

**MEMO**

**To:** City of Cupertino  
Legislative Review Committee

**From:** Townsend Public Affairs, Inc.

**Date:** May 22, 2020

**Subject:** Consider adopting a position on SB 899 (Wiener) – Housing development: non-profit hospitals or religious institutions

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Summary

SB 899 would require that a housing development project be a use by-right upon the request of a non-profit hospital, non-profit diagnostic or treatment center, non-profit rehabilitation facility, non-profit nursing home, or religious institution that partners with a qualified developer on land owned by the applicant.

SB 899 would require that 100% of the units in the proposed housing development project be restricted to lower income households with an affordable housing cost or affordable rent for those households. The measure would authorize a proposed development to include ancillary commercial uses on the ground floor of the development.

Under the provisions of SB 899, if a project is located in an area zoned for single-family housing development, the development must be on a site that is one-quarter acre or larger and is located adjacent to an arterial road or in a central business district and may not consist of more than 40 units and not exceed 36 feet in height. If the project is located in an area where residential or commercial uses are allowable, the project must be located on a site that is at least one-half acre in size and does not consist of more than 150 units and not exceed 55 feet in height.

By requiring that certain multifamily projects be considered a use by-right, this measure reduces the level of local control over certain developments. That said, SB 899 pertains to a very narrow set of projects: those that are 100% affordable and located on land already owned by a non-profit hospital, non-profit diagnostic or treatment center, non-profit rehabilitation facility, non-profit nursing home, or religious institution.

Status

SB 899 has been referred to the Senate Housing Committee and is scheduled to be heard on May 26<sup>th</sup>.

Support

The support for SB 899 is unknown at this time.

### Opposition

The opposition for SB 899 is unknown at this time.

### Recommended Action

Adopt a watch position for Senate Bill 899 (Wiener) – Housing development: non-profit hospitals or religious institutions