



Housing Legislation Update

Agoura Hills City Council

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The Housing Crisis: A Priority

- Substantial focus on having local agencies remove “barriers” to housing approvals



Purpose of Recent Legislation

- Expedite Permit Processing for Housing
- Establish Zoning and Development Standards to Encourage More Housing
- Create Incentives for Affordable Housing
- Identify Land for Housing Development
- Provide Funding for Local Planning Efforts

SB 330: A Housing Emergency

- **Declared a “statewide housing emergency”**
 - Until January 1, 2025
- **Encourage (affordable) housing development**
 - By “expediting” housing approvals
 - By suspending local authority to impose certain restrictions on housing developments
- **Amends the Permit Streamlining Act (PSA) and the Housing Accountability Act (HAA)**

SB 330: “Expediting” Approvals

- **All Development Projects**

- Requires more detailed completeness checklists for all projects subject to the PSA

- **Housing Development Projects**

- Creates “preliminary application” process
- Limits the number of “hearings”

SB 330: “Preliminary Application”

- Freezes standards at the time the applicant submits the “preliminary application”
 - Statutorily required information
 - Payment of permit processing fees
- Cannot apply later-enacted policies or standards to that specific project
- To maintain benefits, applicant must submit a full project application within 180 days

SB 330: New Use Standards Okay

- **Okay to Apply New Requirements for “Use and Occupancy” of Housing Units:**
 - Rent Stabilization
 - Rental Housing Inspection
 - Restrictions on Short-Term Rentals
 - Business License Requirements

SB 330: Limited Number of Hearings

- No more than five hearings for a “housing development project” that complies with applicable objective standards after “deemed complete”
 - Includes “continued” public hearings
 - **Does not apply to legislative approvals!**

SB 330: Housing Crisis Act of 2019

- Prohibits certain restrictions on housing and residential density
- Requires replacement units for new housing development projects on sites with existing housing

SB 330: Prohibited Local Actions

- City may not reduce allowable intensity in any land use designation / district or downzone any specific property to a “less intensive use” below what was allowed on January 1, 2018
 - Exception for “no net loss” compliance

SB 330: Prohibited Local Actions

- **Impose a moratorium on housing**
- **Limit the number of approvals or construction permits for housing**
- **Cap the number of housing units**
- **Limit the City's population**
- **Adopt subjective design standards after January 1, 2020**

SB 330: “Replacement Units”

- Prohibits cities from approving housing development projects unless they replace all of the existing dwelling units
- Special affordability requirements for demolishing “protected units”

SB 330: “Replacement Units”

- Local agencies may impose objective provisions that:
 - Restrict demolition / conversion to be more protective of lower income households
 - Require a greater number of lower income units be provided in replacement housing
 - Require greater relocation assistance to displaced households

SB 330: Exceptions and Caveats

- **Cities retain authority over housing in Very High Fire Hazard Severity Zones**
- **May still adopt policies to:**
 - Allow greater density
 - Impose / implement mitigation under CEQA
- **CEQA remains intact**

SB 330: Housing Law Context

- **Regional Housing Needs Assessment**
- **Housing Element Law**
 - Site Inventory
 - No Net Loss
- **Housing Accountability Act (HAA)**

Overview of ADU Requirements

- **Two-pronged approval process:**
 - **“Building Permit Only” Process**
 - State standards only
 - Gov. Code § 65852.2(e)
 - **“Local Ordinance” Process**
 - Local ADU standards
 - But must comply with standards in Gov. Code § 65852.2(a)

“Building Permit Only” Process

- **One ADU or JADU per lot**
 - Within proposed single-family dwelling
 - Within existing space of single-family dwelling
 - Within existing space of accessory structure (including expansion of up to 150 square feet for ingress/egress)
 - Exterior access required
 - Side and rear setbacks for fire and safety
 - JADU must comply with 65852.22

“Building Permit Only” Process

■ What is a JADU?

- An ADU contained entirely within the walls of a single-family residence
- No larger than 500 square feet
- Must have a cooking facility with food preparation area and appliances
- May have its own bathroom or share a bathroom with the main residence
- Owner occupancy

“Building Permit Only” Process

- **One detached, new ADU**
 - For a lot with a proposed or existing single-family dwelling
 - Maximum size of 800 square feet
 - Maximum height of 16 feet
 - Four-foot side and rear yard setbacks
- **One detached, new ADU plus one JADU**

“Building Permit Only” Process

■ ADUs on Multifamily Property

- Must allow conversion of non-“livable space” of an existing multifamily property
 - For example, storage rooms, boiler rooms, passageways, attics, basements, or garages
 - Must comply with state building standards
 - Allow at least one ADU, and up to 25 percent of the existing number of multifamily dwelling units in the building

“Building Permit Only” Process

■ ADUs on Multifamily Property

- Up to two detached ADUs on a lot with an existing multifamily building
- Subject to 16-foot height limit
- Subject to four-foot rear / side-yard setbacks

“Building Permit Only” Process

- If the “building permit only” process applies, the city may **not**:
 - Impose any other local standards except for building code requirements
 - Require correction of nonconforming zoning conditions
- If “building permit only” process applies, the city **must** require that rental of ADU be for longer than 30 days (i.e., no short-term rentals)

“Local Ordinance” Process

- **Ministerial Review Only**
- **Designate allowed areas for ADUs**
 - Water and Sewer Services
 - Traffic Flow and Public Safety
- **Establish local standards**
 - Must comply w/ Gov. Code § 65852.2(a)

“Local Ordinance” Standards

- **Local ordinance may not:**
 - Require minimum lot size
 - Require owner-occupancy
 - Require replacement parking spaces
 - Impose FAR, lot coverage, or other similar requirements that do not allow an 800-square foot ADU

“Local Ordinance” Standards

- **Local ordinance may not:**
 - Set maximum unit size below 850 square feet (or 1,000 square feet for 2-BD ADUs)
- **Existing dwelling**
 - Attached ADU shall not exceed 50 percent of the existing single-family home
- **Detached ADU**
 - Total floor area shall not exceed 1,200 sq. ft.

Local Parking Standards

- Local ordinance may not require more than one parking space per ADU
- Local ordinance may **not** require parking in any of the following instances:
 - Within ½ mile **walking** distance of public transit
 - Within historic district
 - Attached ADU or converted accessory structure
 - On-street permits not offered to ADU residents
 - Car-share vehicle within one block

Homeowners' Associations

- Homeowners associations may not prohibit or “unreasonably restrict” construction of ADUs and JADUs on single-family lots
- “Reasonable restrictions” are okay

Density Bonus Law: An Overview

- **Qualifying projects entitled to receive:**
 - A density bonus;
 - Specific number of “incentives & concessions” based on the type of housing development;
 - Waivers or reductions of development standards (where standards would “physically preclude” the construction of the development); and
 - Reductions in minimum parking requirements

Existing Qualifying Projects

- 10 percent Lower Income HHs (or Students)
- 5 percent Very Low Income HHs
- Senior Citizen Housing Development
- 10 percent Moderate Income (Condos)
- 10 percent Transitional Foster Youth, Disabled Veterans, or Homeless Persons

AB 1763: New Qualifying Project

- **To Be Eligible: 100 Percent “Affordable”**
 - At least 80 % for Lower Income HHs
 - Remaining units must be reserved for either Lower or Moderate Income HHs
- **Benefits for Eligible Projects**
 - An 80-percent Density Bonus
 - Four Incentives / Concessions
 - Reductions in Parking Requirements

Additional Laws

- **Website Requirements (AB 1483)**
- **Supportive Housing Approvals (SB 744)**
- **Low Barrier Navigation Centers (AB 101)**
- **Surplus Land (AB 1486 & SB 6)**
- **Tenant Protections (AB 1482)**



Thank you!