

**PLANNING COMMISSION SPECIAL MEETING
City of Campbell, California**

Register in advance for this webinar:

May 4, 2022

6:30 p.m.

City Hall, Council Chambers

<https://campbellca.gov/PCSignup>.

After registration, you will receive a confirmation email containing information about joining the webinar. During the registration process, you will be asked if you would like to speak on any of the agenda items. Please provide detail on the items you would like to discuss.

AGENDA

NOTE: To protect our constituents, City officials, and City staff, the City requests all members of the public to follow the guidance of the California Department of Health Services', and the County of Santa Clara Health Officer Order, to help control the spread of COVID-19. Additional information regarding COVID-19 is available on the City's website at www.campbellca.gov.

This Regular Planning Commission meeting will be conducted in person with the Commissioners meeting at City Hall, Council Chambers, as well as via telecommunication (Zoom) being available for members of the public. The meeting is compliant with provisions of the Brown Act.

This Regular Planning Commission meeting will also be live streamed on Channel 26, the City's website and on YouTube at <https://www.youtube.com/user/CityofCampbell> for those who only wish to view the meeting but not participate. Those members of the public wishing to provide public comment at this meeting virtually are asked to register in advance at <https://campbellca.gov/PCSignup>. After registering, you will receive a confirmation email containing information about joining the meeting via Zoom. Members of the public may attend the meeting in person at Campbell City Hall - Council Chambers. If attending in person, face coverings and physical distancing will be required until further notice.

Public comment for the Planning Commission meetings will be accepted via email at planning@campbellca.gov by 5 p.m. on the day of the meeting. Written comments will be posted on the website and distributed to the PC. If you choose to email your comments, please indicate in the subject line "FOR PUBLIC COMMENT" and indicate the item number.

ROLL CALL

APPROVAL OF THE MINUTES

COMMUNICATIONS

AGENDA MODIFICATIONS OR POSTPONEMENTS

ORAL REQUESTS

This is the point on the agenda where members of the public may address the Commission on items of concern to the Community that are not listed on the agenda this evening. People may speak up to 5 minutes on any matter concerning the Commission.

PUBLIC HEARINGS

1. **PLN-2021-12** Review and provide recommendations to the City Council on the modified and refined Objectives, Policies, and Programs, to be included in the Draft “Campbell’s *Plan for Housing*” to be published later in May 2022.

REPORT OF THE COMMUNITY DEVELOPMENT DIRECTOR

ADJOURNMENT

Adjourn to the next Regular Planning Commission meeting of **May 10, 2022** at 7:30 p.m. This meeting will be in person for the members of the Planning Commission at Campbell City Hall, Council Chambers, 70 N. First Street, Campbell, CA. Members of the public are still allowed to participate remotely by Zoom or attend in person (as space allows while maintaining on-going face covering and social distancing).

Americans with Disabilities Act (ADA)

In compliance with the Americans with Disabilities Act, listening assistance devices are available for meetings held in the Council Chambers. If you require accommodation to participate in the meeting, please contact the Community Development Department, at planning@campbellca.gov or (408) 866-2739.



Planning Commission Report

Item:
Category: Old Business
Meeting Date: May 4, 2022

TITLE: Provide feedback on the Campbell's *Plan for Housing* – Policies and Programs. (PLN-2021-12)

RECOMMENDED ACTION

Review and provide recommendations to the City Council on the modified and refined Objectives, Policies, and Programs, to be included in the Draft “Campbell’s *Plan for Housing*” to be published later in May 2022.

BACKGROUND

The City of Campbell is completing its Envision Campbell General Plan Update in combination with preparation of the Housing Element Update (“*Campbell’s Plan for Housing*”). Within the Housing Element the objectives, policies, and programs serve as the framework that guides housing development throughout the 8-year planning period.

Staff has conducted extensive outreach and research to identify housing issues and contributing factors in the community to inform the preparation of objectives, policies and programs aimed to address key challenges. As noted in previous reports, Campbell’s demographics point to a greater need for the housing of seniors, a potential mismatch of housing unit types with respect to average household size, and a need for specifically targeted affordable housing policies focused on special populations.

The feedback received from stakeholders and the community has revealed a desire to prioritize development of 100-percent affordable units, increase production of ADUs, provide a broader unit mix in the City’s overall housing stock, and provide support for housing developments that include on-site care services. To date, these efforts have been the focus of the recommended policies and programs for Campbell’s *Plan for Housing*.

PURPOSE

This meeting is intended to facilitate feedback from the Planning Commission on the further development and refinement of Objectives, Policies and Programs to include in Campbell’s *Plan for Housing*. As the Planning Commission’s second meeting on this topic, this report includes staff’s initial recommended policies and programs, with feedback provided by the Planning Commission and the City Council at their April 12, and April 20, 2022 meetings, respectively. The report also includes feedback from market-rate and affordable housing developers (hereinafter “Development Community”) on objectives, policies, and under consideration including the potential reduction of parking standards, establishment of an AHOZ (Affordable Housing Overlay Zone), and creation of linkage fees. In response to this feedback, staff has provided additional analysis and

refinements to recommended policies and programs.

To support the Commission in their evaluation of proposed policies and programs, Staff intends to provide a *draft* table listing all of the recommended objectives, policies, and programs, how and when they will be implemented, and suggested benchmarks to measure their success. Following feedback from the Commission and Council, staff will prepare the Draft Housing Element that will be published for public review and subsequently submitted to Housing and Community Development staff for initial review. Staff is planning to publish the draft Housing Element in mid to late May, and outline of the general structure of the Housing Element has been provided (reference **Attachment A**) for reference by the Commission. The Housing Element outline includes the following key sections:

1. Introduction
2. Evaluation of 5th Cycle
3. Housing Needs Assessment
4. Assessment of Fair Housing and Outreach
5. Constraints
6. Energy
7. Site Inventory and RHNA
8. Objectives, Policies, and Programs [*subject item*]

The intent of housing objectives, policies, and policies is to provide strategic guidance on how to address specific housing issues and achieve identified objectives. For example, providing incentives for developers to provide affordable housing achieves the objective of improving housing affordability in Campbell.

The intent of housing programs is to implement the policy objectives. For example, to implement an objective of supporting the development of affordable housing, a program may serve to generate and allocate funding to affordable housing projects, expedite permit processing, or provide for relief from development standards.

The intent of the Planning Commissions further review of the Objectives, Policies, and Programs is to provide feedback on the additional refinements and implementation details that staff has proposed in association with each policy in program. The remainder of this report provides a summary of the Objectives, Policies, and Programs that includes the following information:

- Description and Initial Staff Recommendation on Priority
- Planning Commission and Council Feedback
- Feedback from Development Community (where applicable)
- Further Refinements proposed by Staff

OBJECTIVES, POLICIES & PROGRAMS

Objective #1: Improve Housing Affordability in Campbell – Encourage the Production of Affordable Housing

A. Modifications to Campbell's Inclusionary Ordinance

The City's Inclusionary Housing Ordinance requires at least fifteen percent of the units in a new housing development of ten or more units to be price- or rent-restricted for low- and moderate-income households. Further, where a residential project has an approved density of six or fewer units per acre, the applicant may elect to pay an in-lieu housing fee.

Initial Staff Recommendation: High Priority. Clarify the percentage of restricted units by income-level (i.e., 50 percent low, 50 percent moderate) and establish an in-lieu fee for smaller housing projects that scales proportionally and appropriately to the number of units in projects less than nine units. Based on research of other jurisdictions and stakeholder feedback, Campbell should identify a lower threshold (ex. Five units for requiring payment of an in-lieu fee.)

Planning Commission Feedback: Support for this effort and prioritization. Raised concerns that the current in-lieu fee may be too low, and that the 10-unit threshold which triggers the inclusionary program should be lowered.

City Council Feedback: Support as High Priority and requested the following: (a) confirmation that lowering the 10-unit threshold was legally viable; (b) that the program modifications result in a distribution of affordable units that is proportional to Campbell's RHNA requirements; and, (c) that staff consider unintended consequences of lowering the threshold (i.e. does a lower threshold unintentionally enable a project to qualify for the state's density bonus program and receive a 3-story height increase?)

Staff Response: Staff has the following responses to Council feedback:

- a. Unit Threshold. There is no legal requirement associated with a specific unit threshold. Some jurisdictions exempt smaller projects as to not preclude their development and inadvertently constrain housing production. However, current best practices for inclusionary housing requirements encourage consideration of a scaled requirement for *all* projects that result in net new housing units.
- b. RHNA Alignment. Staff is recommending modifications to the inclusionary housing program as a means to address needs at lower income levels. For example, staff recommends that the 15 percent on-site inclusionary requirement be split in half between low- and moderate-income levels (with first unit being assigned to low-income) to provide greater clarity on the unit assignment and distribution. While this approach does not directly align with the RHNA, it does align with historic unit production – where low-income units were found to be more difficult to produce than those restricted to a moderate-

income level. Additionally, staff is recommending lowering the threshold for participation in the inclusionary housing program to capture fees from smaller projects that could then facilitate financing for housing at lower income levels. These efforts would also compliment other policies and programs discussed below that target other income categories or populations with specific needs.

- c. State Programming. Currently there are three state mandated housing programs that could coincide or overlap with the City's inclusionary housing program: (1) the Density Bonus Program, (2) the SB 35 Affordable Housing streamlined approval process, and (3) the California Home Act (SB 9). The Density Bonus Program is triggered by a project of five or more residential units and SB 35 is triggered by a project of two more residential units. These thresholds are less than the City's current inclusionary housing program threshold of 10 units. Therefore, lowering the inclusionary housing program threshold, could overlap with these two state programs, based on the new threshold. However, staff is proposing that smaller projects (such as 3-7 unit projects) only pay in-lieu fees, which would not qualify an applicant for State Density Bonus programs or SB 35 (which require an actual percentage of the units in a project to be deed restricted as affordable). Furthermore, the policies and programs within this report are crafted to encourage projects to use local, Campbell-specific incentives, rather than state programming.

With regard to SB 9, the California Department of Housing and Community Development (HCD) has provided a fact sheet that reminds local jurisdictions that while SB 9 does not preclude a project from a local inclusionary housing program, HCD may request the submittal of an economic feasibility study to ensure that an inclusionary housing ordinance does not unduly constrain housing production. This assessment would be included in a nexus study.

- **Staff Proposed Refinements: High Priority.** Based on feedback from both the Planning Commission and City Council this remains a high priority item. Review of the City's inclusionary ordinance would require a nexus study that would evaluate the appropriateness of the in-lieu fee and unit threshold and provide specific options for further consideration by the City prior to modification of the ordinance. This process would take an estimated four to six months and would cost approximately \$80,000 to \$100,000 for the nexus study. Staff recommends the City consider two approaches:
1. Option 1: Keep the inclusionary requirement threshold at ten units, requiring the construction of on-site below market rate units at targeted income levels; but modify the existing inclusionary housing program to require projects that establish five to nine new units to pay a new scaling in-lieu fee based on the results of a nexus study
 2. Option 2: Lower the inclusionary requirement threshold to seven units, resulting in at least one affordable unit to be constructed on-site (because anything lower than seven results in a percentage of less than

one unit); and require projects establishing three to six units to pay a new scaling in-lieu fee.

B. Establishment of Affordable Housing Impact Fees applied to non-residential development

A commercial or non-residential linkage fee would require developers of non-residential development to pay a fee proportional with the size of the development that would then be used to finance affordable housing developments. Implementation of this program would require a nexus and feasibility study to determine an appropriate fee amount.

Initial Staff Recommendation: Medium Priority. Staff recommends an initial analysis of linkage fees collected by surrounding community on non-residential development to better establish industry standards for further evaluation of this program. Given that the number of non-residential buildings to be constructed over the eight-year planning period is anticipated to be substantially lower than the number of new housing units, staff would consider this a medium priority when compared to other items on the list.

Planning Commission Feedback: The Commission raised concerns that a linkage fee could discourage commercial development and job growth in Campbell.

City Council Feedback: Councilmembers provided mixed feedback relative to the prioritization of this item and some raised concerns that aligned with the Planning Commission. However, Councilmembers also anticipated that a nexus study would address unintended impacts on commercial development.

Development Community Feedback: Affordable Housing Developers were very supportive of the City collecting a fees to be used to help bridge financing gaps. Market Rate Housing Developers were generally supportive but cautioned against imposing the fee on the commercial component of a mixed-use housing project.

- *Staff Proposed Refinements:* **Medium Priority.** Staff recommends this remain as a medium priority and suggests that one nexus study be prepared evaluating both modification to inclusionary housing requirements and linkage fees to provide the City broader options in both categories. Staff also suggests that the nexus study could explore a minimum project size that would trigger the fee (i.e., new non-residential developments greater than 20,000 gross square feet) and evaluate situations where projects could be exempted (i.e., mixed-use development, projects in priority development areas). Adding the evaluation of a non-residential linkage fee to the inclusionary housing nexus study would cost an additional \$50,000, resulting in a total of cost of \$130,000 to \$150,000. Combining the studies would also expedite the analysis and bring the item to Council for consideration in four to six months.

C. Affordable Housing Overlay Zone (AHOZ)

Introducing an Affordable Housing Overlay Zone would establish incentives and

development standards within identified geographic areas with the explicit intent of facilitating development of affordable housing units.

Initial Staff Recommendation: High Priority. Staff strongly recommended adding a policy to establish an affordable housing overlay zone and also exploring the creation of a transfer of development rights program as a means of preserving existing housing consistent with Objective No. 2 and/or protecting areas of the community where there may be a high sensitivity to increased density and/or height (i.e., Downtown, adjacent to single-family residential areas).

Planning Commission Feedback: The Commission supported staff's recommendation.

City Council Feedback: Council members generally supported this recommendation; however, some raised the following concerns: (a) that the AHOZ would have unintended consequences with State housing programs; (b) that the AHOZ would facilitate construction above the 75-foot height limit; (c) that there is currently not enough information on how the AHOZ would function with incentives and concessions and (d) requested staff consider current similar efforts by the City of Berkeley

Staff Response: Staff has the following responses to Council feedback:

- a. **State Programming.** Although the State Density Bonus Program preempts local land use authority from imposing certain development standards (i.e., parking standards) based on the affordability of a project, local governments can use an AHOZ to establish alternative (competitive, or supplemental) concessions and incentives to achieve local goals. For example, a Campbell AHOZ could be setup to be competitive with the State's Density Bonus program and require that if a project chose to use Campbell's package of density incentives, the project would not be eligible for the State's Density Bonus Program. This approach eliminates concerns raised by Councilmembers that an AHOZ project would be eligible for a density bonus. However, to be successful, the AHOZ must be more attractive to developers than the State's Density Bonus Program, by providing options such as reduced permit fees, deviation from certain development standards (in exchange for meeting other objectives), or facilitating expedited permit processing. Moreover, some developers may prefer to follow a local set of standards established by an AHOZ (instead of abiding by State Density Bonus Law), even when not as strictly advantageous, since it can help their project respond to local preferences.
- b. **Height Limits.** The 75-foot height limit may be exceeded in situations where a density bonus is applied to projects with a base density of 75-units per gross acre, or when a project qualifies for unlimited density under State Density Bonus Law when providing 100 percent affordable housing for lower income families within ½-mile from a major transit stop. These

projects can seek up to four concessions and are allowed a height increase of up to three additional stories (33 feet). Based on discussions with Affordable and Market-Rate housing developers, the risk of projects being built between 75-feet and 130-feet tall is very low due to change in construction type (wood to steel construction) and impact to project cost. In addition, the AHOZ list of incentives could explicitly not include a waiver of Campbell's 75 foot height limit while providing other incentives.

- c. AHOZ Details. To be competitive with the State's program, while achieving local affordability preferences, special needs requirements, and ensuring buildings remain under 75-feet in height, staff is recommending the following policies as initial incentives:
 1. Allow a 5% increase in density bonus, over State Density Bonus Law.
 2. Allow a reduction in parking standards consistent with those provided under State Density Bonus Law.
 3. Provide for ministerial review.
 4. Provide for building, planning, and/or impact fee reductions or waivers.
 5. Provide for City funding support of frontage improvements.

Figure 1 identifies the potential sites under consideration for inclusion in the AHOZ. An illustrative example of such a program has been provided as Attachment B.

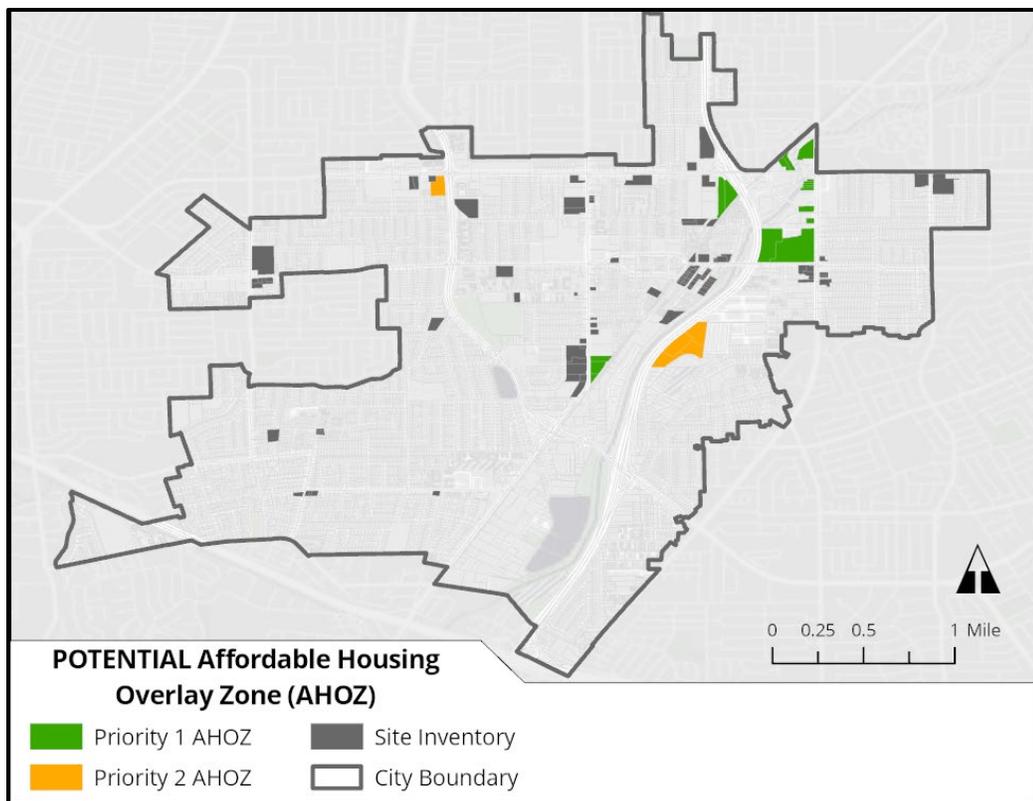


Figure 1: Potential Affordable Housing Overlay Zone Sites

- d. City of Berkeley. To achieve a more locally focused density bonus program, the City of Berkeley pursued the following policies: (a) adopted standards to included the State's height bonus of 33 feet into their city-specific program if eligible 100-percent affordable projects included housing for very low- and low-income levels; (b) extended their local density bonus program City-wide, offering a 10 foot height increase to projects in lower density residential zones that included 100 percent affordability; (c) broadened the state's definition of "major transit stops" to include targeted Alameda County bus lines, thereby enabling a broader reach of sites eligible for density bonuses; (d) enabled density bonuses for projects that pursued voluntary Transportation Demand Management (TDM) programs (i.e., bike parking, paratransit and shared micro-mobility systems); (e) ministerial approval for projects that comply with objective standards and union labor requirements; and, (f) ministerial approval for 100 percent affordable projects on commercial sites if they included ground floor spaces dedicated to retail or live-work uses.
- **Staff Proposed Refinements: High Priority.** Staff maintains its initial recommendation to adopt an AHOZ and has included additional details for consideration by Council as noted above. *Note: This direction is consistent with feedback from affordable housing developers who indicated that an AHOZ helps create two markets for housing development that help affordable housing developers compete with market rate development.*

D. Regulation of housing unit sizes to increase affordability

The City could establish regulations relative to unit size in moderate to large scale housing developments. This could apply as a required mix of unit sizes that reflect a mix of bedrooms (i.e., studios, 1-bedroom, +2 bedrooms) or as a maximum average unit size that must be met in an entire development without further specification on how that average is achieved (no minimum or maximum on unit square footage if the average is achieved). As an example, the City of Burlingame has a maximum average unit size of 1,250 sq. ft. in the downtown area to provide a diverse range of unit types and sizes within a project by balancing larger units with smaller units.

Initial Staff Recommendation: High Priority. Staff recommended further evaluation and consideration of establishing maximum average unit sizes as a means of preserving and protecting the City's established 75-foot height limit and to ensure units would be affordable by design. Exceptions could be considered in instances when the project provides a greater level of affordability or helps provide housing for a special needs population.

Planning Commission Feedback: The Commission indicated support for this effort but encouraged staff to explore policies that facilitate responding to shifts in market demands.

City Council Feedback: The Council indicated support for this effort, especially after further discussion of how the set unit size could encourage development within Campbell's established 75-foot height limit, even if a project could receive a height exception. Councilmembers asked how the policy could address more alternative forms of housing where multiple individuals share communal space.

Staff Response: The intent of this policy is not to address communal housing models such as co-op housing, group housing, or Single Resident Occupancy (SRO) typologies. As these housing typologies can be inherently affordable by design and offer transitional housing options, City Council could request that staff consider separate policies that allow Group Housing and SROs within certain zoning districts as a permitted use.

Development Community Feedback: Developers indicated a preference for the City to establish a FAR restriction over an average maximum unit size restriction.

➤ *Staff Proposed Refinements:* **High Priority.** Staff maintains the initial recommendation and suggests the Commission and Council consider one of the two following options:

1. Option 1: Establish an average maximum unit size of 1,250 square feet for projects with a density over 45 dwelling units per acre.
2. Option 2: Alternatively, the Council may consider establishing a Floor Area Ratio (FAR) maximum for housing projects as a means of controlling all aspects of a building, including elevator shafts, hallways, lobbies for buildings over a certain density or height. *Note: SB 478 prohibits agencies from imposing a FAR of less than 1.0 for a housing development consisting of three to seven units, and a FAR less than 1.25 for a housing development consisting of eight to 10 units.*

E. Use of City-owned land for affordable housing

Promote increased utilization of surplus or unutilized public land for affordable housing.

Initial Staff Recommendation: High Priority (Ongoing). The City of Campbell has identified two City-owned properties as potential housing opportunity sites (i.e., First Street Parking Garage and the City Corporation Yard). Recognizing that no other City-owned properties were identified as suitable for housing development, and the feasibility of the sites identified is separately being studied, no further action on this item is required at this time. Separately, staff has been meeting with school districts to evaluate use of their underutilized fields as potential housing sites.

Planning Commission Feedback: Not discussed.

City Council Feedback: The City Council had mixed feedback to the prioritization

of this item. Some Councilmembers expressed concerns that the two identified sites would take extensive time and effort to develop. However, others felt that this was a worthwhile effort and that re-prioritization could occur through the Housing Opportunity Site selection process.

- Staff Proposed Refinements: **High Priority.** Retain the approach as initially identified.

F. ADU Ordinance updates

The ADU Ordinance update could include incentives for the development of accessory dwelling units that are deed restricted to be affordable to very low-, low-, and moderate-income households.

Initial Staff Recommendation: Low Priority. Staff acknowledged a draft study on the affordability of ADUs completed by the ABAG Housing Technical Assistance Team which noted that even without deed restrictions, approximately 30 percent of ADUs are provided at a very low-, low-, and moderate-income level. Based on this data, it is likely a lower priority for the City to create a program to incentivize deed restricted affordable units.

Planning Commission Feedback: Commissioners were aligned with the prioritization of the effort. However, some Commissioners raised additional concerns that deed restrictions limiting the affordability of ADUs could become a disincentive to their construction.

City Council Feedback: Councilmembers similarly were aligned with the prioritization of this effort and some questioned if it was even realistic to enforce or legal to impose given the State's mandated ADU program.

- Staff Proposed Refinements: **Remove.** In response to the Commission and Council's feedback, staff has removed this item from the list of policies and programs in Campbell's *Plan for Housing*. However, in response to whether such a provision would be legal to impose, it should be clarified that such a provision may not be imposed on State mandated ADUs, but could be imposed in situations where additional units were allowed or deviations from standards are granted.

G. Publish Pre-Approved ADU Plans

This program would entail establishing ADU plans that are pre-approved by the City to meet building and fire codes and height requirements. Creation of these pre-approved ADUs would help owners both in the planning and construction of ADUs by lowering costs and streamlining the architectural work and regulatory processes.

Initial Staff Recommendation: Moderate Priority. As part of the Santa Clara County Housing Collaborative, Campbell and other City staff have discussed developing this as a sub-regional program that can be available to all residents and cities in Santa Clara County. Currently the City of San Jose has a pre-approved ADU

program and County-wide program could build off of this effort. Staff will continue to work with the Housing Collaborative to potentially develop this in tandem with other Santa Clara County cities.

Planning Commission Feedback: The Commission supported staff's recommendation and requested that any permit-ready plans also include alternatives for ADA-accessible units.

City Council Feedback: The Council was also supportive of this effort and encouraged staff to expedite its completion by including it as a high priority, noting the examples of pre-approved plans that are already available.

- *Staff Proposed Refinements:* **High Priority.** Staff recommends elevating this effort from a Moderate to High Priority. City Staff will continue to work with the Housing Collaborative to develop pre-approved ADU plans including designs that are ADA-accessible to better accommodate the needs of seniors and those who are disabilities.

H. Providing certainty for housing developers by allowing appropriate waivers from development regulations or fees for affordable housing developments

Give affordable housing developers more assurances early in the conceptual development phase of the project to diminish financial risk during the entitlement process. This can be achieved by providing relief from spec specific development standards (parking standards) if a project meets certain affordable housing goals. While many of these standards can be waived through the use of the State Density Bonus law process, an identification of standards and fees that can be waived can direct affordable housing developers to focus on these areas and provides an incentive for affordable housing development.

Initial Staff Recommendation: High Priority. This program can be developed in tandem with the development of an Affordable Housing Overlay Zone and Objective Standards update.

Planning Commission Feedback: The Commission supported this effort and requested that the waivers be process-focused and not fee-focused.

City Council Feedback: Councilmembers expressed discomfort with the lack of specificity for this proposal. Concerns related to the timing of waivers and the availability of parking, even for low-income families who may be reliant on a vehicle for work or transitioning from living in their automobile.

- *Staff Proposed Refinements:* **High Priority.** Staff recommends this program remain a High Priority but be included within the AHOZ item discussed previously.

I. Develop Objective Development Standards

Adopt objective development standards that provide clear direction for developers as to how to comply with Campbell's development requirements. Objective

standards would replace subjective requirements, such as language that requires “neighborhood compatibility” without defining what that means and requiring interpretations at the discretion of decision makers.

Initial Staff Recommendation: High Priority (Ongoing). The City has already embarked on an effort to adopt objective standards and staff returned to the City Council on April 19, 2022, to discuss an expanded scope of work to create new standards for the development of small-lot single family, multi-family, and mixed-use development projects at densities being studied as part of the Housing Element update process.

Planning Commission Feedback: The Commission expressed support for this ongoing effort.

City Council Feedback: The Council similarly expressed support for this effort.

- *Staff Proposed Refinements:* **High Priority.** No modifications.

J. Develop Missing Middle Ordinance (SB 10)

A Missing Middle Ordinance would identify sites where small urban infill housing could be implemented throughout the City, where parcels can be developed up to 10 units as allowed by SB 10 (2021). During the Housing Opportunity Site selection process, this tool was identified as a potential means to allow additional housing in areas of the City (San Tomas) that did not receive many Housing Opportunity Sites.

Initial Staff Recommendation: Moderate Priority. Following the adoption of Objective Standards, staff would strongly recommend pursuing an SB 10 Ordinance with an emphasis on developing housing throughout the community and in addition to areas near transit, in areas that received a low allocation of housing units (i.e., San Tomas area).

Planning Commission Feedback: The Commission supports this recommendation and noted that the zoning and development standards should be revisited so that they do not cause undue constraints on SB 10 site development.

City Council Feedback: The Council is supportive of this effort and indicated it should be at a higher priority.

- *Staff Proposed Refinements:* **High Priority.** In response to Council feedback, staff has raised this item from a Moderate to High Priority. However, it should be noted that the current work plan would prioritize the completion of objective standards and the AHOZ over this item. Following completion of those efforts, staff anticipates adoption of a Missing Middle Ordinance in approximately 18 months.

K. Strategically Interface with the State Legislature

At the recommendation of Councilmember Lopez, this policy would encourage the

City to strategically interface with the State legislature with the objective of identifying how the City can better respond to state housing legislation in an effort to achieve City goals.

Initial Staff Recommendation: N/A

Planning Commission Feedback: N/A

City Council Feedback: This policy was requested by the City Council.

- Staff Proposed Refinements: Staff recommends this policy support continuation of the Council's state legislative sub-committee and include in its goals to consider state policies as they relate to the City's housing goals.

Objective #2: Preserve Existing Housing / Affordable Housing Stock

A. Rent Control Ordinance

A rent control ordinance would cap the maximum yearly rent increase that landlords can charge. This ordinance would go beyond what is currently allowed under State Law. AB 1482 caps yearly rent increases to 5% plus the percent change in the Consumer Price Index (CPI) or 10%, whichever is lower, for tenants who have occupied a property for more than 12 months.

Initial Staff Recommendation: Low Priority. Rather than lower the maximum caps allowed by AB 1482, staff would recommend adopting a local Ordinance that would cap the rent increases for tenants that have occupied a property for less than 12 months as a first step. By adopting such an Ordinance, it would help provide protections for tenants that lease month-to-month (often the most at-risk community) and help educate the rental community at large of the provisions of AB 1482 in general.

Planning Commission Feedback: The Planning Commission did not support this policy and indicated that they were not in favor of going beyond current state law.

City Council Feedback: The Council was also not supportive of this policy given current state legal requirements. Councilmembers raised concerns that that Project Sentinel is ineffective because it lacks a requirement for landlords to participate in conflict resolution.

Staff Response: Concerns regarding the effectiveness of Project Sentinel could be addressed as part of the City's third-party audit and evaluation of the City's housing program that will occur later in 2022.

- Staff Proposed Refinements: **Remove.** Based on Commission and Council feedback, Staff is removing this policy recommendation from Campbell's *Plan for Housing*. Instead, staff is proposing to add a policy to consider recommendations to improve Housing Program Administration which result from the third-party audit

in 2022.

B. Preservation of mobile home parks

An ordinance that preserves mobile home parks will protect mobile home parks from being redeveloped into other uses. This differs from what is required by State Law under AB 2782. State law requires a developer to provide a relocation plan for all displaced residents and pay residents who are unable to find housing in another mobile home park for the market value of their mobile home. A local plan would require preservation of the mobile home park outright.

Initial Staff Recommendation: **Low Priority.** The proposed land use designation for mobile home parks is intended to serve mobile homes and modular homes and specifically discourages the conversion of existing mobile home parks to other uses. Moreover, as the studied density range allowed by the mobile home park land use designation (8 to 16 units per gross acre) is low when compared to existing improvements, redevelopment of these areas is anticipated to be very unlikely if not entirely cost prohibitive. As the Paseo de Palomas Mobile Home Park is resident owned, the benefit to mobile home parks in general may be limited when compared to the adoption of other ordinances or policies, such as a rent control ordinance, especially when the City has an existing program in the Housing Element (H-2.1b) which has led to successful outcomes in the past, such as agreements with the Timber Cove Mobile Home Park community maintain unit affordability.

Planning Commission Feedback: The Commission did not discuss this item.

City Council Feedback: Councilmembers indicated the following concerns with staff's recommendations: (a) that given the consistent feedback to maintain this housing type, it should be a higher priority; and, (b) that while the Timbercove situation found a resolution it was particularly stressful for all parties and that protections could have avoided the situation.

- *Staff Proposed Refinements:* **High Priority.** Based on Council feedback, staff will reclassify this from a Low Priority to a High Priority and will incorporate policies into the Envision General Plan Update to preserve mobile home parks, outright, and to prohibit their conversion. Any rent control measures can be achieved by AB 1482.

C. Short Term Vacation Rental Ordinance

A Short-Term Vacation Rental (STVR) ordinance would allow homeowners to rent out their properties or a portion of their properties for less than 30 days. Any ordinance and/or guidelines would require extensive outreach and surveying to reflect community concerns and values. The City Council has discussed potentially allowing short term vacation rentals as a means of increasing the receipt of transit occupancy taxes.

Initial Staff Recommendation: **Low Priority.** Short-term rentals are not allowed in

the City at this time. Allowing short-term rentals could diminish housing stock availability and run counter to other objectives. If pursued, a short-term vacation rental ordinance should balance maintaining available housing stock and reducing land use impacts with the opportunity for homeowners to receive additional income and to provide additional TOT funding for the City.

Planning Commission Feedback: The Commission supported staff's recommendation.

City Council Feedback: The Council's feedback on this item related to the enforcement efforts of existing rentals operating without benefit of a permit. Additional concerns regarding the adoption of an STVR ordinance that permitted the use also related to code-enforcement.

- *Staff Proposed Refinements:* **Low Priority.** Staff will maintain this as a Low Priority and based on feedback from Council, will evaluate enhancing code enforcement until there is further direction to create an STVR permitting program.

Housing rehabilitation loan program

City staff will continue to refer eligible low-income households to Rebuilding Together Silicon Valley to help finance qualifying home repairs.

Initial Staff Recommendation: Low Priority. Update the existing policy (H-1.1a – Facilitate Home Rehabilitation) to provide more specific direction on program availability to Campbell residents and include a notice in the annual certification process for below-market rate housing units (for-sale) to inform them of the opportunity in addition to posting on the City website.

Planning Commission Feedback: The Commission supported staff's recommendation.

City Council Feedback: The Council supported staff's recommendation and noted that the program could expand beyond Rebuilding Together Silicon Valley through minor efforts such as updating resources on the City's website.

- *Staff Proposed Refinements:* **Low Priority.** Staff recommends maintaining this as a low priority item and suggests that the Council consider improving funding for the program as revenue becomes available through the inclusionary housing in-lieu fee or (potential) linkage fee programs. Separately, the City will maintain programs to inform residents about Countywide housing programs available, including the County's Housing Rehabilitation Loan Program. This will include publishing information on the City's website, developing informational brochures, and conducting outreach at community events at least once a year.

D. Opportunity housing / CSCDA JPA

The California Statewide Community Development Authority (CSCDA) is a Joint Power Authority (JPA) designed to provide reduced rent to middle-income workers

in California which earn too much income to qualify for traditional affordable housing subsidies but do not earn enough income to live in the communities where they work (hereinafter 'Workforce Housing Program').

The Workforce Housing Program uses tax-exempt governmental bonds to acquire market-rate apartment buildings. Once acquired, the property becomes exempt from paying property taxes which results in the ability to lower rents and provide affordable housing. Rent levels are lowered to no more than 35 percent of household income levels at low (up to 80 percent AMI) to moderate (up to 120 percent AMI). Annual rent increases would not exceed four percent per year, which is considerably less than the limits under AB 1482.

Initial Staff Recommendation: Moderate Priority. Several organizations, including Catalyst Housing and Opportunity Housing Group (OHG), have expressed interest in buying apartment communities (such as the 'Park at Pruneyard') and converting them to workforce housing. OHG has identified an immediate need, based on property availability, to initiate an Opportunity Housing project in Campbell. Per state law, the City must adopt a resolution authorizing Opportunity Housing within the City. Understanding this interest, the City may elect to advance this opportunity in the short term, rather than waiting for the adoption of the updated housing element.

Planning Commission Feedback: The Commission requested that staff raise the prioritization of this item; however, they also indicated concerns that the program's tax-exemption for participating properties would undercut City revenue.

City Council Feedback: Upon receiving a brief informational presentation on the potential for the Park @ Pruneyard to become an opportunity housing project in the near term, the Council expressed concern relative to the expediency of the proposal. The Council was receptive to the broader Workforce Housing Program as a tool for future housing, but did not request a change to its overall prioritization in Campbell's *Plan for Housing*.

- *Staff Proposed Refinements:* **Moderate Priority.** Staff recommends this item be retained at a moderate priority.

Objective #3: Remove Government Constraints to Housing

A. Modify parking standards

Reducing parking requirements or creating better flexibility for developments that include affordable housing, provide units for special needs populations, or are located within a short proximity to the VTA light rail stations. Under this program, the City may explore rideshare parking facilities or establish parking passes for on-street parking in select areas of the community to offset the impact of reduced parking standards.

Initial Staff Recommendation: High Priority. Reduce parking standards for all

projects close to light rail and affordable housing projects. Additionally, consider ridesharing opportunities.

Planning Commission Feedback: The Planning Commission supported staff's recommendation but added the following requests: (a) modify requirements to unbundle parking; (b) include bicycle parking, and (c) consider a study on the utilization of existing parking lots and then facilitate housing development on underutilized lots, with lower parking requirements.

City Council Feedback: The Council supported maintaining this effort as high priority. However, Councilmembers expressed concerns relative to how reduced parking would impact area parking that is beyond ½-mile from transit, especially if its results in more extensive permit parking zones.

Development Community Feedback: Developers of both Market-Rate and Affordable Housing projects stressed the need to reduce or eliminate parking requirements. Some suggested that parking standards be market driven, while others expressed interest in programs that would unbundle parking - allowing only one parking space to be reserved per unit, and the rest to be pooled or opted into by a parking/tenant parking management strategy. One developer expressed interest in establishing a standard to share residential parking spaces with commercial uses when supported by a parking demand study.

- *Staff Proposed Refinements:* **High Priority.** Based on Commission and Council feedback, staff recommends that the prioritization for this effort remains high.

Staff recommends refining the workplan for this item to address the following:

- (a) reducing the parking requirements near transit,
- (b) providing an incentive for reduced parking in the AHOZ,
- (c) including a minor reduction of parking requirements citywide, to require no more than two-parking spaces per unit,
- (d) removing guest parking requirements, and
- (e) allow parking to be unbundled from residential units.

Staff also recommends a phased approach to modifying the parking standards, where Phase I would include standards incorporated into the Objective Standards update and establishment of an AHOZ, and Phase II would include adoption of other standards within two years.

B. Improve permit streamlining for Affordable Housing

Eligible affordable housing development would be granted a streamlined permitting process, thereby shortening review times.

Initial Staff Recommendation: Low Priority. Under current state law, certain affordable housing projects may already use an SB 35 process that requires permit streamlining. The Department is working on a broader zoning ordinance update that will include the establishment of SB 35 processing procedures. In keeping with

previous comments, the creation of Objective Standards is being prioritized. Once established, the City may consider changes to the types of projects which require public hearings, eliminating the need for hearings entirely or taking items to hearing only on appeal of an administrative action.

Planning Commission Feedback: The Commission was supportive; however, they requested staff track policy outcomes.

City Council Feedback: Some Councilmembers raised concerns that this prioritization should be higher to capture efforts already ongoing such as online permit review.

- *Staff Proposed Refinements:* **High Priority** within the AHOZ, & **Low Priority** outside the AHOZ (i.e., Citywide). In response to Council feedback, the priority of efforts related to improving permit streamlining within the AHOZ has been raised from a Low to High Priority to align with the prioritization of the AHOZ. Outside of the AHOZ, efforts to streamline the permit review process of affordable housing projects will remain a low priority. Note: Housing opportunity sites that are reused from the 5th cycle will have an option for ministerial permit review if 20 percent of the proposed units are at affordable levels.

C. Development impact fee adjustments for affordable housing projects

This would specifically address lowering or eliminating development impact fees for affordable housing developments.

Initial Staff Recommendation: Low Priority. The city has only one existing development impact fee which is for public parks. As the park impact fee is paid for by the developer of a community, waiving or reducing park impact fees should be reserved for 100% affordable housing development projects, or for units which are provided at an extremely very low-income level (over and above what would otherwise be required by Ordinance or State Law).

Planning Commission Feedback: The Commission supported this recommendation.

City Council Feedback: The Council supported this policy but did not have consensus regarding its prioritization.

- *Staff Proposed Refinements:* **High Priority.** Staff recommends that this item be raised from a Low to High Priority to align with the prioritization of the AHOZ which will include a policy to allow reductions or waivers of impact fees as an incentive.

Objective #4: Resilient Housing Policies

A. Siting development

This refers to establishing climate adaptation strategies that encourage resilient design. Examples include siting development outside of high hazard areas or

requiring building orientation to take advantage of passive heating/cooling.

Initial Staff Recommendation: Low Priority. As part of the Objective Standards update, staff would recommend incorporating specific standards to govern the placement and orientation of buildings.

Planning Commission Feedback: The Planning Commission requested this be a higher priority and be crafted to incentive developers use green building standards, when otherwise not required, and to pursue more conservation measures.

City Council Feedback: Council did reach alignment on the prioritization of this effort and Councilmembers indicated that this should be a high priority because the policy would overlap with the objective standards which are a high priority and ongoing, and stressed the need for the City to pursue adoption of a Climate Action Plan to offer further guidance in this area of housing policy.

- *Staff Proposed Refinements:* **Moderate Priority.** Staff recommends modifying the prioritization of this item from Low to Moderate. This acknowledges the ongoing work of the Objective Standards update, the pursuit of a Climate Action Plan, and the anticipation of Reach Code pending the 2023 Building Code update.

B. Resilient design

New housing designs are encouraged to be resilient to hazards and climate impacts. This could be achieved through building standards such as requiring HVAC systems, using low-solar-gain exterior materials, and high efficiency heat pumps.

Initial Staff Recommendation: Low Priority. As part of the Objective Standards update, staff would recommend incorporating standards to address more specific building requirements.

Planning Commission Feedback: The Commission requested this policy elevate to a moderate priority and encourage use of heat pumps. The commission also stressed care in defining requirements vs. encouraged measures.

City Council Feedback: Similar concerns were raised on this item relating to the low prioritization and need for broader climate action by the City. Councilmembers requested the policy provide room to give consideration to policies that extend beyond Reach Codes and encouraged staff to consider policies relating to lower utility (sewer, water, and electricity) costs.

- *Staff Proposed Refinements:* **Moderate Priority.** Staff recommends modifying the prioritization of this item to Moderate. This acknowledges the ongoing work of the Objective Standards update, the pursuit of a Climate Action Plan, and the anticipation of Reach Code pending the 2023 Building Code update.

Objective #5: Affirmatively Furthering Fair Housing and addressing special needs

groups**A. Fulfilling housing needs for special needs populations and workforce housing.**

Special needs populations identified to date include the following groups:

- *Large Families / Female Headed Households*
- *Homelessness*
- *Persons with Disabilities*
- *Seniors*

To support special needs populations and workforce housing, programs could include incentivizing housing that is suitable to their needs or integrating services into housing developments. Examples could include providing more emergency housing and shelters for the homeless population and having incentives or requirements to ensure housing with facilities for those with disabilities are developed with affordable housing projects. As previously identified, Campbell has an aging population and certain housing programs could focus on housing design or programs addressing the needs of seniors, such as allowing them to better age in place.

Initial Staff Recommendation: High Priority. See previous discussion related to 'Modifications to Campbell's Inclusionary Housing Ordinance'. Separately, the City may seek to further expand and support existing programs that provide support to special needs populations. For example, the City may expand programs for overnight parking at faith-based organizations as part of the City's Camping Ordinance, and explore opportunity housing programs to address the demands of large families / female headed households, persons with disabilities, and seniors).

Planning Commission Feedback: The Commission agreed with the high prioritization of this effort and suggested the following refinements: (a) including pre-approved ADU plans for people with disabilities; (b) setting a goal of an equal number of shelter beds as people experiencing homelessness; and (c) Including a density bonus for developers that serve special needs populations.

City Council Feedback: The Council is supportive of this effort. However, Councilmembers requested that staff provide additional information relative to the management of such programs.

- *Staff Proposed Refinements:* **High Priority.** Staff recommends this be maintained as a High Priority and suggests focusing on the following programs: (a) publish five pre-approved ADU plans including two ADU designs that address ADA and senior housing needs on the City website; (b) maintaining current countywide efforts to provide emergency shelters for unhoused individuals or families; (c) consider expanding or supporting safe parking sites, including on City owned lands such as the to the Library parking lot, (d) providing incentives, such as a density bonus or reduced parking requirement, for projects that house special needs populations through the AHOZ and for mixed-use projects within a half-mile radius of a VTA

light rail stop, and (e) provide an local density bonus for project that propose at least 5% of the units for very-low income households including special needs populations.

B. Renter protections

Renter protections include actions intended to enhance the rights of renters and protect them from unjust evictions and other conflicts with landlords. Examples of renter protection programs could include support for tenant/landlord mediation or a Fair Chance Ordinance, which would prohibit housing providers from inquiring about criminal history during the tenant selection process.

Initial Staff Recommendation: Low Priority. The City of Campbell contracts with Project Sentinel to mediate renter disputes with landlords. While the City may consider adoption of a Fair Chance Ordinance, to help protect individuals with a criminal history, staff would consider it a low priority as it has not been identified as a housing challenge in community surveys.

Planning Commission Feedback: The Planning Commission did not discuss this specific item.

City Council Feedback: Council indicated support for this effort. However, Councilmembers indicated concerns with the ability of Project Sentinel to effectively mediate disputes. Additionally, Councilmembers indicated a desire to ensure that Campbell's current large population of renters had representation in the *Plan for Housing*.

- *Staff Proposed Refinements:* **Low Priority.** Staff maintains the initial recommendation but suggests including the following: (a) collaborate with housing service providers to deliver a survey to Campbell's renters for assessing needs; (b) adopt a policy to protect on-site renters during construction activities, (c) provide property complaints in an on-line database to give tenants greater awareness of poor ownership practices or outstanding enforcement issues, (d) establish a renter survey and consider renter support programs that address identified concerns.

C. ADU incentives for special needs populations

Incentives would be provided for accessory dwelling units (ADUs) that are built to accommodate the needs of special needs populations, such as people with disabilities.

Initial Staff Recommendation: Not Recommended. It would be difficult to ensure that ADU units are provided to special needs populations in exchange for the types of incentives the City would likely offer (e.g., reduced fees, or larger units, or reduced standards).

Planning Commission Feedback: The Planning Commission did not discuss this program; however, as noted previously, the Planning Commission had indicated

support for programs and policies that result in the production of ADA-accessible ADUs.

City Council Feedback: Council indicated that this item could (and should) be covered by another policy measure given the City's preference to not require deed-restrictions for ADUs. Suggestions included focusing on ADA accessible and senior-friendly plan sets.

- *Staff Proposed Refinements:* **Remove.** Staff is removing this policy recommendation from Campbell's *Plan for Housing*.

D. Outreach and education on fair housing laws

Furthering outreach and education on fair housing laws means educating current and future residents on their rights and responsibilities.

Initial Staff Recommendation: Low Priority. Include a policy with specific guidance on the frequently and method of public outreach.

Planning Commission Feedback: The Planning Commission supports this effort and provided the following suggestions: consider partnering with religious facilities and workplaces for outreach; provide advocacy and assistance on rental disputes; provide annual reporting on services and successes to track effectiveness and continue this dialogue.

City Council Feedback: The Council is supportive of staff's recommendation.

- *Staff Proposed Refinements:* **Low Priority.** Staff maintains their initial recommendation and has added guidance that outreach tools and education resources will be made available on the City website by the end of 2023 and updated thereafter within three months of any changes to state law.

E. Equity training

Equity-focused trainings for City staff will provide them with tools to incorporate diversity and inclusion into internal structural practices, policy planning, and events where staff interfaces with the community.

Initial Staff Recommendation: Medium Priority. Include a policy with specific guidance on the frequently and appropriate forum for equity training events.

Planning Commission Feedback: The Planning Commission did not discuss this item.

City Council Feedback: The Council is supportive of staff's recommendation.

- *Staff Proposed Refinements:* **Medium Priority.** Staff maintains their initial recommendation. For the purpose of time-management staff is including a specification that the City will pursue this program by year 5 of the 6th Cycle. The

program will require an annual City Council meeting on historical injustices and how those injustices have affected society today and inviting local non-profit organizations to discussions on topics of housing equity, diversity, and inclusion.

F. Multilingual information on housing programs

Information on housing programs and websites that direct the public to housing resources would be multilingual. Interpretation services should also be made available for non-English speakers that are inquiring about housing.

Initial Staff Recommendation: Medium Priority. Include a policy requiring key housing program materials and handouts to be provided in multiple languages. Given demographic trends, staff would recommend only providing such resources in Spanish in addition to English if considered.

Planning Commission Feedback: The Commission supports this effort.

City Council Feedback: The Council supported staff's general recommendation but requested a higher prioritization.

- Staff Proposed Refinements: High Priority. Based on Council direction staff recommends moving this from a Medium to High Priority but suggests an ongoing effort whereby the City develops a list of items needing translation, as part of the third-party housing program audit, and assesses the timeline based on difficulty and cost of translation.

NEXT STEPS

Moving forward, staff will share the objectives, policies and programs outlined above and the Planning Commission's recommendations with the City Council on May 9, 2022. Following the City Council meeting, staff will compile feedback directly into a draft of Campbell's *Plan for Housing* that will then be published for public review in its entirety later in May 2022

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ATTACHMENTS:

- A. Draft Housing Element Outline
- B. Example Affordable Housing Overlay Zone (AHOZ)



1 - INTRODUCTION

Purpose of the Housing Element

State Law Requirements for Housing Elements

Consistency with the Campbell General Plan

Process for Preparing the Housing Element

Community Context

Organization of the Housing element

Public Participation

Data Sources



2 - EVALUATION OF 5TH CYCLE

5th Cycle Goals

5th Cycle RHNA Accomplishments

Connecting Individuals and Families to Resources

Local and State Regulations

Programs Not Completed

Special Needs Populations

Appropriateness of Housing Element

Evaluation Table



3 - HOUSING NEEDS ASSESSMENT

Demographic Profile

POPULATION TRENDS

Age Characteristics

Race and Ethnicity

Education

Employment Market

Jobs and Housing

HOUSEHOLD CHARACTERISTICS

Household Type

Household Income

Median Household Income

Income by Household Tenure

SPECIAL NEEDS GROUPS

Senior Households

Persons with Disabilities and Developmental Disabilities

Large Households

Female-Headed Households

People Experiencing Homelessness

Farmworkers

HOUSING STOCK CHARACTERISTICS

Housing Growth and Conditions

Housing Costs and Affordability

Housing Affordability



REGIONAL HOUSING NEEDS

Existing Housing Needs

Future Housing Needs



4 - ASSESSMENT OF FAIR HOUSING AND OUTREACH

Introduction

Affirmatively Furthering Fair Housing: Outreach Approach

GENERAL OUTREACH

Project Website

Community Meetings

Community Survey

City Council, Housing Commission and Planning Commission Meetings

Pop-Up Events

Focus Groups, Interviews and Meetings with City Staff

Digital Outreach Materials

Hardcopy Outreach Materials

Assessment of Fair Housing

BACKGROUND INFORMATION

Economy

Demographics

Housing Tenure and Type

FAIR HOUSING ENFORCEMENT AND OUTREACH CAPACITY

INTEGRATION AND SEGREGATION PATTERNS AND TRENDS



RACIALLY OR ETHNICALLY CONCENTRATED AREAS OF POVERTY

DISPARITIES IN ACCESS TO OPPORTUNITY

DISPOROPORTIONATE HOUSING NEEDS AND DISPLACEMENT RISK

SPECIAL HOUSING NEEDS

Senior Households

Persons with Disabilities and Developmental Disabilities

Large Households

Female-Headed Households

People Experiencing Homelessness

Farmworkers

Affirmatively Furthering Fair Housing: Policy Development

CONTRIBUTING FACTORS



5 - CONSTRAINTS

Introduction

Governmental Constraints

CAMPBELL GENERAL PLAN

ZONING CODE

DEVELOPMENT STANDARDS

PROCESSING AND PERMITTING

GROWTH MANAGEMENT

FEES AND OTHER EXACTIONS

Development Impact Fees

Processing and Permit Fees

INCLUSIONARY HOUSING ORDINANCE

CODES AND ENFORCEMENT

ON AND OFF-SITE IMPROVEMENTS

Water and Sewer

CONSTRAINTS TO HOUSING FOR THE DISABLED

Non-Governmental Constraints

CONSTRUCTION COSTS



LAND COSTS

FINANCING COSTS

Home Financing

Construction Financing

REQUESTS TO DEVELOP HOUSING BELOW IDENTIFIED DENSITIES

TIMEFRAMES BETWEEN APPROVAL AND BUILDING PERMIT SUBMITTAL



6 - ENERGY

DRAFT



7 - SITE INVENTORY AND ANALYSIS

Introduction

SITE INVENTORY FORM LISTING

Affirmatively Furthering Fair Housing

RHNA Analysis and Methodology

ACCESSORY DWELLING UNITS (ADUS)

SITE INVENTORY

Reuse Sites

Realistic Capacity

Appropriate Density / "Default" Density

Technical Unit Capacity

NON-VACANT SITES ANALYSIS

Potential Findings for Development of Non-Vacant Sites

Adopted Findings

Summary of Quantified Objectives

Infrastructure

Affordable Housing Overlay Zone (AHOZ)

DRAFT / EXAMPLE

The following is a sample program for illustrative purposes only. The program incentives and eligibility requirements would be balanced to ensure that the program is competitive while not being too generous.

Criteria	Sample Program (DRAFT)	
	Local AHOZ	State Density Bonus Law
Eligibility	1. Must be within AHOZ (see Figure 1) 2. Must meet state affordability req. 3. Must meet special needs req.	1. Greater than five units 2. Must meet state affordability req.
Base Density	75 du / gr. acre	75 du / gr. acre
Example project	1 acre	1 acre
Qualified	30% affordable in targeted RHNA categories (very-low, low- and moderate)	15% affordable to very-low income
Density Bonus	55%	50%
Number of Units	116	112 units
Frontage Improvements	City Funded	Applicant Funded
Fee Reductions and/or Waivers	Waiver or reduction in building permit, and planning application fees	None
Height	Must stay under 75' height	May exceed 75' height
Parking	Same as Density Bonus	See below.
Review Process	Ministerial Review	Standard Process
Concessions	3 Concessions; Not for Height	3 Concessions
Waivers	Unlimited Waivers	Unlimited Waivers

Density Bonus Parking Standards	
Unit Size	General
Single-Family	N/A (Bedroom Count Dependent)
Small-Lot Single-Family	
Studio to One Bedroom	1 space
Two or more Bedrooms	2 spaces
Four or more Bedrooms	2.5 spaces
Unit Size	Transit Standard (within ¼ mile)
Studio to One Bedroom	.5 spaces per bedroom (11% low/20% mod)
Two or more Bedrooms	.5 spaces per unit (for all low-income)