

April 24, 2019

Robert McCoy
Mayor

The Honorable Anthony Portantino
Chair, Senate Appropriations Committee
California State Capitol, Room 3086
Sacramento, CA 95814

**RE: SB 13 (WIECKOWSKI): ACCESSORY DWELLING UNITS – NOTICE OF
OPPOSITION (AS AMENDED APRIL 4, 2019)**

Dear Senator Portantino:

The City of Thousand Oaks must respectfully oppose SB 13 unless the measure is amended to address our key concerns. SB 13 would significantly amend the statewide standards that apply to locally-adopted ordinances concerning accessory dwelling units (ADUs), even though the law was thoroughly revised in the 2016 Legislative Session. These revisions were a product of two carefully negotiated bills that only became effective in January 2017, with further amendments during the 2017 Legislative Session. All local agencies that worked in good faith to implement those laws would have to reopen their ordinances yet again to comply with the provisions of SB 13.

Arbitrarily caps on impact fees. SB 13 would prohibit our city from imposing any impact fees on ADUs less than 750 square feet and limit the charge on ADUs over 750 square feet to 25 percent of the fees, otherwise charged for a new single-family dwelling on the same lot. Impact fees offset public services to accommodate growth. They pay for schools, sewer, water, and even public safety and parks. More ADUs result in additional services by the City. Without the ability to impose impact fees, the City would have to backfill the cost.

The Mitigation Fee Act (MFA) already strictly regulates how local agencies impose impact fees. Under the MFA, impact fees must be limited to the particular service and can only cover the cost of providing that service. Arbitrarily capping these fees would result in an inability to provide the public improvements and public services necessary to meet the needs of the residents living in the newly constructed ADU.

Prohibits replacement parking. When a garage, carport, or covered parking structure is demolished or converted into an ADU, SB 13 would prohibit a city from requiring replacement parking. This would only exacerbate existing parking conflicts because cities are currently prohibited from imposing parking requirements on new ADUs if they are within one-half mile of transit.

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The relaxed parking requirements does not address the overflow parking that will result on community streets and neighborhoods. Eliminating parking requirements will increase traffic and congestion in neighborhoods. Without adequate parking, residents will be competing for street parking which could spill over to other streets, impacting the quality of life of neighborhoods.

Prohibits owner-occupancy requirements. SB 13 would prohibit a local jurisdiction from requiring a property owner to live in the main house or one of the accessory structures. This would incentivize operating the property as a commercial enterprise and could have the unintended effect of large-scale investors purchasing many single-family homes and adding ADUs, thus operating more like a property management company, not a homeowner seeking some additional income. Additionally, owner-occupancy requirements could provide greater oversight and an opportunity to provide more affordable rents as a homeowner is less likely to be profit driven.

Cities zone for the purpose of supporting a particular housing type, such as a single-family neighborhood. The advent of ADUs was initially intended to house the aging parent, adult children, and even caretakers to support the primary resident. Owners who rent out but continue to live in either the primary home or ADU demonstrate a financial interest in maintaining the property. When owner-occupancy is eliminated, it changes the character of the property and the neighborhood when the intended single-family housing zone transitions into multi-family rental sector.

For these reasons, the City of Thousand Oaks opposes SB 13.

Sincerely,



Robert McCoy
Mayor

c: The Honorable Bob Wieckowski
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Senator Henry Stern
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