

Santa Clara County Planning Collaborative

April 13, 2023



Agenda

- Announcements – Samantha Dolgoff
- HCD Memo on Compliance – Josh Abrams
- ADU Program Update – Samantha Dolgoff
- Housing Element Programs Activity – Samantha Dolgoff
- 2022 New Housing Legislation – Samantha Dolgoff
 - Breakout Group Discussions

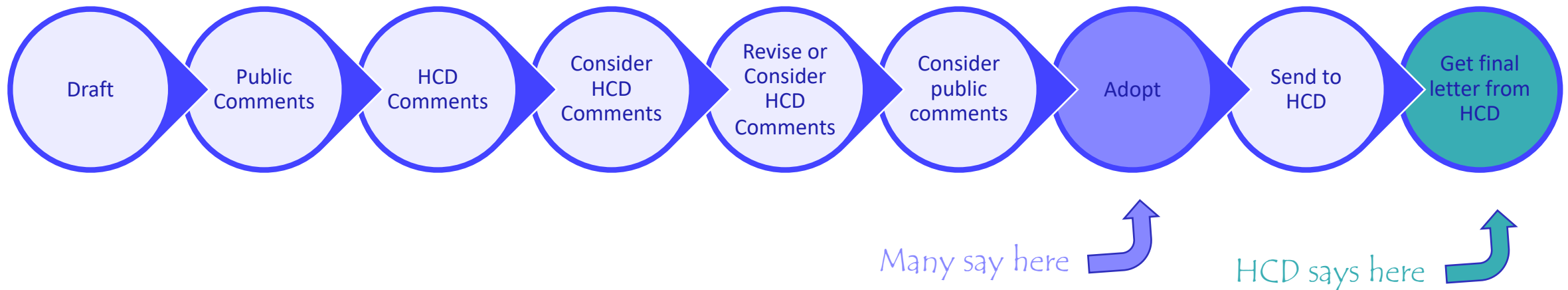
Announcements

- Beta Testers for Bay Area Housing & Land Use Viewer (HESS Public)
 - Email Joshua Croff (jcroff@bayareametro.gov)
- Nexus Study - Kristy Wang

Grand Nexus Study Update

- **Seven (7) Jurisdictions potentially participating**
 - Campbell, Gilroy, Los Altos Hills, Los Gatos, Saratoga, Santa Clara (city), Sunnyvale
- **Scope: Lots of details to work out!**
 - 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**

When are you in substantial compliance?



Who Decides?

- Found in compliance - HCD
- In compliance – A judge

HCD Memo on Compliance

HCD Interpretation:

HCD's interpretation is that a jurisdiction is only in compliance with Housing Element law after HCD issues a formal letter finding them in compliance. This letter comes after the jurisdiction submits an initial draft, considers HCD's initial comments, and adopts the Housing Element.

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



MEMORANDUM

DATE: March 16, 2023
TO: Planning Directors and Interested Parties
FROM: Megan Kirkeby, Deputy Director
Division of Housing Policy Development

A handwritten signature in black ink, appearing to read "Megan Kirkeby".

SUBJECT: **Summary and Clarification of Requirements for Housing Element Compliance**

HCD is committed to diligently reviewing all 539 local jurisdictions' housing elements for substantial compliance with State Housing Element Law. To comply with State Housing Element Law and avoid the consequences of noncompliance, a local jurisdiction must, among other things:

1. Submit a draft housing element to HCD at least 90 days before adoption¹ and receive findings from HCD determining whether the draft element is substantially compliant,² and consider HCD's findings before adopting the draft element.³

In other words, where a jurisdiction submits an "adopted" housing element before submitting an initial draft or before considering HCD's findings on an initial draft, HCD will consider the "adopted" to be an initial draft for purposes of both HCD's review and the jurisdiction's statutory compliance.

2. If HCD finds the draft element is not substantially compliant, revise the draft to address any findings by HCD⁴ or adopt without changes and include written findings explaining why the jurisdiction believes that the draft substantially complies.⁵ Promptly following adoption, submit the adopted housing element to HCD⁶ and receive findings on the adopted element from HCD.⁷

¹ Gov. Code, § 65585, subd. (b)(1)

² Gov. Code, § 65585, subs. (b)(3), (d)

³ Gov. Code, § 65585, subd. (e)

⁴ Gov. Code, § 65585, subd. (f)(1)

⁵ Gov. Code, § 65585, subd. (f)(2)

⁶ Gov. Code, § 65585, subd. (g)

⁷ Gov. Code, § 65585, subd. (h)

ADU Program Update



We need
your info!

- [Jurisdiction Info Spreadsheet](#)
 - Planning Dept Public Question Contact Info
 - GIS Zoning Land Use Data
 - Jurisdiction Logos
- [Jurisdiction Standards and Rules Survey](#)
- [Community Context Survey](#)
- Spotlight Recruitment Help





Please Fill Out the ADU Standards & Rules Survey

1	Contact Name	Contact Email	Cor
2			
3	Where appropriate, please include links to online information, add code citations in parentheses and		
4	Date of last ADU Ordinance Update (is current ordinance compliant with 2022 Laws?)		
5	Zones allowed		
6	Min / Max ADU size		
7	Lot or location restrictions (including lot coverage, FAR, open space requirements, whether ADUs can be adjacent to the main home, front of the home, etc.)		
8	ADU building height (including details like whether 2-story units are allowed, or the maximum height of a second unit built over a detached garage.)		
9	Setback requirements (include corner lot setback requirements and distance of ADU from main home)		
10	Parking requirements		
11	Number of ADUs/bedrooms restrictions or requirements		
12	Other requirements (Example: Drainage plan or topographical map required?)		
13	Owner occupancy rules		
14	Deed, income, or other restrictions (including HOAs)		
15	Fees for ADUs (Examples: Planning and building, utilities, and impact fees, and how they are assessed. Any waivers, such as impact fees waivers for building less than 750 sq ft.)		
16	Sample fees from recently built projects (including year built, type of ADU, square footage, valuation, and bulleted list of all known fees)		
17	ADU Permit Process (including permits required and if ADU permits are treated differently)		
18	Departments/Agencies involved in Permit Application Process (Example: Alameda County Environmental Health for septic system compliance.)		

+ ☰ | Cupertino ▾ Gilroy ▾ Los Altos ▾ Los Altos Hills ▾





ADU Standards & Rules Summaries for Website and Download

Belvedere ADU Standards — ADU x +

adumarin.org/standards-marin/city-of-belvedere-adu-standards

Belvedere ADU Standards

Website: www.cityofbelvedere.org/
Email: iborba@cityofbelvedere.org | rmarkwick@cityofbelvedere.org

DOWNLOAD AND PRINT THESE STANDARDS

City of Belvedere Accessory Dwelling Unit (ADU) Standards

STANDARDS	
Zones allowed	All residential and mixed-use zones with limited exceptions
Min / Max ADU size	Minimum: 150 square feet Maximum: 850 square feet for studio/one bedroom 1000 square feet for more than one bedroom JADUs Maximum: 500 square feet
Lot size	None
Lot or location restrictions	Lot Coverage: can be considered if ADU is more than 800 square feet
ADU building height	Up to 16 feet and one story. If 50% or more of ADU is above an existing garage, the total combined structure up to 25 feet.
Setbacks	None for conversions of existing living area or structure. 4-foot front and rear setbacks for new construction per State law. Side and rear setbacks must meet fire safety requirements determined by the Building and/or Fire Department.
Parking requirements	One parking space per ADU unless 1) within ½ mile of transit, historic district or car share, or 2) created by converting or demolishing garage or carport, then none required. Tandem parking and parking in setbacks are both allowed.
Deed or income restrictions	A deed restriction must include that ADU or JADU shall not be sold separate from primary dwelling unit, and may not be rented for 30 days or less
Number of ADU / JADU	One ADU and one JADU allowed on each single-family property. Also allowed



Community Context Survey

SCC ADU Community Context Survey

Help us tailor the Collaborative's ADU work to your community!

As SCCPC staff begin planning for our shared ADU tools, understanding the challenges and opportunities for ADUs in your communities will help us design more useful resources.

This form should be filled out by a staff member who is familiar with both public opinion of ADUs and the ADU permitting process in your jurisdiction. If you are unsure of an answer, feel free to send us a follow up email or submit another survey response later. Please reach out to Abbie Tuning with questions (tuning@planningcollaborative.com).

How does the public feel about ADUs in your community? How do officials feel about them? For both of those groups, what are some of their top concerns?

Your answer

What benefits of ADUs resonate most strongly with your community?

- Affordable Housing
- Housing for Neighbors/Community Members
- Multi-Generational Living, Living Close to Family
- Aging in Place, Downsizing
- Building Savings/Retirement Income through Rent
- Other: _____

Is there specific messaging about ADUs that you or your officials would like to emphasize?

Your answer

Are there people you'd like to reach but aren't currently? Have you found effective ways to reach more marginalized communities in your jurisdiction about housing related news?



Do you own or live in an ADU?



COTTAGES · GRANNY FLATS · CASITAS · CONVERTED BASEMENTS & GARAGES

Share your story, get paid, and help promote ADUs in Santa Clara County

We are looking for people who own or live in an ADU to tell their story, your experience can be your neighbor's inspiration! Participants will be paid up to \$200 and professionally photographed with their ADU.

See details and fill out the survey at bit.ly/sccadu-survey.



QUESTIONS? Contact aduscc@planningcollaborative.com or visit www.letstalkhousingcc.org/adu

¿Usted tiene o vive en una unidad de Vivienda accesoria (ADU)?



CABAÑAS DEL PATIO TRASERO · CASITAS · SÓTANOS/GARAJES CONVERTIDOS

Reciba una remuneración si compartas su experiencia y ayude a promover las ADUs en el condado de Santa Clara

Buscamos dueños/as de o inquilinos/as que viven en unidades de viviendas accesoria (ADU) o ADUs Junior (JADU) que quieren compartir su experiencia. Los participantes finales se les pagará hasta \$200 dólares y se les fotografiará y/o grabará en video profesional con su propiedad.

Vea los detalles y complete una breve encuesta inicial en bit.ly/sccadu-survey.



¿PREGUNTAS? Envíe un correo electrónico a aduscc@planningcollaborative.com or visita www.letstalkhousingcc.org/adu

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Spotlight Recruitment Assistance

[Dropbox Folder](#)

- Social Media Templates & Images
- Email Templates
 - ADU Permit Holders
 - Community Organizations
- Participant Survey
- Spanish Translations

ADU Advisory Committee

April 27 at 11am

Email Sam Dolgoff to join:
dolgoff@planningcollaborative.com



Housing Element Programs: Mural Activity

Sam Dolgoff- Activity Overview

Victor Tran – How To



2022 New Housing Legislation

Josh Abrams



Please don't shoot the messenger



2022 New Housing Legislation

- **ADUs (SB 897 and AB 2221)**

- ❑ **Update ADU ordinance** (heights, front yard setbacks).
- ❑ **Train staff/update procedures for approving ADUs** (fire rules, corrections, notice to neighbors), including advance coordination with local utilities and special districts. Review times now apply to these entities.

- **Parking (AB 2097)**

- ❑ **Eliminate or do not enforce parking requirements within ½ mile of major transit stop** unless the required study has been done. Determine whether to complete studies to see if there are parking deficiencies near transit.

- **SB 35 (AB 2668)**

- ❑ **Update SB 35 procedures including incomplete applications**, written explanations, calculating affordable units, etc.

2022 New Housing Legislation

- **Density Bonus (AB 2334, AB 682)**

- ❑ **Review density bonus ordinance to see if changes are needed.** If using “lot area per unit” as the density standard, consider changing to “units per acre.” If using form-based code, add requirement for a “base density study” to the application form.
- ❑ **Review changes to density bonus law** regarding co-housing, unlimited density for affordable projects in low-vehicle-miles traveled areas, and commercial development provisions. If appropriate, update local ordinance, procedures, internal checklist and public guidance.

- **Emergency Shelters (AB 2339)**

- ❑ **Ensure enough land is zoned for emergency shelters.** This will apply to Seventh Cycle Housing Elements, or to Sixth Cycle Housing Elements where the first draft is submitted after January 31, 2023, or a draft is submitted after April 1, 2023.

2022 New Housing Legislation

- **Annual Progress Report (AB 1743, AB 2094, AB 2011)**
 - ❑ **Be ready for new APR requirements.** Update permitting and approval systems to ensure that all required information for the APR is being collected.
- **Open Space Element (AB 1425)**
 - ❑ **Update your open space element by January 1, 2026**
- **Educational Facility Housing (AB 2295, SB 886)**
 - ❑ **Review the new affordable housing opportunities on school sites and community college sites** and for certain faculty and student housing projects.
- **Fair Housing (SB 649)**
 - ❑ **Consider whether to adopt a local tenant preference policy as permitted by new statute.**

2022 New Housing Legislation

- **Permits (AB 2234)**

- ❑ **Meet new permit processing deadlines.** Update building permit and other procedures to meet new, very fast, processing timelines and definitions for housing projects. (15 day completeness and 30-60 day review)
- ❑ **Do not publish copyrighted drawings or plans** without permission from the architect or preparer of the document. Have a grant permission form.
- ❑ **Update website** to list the requirements for building permits and other information
- ❑ **Create an online system to accept building and post-entitlement applications** by January 1, 2024 or January 1, 2028, depending on jurisdiction size.

Laws Products

- **AB 2339 Emergency Shelters Memo**

Discussion

- Have you started preparing?
- How is it going?
- How can the Collaborative help?



Poll: In-Person Meetings

- Do you prefer (occasional) in-person events?
- Which events should we hold in-person (sometimes)?
 - Collaborative Meetings
 - Trainings
 - Other



Next Meeting:

Thursday, May 11
12pm-1:30pm

