Santa Clara County Planning Collaborative Meeting

November 10, 2022

Agenda

- Welcome & Announcements Paul Peninger, 12:00-12:10
- ABAG Announcements Manuel Ávalos, 12:10-12:20
- Comment-BOT and Policy-Bot Kristy Wang, 12:20-12:30
- ADU Collaboration David Driskell, 12:30-1:00
- Builders' Remedy Josh Abrams, 1:00-1:10
- HCD Comment Letters Paul Peninger, 1:10-1:20
- Small Group Discussions Sam Dolgoff, 1:20-1:30

General Announcements

- Report: AFFH Office Hours with Root Policy
- Steering Committee date TBA Open to all Collaborative members!
- Staff transition and introductions
- Contact Info for Collaborative Staff:
 - Samantha Dolgoff, 510-703-4620 <u>Dolgoff@bdplanning.com</u>
 - Abbie Tuning <u>Tuning@bdplanning.com</u>
 - David Driskell <u>Driskell@bdplanning.com</u>
 - Kristy Wang <u>Wang@bdplanning.com</u>

MTC-ABAG Announcements

- Regional Housing Technical Assistance Program:
 - Builder's Remedy Technical Assistance
 - New State Laws Webinar: November 15 from 2-3:30 pm. Register here.
 - Time Running Out to Claim Local Housing Grants: Contact <u>HousingTA@bayareametro.gov</u>.
- Free Licenses for Symbium Plancheck Software:
 - <u>Fill out this questionnaire</u> by December 16 at 5 pm. FAQ Webinar on November 16 from 11am – 12pm.

Zoom: bayareametro.zoom.us/j/87941042094

Meeting ID: 879 4104 2094

- Farmworker Survey: <u>Please take this brief survey</u>.
- Regional Early Action Planning Grants of 2021 (REAP 2.0)
- Priority Development Area & Priority Production Area Planning Grants and Technical Assistance
 - Info webinar: December 14, 11am 12pm. <u>Register here</u>. Contact Mark Shorett (<u>mshorett@bayareametro.gov</u>) and Ada Chan (<u>achan@bayareametro.gov</u>).
- SB 743 VMT Policy Adoption Technical Assistance Program
 - MTC-ABAG Technical Assistance Portal here. Contact Krute Singa (ksinga@bayareametro.gov).

CBOT and PBOT Demo KRISTY WANG

ADU Collaboration: Program Options

DAVID DRISKELL

SANTA CLARA COUNTY PLANNING COLLABORATIVE



Agenda



- Program Goals
- Program Options + Examples
 - Improved Calculator + Address Lookup Tool
 - ADU Website, Workbook + Spotlights
 - ADU Plans Gallery
 - Amnesty + Affordability Tools
 - Process Tools
 - > ADU Resource Center
 - > ADU Nonprofit
- > Feedback / Direction

Program Goals



- Facilitate the creation of more ADUs
- Support homeowners in evaluating options,
 developing plans + navigating the process
- Support each jurisdiction to provide better information and streamline the process
- Save everyone time and money
- Help achieve Housing Element goals
- > Do more together than we can on our own
- Regional consistency

Starting Points



- ADU Cost Calculator: santaclaracounty.aducalculator.org
- Other Regional Efforts
 - Napa Sonoma ADU
 - San Mateo County
- REAP budget can fully or substantially cover costs

Program Considerations

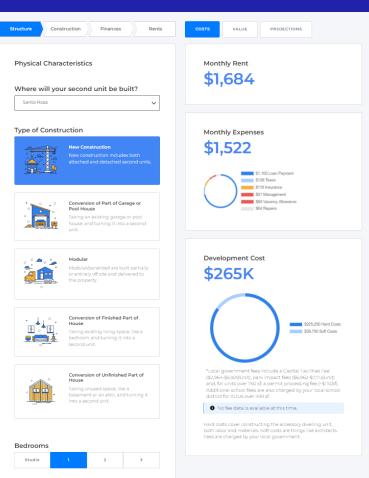


- Right-sizing for budget and capacity
- Potential phasing
- Meeting near-term needs while building long-term value
- Long term sustainability + funding (ADU Nonprofit?)

Low → High Investment

Low → High Impact

Calculator & Address Lookup



- Calculator estimates costs, fees, and potential rents
- Homeowner Education Portal
- "Can I Build an ADU?" Address Lookup Tool and technical "How-To" Memo for city staff

Find out what you're eligible to build

Enter an address in Napa or Sonoma County to see if you are allowed to build an ADU that adds square footage to your property.

Enter your address below:

715 KING ST SANTA ROSA

Go!

If you don't see your address, try using abbreviations (e.g. "ST" for "Street" or "VV" for "VVest") and include your city and zipcode. If it still doesn't show up, then contact the email at the bottom of the page.

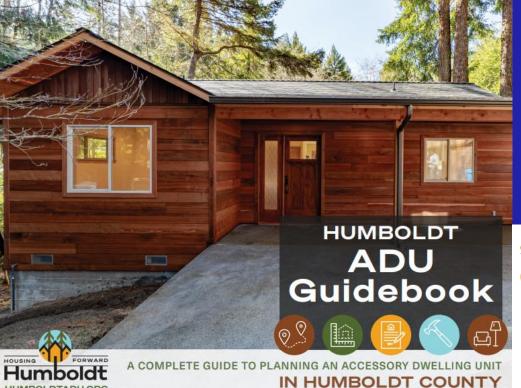
Jurisdiction: Santa Rosa
Recorded Use: Residential
Zone: PD
Number of Dwellings: 1
Approximate Lat Size: 8,399 square feet
Approximate Building Footprint: 864 square feet
Approximate Living Area: 864 square feet
Average Site Slope: 0.2 degrees

Good news, you are in an area where ADUs are allowed!

- Max attached ADU studio/one bedroom size: 800 square feet
- Max attached ADU 2+ bedroom size: 800 sauare feet



Website, Guidebook + Exercises



HUMBOLDTADU.ORG

- Step by Step Guide
- City/County Requirements
- Design & Construction
- Rental Guidance

GUIDEBOOK FEATURES

Exercises

available as a downloadable PDF

GETTING STARTED

- ☐ Identifying Goals & Concerns
- ☐ Keeping Your Eyes on the Prize
- □ Documenting Property Information ☐ Making a Rough Property Sketch
- □ Planner Meeting Worksheet

BUDGETING & FINANCE

□ Budgeting Exercise DESIGN

- ☐ Initial Design Exercise
- □ Design Ideas Exercise
- □ Designer Considerations Exercise

 Permit Application Planning and Organization

☐ Identifying What You Want in a Lease

codes listed throughout to



Key Information

Am I allowed to build an ADU? 10 What will it cost? 18 How long does it take? How will it affect my taxes? 22 How do I find a designer? 26

How do I find a builder? What is involved in being a landlord?

How do I get started?

The ADU Process 8

Spotlights Andrew & Kristin

Extra income for the family Joni & Scott Housing independence for their son

Thomas & Terra A community effort for accessibility

Accessing Content Online

This guidebook and all accompanying exercises and documents are available online.

GUIDEBOOK

This quidebook is available at humboldtadu.org/guidebook.

OPTION 1: WEB BROWSER

All exercises are available in one interactive PDF at humboldtadu.org/exercises.

OPTION 2: YELLOW BUTTONS Click on the yellow "Exercises PDF" button throughout this

OPTION 3: QR CODE

workbook.

30

Point your phone camera at the graphic below, as if you were taking a photo of it. Once your phone recognizes it as a QR code, it will give you the option



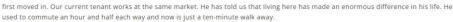
ADU Spotlights

Video Stories

Neighbor Spotlight: Jane and Doug in Mill Valley

In 1969, we bought this house in the caryon and raised our family here. By the mid-90s, our three sons were all grown up or in college. We had a pool table in the basement that had entertained the boys for many years, and once they left, it mostly gathered dust. We were aware of housing problems even then in Marin because people would post ads looking for units, so you could learn something about them before renting.

It took a while back then to get a permit, but once it was remodeled, we rented it based on word of mouth. Some leases were for just a couple of years because young people would move on as their careers and lives changed, but one tenant stayed for 17 years! She was a checker at the local market and close to retirement when she



Having an ADU has been wonderful. We help each other – I give them rides and make them cookies, and they help with the cat and the newspapers when we are away. We are very concerned about the affordable housing crisis, and it feels good to know we've done a little bit.

Print Stories

SPOTLIGHT A HOME FOR THREE GENERATIONS



"It's not something we see much anymore, but having family support and connection with my mom just across the way is such a blessing, especially with children."

CHERYL, LEE & KATHY

When we were expecting our first child, there was an inescopable pull back to Marin. For ten years my husband and I had been living in San Francisco in a small one-bedroom apartment and going over the bridge to Marin for work. Plus, our moms still lived in the homes we grew up in and we wanted to be close to them.

It was tough to find something affordable, so my mom threw out the idea that we move into the pool house temporarily. Since my family moved in 30 years ago they had added a bathroom and closet, but it wasn't very livable, so we started talking about renovation. At first, my mom and I were pretty skeptical, but my husband took on the project and ran with it. We worked with a contractor he knew from high school who found us a great architect, and it was completed in a year.

LOCATION SAN ANSELMO
ADUITYPE CONVERTED EXISTING
STRUCTURE
PRICE \$120,000

YEAR COMPLETED 2019

9 MONTHS TO BUILD

SIZE 550 SF

been such a blessing, especially during Covid.
We are also able to help my mom out with the
maintenance, which turns out is a lot. Someday she
can rent out the ADU or move into it, but we aren't
planning on leaving any time soon.

The positives of being right next to my mom but not

in her space are huge. We are all so comfortable.

My two- and three-year-olds can go to my mom's

just across the way. We spend a lot of time outside

together. My husband's mom lives nearby, and

we have family dinners once or twice a week. We

think of ourselves as one bia family unit, which has

Cheryl, Lee & Kathy's Converted Pool House

Online ADU Plans Gallery



This webpage is hosted by the nonprofit Napa Sonoma ADU Center, working in collaboration with jurisdictions across Napa and Sonoma counties. Browse the gallery of ADU designs to find the one that works best for you

Vhat is Napa Sonoma ADU₹ What does t mean to be "pre-reviewed"? Which jurisdictions are participating? See answers to these and more frequently asked avestions

HOW THIS WORKS



Determine What's Possible

Get help from the Napa Sonoma ADU

- · ADU feasibility consult
- · Help understanding costs, financing options, and return on investment
- Info on your local ADU rules &
- permit process

Takes you to the Napa Sonoma ADU Center website



Pick Your Plan

Filter the gallery of plans to find which ones you like.





Contact Your Designer

Use the contact information on your chosen plan to get in touch with the designer, license the plan, and learn

next stens

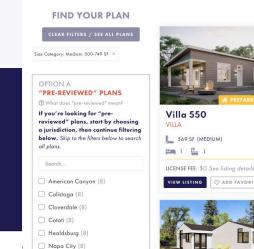


From Plan to Permit

Contact your jurisdiction's building department and develop your full ADU permit application.

- No- and low-cost ADU plans, including prefab and site-built options
- Option for city-specific pre-reviewed plans
- Grow the regional ADU marketplace
- Build off structure already in place

ADU Plans Gallery



Napa County (8)





532 SF (MEDIUM) 1 1 1

LICENSE FEE: \$500 VIEW LISTING

O ADD FAVORITE



C) ADD FAVORITE

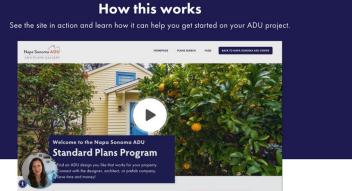


SEE FAVORITES SORT



LICENSE FEE: \$595





ADU Plans: Sourcing



- Gather existing publicly-owned plans
- > Call for submittals from local architects
- Potentially incorporate pre-reviewed plans from San Jose and elsewhere

Process Tools

ADU GLOSSARY

Important ADU Vocabulary

ACCESSORY DWELLING UNIT (ADU) Self-contained living units built on the same lot as an existing or proposed primary dwelling. They can be attached, detached, enclosed within an existing built above a garage. The types of ADUs are as follows:



DETACHED New or converted freestanding structure, such as a backvard cottage



ATTACHED New or converted sharing at least one wall with the primary house



REMODEL OR EXPANSION New and converted space with square footage added to the primary house



INTERIOR CONVERSION Converted existing space (e.g., an attic, bedroom,



GARAGE APARTMENT Converted former garage space



ABOVE GARAGE New or converted space above a garage

BUILDING CODE Standards that ensure buildings are built safely. Building codes are made up of various sections (plumbing, electrical, etc.). These are established by the State of California and are often amended by cities.

DEED RESTRICTIONS Conditions or rules that are added to a deed for a house. For example, state law now requires homeowners building a JADU to specify that they will live in the main house while renting their JADU or that they will live in the JADU while renting the main house and that both will not be rented at the same time.

FLOOR AREA RATIO (FAR) FAR is the number of built square feet divided by the size of a lot. FAR includes built area on all floors. The zoning code will specify the maximum FAR for your property if this applies.

LOT COVERAGE The area of a property that is allowed to have buildings on it in relation to the total lot area, generally expressed as a percentage. Zoning code will specify the maximum lot coverage for your lot.

MINISTERIAL REVIEW Review by the city that allows a homeowner to build an ADU as long as it meets all set requirements. There is no discretion or judgment involved on the reviewer's part and no public hearings needed.

Fees

ENTITLEMENT FEES Fees levied by cities to cover the administrative costs of applications. These typically range from hundreds to thousands of dollars and are not levied in all cities.

BUILDING PERMIT FEES Fee that cover the costs of inspections before, during, and after construction. These fees can vary and are often a few thousand

DEVELOPMENT IMPACT FEES Fees that help pay for new infrastructure in your neighborhood and the surrounding area, such as new roads or parks. These are often the larger fees that are charged. ADUs under 750 square feet are exempt from these fees.

WATER AND SEWER FEES Fees which support the cost of providing water and sewer service to the community. Recent changes to state law have significantly reduced the water fees for ADUs: existing buildings do not require water fees, while new buildings can only be charged fees in proportion to the size of the unit.

SCHOOL DISTRICT FEES Fees which support the schools in your area through a per-square-foot development fee. These are paid directly to the school

- Handouts & Resources for **Jurisdictions**
- Tailored Digital Materials
- Process Improvement Guidance

ADU At-A-Glance

Newport Beach ADU is here to help you through the ADU building process. Please contact the Planning Division at 949-644-3204 and visit our website at newportbeachca.gov/adu for more information.

1 GET STARTED

- · Think about what you want, including the goals and concerns for your project
- . Look for inspiration visit our ADU website to see ADU floorplans and case studies
- Make an informal sketch of your property and what space is available - the interactive exercises on our ADU website can help.
- Estimate costs and possible rental income using the Orange County ADU

3 DESIGN YOUR ADU

- · Consider using one of our pre-approved ADU plans, which can ease the process.
- · Hire your team we recommend hiring a licensed architect or designer to design your ADU and a licensed contractor to construct it, or a design/build team.
- Whoever you hire will help with permitting · Create your initial design and discuss it with planning staff. You can visit the
- Permit Center during business hours or call to make an appointment
 - · Finalize your design for permitting

5 CONSTRUCT YOUR ADU

- · Ensure all funding is in place before
- · Monitor construction (which typically takes 6-12 months) by checking in regularly with your contractors, making decisions about materials as needed and ensuring
- required inspections are moving along Pass final inspection - your contractor
- will schedule inspections throughout the construction process by calling 949-644-3255. Once your ADU has passed the final inspection, it's ready for move-in!















- · Learn about your property, relevant service providers, and restrictions that might apply using the Newport Beach
- · Learn what you can build in this book and
- · Meet with city staff to discuss the rules that apply to your property and proposed ADU and the deed restriction
- Adjust your project budget as needed and create a plan for financing your project.

- Prepare your application package: Zoning e, Plan Check, and Building Permit Coastal Zone properties may first need to receive
- · Submit your application at the Permit Counter Zoning Clearance has no fee: Plan Check fees are due at submission. Applications are reviewed within 10-20 business days.
- Revise your application ADU applications typically require 2-3 reviews, each taking 10-20 days. Check permit status in the City's CIVIO Portal. Building Permit fees are due upon approval.



BAKERSFIELD ADU GLOSSARY

Amnesty + Affordability



- > Best Practices Guide
- Model Ordinances
- Technical Assistance

Shared Online Resource Center



WHY BUILD

Your backyard solution.

Second Units are a great option for those interested in affordably housing a friend or family member, aging in place, creating a new income source, and helping tackle our regional housing shortage.

Learn More >





GETTING STARTED

What you need to know.

Are you interested in building a second unit? Identify next steps, including how to find the right kind of second unit for your situation, how to secure a building permit, and how to find your construction team.

Learn More >

- Cross-Jurisdiction Resources
- Digital Materials
- Homeowner Outreach & Education
- Connect to City Resources
- Staffed or unstaffed

What do you think?



Tell us what interests you most:
LINK TO FEEDBACK SURVEY

- What stands out?
- Which options best meet your needs?
- Questions? Concerns? Other ideas?

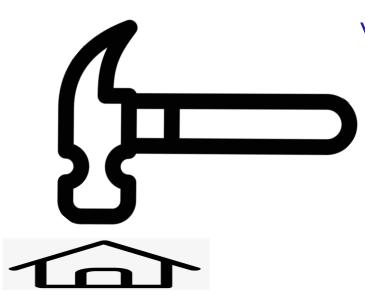
BUILDERS' REMEDY UPDATE

JOSH ABRAMS

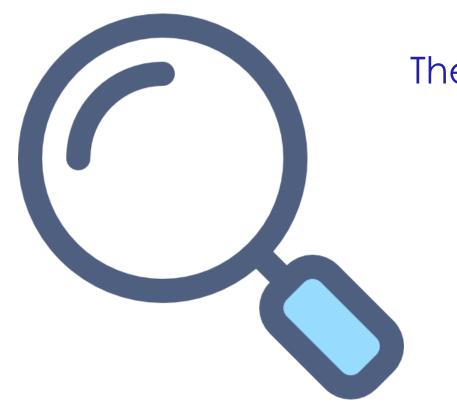
 See website for resources, including a technical memo from ABAG: <u>citiesassociation.org/new-laws</u>

There is an applicant for a housing project application (100% moderate or 20% low income)



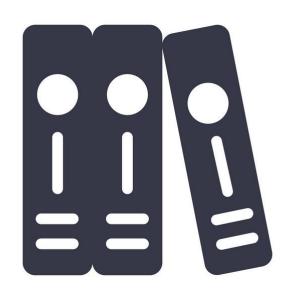


If jurisdiction wants to deny it



They need findings

21 Elements



Most common findings: Does not comply with zoning or general plan...

but first

I am a Housing Element and I need to be substantially compliant!

Am I substantially compliant? Who can say? What does it even mean? Did you do your CEQA?



Overview

- Housing Accountabity Act (1990) (with later edits)
- To deny a housing project with 20% low or 100% moderate
- Need to make at least one specific finding to deny a project
 - 1. Exceeded RHNA and city has a Housing Element that complies with State law
 - 2. Significant, unavoidable, etc. etc., public safety impacts
 - 3. Illegal under state or federal law...
 - 4. Ag land
 - 5. The project is inconsistent with the city's zoning and the land-use designation of its general plan *and* city has a Housing Element that complies with State law

Why Now

- Harder Housing Element deadlines/approval = more out of compliance Housing Elements
- One brave developer in Santa Monica (and a few other places)
- New laws with more rights (e.g. vested with minimal application) (SB 330)

Address	Market Rate Units	Affordable Units	# of Stories	Preliminary	Formal SB330 Application
1420-22 20th St	45	9	5	Х	35330 Application
1215 19th	0	34	6	X	X
1437 6th St	145	29	9	X	
601 Colorado	213	43	9	X	
1524 7th St	213	43	9	X	
1443 Lincoln Blvd	145	29	9	X	
3030 Nebraska (aka 3000 Nebraska Ave)	2000	400	15	X	
2901 Santa Monica Blvd	222	45	12	X	
1425 5th St (aka 1435 5th St)	360	72	10	X	
1557 7th (aka 707 Colorado)	215	43	9	X	
1238 7th St	70	14	10	X	
1925 Broadway	340	68	11	X	
Total	3968	829			

Timing - No Grace Period

- Feb 1, 2023
- 120 day deadline only matters for timing to rezone
- Benchmark is substantial compliance (though HCD has said otherwise)
 - "Substantially in compliance"
 - "Found in substantial compliance"

Complexity Abounds

- Jurisdictions can not use their zoning or general plan to deny an application
- "nothing" in the HAA "shall be construed to prohibit a local agency from requiring the housing development project to comply with objective, quantifiable, written development standards ... appropriate to, and consistent with, meeting the jurisdiction's share of the regional housing need."
- (f)(1) (standards should have the goal of) "facilitating and accommodating ... the density permitted on the site and proposed by the development"

Vested Rights

- HCD recently opined about a project in Santa Monica, that "... if the
 [SB 330] submittal occurs at a time when the jurisdiction does not have
 a compliant housing element, any potential benefits afforded to the
 applicant as a result of the jurisdiction's noncompliant status would
 remain throughout the entitlement process even if the jurisdiction
 subsequently achieves compliance during the entitlement process."
- A recent ruling by a state court, however, throws out the state's intervention.
 - "State housing laws, she ruled, do not apply to a project until after a city 'certifies' the project's environmental review.
 Under the logic of this ruling, years may pass or decades and still the project proponents have no legal recourse even if the city's demands for additional study are frivolous, have nothing to do with the environment or constitute a transparent ruse to pressure the developer," according to Elmendorf.

https://www.planetizen.com/news/2022/11/119527-court-ruling-setback-californias-builders-remedy

CEQA

- CEQA still applies
- CEQA abuse illegal

Builder Remedy, A Cheat Sheet

Timing Feb 1, 2023 No findings No compliance No findings No deny See a judge Deny See a judge Maybe ordered to approve Still required CEQA **CEQA** Abuse Probably not Vested? Unclear timing

Resources

- http://21elements.com/housing-elementsoverview#buildersremedy
- ABAG summary
 - https://abag.ca.gov/sites/default/files/documents/2022-10/Builders-Remedy-and-Housing-Elements.pdf
- UCLA Summary
 - https://escholarship.org/uc/item/38x5760i
- HCD Summary
 - https://www.hcd.ca.gov/communitydevelopment/housing-element/housing-elementmemos/docs/hcd-memo-on-haa-final-sept2020.pdf

Questions

HCD Comment Letters: Lessons Learned Update

PAUL PENINGER

Campbell and Saratoga Comment Letters

Review and Revision

...the element must provide an evaluation of the effectiveness of goals, policies, and related actions in meeting the housing needs of special needs populations (e.g., elderly, persons with disabilities, large households, female-headed households, farmworkers and persons experiencing homelessness.

AFFH

- Disproportionate Housing Needs, Including Displacement Risk
- Site Inventory

A complete analysis should fully assess how the site inventory is expected to improve and/or exacerbate fair housing conditions, including any isolation of the RHNA.

Campbell and Saratoga Comment Letters

AFFF, Cont.

- Goals, Priorities, Metrics, Actions and Milestones
- Local Knowledge
- Racially Concentrated Areas of Affluence

The analysis should include updated data regarding the City's RCAA designations and as noted above this should be analyzed relative to the broader region, County, and neighboring communities including the City's eastern neighbors.

Campbell and Saratoga Comment Letters

Sites and Programs

- Progress in Meeting the RHNA (show how planned projects will be affordable)
- Small Sites
- Large Sites
- Non-Vacant Sites
- City Owned Sites
- SB 9 Sites
- ADU Production

Next Meeting:

December 8, 2022 12:00 – 1:30