
Santa Clara County Planning Collaborative

Regular Monthly Meeting Agenda + Notes

April 13, 2023

12:00pm - 1:30pm, via Zoom

Slide Deck: citiesassociation.org/documents/4-2023-meeting

- **Collaborative Announcements** - Sam Dolgoff (dolgoff@planningcollaborative.com)
 - MTC-ABAG is looking for beta testers for the new Bay Area Housing & Land Use Viewer (HESS Public). To volunteer email Joshua Croff (jcroff@bayareametro.gov).
- **Grand Nexus Study Update** - Kristy Wang (wang@planningcollaborative.com)
 - Seven (7) Jurisdictions potentially participating, including Campbell, Gilroy, Los Altos Hills, Los Gatos, Saratoga, Santa Clara (city), Sunnyvale
 - Scope
 - Lots of details to work out! Draft RFP development in progress
 - Residential & Commercial
 - Feasibility & Nexus Studies
 - Estimated Cost: \$30K-\$130K per jurisdiction (Need more details!)
 - Timing: 12-14 months (initial estimate, can be flexible)
 - Next Steps: CPC to schedule meeting with jurisdictions to refine consultant RFP scope
 - Interested jurisdictions should reach out to Kristy Wang (wang@planningcollaborative.com) to join planning meetings.
- **HCD Memo on Compliance** - Josh Abrams (abrams@planningcollaborative.com)
 - Interpretation of state law and precedent varies, discuss your city's situation with your city attorney.
 - There are two possible benchmarks:
 1. Is the city in substantial compliance?
 2. Has HCD officially found the city in compliance?
 - Substantial Compliance can not be reached without Housing Element adoption.
 - [HCD Memo: Summary and Clarification of Requirements for Housing Element Compliance](#)
 - Outlines HCD's legal argument that city's are not considered "In Compliance" until they have received a final approval/certification letter from HCD.
 - When a city faces a legal challenge, historically judges have not used HCD's final approval letter as a benchmark for compliance, instead they have mostly reviewed the adopted Housing Element to determine compliance with state housing law and RHNA.

- HCD final approval/certification is can determine state funding eligibility and helps protect against legal risk.
- Questions
 - Does Builder's Remedy rely on the same benchmarks?
 - Builder's Remedy eligibility is triggered by non-compliance/a lack of substantial compliance. Opinion on how "substantial compliance" is defined varies. HCD is of the opinion that substantial compliance is determined by the final approval/certification letter from HCD. In the case of legal challenges (such as a city attempting to block a Builder's Remedy application) substantial compliance will likely be determined by a judge's review of an adopted Housing Element. Consult with your city attorney.
- **ADU Program Update** - Sam Dolgoff (dolgoff@planningcollaborative.com)
 - ADU Program Staff request that all jurisdictions complete the following:
 - [Jurisdiction Info Spreadsheet](#)
 - Planning Dept Public Question Contact Info
 - GIS Zoning Land Use Data
 - Jurisdiction Logos
 - [Jurisdiction Standards and Rules Survey](#)
 - Information will be used to develop handouts for the public, reducing staff time spent on basic ADU questions.
 - [Community Context Survey](#)
 - Allows staff to tailor ADU resources to local communities
 - Spotlight Recruitment Help
 - Email Abbie Tuning (tuning@planningcollaborative.com) for outreach materials.
 - Application survey will be open until April 30.
 - City staff can also share outreach materials with local builders and architects.
 - ADU Advisory Committee will meet April 27 at 11am
 - To participate email Sam Dolgoff (dolgoff@planningcollaborative.com)
- **Housing Element Programs Mural Activity** - Sam Dolgoff (dolgoff@planningcollaborative.com)
 - Collaborative members participated in an online activity identifying housing program goals and opportunities for cross-jurisdictional collaboration.
 - Collaborative Staff will use the results of this activity to propose new technical assistance and related programs.
 - Majority of jurisdictions shared goals in the categories of Rezonings and Ordinances
 - Additional goals noted in areas of Preservation, Anti-Displacement, and Affordability
 - Collaboration Opportunities
 - Discussion among smaller cities on options for sharing resources

- Possible interest in shared staff options
- **2022 New Housing Legislation** - Josh Abrams (abrams@planningcollaborative.com)
 - Collaborative staff gave an overview of newly effective state housing laws to be implemented in 2023. See Slides 15-22
 - [Resources for new laws available here](#), including summaries and issue-spotting worksheets
 - Discussion:
 - AB 2339 on Emergency Shelters applies to jurisdictions which submitted a first draft after Jan 31, or any draft after April 1. Jurisdictions which fall in the second category (any draft submittal after April 1) may consider discussing options with HCD for adding an Emergency Shelter program within the Housing Element by a specific date.
 - AB 2097 - Are jurisdictions required to update zoning code to eliminate relevant parking requirements, or can they codify an internal policy to not enforce those requirements?
 - Some jurisdictions plan to adopt layer maps outlining where relevant parking requirements will and will not apply. Collaborative staff are developing a new map layer for this purpose.
 - Collaborative staff is partnering with ABAG to develop additional resources