

MEMO

To: City of Cupertino
Legislative Review Committee

From: Townsend Public Affairs, Inc.

Date: March 2, 2020

Subject: AB 1279 (Bloom)- Housing Element: High Resource Areas Summary

Summary

AB 1279 requires certain development sites in high resource areas to allow for more density and height and makes these sites subject to "use by-right" approval.

The measure requires the Department of Housing and Community Development (HCD) to designate areas in this state as "high-resource areas," defined as an area of high opportunity and low residential density that is not currently experiencing gentrification and displacement, and that is not at a high risk of future gentrification and displacement.

AB 1279 requires that a housing development project must be a "use by-right" in any high-resource area if the development satisfies the following criteria:

- In areas zoned only for single-family residential development, the development project consists of up to four residential units with a height of up to 20 feet. The units would have to be either affordable to households making 100% of the area median income (AMI), or sold or rented at a higher AMI if the developer pays 10% of the difference to the local jurisdiction for construction of units for households at 50% AMI or less.
- In areas zoned for residential use that are at least one-quarter acre in size and located on a major street and/or the central business district, the development project consists of up to 40 residential units with a height of up to 30 feet. Projects with 10 or fewer units would need to meet the same affordability parameters as the projects in single-family zones discussed above. Projects of more than 10 units would need to dedicate at least 10% of the units to households with low incomes and 5% to very low incomes.
- If the parcel exceeded one-half acre in these prime locations, a project that had at least 25% of its units dedicated to low-income households and 25% to very-low income households would be allowed to have up to 100 residential units with a height of up to 55 feet. Such a project could receive a density bonus if it were to include additional affordable units.

- No qualifying project would: 1) require the demolition of housing currently for rent; 2) require the demolition of housing that has been for rent in the past 10 years; or 3) be located in an area that has been designated as environmentally unsafe or an environmentally sensitive area.

Status

AB 1279 was approved by the Assembly on May 29, 2019 with a vote of 46-20. The measure was referred to the Senate Housing, Environmental Quality, and Governance and Finance Committees. As a two-year bill, the next deadline that AB 1279 is subject to is the Second House Policy Committee deadline of July 2nd.

Support

According to the author, "California's housing shortage is well-documented, and it is primarily a shortage of units affordable to households at the lower end of the income spectrum. Facilitating the production of affordable housing units requires increasing allowable residential densities in many communities and creating more opportunities for multifamily development. Allowing these types of projects to be developed by right in the most exclusionary places is crucial to ensuring that they are able to proceed."

Supporters argue that this bill addresses exclusionary zoning practices in high-resource areas, which exacerbate racial and economic segregation and reduce opportunities for lower-wage workers to live close to where they work, and will facilitate mixed-income and affordable housing in high-resource, lower-density communities.

AB 1279 is officially supported by: California Rural Legal Assistance Foundation, Public Advocates, Inc., Western Center on Law and Poverty, and TechEquity Collaborative.

Opposition

The opponents to AB 1279 point to a variety of reasons for their opposition, including concerns over state regulation of local land use decisions, the lack of specific definitions of high-resource areas, and the proscriptive nature of the appeals process. Additionally, opponents of the measure question whether or not this measure would actually facilitate significant housing development, given there are numerous other by-right approval bills that have been signed into law in recent years.

AB 1279 is officially opposed by: California State Association of Counties, Urban Counties of California, City of Long Beach, and the City of La Palma.

Potential Impact

If AB 1279 is signed into law, the measure would require the City, if deemed to be in a "high-resource area," to approve housing developments that meet certain criteria, as a use by-right.

Recommended Action

Adopt a watch position for Assembly Bill 1279 (Bloom) – Housing element: high resource areas

