

Accessory Dwelling Unit (ADU) Discussion

November 15, 2021

Ad Hoc Housing Element Committee



Town of Portola Valley



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 contained entirely within 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 local 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



Cycle 5 ADU Actual Units 2018-2021 YTD

Income Category	2018	2019	2020	2021 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

Income Category	Cycle 6 Proposed 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)**

Income Category	Cycle 6 Proposed 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
Type	Very Low Units	Low Units	Mod Units	Above Mod Units	Total Units
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	Mod Units	Above Mod Units	Total Units
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
- \$43,850 for 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