



March 17, 2015

Dear City Council:

It is with great pleasure that I note the Council is again taking up the issue of how to reform Berkeley's accessory dwelling unit (ADU) regulations. The City's proposal is very well thought out and has the potential to create much-needed housing for its residents. I offer my full support, with a couple exceptions as described below. In addition, my study of ADUs in the East Bay with my grad students at UC-Berkeley's Institute of Urban and Regional Development, which is cited nationally and internationally as a methodological model for ADU research, provides the empirical justification for most of the proposed changes.ⁱ

I am writing to express concern with one issue, that, in my view, has not yet been addressed effectively and equitably – the issue of minimum lot size. I also have two concerns with the changes proposed in the current revisions under consideration, specifically, the issues of parking and building height.

The revised zoning code would allow ADUs to be built as-of-right on lots with a minimum lot size of 3,800 feet (and smaller with an AUP). Our study recommended **eliminating** the minimum lot size (which is not found in most other East Bay cities) for two reasons: first, it is redundant with the lot coverage requirements (in other words, the lot coverage regulations ensure that ADUs cannot be built on small lots already), and second, it is regressive, penalizing low-income homeowners with smaller lots. This is the group that would benefit most from regulatory streamlining; in fact, the new ADU policy might be creatively combined with a home loan program in order to enable these homeowners to "age in place" in Berkeley.

The most recent round of revisions proposed by the City (Bates memo) make several minor changes that I believe are ill-advised. First, they do not provide parking exemptions for proximity to transit. Yet, our study clearly showed (based on two surveys of East Bay homeowners and car share users) that ADU (a.k.a. second unit) residents were more than twice as likely to be car-free than the overall population living within one-half mile of the BART station. This led us to recommend that parking requirements be eliminated entirely in these areas, using the Residential Parking Permit system to regulate parking instead.



Second, our interviews with City staff found that one major barrier to ADU construction was Section 23D.12.080, which has onerous requirements for tandem parking (such as a 2' distance from the property line). We recommended based on our study that the reforms include a provision exempting tandem parking from this Section.

Finally, the recent change from a 14' **average** height to 14' **maximum** height is unfortunate, because it may prevent the creation of new, legal housing units.

Despite these issues, there are many reasons to approve this legislation and “mobilize the market” for ADUs. The potential economic benefits for local homeowners and businesses are significant, and, as shown by our study, the financial implications for the City are very positive. One caution – if the City does enact these reforms, they will not succeed in unleashing ADU construction without an aggressive program to educate local residents, as was implemented in Santa Cruz (tripling the production of units there).

If you need more information, please do not hesitate to contact me, at chapple@berkeley.edu.

Sincerely,

A handwritten signature in black ink that reads "Karen D. Chapple". The signature is fluid and cursive, with the first name "Karen" and last name "Chapple" clearly legible.

Karen Chapple
Professor, City & Regional Planning
Interim Director, Institute of Urban and Regional Development
Berkeley Planning Commissioner (appointee of Councilmember Droste)

ⁱ We published seven reports from the work, most available at <http://iurd.berkeley.edu/working-papers> and <http://communityinnovation.berkeley.edu>

Chapple, Karen, Jake Wegmann, Alison Nemirow, & Colin Dentel-Post. 2011. *Yes in My Backyard: Mobilizing the Market for Secondary Units*. Berkeley, CA: Center for Community Innovation.

- Wegmann, Jake, Nemirow, Alison, and Karen Chapple. 2012. "Scaling Up Secondary Unit Production in the East Bay: Impacts and Policy Implications." IURD Working Paper 2012-05. Berkeley, CA: Institute of Urban & Regional Development.
- Nemirow, Alison and Karen Chapple. 2012. "Yes, But Will They Let Us Build? The Feasibility of Secondary Units in the East Bay." IURD Working Paper 2012-02. Berkeley, CA: Institute of Urban & Regional Development.
- Wegmann, Jake and Karen Chapple. 2014. "Hidden density in single-family neighborhoods: Backyard cottages as an equitable smart growth strategy." *Journal of Urbanism*.
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- Wegmann, Jake. Understanding the Market for Secondary Units in the East Bay (2012) IURD Working Paper 2012-03. Berkeley, CA: Institute of Urban & Regional Development.
- Wegmann, Jake and Alison Nemirow. 2011. Secondary Units and Urban Infill: A Literature Review (2011) IURD Working Paper 2011-02. Berkeley, CA: Institute of Urban & Regional Development.