



CITY OF BEVERLY HILLS

455 NORTH REXFORD DRIVE • BEVERLY HILLS, CALIFORNIA 90210

Lili Bosse, Mayor

September 26, 2022

The Honorable Gavin Newsom
Governor, State of California
1021 O Street, Suite 9000
Sacramento, CA 95814

**Re: SB 897 (Wieckowski) Accessory Dwelling Units: Junior Accessory Dwelling Units
City of Beverly Hills – REQUEST FOR VETO**

Dear Governor Newsom,

On behalf of the City of Beverly Hills, I respectfully request your **VETO** on **SB 897** when it comes before your desk. This measure would make several changes to state law related to Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs). **SB 897** would modify the current process for local agency approval, the total allowable height, the application of local building codes, and parking requirements that apply to these structures. Additionally, this bill creates a process allowing for the permitting of previously unpermitted ADUs.

Our City is very concerned about the expansion of ADU requirements **SB 897** would have on local jurisdictions, especially as each city in California carefully considers standards for building ADUs, which are in line with the architectural design of the communities and meets the needs of their residents. Our City finds the imposition of the following restrictions to local regulations of ADUs and/or JADUs to be an overreach of state government into local zoning requirements:

- **Local Agency Approval Process.** This bill requires local agencies to approve or deny an ADU or JADU permit application within sixty days. Current law only requires local agencies to act on a permit application within sixty days.
- **Height Requirements.** This bill increases the allowable height limit for ADUs in certain locations. Specifically, the bill allows ADUs as tall as twenty-five feet when the ADU is attached to an existing home.
- **Building Code.** This bill makes several changes to the form and manner in which building codes are applied to ADUs.
- **Parking Requirements.** Expands restrictions on the ability of local agencies to impose parking requirements on parcels with ADUs as follows:
 - Prohibits local agencies from imposing any parking standards when a developer submits concurrent permit applications to create an ADU and a new single-family dwelling on the same lot.
 - Requires local agencies to reduce the number of parking spaces required for new multifamily dwellings by two parking spaces for each ADU that is proposed on the same lot when the applications are submitted concurrently.

- **Grandfathering Unpermitted ADUs.** Provides that, unless a local agency makes a finding that correcting a specified violation is necessary to protect the health and safety of the public or occupants of the structure, or the ADU is deemed substandard pursuant to existing law, a local agency cannot deny a permit for a constructed, unpermitted ADU built before January 1, 2018, for specified reasons.

SB 897 would make these changes to ADU and JADU law even though the underlying ADU statute has been amended nearly every year since 2016. Over the intervening years, the state has been engaged in endless tinkering with ADU law that could, in many cases send local agencies back to the drawing board on their ADU ordinances. Many of these rapid-fire changes undermine local control and create additional costs for compliance.

With the multitude of changes in state law mandating increased density in housing over the last several years, cities, counties, and the state have had little opportunity to see if the changes mandated by state law are having the desired effect. Three such bills include:

- SB 9 (Atkins) 2021 which facilitated the process for homeowners to subdivide their current residential lot or build a duplex by mandating local governments ministerially approve these projects. This bill essentially ended single-family zoning in California;
- SB 330 (Skinner) 2019, declared a statewide housing crisis and for a five-year period (later extended to 2030 by SB 8 (Skinner) 2021). The bill aimed to increase residential unit development, protect existing housing inventory, and expedite permit processing. This measure made a number of modifications to existing law, such as the Permit Streamlining Act and the Housing Accountability Act; and
- SB 35 (Wiener) 2017, which mandates cities or counties who do not meet the state-mandated Regional Housing Need Allocation target to provide a streamlined, ministerial review process for qualifying multifamily residential projects.

The state should pause on enacting laws that make further changes to ADU laws until local governments have had a chance to finalize their ADU ordinances. The State Legislature can then evaluate the effect of recent changes on ADU development.

For these reasons, the City of Beverly Hills requests your **VETO on SB 897 (Wieckowski)**.

Sincerely,

Lili Bosse,
Mayor, City of Beverly Hills

Cc: The Honorable Bob Wieckowski, Senator, 10th District
 The Honorable Ben Allen, Senator, 26th District
 The Honorable Richard Bloom, Assemblymember, 50th District
 Andrew K. Antwih, Shaw Yoder Antwih Schmelzer & Lange