

June 13, 2018

The Honorable Bob Wieckowski  
State Senate  
State Capitol, Room 4085  
Sacramento, CA 95814

The Honorable Phil Ting  
State Assembly  
State Capitol, Room 6026  
Sacramento, CA 95814

**RE: SB 831 (Wieckowski) Land use: accessory dwelling units. - CONCERNS**  
**AB 2890 (Ting) Land use: accessory dwelling units. - CONCERNS**

Dear Senator Wieckowski and Assemblymember Ting:

The Monterey County Board of Supervisors supports accessory dwelling units (ADUs) and understands the role of these units as an inexpensive way to increase the affordable housing supply but we have concerns with SB 831 and AB 2890. These bills would significantly amend the statewide standards that apply to locally-adopted ordinances, even though the law was thoroughly revised in the 2016 Legislative Session. These revisions were a product of two carefully-negotiated bills that only became effective in January 2017, with further amendments during the 2017 Legislative Session. Monterey County has been working in good faith to implement those laws and would have to reopen our ordinances yet again to comply with the provisions of SB 831 and AB 2890.

The 2016 ADU law revisions applied only to residentially-zoned land. SB 831 would require local agencies to approve ADUs “in areas where a single-family or multifamily dwelling is *authorized*.” The reason for this change is unclear, but the new language could be interpreted to mandate that ADUs be allowed on any parcel with an existing single-family home, regardless of the zoning. This change will intensify non-conforming land uses, creating conflict with other policy goals. For instance, counties and cities must consider whether allowing additional residential living space in an agricultural or industrial zoned parcel would create new conflicts with adjacent land uses such as established businesses. Under existing law, local agencies have discretion to allow ADUs in such contexts when there is an existing legal non-conforming dwelling unit. Given the potential for conflict, such units should continue to be discretionary on commercial, agricultural, or industrial lands.

In rural and unincorporated areas, where many parcels do not have public water or sewer service, parcel sizes and lot coverage standards are important regulatory tools for ensuring that a particular lot can actually accommodate an ADU. Instead of allowing counties to establish reasonable, generally applicable standards identifying those parcels unable to accommodate required well and septic services, this bill requires such issues to be considered on a case-by-case, which will create uncertainty and confusion for applicants.

For these reasons, we respectfully express our concerns with SB 831 and AB 2890 and we look forward to working with your office to ensure these bills fully consider the unique situations in rural communities.

Sincerely,

Luis A. Alejo  
Chair, Board of Supervisors

Cc: The Honorable Bill Monning, California State Senate  
The Honorable Anthony Cannella, California State Senate  
The Honorable Anna Caballero, California State Assembly  
The Honorable Mark Stone, California State Assembly  
California State Association of Counties