

Association of Bay Area Governments

Executive Board

May 16, 2019

Agenda Item 9.c.viii.

SB 13 (Wieckowski) Support if Amended

Subject: Position on SB 13 (Wieckowski): Accessory Dwelling Units

Background: On May 10, the ABAG Legislation Committee recommended a “support if amended” position on SB 13 as follows:

- 1) Remove the provision prohibiting localities from imposing owner-occupancy requirements on accessory dwelling units (ADUs);
- 2) Reduce the impact fee waiver threshold from 750 square feet to 500 square feet, consistent with the existing school development fee exemption; and
- 3) Ensure local jurisdictions retain the ability to require fire sprinklers for ADUs, if sprinklers are required for the primary residence.

Additionally, staff was directed to talk with the bill’s author about structuring fee offsets in a manner to incentivize deed-restricted affordable ADUs.

Issues: The Legislation Committee requested that staff pursue an amendment to ensure that a local jurisdiction may require a residential sprinkler system in an ADU if a sprinkler system is required for the existing house. Staff has confirmed that this bill does not modify current law with regard to sprinkler requirements, which specifically prohibits a mandate to add sprinklers if they are not required for the existing residence, but also requires, pursuant to the state’s building code, sprinklers in an ADU if existing house has a sprinkler system and requires sprinkler systems in all new homes, including those built with an ADU. With this clarification, staff recommends the Executive Board consider removing the proposed amendment regarding sprinklers from the list of requested amendments.

Recommended Action: The ABAG Executive Board is requested to adopt a “support if amended” position on SB 13.

Attachments: May 10 Legislation Committee staff memo.

Reviewed:



Therese W. McMillan