



SB 1055

Accessory Dwelling Units Regional Housing Needs
Senator Dave Min, 37th District

SUMMARY

This bill would incentivize municipalities to meet their affordable housing needs in order to revert to the ministerial approval of 16 foot height limits on attached accessory dwelling units (ADUs).

BACKGROUND

Experts have pointed to the lack of housing supply as the primary factor underlying California's housing crisis. According to the Department of Housing and Community Development (HCD), "ADUs are an innovative, affordable, effective option for adding much needed housing in California." In response, the Legislature has made numerous changes to the laws governing ADUs to encourage construction and housing supply.

Prior to recent legislation, local agencies could cap the height of an ADU at 16 feet. Now, an attached ADU may be up to 25 feet high or as high as a primary dwelling may be under the underlying zone, whichever is lower. In some cases, however, 25 foot ADUs are being built to add to the square footage of already expensive properties, without the intent of renting them out or creating new affordable housing supply. This loophole is being used to streamline buildings that are out of place and character in neighborhoods while doing nothing to help California's affordable housing crisis.

SOLUTION

SB 1055 would allow local jurisdictions to limit ministerial approval of ADU heights to 16 feet instead of 25 feet for an ADU that is attached to a primary dwelling *only* if HCD has determined that the number of housing units that have been entitled by the local agency is greater than their share of the regional housing need for the low-

and very low income categories. This would incentivize communities to increase their affordable housing supply for the ability to limit ADU heights to 16 feet.

SB 423 (Chapter 778, Statutes of 2023) extends the sunset on SB 35 (Chapter 366, Statutes of 2017) and applies the streamlining provisions of SB 35 to the coastal zone. SB 35 states that to be exempt from SB 35 ministerial streamlining, an agency needs to be building 100% of its Regional Housing Needs Assessment numbers of low, very low, and above moderate units of housing. This bill simply follows a similar concept.

Twenty-five feet tall attached ADUs detract from community character without explicitly providing additional units of housing for rent or ownership. This bill would encourage affordable housing developments, which are inherently units of housing supply, while also ensuring that certain community character is not sacrificed.

SUPPORT

None on File

OPPOSITION

None on File

STAFF CONTACT

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