



Overview & Implementation of SB 6 and AB 2011 Housing Legislation



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The Ask

Direct staff to apply the City's Affordable Housing Overlay Zone requirements for housing in commercial zones allowed by Senate Bill 6.

Affordable Housing Overlay Zone requires 20% of total housing units to be set aside for low income.



Senate Bill 6 (SB 6)

Middle Class Housing Act of 2022

CA Gov't Code 65852.24

Effective July 1, 2023

Ends January 1, 2033

Assembly Bill 2011 (AB 2011)

Affordable Housing and High Road Jobs Act of 2022

CA Gov't Code 65912.100

Effective July 1, 2023

Ends January 1, 2033

SB 6

- Housing an “allowed” use on property zoned to allow office, retail or parking.
- **No affordable housing required.**
- Housing development project can include:
 - Residential only
 - Mixed-Use
 - 50% or more square feet is designated residential
 - No square footage for hotel, motel or other transient lodging
- Project site must be 20 acres or less.
- Density meets or exceeds 30 dwelling units per acre.
- Not on a site or adjacent to a site where one-third of the square footage is dedicated to industrial.
- Subject to objective development standards:
 - Zoning for the applicable residential density and other local codes.



AB 2011

- Housing an “allowed” use on property zoned to allow office, retail or parking.
- **Affordable housing required.**
- Housing development project can include:
 - 100% Affordable Residential Units
 - Mixed-Income Housing
- Not on a site or adjacent to a site where one-third of the square footage is dedicated to industrial.
- Housing on a site shall not be within 500 feet of a freeway.
- 75% of the perimeter of the site adjoins parcels that are developed with urban uses.
- Subject to objective development standards:
 - Zoning for the applicable residential density
 - Other local codes
 - Development standards imposed by the bill for mixed-income housing.



AB 2011

Two Types of Housing Allowed

100% Affordable Housing Project In Commercial Zones

- 100% of units dedicated to low-income households.
- Density meets or exceeds 30 dwelling units to the acre (du/ac).
- Deed restricted:
 - 55 years for rental
 - 45 years for owner-occupied

Mixed-Income Housing Project Along Commercial Corridors

- Must abut a commercial corridor*.
- Property frontage of 50' or more on a commercial corridor.
- Property no greater than 20 acres.
- **Rental housing** shall include:
 - 8% of units for low-income and 5% of units for extremely low-income, or
 - 15% of units for low-income
 - Deed restricted 55 years
- **Owner occupied** housing shall include:
 - 30% of units for moderate-income, or
 - 15% of units for low-income
 - Deed restricted 45 years
- Affordable units shall have the same bedroom & bathroom count ratio as market rate units and be equitably distributed.

* **Commercial corridor** means a highway that is not a freeway defined by the Vehicle Code and has a right-of-way of at least 70' and no greater than 150'.

AB 2011 Additional Mixed Income Development Standards

Development Standards				
Property	< 1 acre site	≥ 1 acre site w/less than 100' width	≥ 1 acre site w/100' width or greater	Except sites within ½ mile of a major transit stop
Density: du/ac (dwellings per acre)	30 du/ac	40 du/ac	60 du/ac	80 du/ac

Property	w/less than 100' width	w/100' width or greater	Except sites within ½ mile of a major transit stop & in a city w/a population greater than 100,000
Building Height	35'	45'	65'

AB 2011 Additional Mixed Income Development Standards

Development Standards				
Property	Portion of site that fronts a commercial corridor	Portion of site that fronts a side street	Portion of site that abuts adjoining property on same commercial corridor (abutting property line with no residential use)	Portion of site that: <ul style="list-style-type: none"> - Does not abut a commercial corridor & a side street; or - abuts property that abuts the same commercial corridor & contains an adjoining residential use
Minimum Setback From Property Line:				
• Building	0'	Shall abut within 10' of property line at least 60% of the frontage	0'	Along property lines that abut property w/residential: <ul style="list-style-type: none"> • Ground floor: 10' • Second & Subsequent Floors: 7' x # of floors Along property lines that abut property w/no residential: 15'
• Building Ground Floor	Shall abut within 10' of property line at least 80% of the frontage	See above Building Setback	See above Building Setback	See above Building Setback
• Parking	25'	0'	0'	0'

Parking Requirements

SB 6

- Does not limit parking
- Projects would adhere to city requirements; or
- Rely on AB 2097

AB 2011 100% Affordable Housing

- Does not limit parking
- Projects would adhere to city requirements; or
- Rely on AB 2097

AB 2011 Mixed Income Housing

- **No parking required**
- Bicycle parking, electric vehicle supply equipment & ADA compliant parking spaces would still apply

AB 2097 (Effective January 1, 2023)

Prohibits minimum parking requirements on a residential, commercial or other development project if the project is located within ½ mile of a major transit stop.

Major transit stop means:

- An existing rail or bus rapid transit station
- The intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during morning and afternoon peak commute periods.

Comparison Between Bills (N= No Y= Yes)	SB 6	AB 2011
Residential an allowed use in a zone that principally allows office, retail or parking.	Y	Y
Does not require rezoning or an amendment to the General Plan to allow residential.	Y	Y
Requires affordable housing.	N	Y
Certain objective development standards imposed by bill.	N	N/Y* *for mixed income developments
Parking restrictions outside the city's requirement and AB 2097	N	N/Y* *no parking required for mixed income dev.
Requires ministerial streamlined review.	N	Y
Site requires a cultural analysis and must not contain tribal cultural resources that could be affected by development.	Y	Y
Requires prevailing wage for construction workers.	Y	Y
Requires skilled and trained workforce.	Y	Y (>50 units, an apprenticeship program must be provided w/health care coverage)

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PROS & CONS



Pros on “The Ask”

- City is not prevented from requiring inclusionary housing to require a percentage of affordable housing units under SB 6.
- Provides consistency with other commercial sites that have already been zoned AHO.
- Prevents a shortfall of housing sites for low-income units in the city's commercial zones.
- Keeps the City's Housing Element *Housing Sites Inventory* in compliance with state law by maintaining housing sites for low-income households.

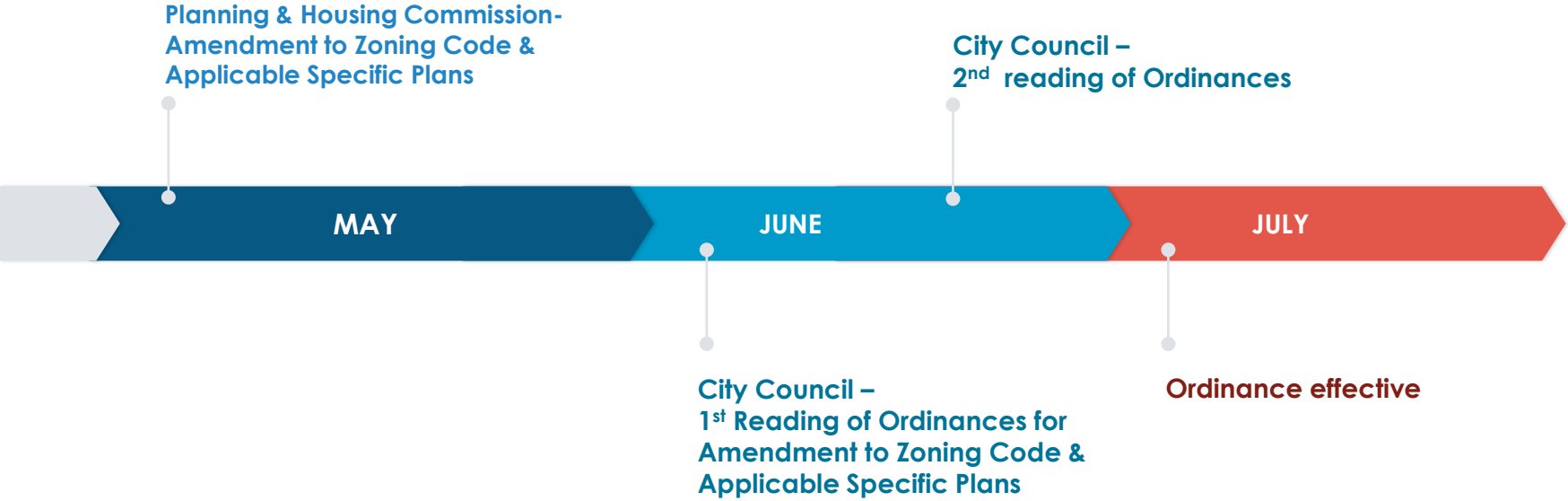
- Ensures equality by requiring new housing developments in qualifying commercial zones to participate in the development of mixed-income units.



Con on not doing “The Ask”

- Properties with an AHO zone and on the City's Housing Sites Inventory could be develop using SB 6 and thereby create a shortfall of housing sites for low-income households that the city would have to replace elsewhere.

Next Steps



Questions?

