



MEMORANDUM

Date: 2/7/2020
To: Planning Commission
From: Corinna Sandmeier, Senior Planner
Re: Study Session on Accessory Dwelling Units

On February 10, 2020, the Planning Commission will be conducting a study session on accessory dwelling units (ADU) and associated new State laws per the request of Chair Barnes and Commissioner Doran. Commissioner Doran prepared the following items, attached to this memo, for discussion:

- Summary of 2019 ADU Bills (Attachment A)
- ADU Topics for Discussion (Attachment B)
- Proactive Steps Menlo Park Can Take To Encourage ADU Construction (Attachment C)

As a study session, no formal action will be taken by the Commission at the meeting.

Attachments

- A. Summary of 2019 ADU Bills
- B. ADU Topics for Discussion
- C. Proactive Steps Menlo Park Can Take To Encourage ADU Construction

SUMMARY OF 2019 ADU BILLS (effective 1/1/2020)

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AB 670 (Friedman): Signed by Governor. Homeowners associations must allow ADUs and JADUs as of 1/1/20.

AB 671 (Friedman): Signed by Governor. Housing Elements will need to incentivize and promote the creation of ADUs at all income levels. HCD will develop, and post, a list of existing state grants and financial incentives for ADUs.

AB 587 (Friedman): Signed by Governor. Will allow a non-profit to separately convey title to ADUs.

AB 68 (Ting) / **AB 881** (Bloom) / **SB 13** (Wieckowski): Signed by Governor. Together these three bills will amend existing ADU law as follows:

- One ADU and one JADU by right on a single-family lot.
- One JADU by right with a full kitchen.
- ADUs allowed in multi-family and mixed-use zones. Up to 2 detached ADUs, plus conversion of uninhabited spaces for multiple ADUs (up to 25% of units in multifamily buildings).
- No minimum lot size for ADUs.
- Zero setback if conversion of an existing structure at property line.
- Maximum 4' side and rear setbacks for newly constructed ADUs.
- Must allow a minimum of an 800 sf efficiency or 1 bedroom ADU, or a minimum of 1,000 sf for 2+ bedrooms (no lot coverage, floor ratios or open space requirements can reduce this minimum)
- Minimum 16 ft. height allowed.
- 60-day permit processing, or deemed approved.
- No replacement parking for garage conversions.
- Proximity to transit must be “walkable” to qualify for parking waiver.
- No impact fees on ADUs less than 750 sf, if larger, impact fees to be proportional to main house.
- 5-year moratorium on local owner-occupancy restrictions until 1/1/25.
- Mandatory 5-year stay of enforcement on unpermitted ADUs if they meet health and safety standards.

- ADUs count for RHNA
- No short-term rentals of ADUs or JADUs.
- HCD & Attorney General can enforce compliance if new local ordinance is out of compliance, but 30-day right to cure or state findings to support ordinance.

ADU Topics for Discussion

1. Does Menlo Park want to only minimally comply with state mandates, or do we want to embrace the spirit of them in encouraging construction of ADU's?
2. State law now requires we allow ADU's of up to 1,000 square feet if they contain more than one bedroom. MP ordinances limit ADU's to one bathroom. Should we allow more bathrooms? New legislation is silent on bathrooms.
3. Should MP allow two story ADU's? State legislation is silent, but on many lots, space constraints would dictate two stories if a 1,000 square foot ADU is to be built. Need to consider daylight plane and set back issues if two stories re allowed. State legislation does not address set back issues for two story units directly.
4. State legislation legitimizes existing non-conforming ADU's. Health and safety issues will still need to be addressed. Should we encourage Building Division to develop and publish guidelines for what constitutes health and safety issues?

FOR DISCUSSION PURPOSES ONLY

**NO ACTION CAN BE TAKEN AT A STUDY SESSION WITHOUT PLACING ACTION ITEM
ON AGENDA FOR FUTURE MEETING**

Proactive Steps Menlo Park Can Take to Encourage ADU Construction

1. San Mateo County is running a pilot program for a “one-stop shop” to assist residents in the planning and permitting process. MP can apply to join the program, or if that is not possible, seek other partners for a similar program.
2. Other jurisdictions, including San Diego County, have published “official” building plans for ADU’s which are available to the public for free to save residents professional fees and speed review process. MP could do the same.
3. Review permitting fees and reduce permit fees for ADU’s where feasible.
4. Form a subcommittee of Planning Commission to work with Planning Division, Housing Commission and City Council to propose recommendations for revisions to zoning ordinance and other consider further measures.