

TOWNSEND

PUBLIC AFFAIRS

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MEMO

To: City of Cupertino
Legislative Review Committee

From: Townsend Public Affairs, Inc.

Date: June 19, 2020

Subject: Consider adopting a position on Senate Bill 902 (Wiener) – Housing Development: density

Summary

SB 902 permits a local government to pass an ordinance to rezone any parcel up to 10 units of residential density per parcel, at a height specified by the local government. To be eligible for increased zoning, the area must be urban infill, or be near high quality public transportation or a jobs-rich area (to be determined by HCD/OPR). The measure specifies that an ordinance passed pursuant to this bill would not qualify as a project for the purposes of CEQA.

In addition to the above provisions, SB 902 allows a local government to approve an ordinance allowing a parcel to be rezoned for up to 10 units, even if local voters have approved measures that restrict zoning.

Status

SB 902 was approved by the Senate Housing Committee on May 26th on a 9-0 vote. The measure is currently in the Senate Appropriations Committee and has been referred to the Suspense File. It is scheduled to be considered on June 18th.

Support

According to the author, “SB 902 is a thoughtful and balanced approach to California’s housing crisis that provides cities with a powerful new streamlining tool, if they choose to take advantage of it, for increasing density in non-sprawl areas to as many as 10 housing units per parcel. By allowing rezoning to occur in a sensible and streamlined way, SB 902 will help ease California’s housing crisis, spurred by a statewide shortage of 3.5 million homes and California ranking 49 out of 50 states in homes per capita. Given that cities face significantly increased housing production goals under the revised Regional Housing Needs Assessment (RHNA) and are required by the state Housing Element Law to complete rezoning to accommodate these goals, SB 902 is a timely and powerful new tool for cities to use in their comprehensive planning efforts. SB 902 will help alleviate California’s severe housing shortage by incentivizing light density increases in the right places and giving flexibility to cities so that they can better utilize planning resources.

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Supporters of SB 902 include: California Apartment Assn, California Building Industry Assn, League of Women Voters of California, Bay Area Council, Habitat for Humanity, California YIMBY, California Community Builders, East Bay for Everyone, and other affordable housing advocates.

Opposition

Those that have indicated opposition to SB 902 generally site the removal of community driven planning processes and stakeholder involvement. Some are opposed to upzoning single-family neighborhoods and are concerned about the lack of affordable housing requirements. Many opponents to this bill are opposed to provisions that have since been removed from the bill.

Opponents of SB 902 include: South Bay Cities Council of Governments, San Francisco Tenants Union, Livable California, Orange County Council of Governments, League of California Cities LA Division, and the cities of Newport Beach, Livermore, Pleasanton Danville, San Ramon, and Dublin.

Potential Impact

SB 902 does represent a shift from previous housing production in that the number of units within a project scales based on the population of a city. Under the bill, any zoning for up to 10 units would be at the discretion of the local government. The bill specifies that projects cannot be located in a very high fire hazard severity zone, and projects must follow objective criteria related to local impact fees, local height and setback limits, and local demolition standards.

Given that the author has modified his approach on this bill, the City may wish to consider requesting further amendments to the measure to remove the provisions that would allow a local government to pass an ordinance that is against a locally approved measure.

Recommended Action

Adopt a support if amended position for SB 902 and authorize the Mayor to send letters to the state legislature.