American Planning Association
California Chapter

Making Great Communities Happen

April 16, 2018

Senator Nancy Skinner
State Capitol, Room 2059
Sacramento, California 95814

SUBJECT: **OPPOSITION TO SB 1469 (SKINNER) – ACCESSORY DWELLING UNIT (ADU) CHANGES** – in Senate Transportation and Housing Committee – April 24th and Senate Governance and Finance Committee April 25th

Dear Senator Skinner:

APA California must respectfully oppose SB 1469. SB 1469 makes a number of changes to the accessory dwelling unit (ADU) law, including significant changes to existing provisions governing fees for service. Some of the amendments proposed in this bill will change provisions that were specifically negotiated in good faith when substantial changes to ADU law passed in 2016 (AB 2299 and SB 1069).

APA California supports ADUs as an important option to help combat the housing crisis our communities are facing. And, while there is nothing in current law that requires newly constructed ADU's to be affordable, they can also be a new source of lower-cost housing in existing communities.

However, this will be the third year in a row with major ADU changes. Not to mention this bill is one of five dealing with ADUs. This bill, SB 831 (Wieckowski) and AB 2890 (Ting) are three bills moving simultaneously with very similar, if not the same language – we believe at the very least, the bills should be consolidated. It's understandable that cleanup or clarifications have been and may continue to be needed. But we are very concerned that this bill, rather than being a cleanup measure, instead will place agreements that were just negotiated back on the table and make many substantial changes to the permitting process yet again. Importantly, it will also disrupt compliance by local governments working hard to update their ADU ordinances to reflect the changes required in the 2016 and 2017 ADU laws.

APA California is most concerned with the following changes in the bill:

REMOVAL OF FEE AUTHORITY

The bill would eliminate local governments' ability to charge impact fees, connection fees, capacity charges, or any other fees levied by local governments, school districts, special districts or water corporations. Fees that pay for services required by a new ADU cannot just be passed onto other fee payers under existing law. Who will pay for the additional services that will be used by new ADU occupants? When SB 1069 was proposed, utility and hookup fees were specifically

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discussed and authorized based on these concerns. Those negotiated fees should not be revised.

VARIOUS PERMITTING CHANGES

APA California is also concerned with many of the permitting changes proposed in the bill, including:

- Requiring ordinances to designate areas where ADUs are *NOT* allowed based on preponderance of evidence, rather than existing law that allows local governments to designate areas where ADUs *ARE* allowed. This change alone will require ordinances that were just updated to be revised again.
- Requiring ADUs in multi-family buildings, which could carve up existing units and potentially substantially increase the density.
- Mandating ADUs and JADUs be allowed on the same lot rather than allowing this as an option.
- Eliminating all floor area ratio lot coverage standards.
- Elimination of the ability to require replacement of existing parking spaces in a garage conversion, which would result in a loss of all off-street parking spaces for both the primary residence and the ADU (and potential JADU).

ANNUAL ADU CHANGES

In general, the bill proposes another extensive round of changes to ADU law – the third year in a row. Local governments have been working very hard to comply with changes from both SB 1069 (Wieckowski)/AB 2299 (Bloom) signed into law in 2016 and SB 229 (Wieckowski)/AB 494 (Bloom) signed into law in 2017. And, given that local ADU ordinances have just been updated again, and ADU permits have increased substantially as noted by HCD, there seems to be no need for further major changes to the ADU law. APA would appreciate the Legislature allowing cities and counties time to focus on implementation of existing ADU laws, adding only clarifications or clean up where needed.

If you have any questions, please contact Lauren De Valencia, Stefan/George Associates, APA California's lobbyist, at 443-5301, lauren@stefangeorge.com.

Sincerely,

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cc: Members of the Senate Transportation and Housing Committee, Senate Governance and Finance Committee, The Governor, OPR, Republican Caucus

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