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July 5, 2022

The Honorable Bob Wieckowski
California State Senate
1021 O Street, Suite 6530
Sacramento, CA 95814

Re: SB 897 (Wieckowski) Zoning. Accessory Dwelling Units.
Notice of Opposition (As amended June 20, 2022)

Dear Senator Wieckowski:

The City of Vista opposes SB 897, which would significantly amend the statewide standards that apply to locally adopted ordinances concerning the construction of accessory dwelling units (ADUs), even though the law has been substantially amended nearly every year since 2016.

Specifically, SB 897 would require local jurisdictions to allow ADUs to be constructed with a height of up to 25 feet near transit. Current law appropriately authorizes cities and counties to restrict ADU height to 16 feet, thus helping ensure that these accessory units blend into the existing neighborhood. Mandating that local jurisdictions allow essentially two-story ADUs is completely contrary to the stated belief that ADUs are a way to increase density in a modest fashion that is not disruptive to established communities. Shoehorning a 25-foot structure into a backyard of a single-story ranch style home, that is within one half mile of public transit, calls to question the idea that these are "accessory dwelling units."

Additionally, SB 897 will require the permitting of already constructed ADUs in violation of State building standards and in violation of local zoning requirements. Current law already requires cities and counties to approve ADUs ministerially, without discretionary review. Expanding this to prohibit local jurisdictions from denying permits for already constructed ADUs that fail to comply with State mandated building standards or local zoning requirements could result in dangerous or substandard living conditions.

Furthermore, SB 897 will allow two ADUs to be constructed on a lot if a multifamily dwelling is proposed to be developed. SB 897 would allow a property owner to construct two ADUs on a vacant parcel years before the proposed multifamily structure begins construction. Additionally, there is no guarantee that the multifamily structure will ever be constructed. It is unclear why local jurisdictions should be forced to allow ADUs to be constructed before the originally proposed multifamily structure. Constructing an ADU without a primary structure makes them accessory to nothing, but rather a standalone unit.

The City of Vista opposes efforts that restrict the City's authority in meeting Regional Housing Needs Assessment (RHNA) requirements and limit local control. For these reasons, the City of Vista opposes SB 897.

Sincerely,

Judy Ritter
Mayor

cc: Office of Senator Patricia Bates, Cynthia.Bryant@sen.ca.gov
Office of Assemblymember Tasha Boerner Horvath, Celia.Mata@asm.ca.gov
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