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COUNCIL AGENDA: 11/15/16

ITEM: 4.3



Memorandum

TO: The Honorable Mayor and City Council

FROM: Vice Mayor Rose Herrera

SUBJECT: Amendment to Title 20
Secondary Dwellings

DATE: November 14, 2016

APPROVE

Rose Herrera MG

DATE

11/14/16

RECOMMENDATION:

1. Support the Planning Department's recommendations to revise the Zoning Code to ensure that the City's Second Unit Ordinance is in conformance with the provisions of Senate Bill 1069 (Wieckowski), which requires jurisdictions to relax some requirements for second units, also called accessory dwelling units.
2. Direct the Administration to:
 - a. Eliminate any impediments to the conversion of detached garages or other accessory units to residential use.
 - b. Consider changes that would increase the number of potential lots in R-2 zones.
 - c. Implement an amnesty program that would legalize illegal non-conforming accessory dwellings as long as they are brought up to the standards included in the City's ordinance.
 - d. Develop a robust public information effort to help residents understand the potential for second units, and the process for development.

BACKGROUND

The housing situation in San Jose and surrounding areas has reached a crisis level and we need to do everything that we can in response. Second units are a great way to increase the housing stock without the need for more land, and the units, because they are small and have no land costs, are naturally affordable. These units can help prevent the displacement of people we need in our community, including teachers, nurses, and service workers. They can provide a home for our children, our parents, and our friends who are struggling to find an affordable place to live and stay in our City. For seniors, they can provide a source of additional income, allowing them to stay in their homes and afford their mortgage and other housing costs.

In 2005, the City adopted a pilot second unit ordinance that allowed for up to 100 new second units. In 2008, the City Council made the program permanent. Since that time, the City has permitted an estimated 13 units annually. According to the Bay Area Council, if just ten percent of Santa Clara County homeowners built a second unit, we could add more than 34,000 units to the housing stock.

I am pleased that the staff is proposing the changes that bring San Jose's ordinance into compliance with the new law that takes effect in January. But we can do more. San Jose's single biggest land use is single-family units. If we are going to respond to our housing crisis, we can't overlook how we can use existing housing land to increase housing opportunities.

Also, it is important to note that no program has been adopted to allow the many illegal units in the City's neighborhoods to become legal. In 1999, the City conducted a blight survey that estimated that there were as many as 2,721 illegal second units in San Jose's neighborhoods. Seven years later, a survey conducted by University of California at Berkeley graduate students suggested that the number of units was much higher—12,957. Because these units are illegal, owners are incentivized not to bring them up to code. The City should provide an avenue to legalization, which will not only save affordable units but will make them safer for the occupants.

Finally, it is important to make sure that residents know about the possibilities for second unit development. The City should make every effort to promote this new housing type.

Other cities in the County are making changes to their ordinances, so San Jose is not alone. Mountain View's City Council recently made changes to the city's ordinance, including eliminating any lot size requirement. Saratoga, Cupertino, and Palo Alto are also working on changes. San Jose has long been a leader in addressing the housing needs of its residents and workers. It should continue to set an example for other jurisdictions and seize this opportunity to further ease restrictions and barriers to secondary units.