

# ADU Amnesty Program

City Council Priority #7

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City Council

September 24, 2019

Presenters: Rosalynn Hughey, Director, PBCE

Rachel Roberts, Deputy Director, Code Enforcement, PBCE



*Planning, Building and  
Code Enforcement*

# Council Direction

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## **March 2017**

City Council first Adopted ADUs & Garage Conversions as Policy Priority

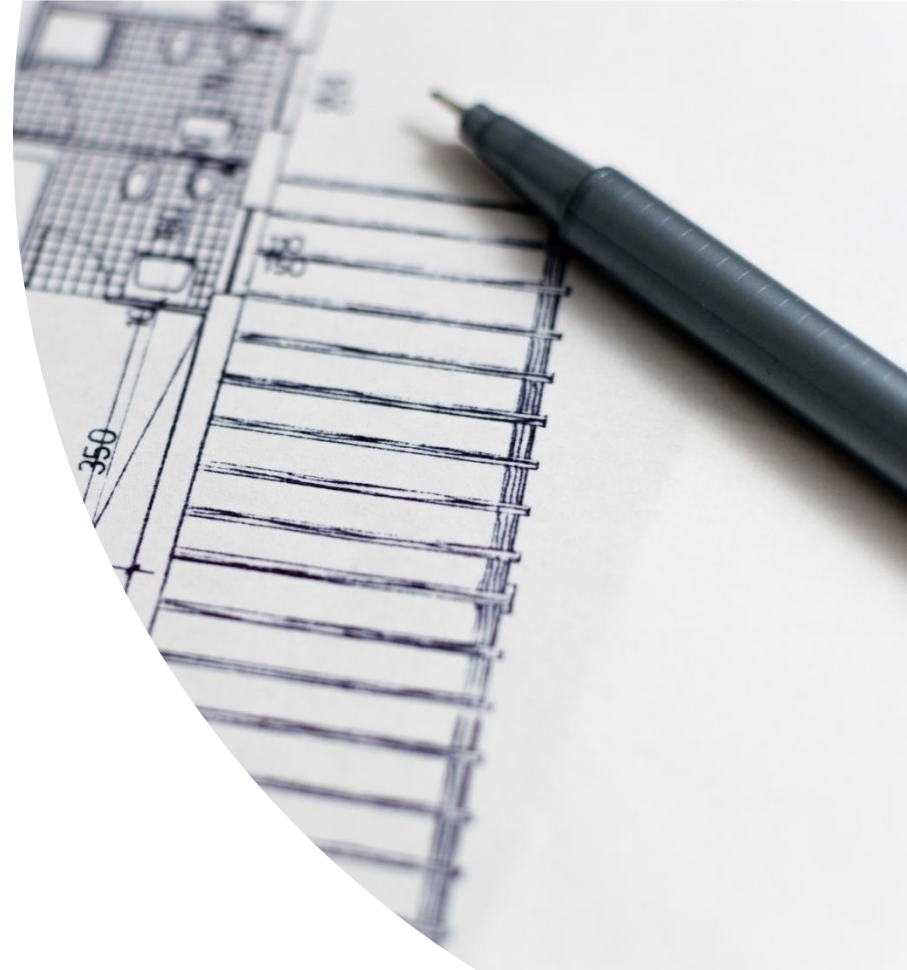
## **June 2018**

City Council direction on ADU Amnesty Program:

*“Study an amnesty program that would legalize illegal non-conforming accessory dwellings provided they are brought up to the standards included in the City's ordinance”*

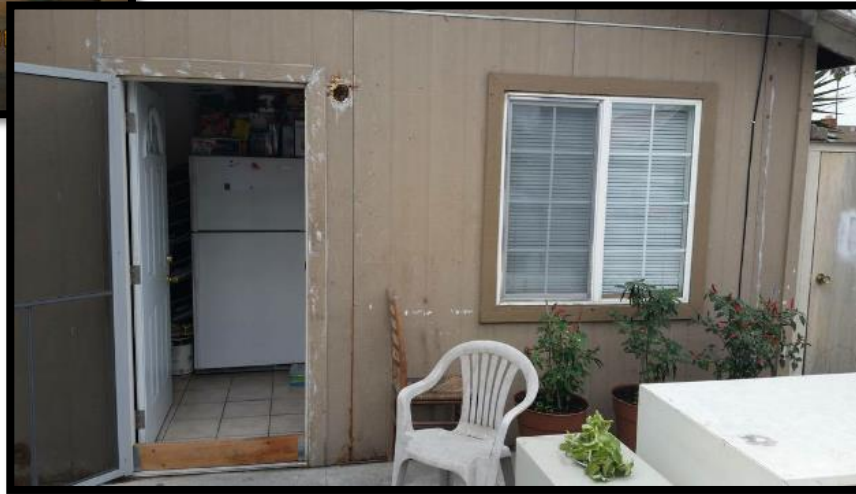
# Current Process to Legalize Unpermitted ADUs

- Voluntary Process
- Investigative Survey
- Customer Pursues Compliance Option
- No Penalty Fees or Fines Incurred
- Record Retained in Permitting System



# Four Types of Unpermitted ADUs

## 1 Attached Garage Conversion



- 40% of Existing Unpermitted ADUs\*
- Full or Partial Garage Conversion
- Fire/Life Safety Issues are More Common

\*estimate based on Code Enforcement Complaints



# Four Types of Unpermitted ADUs

## 2 Detached Garage Conversion



- 30% of Existing Unpermitted ADUs\*
- Full or Partial Garage Conversion
- Structural Issues
- Commonly Found in More Established Neighborhoods Where Detached Garages are More Prevalent

\*estimate based on Code Enforcement Complaints

# Four Types of Unpermitted ADUs

## 3 Shed or Other Accessory Building



- 20% of Existing Unpermitted ADUs\*
- Built for Other Use such as Workshop, Storage Shed, or Pool House
- Structural Issues
- Cost Prohibitive to Retrofit

\*estimate based on Code Enforcement Complaints

# Four Types of Unpermitted ADUs

## 4 Addition to Existing Building



- 10% of Existing Unpermitted ADUs\*
- Originally Constructed as a Bedroom, Recreation Room, Screen Room/Patio, or Living Room Addition

\*estimate based on Code Enforcement Complaints

# Common Issues of Unpermitted ADUs

	Common Issues	Requirements to Meet Code
Foundation	<ul style="list-style-type: none"><li>• Insufficient Foundation/ Framing</li><li>• Retrofit-Cost Prohibitive</li><li>• 50% Cannot be Legalized</li></ul>	<ul style="list-style-type: none"><li>• New Foundation or Retrofit</li><li>• New Framing or Retrofit</li><li>• Often Requires Full Tear Down and Rebuild</li></ul>
Fire Egress/Safety	<ul style="list-style-type: none"><li>• Inadequate or No Fire Rated Walls/ Separation</li><li>• Gas Appliances in Sleeping Rooms</li><li>• Inadequate Egress</li></ul>	<ul style="list-style-type: none"><li>• Addition of Fire Rated Walls</li><li>• Fire Separation from Main Living Unit</li><li>• Secondary Egress</li></ul>
Building, Electrical, Plumbing, and Mechanical	<ul style="list-style-type: none"><li>• No Required Laundry Access, Heater, or Insulation</li><li>• No Sink, Kitchen, or Bathroom</li><li>• Insufficient Water and/or Electrical Supply to Support ADU</li></ul>	<ul style="list-style-type: none"><li>• Plumbing and Electrical Upgrades</li><li>• Insulation Upgrades</li><li>• Heater for ADU</li><li>• Shear Walls Required for New Openings (Windows)</li></ul>



# ADU Amnesty Programs in Region

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## Resources/Comparisons:

- Housing Trust of Silicon Valley
- San Mateo County
- Santa Cruz County
- Marin County
- City & County of San Francisco
- City of San Carlos

# Junior ADUs & Zoning Code Considerations

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## **AB 2406**

- Authorizes local agencies to establish an ordinance to allow Junior ADUs
- Must be within existing building footprint
- Less extensive requirements

## **Current Zoning Ordinance**

- Allows additions that meet the State Junior ADU criteria; **however**
- Use must be integral to main residence, i.e., not occupied as a separate living unit

## **Zoning Ordinance Changes**

- Amend Zoning Ordinance to allow Junior ADUs
- Further reduce or waive zoning requirements, including rear yard coverage, setbacks, height, and square footage

# Potential ADU Amnesty Program Paths:

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## Path A

Legally Permitted ADU:  
Current Code

Unpermitted ADU must meet the **existing Building and Fire Codes** to receive building permit.

## Path B

Legally Permitted ADU for  
Year Built

Unpermitted ADU must meet the **Building and Fire Codes from the year the unit was constructed** to receive building permit as allowed under SB1226

## Path C

Minimum Health & Safety  
Program

Unpermitted ADU must meet **established, minimum standard for health and safety** to obtain status as a registered ADU (would not receive building permit).

# Recommendation

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1. Accept Staff's Analysis.
2. Amend Zoning Ordinance to allow Junior ADUs and remove requirement for covered parking when a garage is converted to an ADU.
3. Amend Zoning Ordinance to further reduce or waive zoning requirements, including rear yard coverage, setbacks, height, and square footage, so that more ADUs would qualify for Amnesty.
4. For Building & Fire Code, Pursue Path B: "Legally Permitted ADUs for Year Built".



# Questions/Discussion

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