

# Accessory Dwelling Unit (ADU) Discussion

November 15, 2021 Ad Hoc Housing Element Committee



## **Key Topics**

Background, Legislative History and Recent Changes to ADU Ordinance

Reporting and Income Categories

Cycle 6 Income Categories and Unit Projections



## Background and Terminology

#### Accessory Dwelling Unit (ADU) defined

An ADU is a complete independent living facility for one or more persons. ADUs are also referred to as second units, in-law units, casitas, or granny flats)

#### Several variations:

- Detached: Separate from primary structure
- Attached: Attached to primary structure
- Converted Existing Space: Existing space (e.g., master bedroom, attached garage) on same lot as primary residence converted into ADU
- Junior Accessory Dwelling Unit (JADU): Conversion of existing space that is <u>contained entirely within</u> an existing or proposed single-family residence



## Key ADU Benefits

- Easier access to job-rich, high-opportunity areas
- Affordable housing for:
  - Family and friends
  - Students
  - Elderly
  - In-home health care providers
  - People with disabilities
- Maximize/integrate housing into existing neighborhoods



## Legislative History

- State identifies ADUs as key tool to address housing needs
- Beginning in 2016, State passed series of increasingly permissive laws to simplify ADU process
- Series of ADU laws effective January, 2020
- Legislative changes have increased ADU development across many California communities



# Key Issues – Fire Safety Exception- Existing Provisions

#### 2018-19 Code Amendments

- Town Council direction increase ADU production
- Extensive discussion about fire safety
- Coordination with Fire Marshal
- Developed fire safety restriction
  - One way in and out
  - Road less than 18' wide
  - Property less than 1 acre
  - ADUs not allowed



# Key Issues – Fire Safety Exception- Existing Provisions

Santa Maria:
One ingress
~17' wide

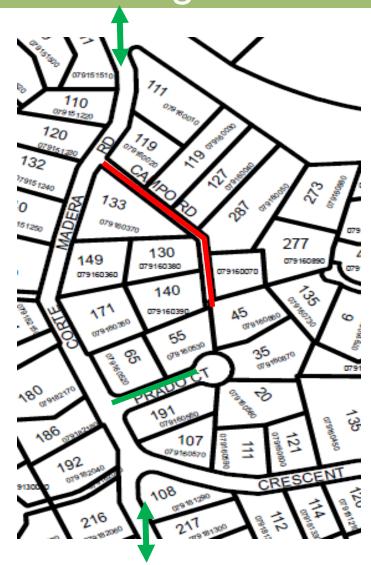
All streets
accessed using
Santa Maria share
restrictions



## Key Issues – Fire Safety Exception- Existing Provisions

Campo:
One ingress
~12'6" wide

Prado: One ingress ~21'10" wide



### Amendments to Comply with 2020 Law

- Caveat 1: Legislation is complicated, internally inconsistent and contains large gaps.
- Caveat 2: If Town did not adopt a conforming ordinance, the State law would control.
- Number of ADU's: One ADU and one JADU must be permitted per single family lot
- Multi-family ADUs permitted
- Junior ADUs permitted



### 2020 State Law Amendments (cont.)

- Setbacks 4' side/rear setbacks
- State-mandated ADUs three categories:
  - 1. New construction: ADU up to 800 sf, 16' height, 4' side/rear setbacks. **Can exceed Town development Standards**
  - 2. Conversions: Convert existing space within single-family building and accessory structure
  - 3. Multi-family ADU's: Two detached ADUs permitted



# Key Issues – Fire Safety Exception

- **1. Setbacks**: All ADU's must comply with <u>local</u> parcel setbacks relating to health and safety;
- 2. Restricted Area Location Regulations
- a. Fire safety prohibition: In restricted areas, ADUs prohibited on parcels less than one acre;
- **b. Additional restrictions:** In restricted areas, on parcels greater than 1 acre, ADUs must comply with local setbacks;
- 3. Town-wide compliance with setbacks: Carrot and stick approach to encourage compliance with local setbacks.



# Key Issues – Fire Safety Exception

### Fire Safety Checklist

- ADU's not complying with local setbacks shall complete a Portola Valley Fire Safety Checklist
- Checklist developed by Fire Marshal and Planning and Building Director
- Approved by Town Council by Resolution
- Checklist consist of best practices in area of construction methods and materials, defensible space and vegetation management

### Highlights – Current Ordinance

- ADUs allowed in all zoning districts
  - Except fire safety exception
  - Subject to geologic safety policies
- Number allowed
  - 1 ADU and 1 JADU allowed on (almost all) properties less than 3.5 acres
  - 2 ADUs allowed on properties 3.5 acres or more
- Max size varies depends on whether ADU meets Town setbacks
  - If meets setbacks 1,200 s.f. if property less than 3.5 acres; 1,500 s.f. if property 3.5 acres or more
- Fire Safety Checklist Applies if ADU does not meet Town setback

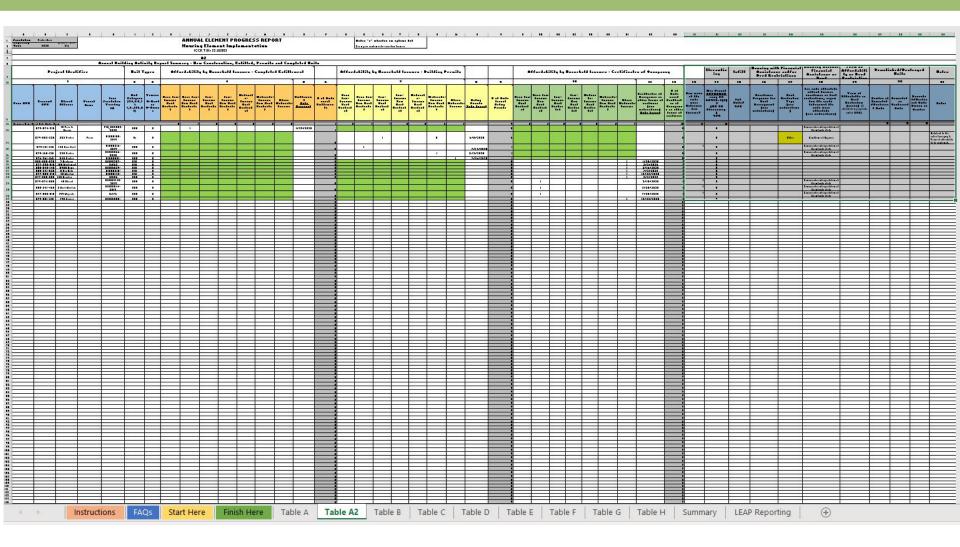


# Cycle 5 ADU Income Category Assigned and Projected Units

Income Category	% Assigned	Projected Units
Very Low Income	50%	26
Low Income	19%	10
Moderate Income	21%	11
Above Moderate Income	10%	5
Total Units/Category	100%	52



### **HCD Annual Reporting Method**



### Cycle 5 ADU Actual Units 2018-2021 YTD

Income Category	2018	2019	2020 20	021 YTD
Very Low Income	1	4	1	-
Low Income	1	1	0	-
Moderate Income	1	1	1	-
Above Moderate Income	1	4	1	-
Total Units	4	10	3	8



# Cycle 6 ADU Income Category Splits: Two Options

Income Category	Standard Split	AFFH Split
Very Low Income	30%	5%
Low Income	30%	30%
Moderate Income	30%	50%
Above Moderate Income	10%	15%

Standard: Recommended by 21 Elements and accepted by HCD

AFFH: For communities with fair housing concerns



# Cycle 6 ADU Income Categories/Unit Projection

**Standard: 30-30-30-10%** 

split

	Cycle 6 Proposed	
Income Category	Units	
Very Low Income	24	
Low Income	24	
Moderate Income	24	
Above Moderate Income	8	
Total Units	80	

AFFH: 5-30-50-15% split (For communities with fair housing concerns)

	Cycle 6	
	Proposed	
Income Category	Units	
Very Low Income	4	
Low Income	24	
Moderate Income	40	
Above Moderate Income	12	
Total Units	80	



### Cycle 6 Draft RHNA Projection

	Very Low Units	Low Units	Mod Units	Above Mod Units	Total Units
RHNA	73	42	39	99	253
RHNA with 20% zoning target	88	50	47	119	304
Туре	<b>Very Low Units</b>	Low Units	<b>Mod Units</b>	<b>Above Mod Units</b>	<b>Total Units</b>
Pipeline Projects	0	19	6	27	52
ADUs	24	24	24	8	80
Affiliated Housing Sites	0	0	0	0	6
Key Housing Sites	0	0	0	0	0
Total	24	43	30	35	138
Additional Housing Need	Very Low Units	Low Units	<b>Mod Units</b>	<b>Above Mod Units</b>	<b>Total Units</b>
Outstanding Housing Need					
(RHNA - all other types)	49	-1	9	64	115
Outstanding Housing Need					
with 20% zoning target (RHNA					
20% - all other types)	64	7	17	84	166



### Questions and Discussion

- Committee approach to ADUs
  - How important are ADUs to Town's RHNA?
     Unlikely to be major source of low-income units, strong source of mod and above mod?
  - Need to streamline process? Potential Housing Element program?



### SMC County Income Levels

#### **Income Levels**

#### **Extremely Low Income:**

- > \$38,400 for a single person
- > \$43,850for a family of two
- > \$54,800 for a family of four

#### Very Low Income:

- ➤ \$63,950 for a single person
- > \$73,100 for a family of two
- > \$91,350 for a family of four

#### Low Income:

- > \$102,450 for a single person
- > \$146,350 for a family of four
- > \$117,100 for a family of two

#### Moderate Income:

- > \$125,650 for a single person
- > \$139,200 to \$208,800 for a family of four
- > \$111,360 to \$167,040 for a family of two