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July 11, 2017

Mayor Gillmor and Members of the City Council  
City of Santa Clara  
1500 Warburton Avenue  
Santa Clara, CA

Dear Mayor Gillmor, Vice Mayor Caserta, and Councilmembers Davis, Kolstad, Mahan, O'Neill, and Watanabe:

**Re: July 11, 2017 City Council Agenda Item 17A (Pass to print an Ordinance amending the City Code related to Accessory Dwelling Units)**

On behalf of our members, SV@Home thanks you for your consideration of potential updates to the City of Santa Clara's Accessory Dwelling Unit (ADU) Ordinance. In light of the passage of SB 1069 and AB 2299 in September 2016, we commend the Council and staff for taking action to ensure compliance with the new State law regarding ADUs, and we hope to work with the City to advance local efforts to further leverage the opportunity that ADUs provide.

ADUs are a critical tool for addressing our region's severe housing crisis. These units can help keep families together, often providing a way for retirees or returning college graduates to continue living near family when they otherwise wouldn't be able to afford housing in Santa Clara County. ADUs also promote equitable homeownership; as a potential source of rental income, ADUs can open up doors to homeownership for those who otherwise cannot afford a mortgage. However, the number of ADUs actually built each year does not allow for these benefits to be significantly scaled. SV@Home estimates that on average, fewer than 90 permits for ADUs have been issued annually throughout the County in recent years. **We can and must build more.**

Key to ensuring that we leverage the potential of ADUs is creating an ADU ordinance that removes regulatory barriers that render many homeowners ineligible for an ADU, despite their strong desire to build one. When layered atop one another, such regulations can also be very difficult to interpret, and the confusion over whether one's lot qualifies for an ADU often deters homeowners from pursuing the opportunity. **For this reason, SV@Home strongly supports instituting an ordinance that maximizes opportunities to build ADUs by (1) eliminating overly-onerous regulatory barriers and (2) making it as easy as possible for owners to understand if their lot qualifies for an ADU.** Such an ordinance must be as straight-forward as possible, without any non-essential provisions that are duplicative of other requirements.

To provide guidance on what such an ordinance should include, SV@Home has

developed the attached set of broad policy recommendations for all Santa Clara County jurisdictions, which are aimed at increasing the feasibility and affordability of ADU construction. We encourage you to consider these recommendations throughout your discussion of potential changes to Santa Clara's Accessory Dwelling Unit Ordinance.

The proposed ordinance before you this evening reflects many of SV@Home's policy recommendations, and we commend staff for their efforts to consider our input, along with the feedback of many other stakeholders, through a robust public engagement process and thoughtful deliberation. We believe the ordinance will open up the opportunity for many more homeowners in Santa Clara County to consider building ADUs on their property.

**In addition to the State-mandated changes to the Zoning Ordinance, SV@Home strongly supports the following proposed provisions:**

- Elimination of additional parking requirements for all ADUs,
- Exemption of existing legal nonconforming single-family dwellings from the parking requirements for primary dwellings as a prerequisite to qualifying for an ADU,
- Reduction of setbacks for all accessory units, including a five-foot rear setback and a three-foot side setback, and
- Elimination of the minimum lot size requirement for single-story ADUs.

In regard to the final provision listed above and the outstanding question of whether to pair this change with an FAR requirement, **we recommend that the Council forgo adding in an extra FAR requirement for lots smaller than 6,000 square feet.** This additional requirement is unnecessary given the inclusion of requirements related to rear yard coverage, setbacks, and number of bedrooms. As staff rightly point out, it may create implementation challenges, and even without it, potential overbuilding on smaller lots would already be controlled by other requirements included in the ordinance that inherently limit the maximum size of an ADU.

Finally, SV@Home strongly recommends that the City pair these policy changes with a robust ADU program that provides resources and guidance to homeowners who are interested in creating ADUs on their property. The City of Santa Cruz's ADU Program, combined with its flexible ADU ordinance, demonstrates the positive impact of this combined approach; between 2003 and 2015, the City built nearly 350 secondary dwelling units (approximately 29 units per year) – at such a rate, the City of Santa Clara would be able to exceed its objective of producing 25 ADUs per year.

SV@Home hopes to partner with the City of Santa Clara in its efforts to meet this objective. We would like to offer our assistance in developing resources for homeowners and designing efforts to encourage and educate residents about the opportunities that ADUs could provide for their households. Thank you very much for your consideration and allowing us to provide our feedback.

Sincerely,



Pilar Lorenzana  
Deputy Director  
SV@Home

