

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT

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Attachment C



June 5, 2019

Diana O'Dell, AICP, Acting Planning Manager
Planning & Housing Services
City of Redwood City
1017 Middlefield Road
Redwood City, CA 94063

Dear Diana O'Dell:

RE: Redwood City Accessory Dwelling Unit (ADU) Ordinance

Thank you for the opportunity to provide comments on Redwood City's proposed ordinance amendments regarding Accessory Dwelling Units (ADU). Specifically, the city requested guidance related to ADUs above garages and maximum unit sizes. The Department of Housing and Community Development (HCD) offers these comments for the city's consideration.

The California legislature found and declared that, among other things, allowing ADUs provides additional rental housing (Government Code Section 65852.150). ADUs are an essential component of addressing housing needs in California and include options for family members, friends, students, the elderly, in-home health care providers, people with disabilities and others. Consistent with statutory intent, HCD encourages the city to utilize its authority to promote the supply of this valuable form of housing, including creatively thinking about ways to address potential issues related to heights and setbacks.


ADU law (Government Code Section 65852.2) addresses barriers, streamlines approvals and expands capacity for ADUs in recognition of their unique importance to confront California's housing crisis. The preparation, adoption, amendment and implementation of local ADU ordinances must be carried out in harmony with Gov. Code Section 65852.150 to encourage the creation of this important housing type. At the same time, local governments may apply development standards and may designate where ADUs are permitted (Government Code Sections 65852.2(a)(1)(A) and (B)). However, standards and designated areas must not be designed or applied in a manner that burdens or unreasonably restricts the development of ADUs; rather, standards specified in the city's ordinance should maximize the potential for ADU development. Finally, ADUs within existing structures, including garages, must be allowed in all zones allowing single family uses without locational requirements or development standards, including heights and maximum unit sizes.

With respect to not allowing ADUs above garages and maximum unit sizes, a local government cannot preclude an ADU above a garage if the ADU is converting existing space and cannot apply development standards such as heights and maximum unit sizes. At the same time, while a local government, generally, may create development and design standards, including heights and maximum unit sizes that could impact or regulate the development of new ADU space above a garage, HCD offers the following comments for consideration:

- Development standards cannot be excessively burdensome so as to unreasonably restrict the ability of homeowners to create ADUs.
- Maximum unit sizes under 500 square feet are generally considered burdensome depending on circumstances.
- The cumulative impact of all development standards should be evaluated when considering potentially burdensome standards such as one story heights.
- Barring setback provisions pursuant to Gov. Code Section 65852.2(a)(D)(vii), other standards and design standards may also be imposed to address the city's concerns with potential issues related to height.
- Actions and decision making related to the ADU ordinance should be consistent with the housing element, including policies and programs (e.g., Goal H-3, Goal H-4 and related policies and program).
- Specifically, not allowing ADUs over garages may be inconsistent with Program H-12. HCD has authority to review actions or inactions inconsistent with the housing element pursuant to Gov. Code Section 65585.

HCD encourages the city to think creatively to address potential concerns while achieving housing goals and successfully implementing its housing element. HCD appreciates the city's efforts in the preparation of the proposed ordinance and welcomes the opportunity to assist the city in the drafting and implementation of its ADU ordinance. Please feel free to contact Greg Nickless, of our staff, at (916) 274-6244.

Sincerely,



Paul McDougall
Housing Policy Manager