



® June 22, 2016

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The Honorable Susan Eggman
Chair, Assembly Local Government Committee
State Capitol, Room 3173
Sacramento, CA 95814

**Re: SB 1069 (Wieckowski): Land use: zoning
As amended on June 16, 2016 – OPPOSE UNLESS AMENDED
Set for hearing on June 29, 2016 – Assembly Local Government Committee**

Dear Assembly Member Eggman:

The California State Association of Counties (CSAC) opposes unless amended, SB 1069 by Senator Bob Wieckowski. This measure would restrict a local agency's ability to impose requirements on second units (renamed "accessory dwelling units" or ADUs). Specifically, the measure would restrict a local agency from applying parking standards for an ADU that is located within one-half mile of public transit or shopping, place new limitations on how utility connection fees may be imposed for new ADUs, and would require local agencies to take action on ADU applications within unreasonable timelines. CSAC is concerned that some of these restrictions on local planning authority would create costs that may not be able to be recouped by local agencies; moreover they do not necessarily reflect good planning principles that should be considered at the local level when making development decisions.

CSAC is opposed to SB 1069's imposition of new, arbitrary timelines for the review of second unit applications. Such requirements have been imposed for the review of projects and issuance of permits for a variety of different types of applications in recent years. Moreover, with each additional item the Legislature adds to the list of prioritized permits, the less benefit such laws will have. County permitting and planning activities are largely fee-supported, so requiring expedited permitting for an ever-growing list of project types could require higher staffing levels and higher development fees.

CSAC is also very concerned with the bill's limitations on how fees may be imposed for the purpose of connecting an ADU with public utilities. Given the fiscal limitations that local agencies operate under, CSAC is generally opposed to arbitrary state-imposed restrictions on fees. While we understand that the author's intent is not to preclude fees, but rather reduce them, SB 1069's "one-size-fits-all" restriction on the ability of public and private sewer and water utility providers to impose necessary fees when providers differ in their ability to accommodate additional development is unworkable.

CSAC is also concerned about the bill's prescriptive approach to parking requirements. While we understand the desire to promote infill development where residents can live closer to work and other destinations and perhaps rely less on personal vehicles, it is unreasonable to preclude local parking requirements in areas that are not served with robust transit. A better approach would be to amend the bill so that it precludes parking requirements when a second unit is being constructed within one-half mile of a high-quality transit stop. It is unreasonable to assume that potential tenants will not need adequate parking that does not impact the existing surrounding community if they do not have access

to robust transit options. This would encourage transit ridership by second unit residents without imposing an overly broad restriction on a local planning authority.

CSAC has met with the author and sponsors on multiple occasions to discuss our concerns with the bill and have proposed the following amendments that would remove our opposition. Specifically, we request:

1. Do not change the timelines for action on a permit that are included in existing law;
2. Provide that the bill's limitations on utility connection fees should still allow local agencies the flexibility to address the differences between rehabbing an existing structure into an ADU and building a new structure, as well as to consider other relevant local circumstances, including available capacity;
3. Eliminate the restriction on local parking requirements when an ADU is near "shopping," or otherwise define shopping to include, at a minimum, food stores with a specified minimum square footage;
4. Define transit so that the bill's prohibitions on local parking requirements are only imposed in areas where ADU residents living near transit will have robust alternative transportation options; and
5. Make technical amendments with respect to maximum floor space for new attached ADUs and efficiency units.

CSAC understands that safe, clean and decent housing that is affordable to all income levels is essential to the health, safety and prosperity of all Californians and that the state is reaching a crisis point regarding both the availability of housing and its affordability. ADUs are an opportunity to provide additional housing options to Californians. Unfortunately, CSAC cannot support the new restrictions within SB 1069 without the aforementioned amendments.

We will continue to work with the author and sponsors to address our concerns, but as currently drafted we must respectfully request your "no" vote on this measure. Should you have any questions regarding our position, please do not hesitate to contact me at 916-327-7500, ext. 566, or kvalentine@counties.org.

Sincerely,



Kiana Valentine
Legislative Representative

cc: Honorable Bob Wieckowski, California State Senate
Members and Consultants, Assembly Local Government Committee
William Weber, Consultant, Assembly Republican Caucus