

SCAG ADU Ordinance Compliance

April 1, 2021

Dori Ganetsos – Graduate Student Researcher

UC Berkeley Center for Community Innovation & Terner Center for Housing Innovation

www.aducalifornia.org

Our work

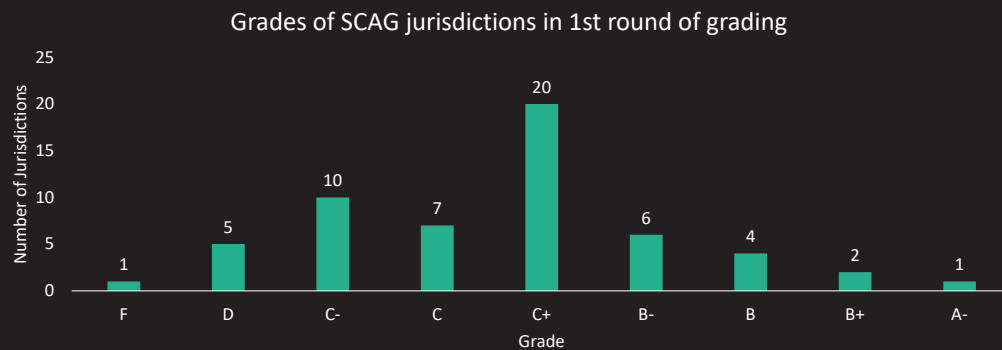
- ADU ordinance grading for compliance with State Legislation and identification of best practices
 - 2018 Legislation (grades published)
 - 2019 Legislation (grading in progress)

Why do the rules keep changing?

- State legislative focus on reducing local land-use barriers to ADU construction (2016-2020)
- Seems to have tapered off after 2019, more recent legislative focus is on scaling ADU production outside of zoning and land use regulations

How are SCAG jurisdictions doing?

2018 legislation

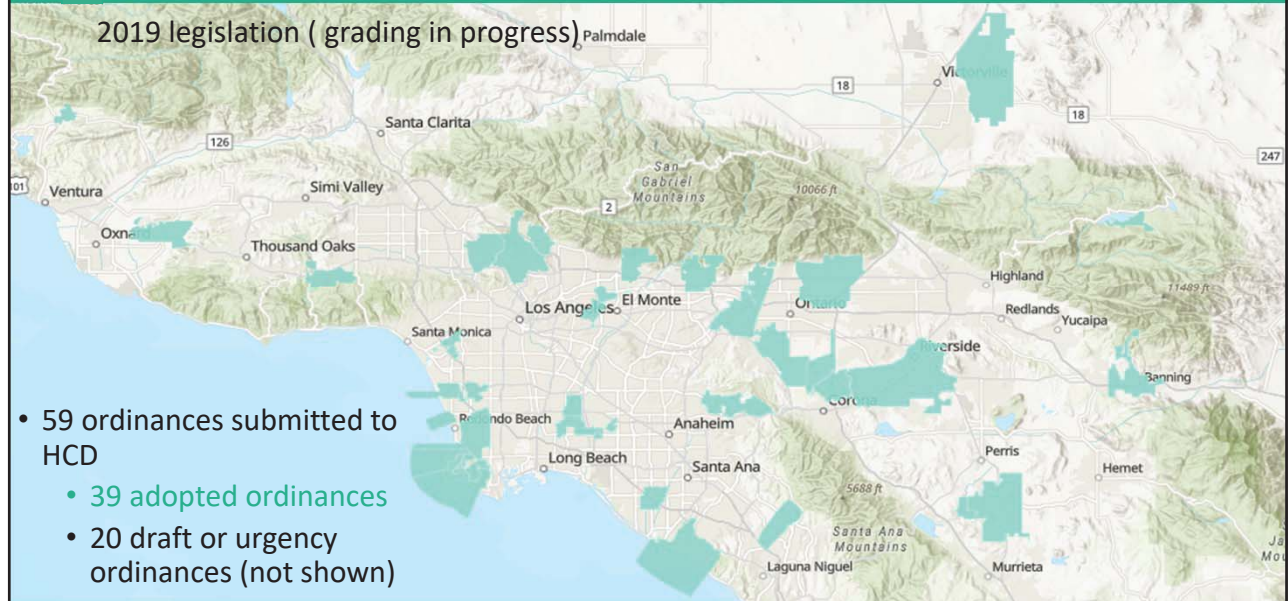


N=56

How are SCAG jurisdictions doing?






2019 legislation (grading in progress)

- 59 ordinances submitted to HCD
 - 39 adopted ordinances
 - 20 draft or urgency ordinances (not shown)







The good

2019 legislation (grading in progress)

-  Allowing for taller and larger ADUs than required by State Legislation
-  Completely waiving certain Planning requirements (like Floor Area Ratio and Lot Coverage) for all ADUs (more permissive than required by the State)
-  Not requiring **any** parking for ADUs
-  Elimination of **all** impact fees for ADUs
-  More public-facing information on City websites about ADUs, pre-approved plans, pilot programs to bolster production




The bad...

2019 legislation (grading in progress)

-  Not mentioning that ADUs are now required to be permitted on lots with multifamily homes
-  Not allowing existing buildings/structures to be expanded up to 150' to accommodate ingress/egress for ADU
-  Not providing information on impact fees (or required relief from said fees)
-  Not providing parking relief as required by the State

The bad cont'd

2019 legislation (grading in progress)

-  Not permitting Junior ADUs
-  (Still) requiring discretionary approval process for certain ADUs (e.g. 2 story ADUs are required to obtain "neighborhood compatibility determination" from Planning Commission)
-  Still requiring owner-occupancy for certain ADUs (although prohibited by State Legislation)

Why this matters

- Housing affordability implications
- ADUs counting towards RHNA targets
- HCD may start to enforce legislation - \$ proposed in 2021-2022 Budget to do so



Thank you!

www.aducalifornia.org

Dori_ganetsos@berkeley.edu