shall approve an urban lot split only if it conforms to all applicable objective requirements of the Subdivision Map Act (Division

2 (commencing with Section 66410)), except as otherwise expressly provided in this section.

(3) Notwithstanding Section 66411.1, a local agency shall not impose regulations that require dedications of rights-of-way or the construction of offsite improvements for the parcels being created as a condition of issuing a parcel map for an urban lot split pursuant to this section.

(c) (1) Except as provided in paragraph (2), notwithstanding any local law, a local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards applicable to a parcel created by an urban lot split that do not conflict with this section.

(2) A local agency shall not impose objective zoning standards, objective subdivision standards, and objective design review standards that would have the effect of physically precluding the construction of two units on either of the resulting parcels or that would result in a unit size of less than 800 square feet.

(3) (A) Notwithstanding paragraph (2), no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

(B) Notwithstanding paragraph (2), in all other circumstances not described in subparagraph (A), a local agency may require a setback of up to four feet from the side and rear lot lines.

(d) Notwithstanding subdivision (a), a local agency may deny an urban lot split if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(e) In addition to any conditions established in accordance with this section, a local agency may require any of the following conditions when considering an application for a parcel map for an urban lot split:

(1) Easements required for the provision of public services and facilities.

(2) A requirement that the parcels have access to, provide access to, or adjoin the public right-of-way.

(3) Off-street parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:

(A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop as defined in Section 21064.3 of the Public Resources Code.

(B) There is a car share vehicle located within one block of the parcel.

(f) A local agency shall require that the uses allowed on a lot created by this section be limited to residential uses.

(g) (1) A local agency shall require an applicant for an urban lot split to sign an affidavit stating that the applicant intends to occupy one of the

housing units as their principal residence for a minimum of three years from the date of the approval of the urban lot split.

(2) This subdivision shall not apply to an applicant that is a “community land trust,” as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code, or is a “qualified nonprofit corporation” as described in Section 214.15 of the Revenue and Taxation Code.

(3) A local agency shall not impose additional owner occupancy standards, other than provided for in this subdivision, on an urban lot split pursuant to this section.

(h) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.

(i) A local agency shall not require, as a condition for ministerial approval of a parcel map application for the creation of an urban lot split, the correction of nonconforming zoning conditions.

(j) (1) Notwithstanding any provision of Section 65852.2, 65852.21, 65852.22, 65915, or this section, a local agency shall not be required to permit more than two units on a parcel created through the exercise of the authority contained within this section.

(2) For the purposes of this section, “unit” means any dwelling unit, including, but not limited to, a unit or units created pursuant to Section 65852.21, a primary dwelling, an accessory dwelling unit as defined in Section 65852.2, or a junior accessory dwelling unit as defined in Section 65852.22.

(k) Notwithstanding paragraph (3) of subdivision (c), an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

(l) Local agencies shall include the number of applications for parcel maps for urban lot splits pursuant to this section in the annual housing element report as required by subparagraph (I) of paragraph (2) of subdivision (a) of Section 65400.

(m) For purposes of this section, both of the following shall apply:

(1) “Objective zoning standards,” “objective subdivision standards,” and “objective design review standards” mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

(2) “Local agency” means a city, county, or city and county, whether general law or chartered.

(n) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be

considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

(o) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local agency shall not be required to hold public hearings for coastal development permit applications for urban lot splits pursuant to this section.

SEC. 3. Section 66452.6 of the Government Code is amended to read:

66452.6. (a) (1) An approved or conditionally approved tentative map shall expire 24 months after its approval or conditional approval, or after any additional period of time as may be prescribed by local ordinance, not to exceed an additional 24 months. However, if the subdivider is required to expend two hundred thirty-six thousand seven hundred ninety dollars (\$236,790) or more to construct, improve, or finance the construction or improvement of public improvements outside the property boundaries of the tentative map, excluding improvements of public rights-of-way that abut the boundary of the property to be subdivided and that are reasonably related to the development of that property, each filing of a final map authorized by Section 66456.1 shall extend the expiration of the approved or conditionally approved tentative map by 48 months from the date of its expiration, as provided in this section, or the date of the previously filed final map, whichever is later. The extensions shall not extend the tentative map more than 10 years from its approval or conditional approval. However, a tentative map on property subject to a development agreement authorized by Article 2.5 (commencing with Section 65864) of Chapter 4 of Division 1 may be extended for the period of time provided for in the agreement, but not beyond the duration of the agreement. The number of phased final maps that may be filed shall be determined by the advisory agency at the time of the approval or conditional approval of the tentative map.

(2) Commencing January 1, 2012, and each calendar year thereafter, the amount of two hundred thirty-six thousand seven hundred ninety dollars (\$236,790) shall be annually increased by operation of law according to the adjustment for inflation set forth in the statewide cost index for class B construction, as determined by the State Allocation Board at its January meeting. The effective date of each annual adjustment shall be March 1. The adjusted amount shall apply to tentative and vesting tentative maps whose applications were received after the effective date of the adjustment.

(3) "Public improvements," as used in this subdivision, include traffic controls, streets, roads, highways, freeways, bridges, overcrossings, street interchanges, flood control or storm drain facilities, sewer facilities, water facilities, and lighting facilities.

(b) (1) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), shall not include any period of time during which a development moratorium, imposed after approval of the tentative map, is in existence. However, the length of the moratorium shall not exceed five years.

(2) The length of time specified in paragraph (1) shall be extended for up to three years, but in no event beyond January 1, 1992, during the pendency of any lawsuit in which the subdivider asserts, and the local agency that approved or conditionally approved the tentative map denies, the existence or application of a development moratorium to the tentative map.

(3) Once a development moratorium is terminated, the map shall be valid for the same period of time as was left to run on the map at the time that the moratorium was imposed. However, if the remaining time is less than 120 days, the map shall be valid for 120 days following the termination of the moratorium.

(c) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), shall not include the period of time during which a lawsuit involving the approval or conditional approval of the tentative map is or was pending in a court of competent jurisdiction, if the stay of the time period is approved by the local agency pursuant to this section. After service of the initial petition or complaint in the lawsuit upon the local agency, the subdivider may apply to the local agency for a stay pursuant to the local agency's adopted procedures. Within 40 days after receiving the application, the local agency shall either stay the time period for up to five years or deny the requested stay. The local agency may, by ordinance, establish procedures for reviewing the requests, including, but not limited to, notice and hearing requirements, appeal procedures, and other administrative requirements.

(d) The expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within the tentative map shall be filed with the legislative body without first processing a new tentative map. Once a timely filing is made, subsequent actions of the local agency, including, but not limited to, processing, approving, and recording, may lawfully occur after the date of expiration of the tentative map. Delivery to the county surveyor or city engineer shall be deemed a timely filing for purposes of this section.

(e) Upon application of the subdivider filed before the expiration of the approved or conditionally approved tentative map, the time at which the map expires pursuant to subdivision (a) may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for a period or periods not exceeding a total of six years. The period of extension specified in this subdivision shall be in addition to the period of time provided by subdivision (a). Before the expiration of an approved or conditionally approved tentative map, upon an application by the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. If the advisory agency denies a subdivider's application for an extension, the subdivider may appeal to the legislative body within 15 days after the advisory agency has denied the extension.

(f) For purposes of this section, a development moratorium includes a water or sewer moratorium, or a water and sewer moratorium, as well as other actions of public agencies that regulate land use, development, or the provision of services to the land, including the public agency with the authority to approve or conditionally approve the tentative map, which thereafter prevents, prohibits, or delays the approval of a final or parcel map. A development moratorium shall also be deemed to exist for purposes of this section for any period of time during which a condition imposed by the city or county could not be satisfied because of either of the following:

(1) The condition was one that, by its nature, necessitated action by the city or county, and the city or county either did not take the necessary action or by its own action or inaction was prevented or delayed in taking the necessary action before expiration of the tentative map.

(2) The condition necessitates acquisition of real property or any interest in real property from a public agency, other than the city or county that approved or conditionally approved the tentative map, and that other public agency fails or refuses to convey the property interest necessary to satisfy the condition. However, nothing in this subdivision shall be construed to require any public agency to convey any interest in real property owned by it. A development moratorium specified in this paragraph shall be deemed to have been imposed either on the date of approval or conditional approval of the tentative map, if evidence was included in the public record that the public agency that owns or controls the real property or any interest therein may refuse to convey that property or interest, or on the date that the public agency that owns or controls the real property or any interest therein receives an offer by the subdivider to purchase that property or interest for fair market value, whichever is later. A development moratorium specified in this paragraph shall extend the tentative map up to the maximum period as set forth in subdivision (b), but not later than January 1, 1992, so long as the public agency that owns or controls the real property or any interest therein fails or refuses to convey the necessary property interest, regardless of the reason for the failure or refusal, except that the development moratorium shall be deemed to terminate 60 days after the public agency has officially made, and communicated to the subdivider, a written offer or commitment binding on the agency to convey the necessary property interest for a fair market value, paid in a reasonable time and manner.

SEC. 4. The Legislature finds and declares that ensuring access to affordable housing is a matter of statewide concern and not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Sections 1 and 2 of this act adding Sections 65852.21 and 66411.7 to the Government Code and Section 3 of this act amending Section 66452.6 of the Government Code apply to all cities, including charter cities.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act or

because costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Terner Center/MapCraft SB 9 model results, CA jurisdictions with greater than 5,000 single family parcels

Name	Total single-family parcels	SB 9-eligible parcels	Parcels where SB9 would increase the number of	Parcels where SB9 changes feasible outcome from no	market-feasible new units if SB9 were enacted	SB9 Units per Eligible Lot
			market-feasible units (rounded to nearest 100)	new units to 1+ new units (rounded to nearest 100)	nearest 100)	
Adelanto	7,600	7,600	100	-	100	0.02
Alameda	13,000	12,200	500	-	700	0.06
Alhambra	9,700	9,700	600	100	800	0.09
Anaheim	42,900	36,300	2,300	1,000	4,100	0.11
Antioch	27,100	26,300	1,600	500	2,600	0.10
Apple Valley	20,600	20,500	3,000	700	6,100	0.30
Arcadia	10,600	9,500	1,200	600	2,700	0.28
Arroyo Grande	5,200	5,200	500	200	900	0.18
Atascadero	7,600	6,100	800	200	1,800	0.29
Atwater	6,600	6,600	200	-	300	0.04
Azusa	5,800	5,100	300	-	400	0.08
Bakersfield	87,700	87,400	4,800	1,800	9,000	0.10
Baldwin Park	10,700	10,700	800	-	1,000	0.10
Banning	8,500	8,100	400	-	600	0.07
Beaumont	13,500	13,000	700	100	1,100	0.08
Bellflower	8,200	8,200	600	-	800	0.10
Belmont	6,400	5,500	300	100	600	0.11
Benicia	7,200	7,100	400	100	600	0.08
Berkeley	17,700	13,800	800	100	1,100	0.08
Brea	10,400	7,300	400	100	600	0.08
Brentwood	18,400	18,300	1,500	600	2,500	0.14
Buena Park	15,700	15,700	1,100	200	1,700	0.11
Burbank	18,300	15,500	800	300	1,300	0.09
Burlingame	5,500	5,200	200	100	400	0.08
Calexico	6,000	6,000	100	-	100	0.02
California City	5,700	5,700	300	100	600	0.11
Camarillo	18,700	17,500	1,100	100	1,600	0.09
Campbell	7,600	7,600	400	200	700	0.09
Carlsbad	25,200	22,000	1,500	600	2,900	0.13
Carson	17,400	17,400	700	-	900	0.05
Cathedral City	11,000	11,000	800	800	1,800	0.17
Ceres	10,200	10,100	400	-	600	0.06
Cerritos	13,600	13,600	1,100	400	1,800	0.13
Chico	20,000	19,800	800	-	1,500	0.07
Chino	16,300	16,200	1,000	100	1,500	0.09
Chino Hills	19,900	19,200	1,300	200	2,100	0.11
Chula Vista	40,400	38,800	2,100	200	3,100	0.08
Citrus Heights	21,000	20,900	1,700	300	2,600	0.12
Claremont	8,500	7,500	600	200	1,000	0.14
Clovis	30,000	29,900	1,200	200	2,000	0.07
Coachella	6,900	6,900	2,100	2,100	3,600	0.52
Colton	9,000	8,000	200	-	300	0.04
Compton	14,600	14,600	1,000	-	1,200	0.09
Concord	26,300	26,200	1,800	500	3,000	0.11
Corona	29,000	26,200	1,700	400	2,800	0.11
Costa Mesa	15,300	15,300	700	300	1,200	0.08
Covina	9,200	9,000	600	100	900	0.10
Culver City	5,500	5,400	300	-	400	0.07
Cupertino	11,700	11,600	700	400	1,300	0.12
Cypress	11,400	11,400	600	-	900	0.08
Daly City	18,000	18,000	800	-	1,000	0.05
Dana Point	8,200	7,700	400	200	800	0.11
Danville	11,900	11,500	1,500	800	3,400	0.30

Davis	12,400	12,400	900	100	1,200	0.10
Delano	7,500	7,500	200	-	300	0.04
Desert Hot Springs	7,700	7,700	200	-	300	0.04
Diamond Bar	12,700	11,400	900	500	1,800	0.16
Dixon	5,100	5,100	300	-	400	0.08
Downey	18,300	18,300	1,100	200	1,600	0.09
Dublin	12,800	12,700	800	200	1,100	0.09
Eastvale	15,300	15,100	1,200	300	1,800	0.12
El Cajon	12,700	11,400	600	100	1,100	0.09
El Centro	7,500	7,500	200	-	400	0.06
El Monte	10,600	10,600	800	100	1,100	0.10
Elk Grove	47,800	47,400	3,200	700	5,100	0.11
Encinitas	14,500	12,900	1,200	500	2,500	0.19
Escondido	23,500	19,300	1,400	300	2,600	0.14
Eureka	6,300	6,200	300	-	500	0.08
Fairfield	26,700	26,500	1,500	200	2,100	0.08
Folsom	19,800	19,400	1,200	300	2,100	0.11
Fontana	41,500	39,000	4,100	1,400	6,800	0.17
Foster City	6,000	6,000	300	100	500	0.08
Fountain Valley	14,600	14,600	600	100	800	0.06
Fremont	46,300	46,200	2,200	900	4,000	0.09
Fresno	104,200	103,900	2,200	100	3,800	0.04
Fullerton	24,800	23,700	1,200	500	2,500	0.11
Galt	6,600	6,600	400	-	500	0.08
Garden Grove	27,100	27,100	900	200	1,400	0.05
Gardena	8,000	8,000	300	-	300	0.04
Gilroy	11,700	11,600	700	100	1,100	0.09
Glendale	23,000	12,400	700	100	1,000	0.08
Glendora	12,500	11,300	900	200	1,500	0.13
Goleta	6,400	6,300	400	100	500	0.08
Hanford	14,300	14,200	400	100	700	0.05
Hawthorne	6,600	6,600	400	-	500	0.08
Hayward	24,900	24,800	1,400	300	2,300	0.09
Hemet	20,100	19,200	800	200	1,400	0.07
Hercules	5,400	5,400	400	100	600	0.11
Hesperia	24,400	24,400	2,900	300	5,800	0.24
Highland	11,700	9,000	400	300	900	0.10
Hollister	8,300	8,200	900	500	1,700	0.21
Huntington Beach	42,300	38,400	1,600	500	2,600	0.07
Imperial	5,100	5,000	100	-	100	0.03
Indio	20,900	20,900	800	100	1,200	0.06
Inglewood	10,900	10,900	700	200	1,100	0.10
Irvine	39,700	37,800	2,200	300	3,300	0.09
Jurupa Valley	20,400	18,900	2,500	700	4,800	0.26
La Habra	10,200	9,700	300	100	600	0.06
La Mesa	10,600	10,600	700	200	1,200	0.11
La Mirada	11,800	11,600	600	100	800	0.07
La Puente	6,300	6,300	300	-	400	0.07
La Quinta	16,100	16,100	700	200	1,300	0.08
La Verne	7,500	5,300	200	100	400	0.08
Laguna Hills	6,400	6,400	500	200	1,100	0.17
Laguna Niguel	15,500	13,000	800	200	1,400	0.11
Lake Elsinore	15,100	8,000	400	-	700	0.09
Lake Forest	16,800	13,700	600	100	900	0.06
Lakewood	22,100	22,100	1,000	-	1,300	0.06
Lancaster	37,000	37,000	1,800	200	2,800	0.08
Lathrop	6,100	6,100	400	-	600	0.09
Lemon Grove	5,200	5,200	400	100	600	0.11
Lemoore	6,100	6,000	200	-	400	0.06
Lincoln	17,600	17,300	1,200	100	1,700	0.10
Livermore	23,500	23,400	1,300	500	2,400	0.10
Lodi	14,100	14,100	500	100	800	0.05

Lompoc	8,700	8,500	500	200	800	0.09
Long Beach	59,600	58,300	2,800	200	3,600	0.06
Los Altos	9,100	9,100	1,500	1,200	3,500	0.38
Los Angeles	447,700	355,200	23,000	6,000	37,600	0.11
Los Banos	10,600	10,600	100	-	200	0.02
Los Gatos	7,300	5,200	500	200	900	0.18
Lynwood	7,100	7,100	500	-	600	0.08
Madera	11,900	11,900	1,400	1,200	2,700	0.23
Manhattan Beach	9,800	9,800	900	300	1,400	0.14
Manteca	19,800	19,600	1,000	-	1,400	0.07
Martinez	8,900	8,000	800	300	1,400	0.17
Menifee	30,000	25,700	2,100	800	3,600	0.14
Menlo Park	7,000	6,300	400	200	900	0.15
Merced	17,200	17,100	400	100	600	0.04
Millbrae	5,200	5,000	300	100	600	0.11
Milpitas	12,500	12,500	700	100	900	0.08
Mission Viejo	26,300	23,600	1,300	200	1,900	0.08
Modesto	50,400	50,400	2,400	800	3,900	0.08
Montclair	5,500	5,500	600	300	1,000	0.18
Montebello	8,500	8,500	500	-	700	0.08
Monterey Park	9,900	9,900	500	100	900	0.09
Moreno Valley	42,800	41,200	2,700	200	4,000	0.10
Morgan Hill	9,800	8,300	700	300	1,400	0.17
Mountain View	9,100	9,100	700	300	1,100	0.12
Murrieta	27,100	20,000	1,200	300	1,900	0.10
Napa	17,100	16,900	1,500	500	2,700	0.16
National City	5,300	5,300	200	-	400	0.07
Newark	10,400	10,300	500	100	700	0.07
Newport Beach	20,100	13,900	800	300	1,400	0.10
Norco	6,600	6,100	1,200	400	2,600	0.42
Norwalk	19,500	19,500	700	-	900	0.04
Novato	11,500	11,400	900	400	1,900	0.17
Oakdale	6,000	6,000	300	-	500	0.08
Oakland	66,700	51,200	2,800	100	3,700	0.07
Oakley	11,500	10,400	1,000	300	1,600	0.16
Oceanside	39,700	37,700	2,400	600	4,000	0.11
Ontario	27,600	27,500	1,900	700	3,300	0.12
Orange	25,200	21,000	1,200	700	2,400	0.12
Oxnard	30,300	30,300	1,200	-	1,600	0.05
Pacifica	10,500	10,500	800	200	1,300	0.12
Palm Desert	14,100	14,100	1,000	400	1,900	0.14
Palm Springs	12,000	11,500	900	300	1,700	0.15
Palmdale	37,300	35,100	1,900	300	3,100	0.09
Palo Alto	14,800	14,200	1,000	400	1,700	0.12
Pasadena	20,400	16,000	1,200	300	2,000	0.13
Paso Robles	8,500	8,500	900	200	1,600	0.19
Patterson	5,600	5,600	100	-	200	0.03
Perris	15,600	15,400	900	-	1,300	0.09
Petaluma	15,700	15,600	800	200	1,300	0.08
Pico Rivera	12,300	12,300	1,000	-	1,300	0.10
Pittsburg	15,500	15,300	600	100	900	0.06
Placentia	10,700	10,700	500	100	700	0.07
Pleasant Hill	8,100	8,100	700	300	1,200	0.15
Pleasanton	18,400	17,500	1,300	500	2,400	0.14
Pomona	22,900	22,300	1,400	100	2,000	0.09
Porterville	12,300	12,300	600	300	1,200	0.10
Poway	12,100	7,800	900	400	2,200	0.28
Rancho Cordova	16,800	16,300	1,300	200	1,800	0.11
Rancho Cucamonga	36,100	31,200	1,900	200	3,300	0.11
Rancho Mirage	6,100	6,100	600	200	1,200	0.20
Rancho Santa Margarita	9,200	5,400	300	-	400	0.08
Redding	25,200	18,600	1,300	400	2,500	0.13

Redlands	17,300	15,100	1,100	200	2,000	0.13
Redondo Beach	7,700	7,700	400	-	400	0.06
Redwood City	12,000	10,900	700	200	1,100	0.10
Rialto	18,800	17,700	1,400	100	1,900	0.11
Richmond	20,300	19,400	1,300	100	1,700	0.09
Ridgecrest	8,100	8,100	200	-	300	0.04
Riverbank	6,200	6,200	200	-	400	0.06
Riverside	60,400	58,000	4,900	900	8,000	0.14
Rocklin	17,900	17,600	1,000	100	1,600	0.09
Rohnert Park	9,200	9,200	400	-	500	0.06
Rosemead	6,900	6,900	500	-	600	0.09
Roseville	39,600	39,300	2,000	200	2,800	0.07
Sacramento	116,300	116,000	6,700	800	9,600	0.08
Salinas	21,200	21,200	1,100	200	1,600	0.08
San Bernardino	34,500	28,300	1,500	100	2,200	0.08
San Bruno	8,700	8,400	400	100	500	0.06
San Carlos	8,100	6,400	300	100	500	0.09
San Clemente	16,200	12,800	900	300	1,700	0.13
San Diego	203,600	133,200	7,200	2,700	12,900	0.10
San Dimas	8,600	7,100	800	300	1,300	0.18
San Francisco	94,600	93,700	6,400	500	8,400	0.09
San Gabriel	5,800	5,800	400	100	700	0.11
San Jacinto	11,100	10,600	300	-	500	0.05
San Jose	168,600	168,100	10,300	2,500	15,900	0.09
San Juan Capistrano	8,100	7,900	600	300	1,500	0.19
San Leandro	18,600	17,400	1,200	200	1,700	0.10
San Luis Obispo	8,500	8,400	500	100	800	0.09
San Marcos	14,600	10,000	600	100	1,100	0.11
San Mateo	17,100	15,400	700	300	1,200	0.08
San Rafael	10,100	9,300	800	400	1,700	0.18
San Ramon	17,200	17,000	900	300	1,600	0.10
Sanger	5,500	5,500	200	-	300	0.05
Santa Ana	31,000	31,000	1,000	200	1,500	0.05
Santa Barbara	14,900	11,500	900	300	1,700	0.15
Santa Clara	18,100	18,000	700	300	1,100	0.06
Santa Clarita	38,500	23,900	1,600	400	2,500	0.11
Santa Cruz	9,800	9,600	700	200	1,200	0.12
Santa Maria	19,500	19,500	1,000	-	1,300	0.07
Santa Monica	7,200	7,100	200	200	500	0.07
Santa Rosa	40,900	39,700	2,800	800	5,000	0.13
Santee	10,700	7,800	400	100	700	0.08
Saratoga	9,600	7,900	1,100	700	2,600	0.33
Seaside	5,200	5,200	300	-	400	0.07
Simi Valley	32,000	22,600	1,500	200	2,200	0.10
South Gate	10,400	10,400	700	-	900	0.09
South San Francisco	12,300	12,200	700	-	900	0.07
Stockton	63,100	58,100	2,300	400	3,600	0.06
Suisun City	8,000	8,000	300	-	400	0.05
Sunnyvale	21,000	21,000	900	400	1,400	0.07
Temecula	27,000	25,300	2,300	500	3,700	0.15
Temple City	7,200	7,200	600	200	1,000	0.14
Thousand Oaks	32,100	17,300	1,300	500	2,400	0.14
Torrance	27,900	27,900	1,600	200	2,200	0.08
Tracy	21,800	21,700	2,300	1,300	4,200	0.19
Tulare	15,600	15,600	700	400	1,400	0.09
Turlock	15,900	15,900	800	200	1,300	0.08
Tustin	10,500	9,800	500	100	700	0.08
Twentynine Palms	5,100	5,100	400	100	800	0.15
Unincorporated Alameda	33,200	26,900	2,000	600	3,400	0.13
Unincorporated Butte	29,100	7,300	600	-	1,100	0.15
Unincorporated Contra Cost	45,000	32,600	3,400	1,300	7,000	0.22
Unincorporated El Dorado	50,200	18,400	2,200	600	4,400	0.24

Unincorporated Fresno	36,700	19,700	1,600	200	3,200	0.16
Unincorporated Humboldt	21,500	9,500	600	-	1,200	0.13
Unincorporated Kern	89,700	48,300	2,100	300	3,900	0.08
Unincorporated Los Angeles	184,600	143,900	12,400	3,600	20,900	0.15
Unincorporated Madera	20,500	7,200	900	-	1,600	0.23
Unincorporated Marin	19,500	9,300	900	600	2,300	0.25
Unincorporated Merced	15,400	11,900	700	-	1,200	0.10
Unincorporated Monterey	25,200	7,400	900	400	1,900	0.25
Unincorporated Orange	35,400	20,700	1,800	1,000	4,000	0.19
Unincorporated Placer	43,800	14,700	2,200	900	5,400	0.37
Unincorporated Riverside	102,600	60,600	4,400	600	7,600	0.13
Unincorporated Sacramento	141,100	133,900	10,800	2,700	18,900	0.14
Unincorporated San Bernardino	111,300	35,700	3,300	600	5,900	0.17
Unincorporated San Diego	111,300	54,000	7,200	2,400	15,800	0.29
Unincorporated San Joaquin	33,200	21,400	1,700	300	3,100	0.15
Unincorporated San Luis Obispo	34,600	15,200	1,400	500	2,800	0.19
Unincorporated San Mateo	16,600	10,400	800	300	1,500	0.14
Unincorporated Santa Barbara	34,200	22,000	2,300	800	4,700	0.21
Unincorporated Santa Clara	16,400	11,500	1,300	800	3,300	0.29
Unincorporated Santa Cruz	34,700	23,700	2,500	1,000	5,400	0.23
Unincorporated Sonoma	38,800	19,100	2,900	1,200	6,700	0.35
Unincorporated Stanislaus	22,600	15,600	1,000	100	1,700	0.11
Unincorporated Tulare	29,500	12,300	800	100	1,500	0.12
Unincorporated Ventura	24,100	11,000	1,200	400	2,600	0.23
Unincorporated Yuba	13,300	9,700	1,900	1,900	4,000	0.41
Union City	13,100	13,100	600	100	800	0.06
Upland	15,100	14,700	1,900	900	3,500	0.24
Vacaville	25,300	25,100	1,700	300	2,400	0.10
Vallejo	29,400	28,700	1,200	200	1,900	0.06
Ventura	23,900	20,600	1,400	200	2,000	0.10
Victorville	29,900	29,900	1,400	300	2,700	0.09
Visalia	33,900	33,700	1,300	300	2,300	0.07
Vista	15,400	13,700	1,300	400	2,600	0.19
Walnut	8,800	8,400	700	300	1,500	0.18
Walnut Creek	11,200	11,000	1,100	500	2,300	0.21
Watsonville	5,600	5,600	300	-	500	0.08
West Covina	21,500	20,500	1,400	300	2,300	0.11
West Sacramento	12,300	12,300	700	100	1,100	0.09
Westminster	15,900	15,800	1,100	500	1,900	0.12
Whittier	17,000	14,900	900	200	1,600	0.11
Wildomar	10,100	5,800	800	400	1,600	0.27
Windsor	7,600	7,500	700	200	1,200	0.16
Woodland	13,000	12,900	1,100	300	1,600	0.13
Yorba Linda	19,100	15,500	1,100	500	2,600	0.17
Yuba City	15,000	14,900	1,700	800	3,000	0.20
Yucaipa	12,000	11,000	1,100	200	2,100	0.19
Yucca Valley	7,500	6,400	1,000	400	2,100	0.33

Senate Bill No. 10

CHAPTER 163

An act to add Section 65913.5 to the Government Code, relating to land use.

[Approved by Governor September 16, 2021. Filed with Secretary of State September 16, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

SB 10, Wiener. Planning and zoning: housing development: density.

The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. Existing law requires an attached housing development to be a permitted use, not subject to a conditional use permit, on any parcel zoned for multifamily housing if at least certain percentages of the units are available at affordable housing costs to very low income, lower income, and moderate-income households for at least 30 years and if the project meets specified conditions relating to location and being subject to a discretionary decision other than a conditional use permit. Existing law provides for various incentives intended to facilitate and expedite the construction of affordable housing.

This bill would, notwithstanding any local restrictions on adopting zoning ordinances, authorize a local government to adopt an ordinance to zone any parcel for up to 10 units of residential density per parcel, at a height specified in the ordinance, if the parcel is located in a transit-rich area or an urban infill site, as those terms are defined. The bill would prohibit a local government from adopting an ordinance pursuant to these provisions on or after January 1, 2029. The bill would specify that an ordinance adopted under these provisions, and any resolution to amend the jurisdiction's General Plan, ordinance, or other local regulation adopted to be consistent with that ordinance, is not a project for purposes of the California Environmental Quality Act. The bill would prohibit an ordinance adopted under these provisions from superceding a local restriction enacted or approved by a local initiative that designates publicly owned land as open-space land or for park or recreational purposes.

The bill would impose specified requirements on a zoning ordinance adopted under these provisions, including a requirement that the zoning ordinance clearly demarcate the areas that are subject to the ordinance and that the legislative body make a finding that the ordinance is consistent with the city or county's obligation to affirmatively further fair housing. The bill would require an ordinance to be adopted by a $\frac{2}{3}$ vote of the members of the legislative body if the ordinance supersedes any zoning restriction established by local initiative.

The bill would prohibit an ordinance adopted under these provisions from reducing the density of any parcel subject to the ordinance and would prohibit a legislative body from subsequently reducing the density of any parcel subject to the ordinance. The bill would prohibit a residential or mixed-use residential project consisting of 10 or more units that is located on a parcel zoned pursuant to these provisions from being approved ministerially or by right or from being exempt from the California Environmental Quality Act, except as specified.

This bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

The people of the State of California do enact as follows:

SECTION 1. Section 65913.5 is added to the Government Code, to read: 65913.5. (a) (1) Notwithstanding any local restrictions on adopting zoning ordinances enacted by the jurisdiction that limit the legislative body's ability to adopt zoning ordinances, including, subject to the requirements of paragraph (4) of subdivision (b), restrictions enacted by local initiative, a local government may adopt an ordinance to zone a parcel for up to 10 units of residential density per parcel, at a height specified by the local government in the ordinance, if the parcel is located in one of the following:

(A) A transit-rich area.

(B) An urban infill site.

(2) A local government shall not adopt an ordinance pursuant to this subdivision on or after January 1, 2029. However, the operative date of an ordinance adopted under this subdivision may extend beyond January 1, 2029.

(3) An ordinance adopted in accordance with this subdivision, and any resolution to amend the jurisdiction's General Plan, ordinance, or other local regulation adopted to be consistent with that zoning ordinance, shall not constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.

(4) Paragraph (1) shall not apply to either of the following:

(A) Parcels located within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This paragraph does not apply to sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

(B) Any local restriction enacted or approved by a local initiative that designates publicly owned land as open-space land, as defined in subdivision (h) of Section 65560, or for park or recreational purposes.

(b) A legislative body shall comply with all of the following when adopting a zoning ordinance pursuant to subdivision (a):

(1) The zoning ordinance shall include a declaration that the zoning ordinance is adopted pursuant to this section.

(2) The zoning ordinance shall clearly demarcate the areas that are zoned pursuant to this section.

(3) The legislative body shall make a finding that the increased density authorized by the ordinance is consistent with the city or county's obligation to affirmatively further fair housing pursuant to Section 8899.50.

(4) If the ordinance supersedes any zoning restriction established by a local initiative, the ordinance shall only take effect if adopted by a two-thirds vote of the members of the legislative body.

(c) (1) Notwithstanding any other law that allows ministerial or by right approval of a development project or that grants an exemption from Division 13 (commencing with Section 21000) of the Public Resources Code, a residential or mixed-use residential project consisting of more than 10 new residential units on one or more parcels that are zoned pursuant to an ordinance adopted under this section shall not be approved ministerially or by right and shall not be exempt from Division 13 (commencing with Section 21000) of the Public Resources Code.

(2) This subdivision shall not apply to a project located on a parcel or parcels that are zoned pursuant to an ordinance adopted under this section, but subsequently rezoned without regard to this section. A subsequent ordinance adopted to rezone the parcel or parcels shall not be exempt from Division 13 (commencing with Section 21000) of the Public Resources Code. Any environmental review conducted to adopt the subsequent ordinance shall consider the change in the zoning applicable to the parcel or parcels before they were zoned or rezoned pursuant to the ordinance adopted under this section.

(3) The creation of up to two accessory dwelling units and two junior accessory dwelling units per parcel pursuant to Sections 65852.2 and 65852.22 of the Government Code shall not count towards the total number of units of a residential or mixed-use residential project when determining if the project may be approved ministerially or by right under paragraph (1).

(4) A project may not be divided into smaller projects in order to exclude the project from the prohibition in this subdivision.

(d) (1) An ordinance adopted pursuant to this section shall not reduce the density of any parcel subject to the ordinance.

(2) A legislative body that adopts a zoning ordinance pursuant to this section shall not subsequently reduce the density of any parcel subject to the ordinance.

(e) For purposes of this section:

(1) "High-quality bus corridor" means a corridor with fixed route bus service that meets all of the following criteria:

(A) It has average service intervals of no more than 15 minutes during the three peak hours between 6 a.m. to 10 a.m., inclusive, and the three peak hours between 3 p.m. and 7 p.m., inclusive, on Monday through Friday.

(B) It has average service intervals of no more than 20 minutes during the hours of 6 a.m. to 10 p.m., inclusive, on Monday through Friday.

(C) It has average intervals of no more than 30 minutes during the hours of 8 a.m. to 10 p.m., inclusive, on Saturday and Sunday.

(2) “Transit-rich area” means a parcel within one-half mile of a major transit stop, as defined in Section 21064.3 of the Public Resources Code, or a parcel on a high-quality bus corridor.

(3) “Urban infill site” means a site that satisfies all of the following:

(A) A site that is a legal parcel or parcels located in a city if, and only if, the city boundaries include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel or parcels wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(B) A site in which at least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses. For the purposes of this section, parcels that are only separated by a street or highway shall be considered to be adjoined.

(C) A site that is zoned for residential use or residential mixed-use development, or has a general plan designation that allows residential use or a mix of residential and nonresidential uses, with at least two-thirds of the square footage of the development designated for residential use.

(f) The Legislature finds and declares that provision of adequate housing, in light of the severe shortage of housing at all income levels in this state, is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this section applies to all cities, including charter cities.



ROB BONTA

Attorney General

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Attorney General Bonta Launches Housing Strike Force, Announces Convening of Tenant Roundtables Across the State

Press Release / *Attorney General Bonta Launches Housing Strike Force, Announ...*

Wednesday, November 3, 2021

Contact: (916) 210-6000, agressoffice@doj.ca.gov

Launches Housing Portal with resources and information for California homeowners and tenants

OAKLAND – California Attorney General Rob Bonta today announced the creation of a Housing Strike Force within the California Department of Justice (DOJ) and the convening of a series of tenant roundtables across the state. Attorney General Bonta today also launched a Housing Portal on DOJ's website with resources and information for California homeowners and tenants. Together, the Housing Strike Force, roundtables, and Housing Portal are part of DOJ's new effort to advance housing access, affordability, and equity in

California. DOJ's Housing Strike Force will draw on the expertise of attorneys from the Land Use and Conservation Section, the Consumer Protection Section, the Civil Rights Enforcement Section, and the Environment Section's Bureau of Environmental Justice to address the housing crisis and to alleviate its effects.

"California is facing a housing shortage and affordability crisis of epic proportion," **said Attorney General Rob Bonta.** "Every day, millions of Californians worry about keeping a roof over their head, and there are too many across this state who lack housing altogether. Our Housing Strike Force, along with the tenant roundtables and Housing Portal, will allow DOJ to ramp up our efforts to tackle this crisis and advance housing access, affordability, and equity across California. This is a top priority and a fight we won't back down from. As Attorney General, I am committed to using all the tools my office has available to advance Californians' fundamental right to housing."

"California has a once-in-a-generation opportunity to address its housing crisis thanks to the historic \$22 billion housing and homelessness investments in this year's budget. But it'll only work if local governments do their part to zone and permit new housing," **said Governor Gavin Newsom.** "The Attorney General's emphasis on holding cities and counties accountable for fair housing, equity and housing production is an important component to the state's efforts to tackle the affordability crisis and create greater opportunities for all Californians to have an affordable place to call home."

"Passing strong housing laws is only the first step. To tackle our severe housing shortage, those laws must be consistently and vigorously enforced," **said California State Senator Scott Wiener, Chair of the Senate Housing Committee.** "I applaud Attorney General Bonta's commitment to strong enforcement of California's housing laws."

Over the last four decades, housing needs have significantly outpaced housing production in California. Housing costs have skyrocketed, making it harder for Californians to keep a roof over their heads. Despite significant effort, California continues to host a disproportionate share of people experiencing homelessness in the United States, with an estimated 150,000 Californians sleeping in shelters, in their cars, or on the street. California's 17 million renters spend a significant portion of their paychecks on rent, with an estimated 700,000 Californians at risk of eviction. High home purchase costs — the median price of a single-family home in California is more than \$800,000 — have led to the lowest homeownership rates since the 1940s. Due to decades of systemic racism, these challenges have continuously and disproportionately impacted communities of color. For example, almost half of Black households in California spend more than 30% of their income on housing, compared with only a third of white households.

DOJ's Housing Strike Force will take an innovative and intersectional approach to addressing the housing crisis, focusing on tenant protections, housing availability and environmental sustainability, housing affordability, and equitable and fair housing opportunity for tenants and owners. Specifically, the Strike Force will work to address the shortage and affordability crisis by:

- Enforcing state housing and development laws in the Attorney General's independent capacity and on behalf of DOJ's client agencies. Earlier this year, the Governor signed AB 215 enhancing the Attorney General's concurrent role in enforcing state housing laws;
- Enforcing tenant rights, mortgage servicing, and other consumer protection laws;
- Issuing consumer alerts advising tenants and homeowners on their protections under state and federal law;
- Issuing guidance letters to local governments on state housing laws;
- Defending state housing and tenant protection laws from legal challenges; and

- Advocating with the state legislature, federal agencies, and other state agencies to advance a right to housing.

The Attorney General's tenant roundtables and Housing Portal will also inform and serve as a repository for the Housing Strike Force's priorities and work. In the coming months, Attorney General Bonta will travel across the state to meet with tenant groups and identify opportunities for the Housing Strike Force to leverage the tools of the Office of the Attorney General to protect California's tenants. The Housing Portal, launched today, will give Californians the tools they need to avail themselves of protections under state and federal law. As the Housing Strike Force mobilizes, the Portal will also be updated to include information on the Housing Strike Force's priorities, enforcement efforts, and roadmaps for citizen involvement. The Housing Strike Force encourages Californians to send complaints or tips related to housing to housing@doj.ca.gov. Information on legal aid in your area is available at <https://lawhelpca.org>.

Attorney General Bonta is committed to advancing housing access, affordability, and equity. Following the expiration of the statewide eviction moratorium on October 1, Attorney General Bonta issued a consumer alert, and accompanying video, reminding California's tenants and homeowners of their rights and protections under California law. The Attorney General also successfully defended the constitutionality and statewide applicability of the California Housing Accountability Act (HAA). The HAA protects housing availability and affordability by imposing limits on the ability of cities to reject proposals for housing developments that otherwise satisfy general plan and zoning requirements. Attorney General Bonta supported Assemblymember David Chiu's AB 215, which solidifies the commitment to enforce state laws designed to address the housing shortage crisis.

#

AD HOC HOUSING ELEMENT COMMITTEE**OCTOBER 18, 2021****Special Teleconference Meeting**Meeting recording: <https://www.youtube.com/watch?v=z9psqJ6PWhc>

For each agenda item, there is a time stamp that corresponds to the time in the meeting video.

CALL TO ORDER AND ROLL CALL (0:20)

Chair Swisher called teleconference meeting to order. Planning & Building Director Russell called the roll.

Present: Committee Members: Aalfs, Armsby, Crane, Dorahy, Doyle, Kelly, Pierce, Kopf-Sill, Sill, Turcott, Ward, Wernikoff, Swisher, Wolter
 Absent: Targ.
 Town Staff: Laura Russell, Planning & Building Director; Adrienne Smith, Senior Planner; Cara Silver, Town Attorney

ORAL COMMUNICATIONS (1:30)

Oral communication received from:

- Monica Cheney regarding SB9 state legislation and implications for Portola Valley
- Danna Breen regarding the importance of the General Plan, concerns with assigned state-mandated Regional Housing Needs Allocation (RHNA), feedback on the community meeting #1
- Dale Pfau provided feedback on community meeting #1

Chair Swisher briefly discussed desire to stick to allocated times for each agenda item.

COMMITTEE DISCUSSION (11:05)**1. Values, Decorum and Public Comment (11:05)**

Chair Swisher presented revised document for committee approval. Committee comments and questions posed by members Turcotte, Armsby, Pierce, Wolter, Kelly and Crane.

Public comment received from:

- Kristy Corley regarding inclusion of public comment in all meeting minutes and number of meeting participants
- Dale Pfau stating that wildfire and earthquake safety should be Committee's number one charge and that Committee should hear from Fire Chief Don Bullard

Motion made by Wernikoff to adopt committee values document as stated in agenda (and seconded by Wolter) Ayes: Aalfs, Armsby, Crane, Dorahy, Doyle, Kelly, Pierce, Kopf-Sill, Sill, Ward, Wernikoff, Swisher, Wolter Nay: Turcotte.

2. Introduction to Housing Sites Inventory (35:00)

Director Russell gave a presentation explaining the housing sites inventory requirement, Affirmatively Furthering Fair Housing (AFFH) considerations and the process of implementing a housing sites inventory. Questions and comments posed by member Wolter.

3. Housing Sites Inventory Selection – Possible Scenarios (50:15)

Senior Planner Smith gave a presentation on housing sites inventory selection including the process of housing site scenario analysis, which areas of land in Town to consider for sites analysis and several targeted housing site scenario examples. Questions and comments posed by Chair Swisher and members Wernikoff, Kelly, Aalfs, Armsby, Dorahy, Ward, Crane, Sill, Kopf-Sill, Wolter and Town Attorney addressed questions posed by members Kopf-Sill and Turcotte regarding SB9.

Public comment received from:

- Tim Clark regarding process/timeline for residents to propose new housing at the Ladera Church property so that it can be counted in the updated Housing Element new housing unit numbers
- Kristy Corley asked how many ADUs have been constructed in current Housing Element cycle, posed questions about SB9 lot splits upcoming Town Council SB9 urgency ordinance, asked about new project application Willow Commons, asked for further labelling on maps in committee meeting presentations
- Monica Cheney wants everyone to fully understand implications of SB9
- Greg concerned about how low income households will afford home insurance in light of fire risks to community

INFORMATIONAL PRESENTATION (2hr:10mins)

4. Regional Housing Needs Allocation (RHNA) Zoning Target Concept

Senior Planner Smith and Town Attorney Silver provided presentation on the RHNA zoning target concept including an explanation of the Housing Element legal framework, the Annual Housing Element reporting requirement, the State's No Net Loss law and a definition of the zoning target concept and how to build it into the Town's Housing Element. Questions and comments posed by Chair Swisher and members Crane, Dorahy and Kopf-Sill.

Public comment received from:

- Monica Cheney raised concerns about SB9, frustrated with Zoom format of meetings, feels the selection criteria for the committee does not synch with the idea of diversity, equity and inclusion because she is opposed to Portola Valley's assigned RHNA
- Rita Comes wants the Town to have a 10-year+ plan to address issues already faced by the Town, like fire safety, concerned about Town's infrastructure capacity (Wi-Fi, sewage, electricity); agrees Town needs more diversity, but shouldn't have to react to State requirements
- Kristy Corley concerned about not having a Town evacuation plan, would like the Town to have a pre-application process for all new development projects so that applicants are required to come before Town Council

STAFF AND COMMITTEE REPORTS (2hr:52mins)

5. Staff Updates/Announcements

Questions and comments posed by Chair Swisher, member Turcotte.

Public comment received from:

- Rita Comes didn't like the reporting out from the breakout room facilitators in the community meeting, wants a transcript of the breakout rooms
- Danna Breen Agrees with Rita Comes

- Kristy Corley concerned about SB10 three year minimum owner-occupancy requirement

APPROVAL OF MINUTES (3hr:11mins)

6. Ad Hoc Housing Element Committee Meeting of 9/20/21

Questions and comments posed by Chair Swisher, members Turcotte and Wernikoff.

Public comment received from:

- Monica Cheney wants full Committee meeting minutes
- Rita Comes wants full Committee meeting minutes, list of meeting attendees and the meeting chat function activated

Motion made by Kelly to adopt minutes (and seconded by Sill) Ayes: Aalfs, Armsby, Crane, Dorahy, Doyle, Kelly, Pierce, Kopf-Sill, Sill, Ward, Wernikoff, Swisher, Wolter Nay: Turcotte.

ADJOURNMENT (3hr:23mins)

Chair Swisher adjourned the meeting.

To: Jocelyn Swisher, Al Sill, Jeff Aalfs, Sarah Wernikoff
Cc: Ad Hoc Housing Element Committee
Subject: Agenda item request - ADU Utilization
Date: November 9, 2021

“...historically we have produced very large numbers of those very low income, as as RHNA calculates them, units and ... probably not very many of them actually have people living in them. I think a lot of those are what i call fancy pool houses not real ADUs...”
- Council Member Hughes, September 22, 2021

Dear Chair Swisher and ADHEC leadership,

As Council Member Hughes indicated, there is reason to believe that in the current housing cycle, our ADU policies and ordinances have allowed us to satisfy the RHNA mandate for affordable housing, without actually producing affordable housing.

Is this question - whether the nominally affordable housing that we produce is actually being used - one that the Committee should consider? Do we measure success by whether the RHNA requirements are satisfied, or by whether the units are occupied? If, in fact, a significant number of affordable housing units produced in the current cycle are unoccupied, should that motivate us to recommend a different approach for the next Housing Element? If the Committee feels that this is within the scope of its mandate, how can we obtain reliable data documenting occupancy?

If you think there is merit in exploring these issues, please consider adding an agenda item to allow discussion.

Thank you,

Bob Turcott