COMMUNITY DEVELOPMENT DEPARTMENT

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PLANNING COMMISSION STAFF REPORT
Meeting: June 23, 2020

SUBJECT

Study Session to provide an update on the Accessory Dwelling Unit implementation.

RECOMMENDED ACTION

That the Planning Commission receive the report and provide any input or direction to Staff.

DISCUSSION

Background

The City has worked to incentivize the production of Accessory Dwelling Units (ADUs) under the Community Livability and Sustainable Infrastructure sections of the FY18/19 and FY19/20 City Work Programs. This included fee reductions and modifications to development standards. Further, the City's Housing Element encourages the increased supply of ADUs to provide affordable housing opportunities that meet the City's Regional Housing Needs Allocation (RHNA) for moderate level housing.

In October 2019, several state bills were signed into law to encourage the development of the ADUs and JADUs to help alleviate the housing crisis in California, the provisions of which went into effect on January 1, 2020. The City Council subsequently adopted a local "compliant" ordinance (see Attachment 1) on March 3, 2020. The following is a brief summary of the changes:

- Allows for Junior Accessory Dwelling Units (JADUs), limited to no more than 500 square feet and contained entirely within the existing single-family structure. A property may have a JADU and a detached ADU that is less than 800 square feet.
- The City cannot impose building envelope requirements, floor area ratios, or site coverage requirements that would reduce the size of the ADU below 16 feet in height or 800 square feet in gross floor area.
- The City is not permitted to impose a side or rear yard setback greater than 4 feet for new ADU construction.

- Allows unpermitted non-conforming structures to be rebuilt as an ADU, if there are no changes to the setbacks, size and height of the structure.
- The City cannot set a maximum size of less than 850 square feet for studio or one- bedroom units or 1,000 square feet for two or more-bedroom units.
- The City cannot impose impact fees on ADUs that are smaller than 750 square feet.
- Allows for ADUs in multi-family developments if they are either internal conversions of non-habitable space (limited to 25% of the base unit count or one, whichever is greater) and/or detached (limited to two).

Analysis

Accessory Dwelling Unit Production

Prior to 2014, the City approved an average of four ADUs per year. The current Housing Element anticipated that the same number of ADUs as that produced during the 2007-2014 cycle (32 ADUs) would be permitted in the 2014 – 2022 cycle. However, between 2014 and June 16, 2020, there have been 88 ADUs permitted. Please refer to Table 1 to see a year by year breakdown of the units permitted thus far.

Table 1 Accessory Dwelling Units Permitted by Year and Type

	2014	2015	2016	2017	2018	2019	2020[1]
Attached/Internal Conversion	0	1	11	9	10	8	7
Detached	8	4	7	3	5	7	8
Total	8	5	18	12	15	15	15

Although only midway through the 2020 calendar year, based on the data, it appears that the City is on pace to surpass its most prolific year (18 ADUs in 2016) for ADU development.

Table 2 has a breakdown the types of ADUs and sizes of units that residents have been permitted to build. Conversions of garages/enclosed parking spaces into ADUs do not require replacement enclosed parking. There have been four instances of garage conversions so far – two detached garages and two attached garages. As of June 17, 2020, no applications for ADUs within existing multi-family developments have been received in the City.

Table 2 Types and Size of ADUs and JADUs in the City

	JADU	Detached ADU	Attached ADU	Internal Conversion
Average Size	249 s.f.	478 s.f.	536 s.f.	459 s.f.

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[1] Data through June 17, 2020. Includes both issued and applications.

(Size Range)		(280-795 s.f.)	(451-648 s.f.)	(419-532 s.f.)
Number	1	8 [2]	3	3 [3]

Establish Pre-approved ADU plans (FY20/21 City Work Program Item)

The FY20/21 City Work Program includes an item to Establish Preapproved ADU plans to help property owners by reducing/eliminating design costs. Staff had preliminarily started exploring similar programs other cities had to design and establish such a program. In doing so, the City of San Jose's ADU Ally Program was explored. City of Cupertino Planning Staff visited with City of San Jose Building Staff earlier this year to discuss the program and its implementation.

The very successful ADU Ally program, which has been implemented for about a year, facilitates ADU education and development. The program offers the following for those who want to build ADUs and/or JADUs in the City:

- ADU Amnesty Program to help legalize an unpermitted unit.
- Step-by-step pathway to applying for an ADU, including checklists, expedited plan review on certain days of the week, and handouts.
- Pre-approved construction plans from selected vendors that help streamline the review process while saving the applicant money. The only information needed from an applicant when using this process is a site plan.

More information about San Jose's ADU Ally Program is located online at: https://www.sanjoseca.gov/business/development-services-permit-center/accessory-dwelling-units-adus.

Planning staff has been developing a handout with FAQs and basic development standards for the public. This has been attached as Attachment 2. Additionally, development of a handout for the pathway to applying for a permit and obtaining a building permit is currently under development.

Lastly, staff will commence work on the "pre-approved ADU plans" and program later this year.

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Approved by: Benjamin Fu, Director of Community Development

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[2] Four detached ADUs are conversions of existing structures, including two detached garages.
[3] Two of these are garage conversions.

ATTACHMENTS

1. Ordinance 20-2199 – Accessory Dwelling Units
2. ADU FAQs handout