

# ADU REGULATION CHALLENGES

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# TOPICS

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- ADU's as a component of a jurisdiction's housing strategy
- ADU benefits and challenges
- A jurisdiction's local response and recent State legislation
- Challenges associated with ADU regulations
  - *Interactive Q&A*

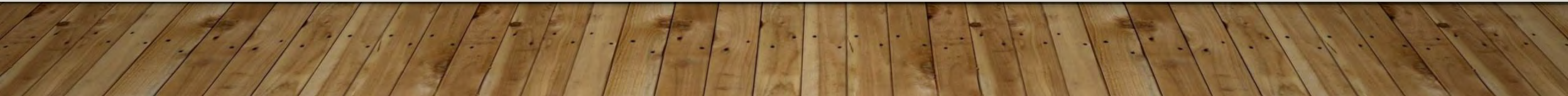
# WHAT WE'LL AVOID

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- Won't provide a detailed review of all ADU legislation and regulations
- Won't provide a step-by-step approach to adopt new ADU rules for your jurisdiction
- Not legal advice- check with your staff and attorney's office to discuss an approach to ADUs that could work with your own unique community

# ADU's as a HOUSING STRATEGY COMPONENT

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**In suburban communities- single family homes**



**High density, mid-rise, near quality transit**



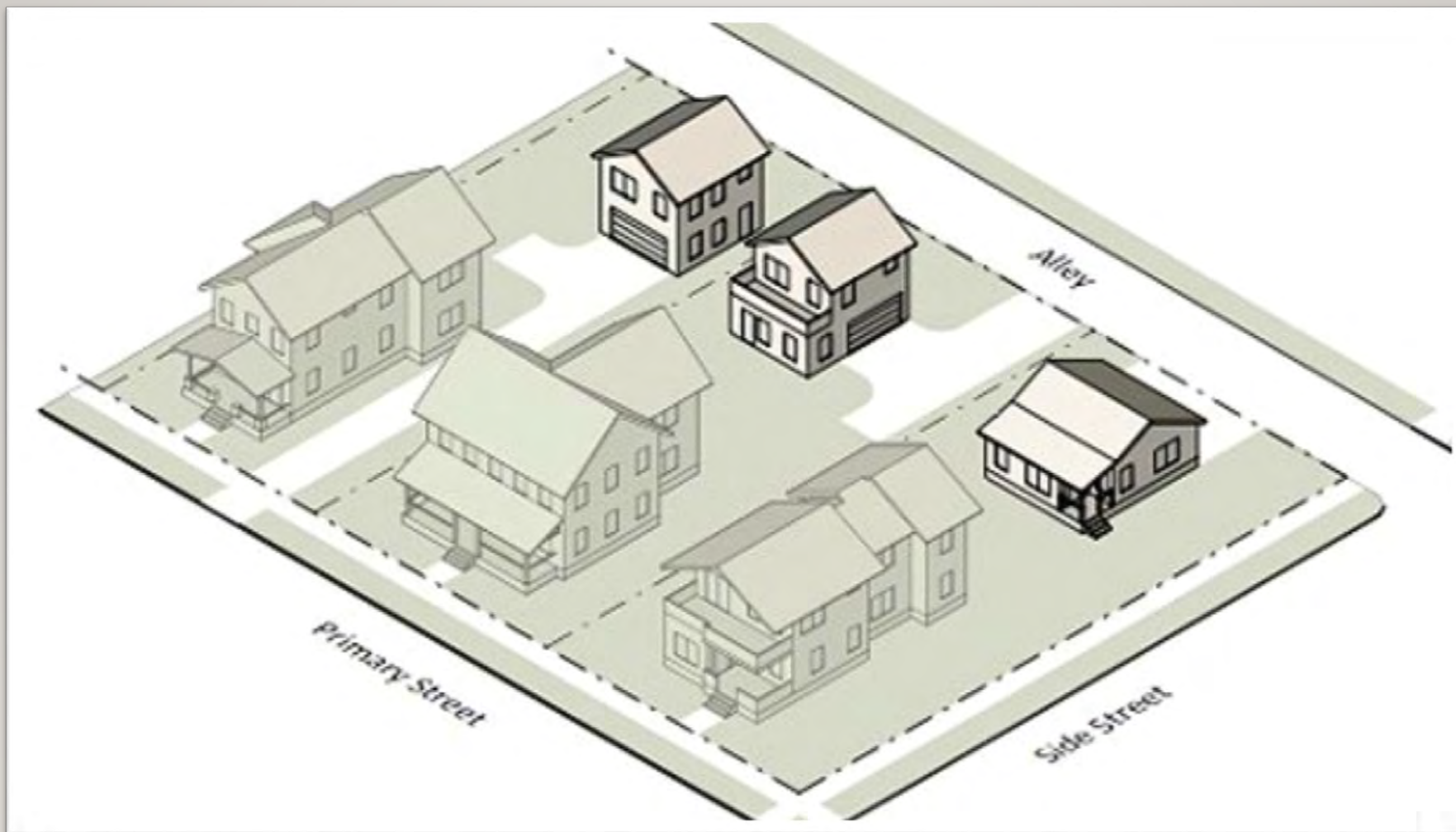
Missing Middle



**Missing Middle**



**Missing Middle**



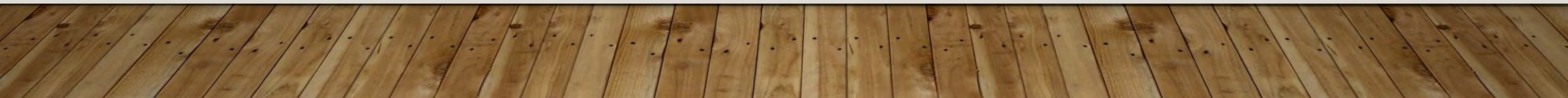
**Accessory Dwelling Units**

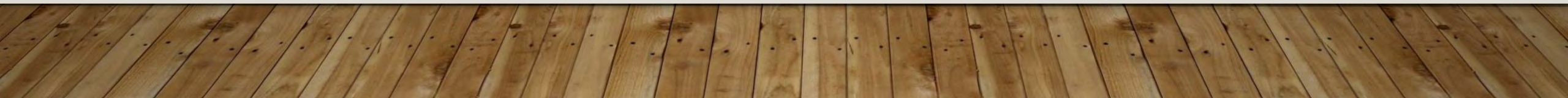


# BENEFITS, INCLUDE...

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- Provides an additional residential type within a balanced housing inventory
- Rents can be more affordable
- For older homeowners, provides opportunities to “age-in-place”
- Rental income
- Multi-generational and extended family living

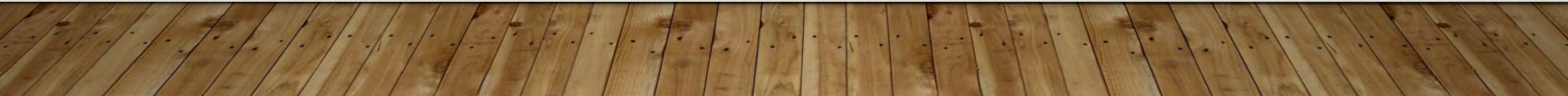


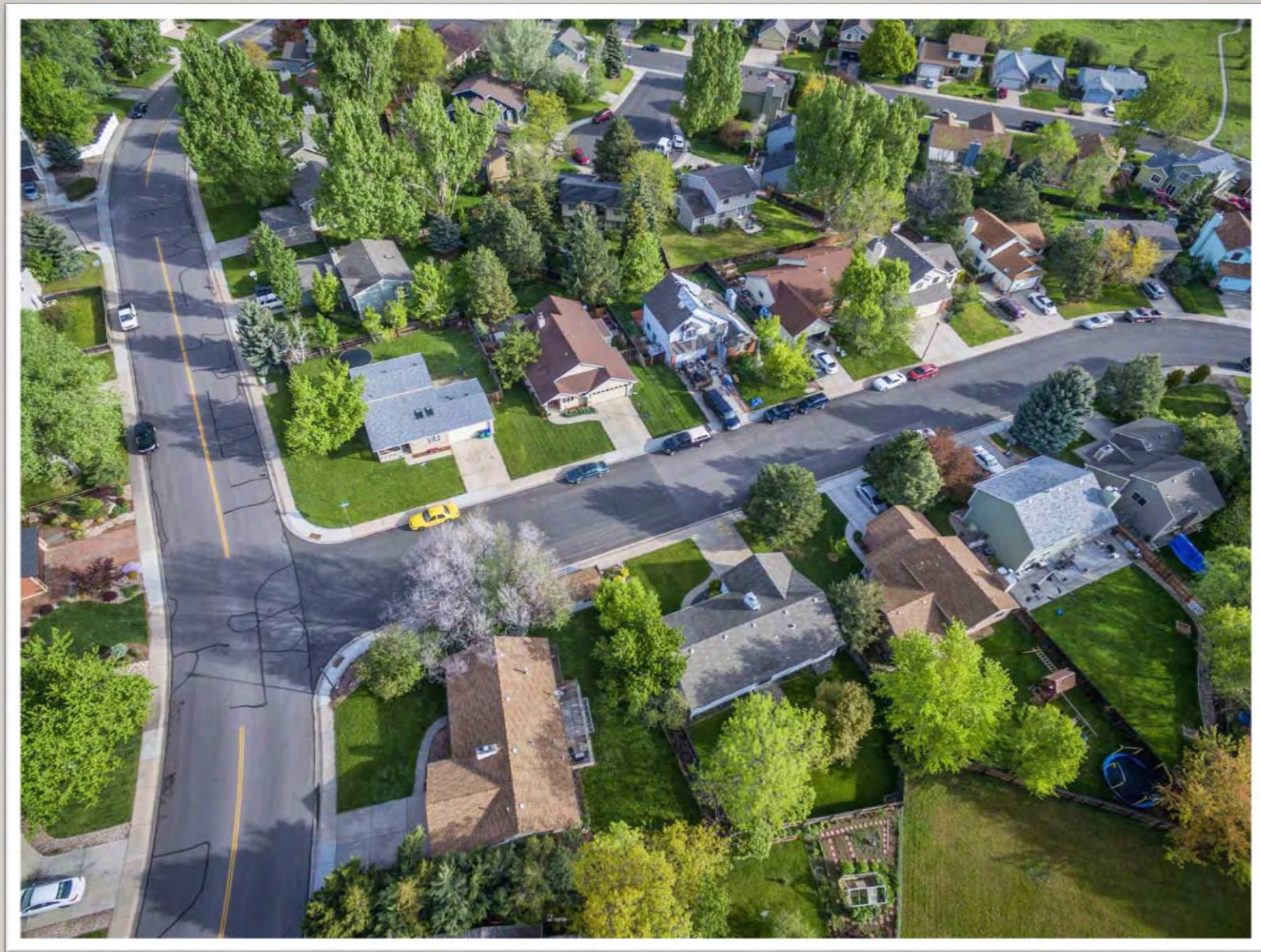




# CHALLENGES, INCLUDE...

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**Sense that “neighborhood character” would be altered**



**Proximity of living areas near private open spaces**



**Proximity of living areas near private open spaces**



Street parking impacts



**Short-term rentals**



Failure to protect single-family neighborhoods

*City of Redwood City*

BUILD SMALL

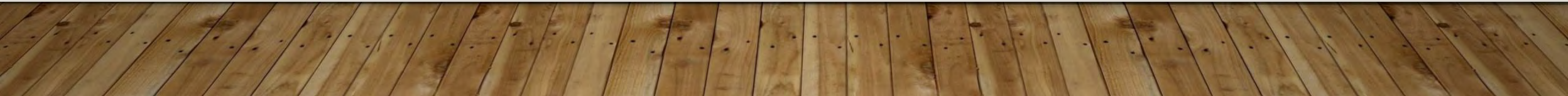
**ACCESSORY DWELLING**

LIVE LARGE

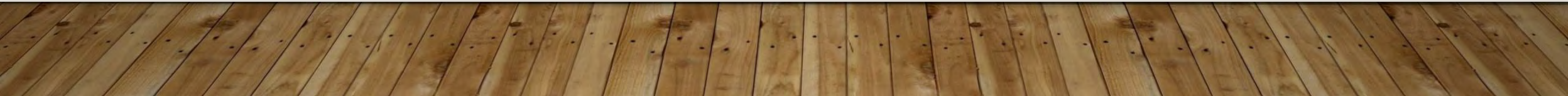
# COMMUNITY CHOICE: PEOPLE or STUFF?

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When land is scarce- should we prioritize people over cars and stuff?









## Inspiración PARA UNA SEGUNDA UNIDAD

Casa de la abuela, apartamento para suegros, unidad de vivienda accesoria (accessory dwelling unit, ADU), cochera convertida, pequeña casa en el jardín trasero, apartamento en el sótano: como quiera llamarlo, inspírese para construir uno en el condado de San Mateo.

# REDWOOD CITY – 2015 PROACTIVE APPROACH

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- Reduced single-family covered parking requirements – two spaces to one. Allowed tandem parking configuration. Uncovered parking on driveways allowed. Parking in side yard setbacks allowed.
- Reduced setback requirements in side and rear yards
- Larger maximum ADU floor area
- Property owner residency- from main house to either main house or ADU

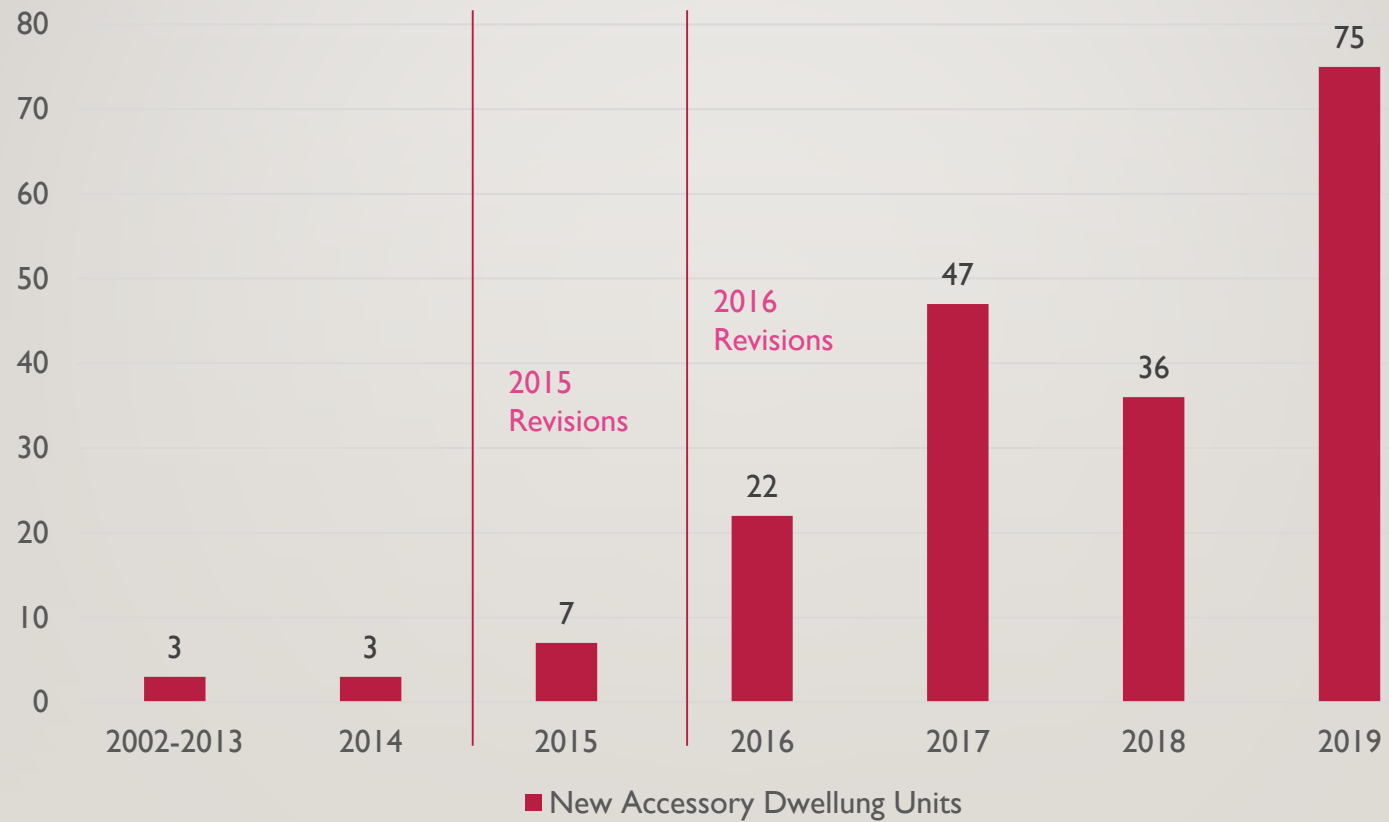
# 2016 STATE LAW CHANGES INCLUDE...

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- Less parking required
- Garage conversions allowed
- Reduced setbacks
- Fire sprinkler and water meter limitations
- Two story detached ADUs allowed

# ADU APPLICATIONS – REDWOOD CITY

## New Accessory Dwelling Unit Applications



# 2020 STATE LAW CHANGES INCLUDE....

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Allows one Junior ADU and one detached ADU, by right



No minimum lot size, reduced setbacks



Must allow ADUs of 800sqft; no impact fees on ADU < 750sqft



No replacement parking for garage conversions



No parking required if  $\leq$  1/2 mile of transit



Time limit to review: 60-days



Allowed in Single-family, **and** Multiple-family, Mixed-use districts

# CHALLENGES – RECENT ADU LEGISLATION

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- Complex and often subject to interpretation
- Can conflict with local development policies
- “State Mandates” – loss of local control
- Removal of most discretionary actions, such as design review
- “Neighborhood character” concerns

## COMPLEX AND SUBJECT TO INTERPRETATION

### Question #1: ADU's over Detached Garages

- Are jurisdictions required to allow ADUs over detached garages or accessory structures?

Answer:

1. Existing space above a garage may be converted to an ADU.
2. Previous regulations suggested that new ADU construction over garages would be allowed.
3. New regulations: jurisdictions likely can limit new ADU construction over an existing detached garage.

## COMPLEX AND SUBJECT TO INTERPRETATION

### Question #2: Duplexes as “multi-family”

- Are duplexes considered “multi-family” for the purposes of assessing total allowable ADU’s on a single lot?

Answer: The ADU law does not define “multi-family”. The two categories are “single-family” and “multi-family”, so duplexes would be considered “multi-family”.

## CONFLICTS WITH LOCAL DEVELOPMENT POLICES

### Question #1: Density Limitations

- Can jurisdictions limit ADU production that is inconsistent with zoning and land use density allowances?

Answer: No. ADUs are not to be considered as units that would otherwise be subject to maximum density allowances per zoning or general plan land uses.

## CONFLICTS WITH LOCAL DEVELOPMENT POLICES

### Question #2: Floor Area

- ADU's up to 800 sqft do not count against floor area (if floor area is a development standard in the jurisdiction). If an ADU is greater than 800 sqft, does the entire ADU count against floor area or just the portion greater than 800 sqft?

Answer: The entire ADU would count as floor area.

## “STATE MANDATES” – LOSS OF LOCAL CONTROL

### Question #1: Ability to Regulate ADU's

- True or False: Jurisdictions cannot regulate ADUs beyond the regulations contained within State ADU law.

Answer: False- Jurisdictions can still regulate ADU construction as long as the minimums State law requirements have been met and additional regulations do not unreasonably restrict ADU production.

*Example: Height- jurisdictions can regulate maximum building heights as long as the regulations allow at least a 16-foot ADU height.*

## REMOVAL of MOST DISCRETIONARY ACTIONS

### Question #1: Variances and Exceptions

- True or False: As ADU reviews and approvals are ministerial actions, the ADU under consideration either meets the requirements for approval or it doesn't. Variances or other exceptions would not be allowed.

Answer: True...but perhaps False- a jurisdiction may provide for a discretionary variance process for relief if the jurisdiction's rules are consistent with State rules.

*Example: a variance for minimum setbacks on a substandard-sized lot*

# REMOVAL of MOST DISCRETIONARY ACTIONS

## Question #2: Design Standards

- Can a city apply design standards to ADU construction?

Answer: Yes, but design standards should be objective, rather than subjective.

*Example: For garage conversions- the garage door shall be replaced with a solid wall with materials, colors, and details consistent with the existing structure. At least 20% of the wall area shall consist of window glazing. Entry doors shall be oriented to the side property lines and not to the street property line.*

## NEIGHBORHOOD CHARACTER

### **Question #1: Design Review & Neighborhood Compatibility**

- Can jurisdictions apply a discretionary design review process for ADU's when the ADU is proposed with a new single-family home?

Answer: In this case, a discretionary design review process would be allowed for the ADU if it would be a Junior-ADU or an Attached-ADU. For a proposed Detached-ADU, the design review process for the single-family homes should be completed first; the Detached-ADU process would then follow.

# TAKE-A-WAYS

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- ADU's can provide an important, additional housing option to meet the needs of your community
- State is forcing communities to incentivize ADU production
- Character of the neighborhood is the people within it, versus the buildings within the neighborhood? It can be both.
- Staff is challenged by new laws and regulations that are complex, confusing and poorly written; often forced into interpretations.
- Discuss new rules and request an implementation update from staff

# QUESTIONS?

## THANK YOU!

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