



American Planning Association
California Chapter

Making Great Communities Happen

March 27, 2018

Assembly Member Phil Ting
State Capitol, Room 6026
Sacramento, CA 95814

SUBJECT: **OPPOSE UNLESS AMENDED TO AB 68 (TING) NUMEROUS MAJOR CHANGES TO ACCESSORY DWELLING UNIT LAW** – IN ASSEMBLY HOUSING COMMITTEE – APRIL 3RD

Dear Assembly Member Ting:

The American Planning Association, California Chapter (APA California) must respectfully oppose your bill, AB 68, unless it is amended. This bill proposes numerous significant amendments to the statewide standards that apply to locally-adopted ordinances concerning accessory dwelling units (ADUs). Included in those changes are: restrictions on Floor Area Ratio (FAR), lot coverage and lot size; restrictions on requirements for replacement parking; and new requirements for ADUs in multifamily buildings, among other changes.

APA California supports ADUs as an important source of housing to help combat the housing crisis communities are facing. In fact, APA California is pleased to see the significant increase in ADU permits since major changes went into effect only two years ago. Unfortunately, we are concerned with the number of proposals every year since 2016 and 2017 legislation was passed. This year along, there are 7 bills dealing with changes to ADU law. These bills make ADU ordinances more complicated rather than encouraging them and many jurisdictions that have already updated or are nearly done updating their ordinances. They will have to go back and revise them. This is not productive. Many cities and counties have robust programs already and these changes will only add confusion.

The Most Troubling Changes

Elimination of FAR and Lot Coverage Standards

Floor area ratio (FAR), minimum lot size, and lot coverage are tools that serve important planning purposes. Mainly, they ensure that large mansions aren't

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developed on tiny lots, otherwise known as “mansionization.” In many instances, these requirements also ensure the inclusion of green space in dense, urban areas or leave room for defensible space from wildfires in less dense suburban and rural contexts. AB 68 eliminates these standards. We understand that some jurisdictions have been said to use these standards to effectively ban ADUs in certain areas. APA California doesn’t support this, but we do believe that some sort of minimum FAR/lot coverage standard should be retained. These standards are planning tools, and some reasonable limitations are appropriate to allow.

For example: If someone develops the main home and ADU at the same time, the ADU would have unlimited lot coverage/FAR while the main house would be subject to normal limits. That doesn’t make sense. A compromise would be to allow use of those standards UNLESS those limits don’t allow for at least an efficiency unit or some other smaller unit. Related to size, APA believes it’s better to encourage smaller units, which have less impacts on services/parking and tend to be less expensive to build and for households to rent.

Mandatory JADUs and ADUs in Multiple Multifamily ADUs

AB 68 requires ministerial approval of an unlimited number of ADUs within multifamily buildings and up to two ADUs in a multifamily building’s green space. Multiple ADUs could substantially increase the density in areas built with infrastructure designed to handle the existing number of units, negatively impacting infrastructure capacity and services. Taking into account the requirement that no parking can be required for these potentially large and multiple ADUs, there likely will be substantial impacts on neighborhoods. While this may work in some jurisdictions, such as San Francisco, that doesn’t mean it will work throughout the state. We believe this change should be an option to encourage those jurisdictions where it makes sense, but not a mandate.

Elimination of Replacement Parking

AB 68 eliminates replacement parking when there is a conversion of an existing structure such as a garage or carport. APA California don’t believe parking should be the impediment to an ADU but does believe the bill needs to be mindful that many occupants will have a car and need a place to park (when not located near transit). Especially when developing an ADU in less urban areas.

SUPPORT FOR OWNER OCCUPANCY REQUIREMENTS

APA California does appreciate that owner occupancy requirements remain in the bill and would like to see this in all ADU bills moving this year. We understand that there have been concerns with owner occupancy requirements on financing issues or using the requirement as a tool to limit ADUs, however, the number of ADUs that have been developed in the past several years with owner-occupancy restrictions undermines the claim that they are a significant impediment to financing or constructing ADUs. Moreover, APA California is concerned that absent the requirement, institutional investors or

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speculators could be encouraged to purchase a home with an existing ADU or purchase single family homes without ADUs at a premium with the intention of adding one, which could then be rented at any price the market will bear. APA California believes owner occupancy requirements promote greater affordability and access to housing. There must be a balance between not discouraging ADU production but not creating new incentives to build large ADUs that can be sold or rented far from affordable.

Local governments have been working very hard to comply with the major changes in ADU regulations over the past few years and those efforts are paying off. We believe the legislature, rather than continuing to propose additional statewide changes, should allow jurisdictions to continue their work on implementation of the existing laws.

APA California appreciates working with your office to find a solution on our concerns and if achieved, we would move to a neutral position. Please contact APA California's lobbyist, Lauren De Valencia, if you have any questions at lauren@stefangeorge.com.

Sincerely,



Eric Phillips
Vice President Policy and Legislation
APA California

cc: Assembly Housing and Community Development Committee, the Governor,
OPR, Republican Caucus

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