



**CITY OF SANTA CLARITA  
AGENDA REPORT**

CONSENT CALENDAR

CITY MANAGER APPROVAL: Ken Stripling

DATE: May 22, 2018

SUBJECT: STATE LEGISLATION: SENATE BILL 831

DEPARTMENT: City Manager's Office

PRESENTER: Masis Hagobian

RECOMMENDED ACTION

City Council adopt the Legislative Committee’s recommendation to oppose Senate Bill 831 and transmit position statements to Senator Bob Wieckowski, Santa Clarita’s state legislative delegation, appropriate legislative committees, Governor Brown, and the League of California Cities.

BACKGROUND

Authored by Senator Bob Wieckowski (D-10-Fremont), Senate Bill 831 preempts local land use authority related to accessory dwelling units (ADU). Sponsored by the Bay Area Council, a bay area business and public policy advocacy group, Senate Bill 831 is the third major bill in the last three years to make significant changes to local ordinances related to ADU’s. In addition to the bill’s impact on local land use, Senate Bill 831 eliminates the ability for a city, county, school district, or water district to charge any fees related to the construction of an ADU.

For the purpose of this staff summary, an ADU is an attached or detached residential dwelling unit which provides complete independent living facilities on the same parcel as a single-family dwelling.

The initial State law on ADU’s took effect on January 1, 2017. Prior to this law, ADU permits were under the full discretion of local governments. The original intent of the ADU State law was to implement standards and ensure uniformity throughout California on the issuance of ADU’s by local governments. The City of Santa Clarita (City) received and issued five ADU permits in 2016. However, since the State ADU law took effect in January 2017, the City has issued 28 ADU permits (21 in 2017 and 7 in 2018 to date).

Specifically, Senate Bill 831:

1. Prohibits a city, county, school district, special district, or water corporation from

considering an ADU to be a new residential use for the purpose of calculating any fees (impact fees, connection fees, capacity charges, etc.);

2. Prohibits a city from implementing standards for minimum lot size requirements for ADU's and allows for the construction of an ADU on any lot that allows for construction of a home;
3. Prohibits a city from requiring any new parking spaces after a garage or carport is converted into an ADU. Existing law authorizes a city to require a new parking space after a garage or carport has been converted into an ADU, if the residence exceeds a half mile from any transit route. This provision of the bill would not have a major impact on the City because most residential developments are within a half mile of a transit route;
4. Prohibits a city from requiring as a condition for issuance of a building permit for an ADU, that the owner of the primary residence maintain occupancy of the home;
5. Requires a city to waive building code requirements, upon request of the home owner applying for construction of an ADU, if the building code requirements are not necessary to protect the health and safety of the residents living in the ADU. This would require the City to waive current building code standards related to energy efficiency and water conservancy, including: water conserving plumbing, dual pane windows, insulation, and required recycling of construction waste;
6. Requires that a city application approval timeframe be reduced from 120 days to 60 days and provides that if a local agency has not acted upon a submitted application within 60 days, the application is deemed approved. The City typically approves ADU applications within the proposed 60 day timeframe; and
7. Prohibits a city from requiring any setback for an existing structure that is converted into an ADU and reduces the City's minimum setback for a new ADU structure from five feet to three feet.

Senate Bill 831 would preempt any local fees to be imposed on the construction and operation of an ADU. This would include a Bridge and Thoroughfare fee, which the City currently imposes on the construction of applicable new structures for an ADU and is estimated to cost between \$15,000 and \$20,000, depending on the location of the property and the impact on traffic assessed by the City's traffic division.

Additionally, this bill would permit home owners to rent out their primary residence and ADU to two separate parties, resulting in the creation of multifamily developments within single family communities. With the preemption of any local parking requirements, this bill could result in adverse property maintenance and severely congested street parking.

The City of Santa Clarita 2018 Legislative Platform includes components related to preserving local authority regarding local land use. Specifically, component 20 under the "State" section of the Legislative Platform advises that the City Council, "Oppose legislation that would interfere with, limit or eliminate the decision-making authority of local governments in the area of local land use."

The City Council Legislative Committee met on May 8, 2018, and recommends that the City Council adopt an “oppose” position for Senate Bill 831.

ALTERNATIVE ACTION

1. Adopt a “neutral” position on Senate Bill 831
2. Adopt a “support” position on Senate Bill 831
3. Take no action on Senate Bill 831
4. Refer Senate Bill 831 back to the Legislative Committee
5. Other action, as determined by the City Council

FISCAL IMPACT

The resources required to implement the recommended action are contained within the City of Santa Clarita's adopted FY 2017-18 budget.

ATTACHMENTS

SB 831 - Bill Text