

ADU Hearing Outline
Wednesday, January 30, 2019, 9:30 am
State Capitol, Room 126
American Planning Association, California Chapter

Challenges and Policy Considerations for ADU Development in California

1. Introduction

- a. Self-intro
- b. APA California overview

2. Overview

- a. Strong support for development of ADUs throughout the state as an important source of housing to help combat the housing crisis our communities are facing.
- b. Likewise, offer support for development standards and incentives that encourage ADU development.
 - i. Financing incentives can be used to promote affordability of ADUs, both for owners to construct and for tenants on an on-going basis. For example, Napa County offers low-cost loans to homeowners to construct ADUs, which are then deed-restricted to be affordable to lower income households. Non-governmental entities, such as the Housing Trust of Silicon Valley, have similar programs.
 - ii. One great local example comes from Encinitas: the City commissioned design of multiple "pre-approved" ADU plan sets that are context-sensitive and provide homeowners with flexible options to increase housing within the community – with the local jurisdiction offsetting much of the upfront design costs.
- c. Three areas to focus comments:
 - i. Context-sensitive regulations. Reject one-size fits all standards, especially when considering the variations in housing demand and environmental impacts of developing between urban infill areas and rural portions of the state.
 - ii. Relating growth demands to capacity
 - iii. Time to respond to and implement recent changes in the law

3. Good planning requires context-sensitivity

- a. We have supported changes to date, and in general APA could continue to support allowing an individual ADU in almost all existing structures and establishing lot coverage standards that permit new detached ADUs.
- b. ADUs and JADUs in rural contexts deserve to be treated differently than ADUs in urban infill (or even suburban) areas.
 - i. Encouraging too much growth in areas without transit access, or even nearby services, will increase VMT and run counter to the state's GHG reduction goals and overall climate policies.
 - ii. The state should not require housing intensification in rural areas where agriculture remains prevalent, as the introduction of new residential uses threatens agricultural preservation efforts.
 - iii. As we have seen from the past two years of devastating fires, where we permit growth has dramatic consequences for evacuations, scale of disaster, etc. – allow sensible local controls to reduce fire hazards.
- c. Important to retain some local flexibility to define minimum standards.
 - i. In urban areas, FAR and lot coverage standards help ensure green space in otherwise built-out environments.
 - ii. In more rural areas, FAR, lot coverage, and especially setbacks are key to providing defensible spaces to minimize the risk of catastrophic fires
 - iii. In both cases, allowing larger units reduces affordability and are more likely to have impacts on infrastructure.

4. Good planning ensures communities can absorb growth

- a. Increased population density increases demand on services, such as sewer and water capacity, roads, transit, schools and other important community facilities.
 - i. Smaller ADUs are more likely to have fewer impacts, or impacts that are more closely aligned with the impacts already addressed when the initial home was constructed.
 - ii. Larger units function more like freestanding homes with respect to impacts, and local jurisdictions should have the flexibility to decide how to treat such units based on local conditions.

- b. Requiring multiple ADUs on each lot could substantially increase the density in areas built with infrastructure designed to handle only single-family homes and fewer overall units, negatively impacting infrastructure capacity and services.
 - i. Appropriate to allow jurisdictions to permit this style of development, following their determination that their local infrastructure can support the growth.
 - ii. Water and sewer service issues are particularly pronounced in rural communities – it is very different to ask lots that are on wells and septic systems to intensify development than it is to ask the same of a lot served by municipal utility companies.
- c. Proposals that eliminate all fees are too severe; the largest permissible ADUs are the size of a small 3 bedroom stand-alone house.

5. Good planning calls for predictability and stability

- a. Timeframe for processing must be deemed on complete application, so local planners are evaluating development proposals based on a full understanding of the proposal
- b. Local governments have been working very hard to comply with major changes in ADU regulations over the past few years and that effort has already been shown to have had a positive effect on the state’s housing supply.
 - i. Example: San Mateo County, plus its 20 incorporated cities, invested significant time and effort to work together on crafting local ordinances and sharing best practices for regulating and encouraging ADUs.
 - ii. Major changes in the law would undo the good work this collaborative planning effort, and others like it throughout the state.
 - iii. Cities and counties, and the state must have time before another set of new requirements are imposed to address the issues discussed above.

6. Closing

- a. Lots of progress has been made to date, and we are starting to see results. Let the process continue, leaving time take a holistic approach to achieve both the goals of providing more housing and well-planned communities simultaneously.

- i. Creating optional provisions, offering incentives, and providing technical assistance are strategies that would allow both and we would support.
- b. Thanks to the fellow panelists, the committee, and staff.
- c. I am happy to be available as a resource directly or to help connect committee and staff with other planners in the state for more information.