



Community Development Department
STAFF REPORT

2100 Thousand Oaks Boulevard • Thousand Oaks, CA 91362
Planning Division • Phone 805/449.2323 • Fax 805/449.2350 • www.toaks.org
Building Division • Phone 805/449.2500 • Fax 805/449.2575 • www.toaks.org

TO: Andrew P. Powers, City Manager

FROM: Mark A. Towne, Community Development Director

DATE: January 28, 2020

SUBJECT: Urgency Ordinance Amending Chapter 4 of Title 9 of the Thousand Oaks Municipal Code Relating to Regulations for Accessory Dwelling Units, and Resolution Initiating Municipal Code Amendment Relating to Accessory Dwelling Units (MCA 2019-70990)

RECOMMENDATION:

1. Read ordinance in title only, further reading to be waived, and adopt urgency ordinance regulating accessory dwelling units (ADUs); and
2. Adopt resolution initiating amendments to the Thousand Oaks Municipal Code concerning ADUs.

FINANCIAL IMPACT:

No Additional Funding Requested. Costs include staff time, printing, and publication costs related to processing this amendment, which are included in the Adopted FY 2019-20 General Fund Budget. New regulations will result in the loss of an unknown amount of potential future revenue due to the inability to collect utility connection fees and impact fees for certain ADUs.

BACKGROUND:

New State Legislation

On September 27, 2019, Governor Newsom signed five bills into law, which are designed to facilitate the construction of ADUs in California (AB 68, SB 587, AB 671, AB 881, and SB 13). These bills went into effect on January 1, 2020. A summary of these bills, prepared by the League of California Cities, is included as Attachment #1. The purpose of this urgency ordinance is to update the Thousand Oaks Municipal Code to reflect these new State laws.

Accessory Dwelling Units (MCA 2019-70990)
January 28, 2020
Page 2

Once the City Council adopts the new standards, the revised ordinance must be forwarded to the State Department of Housing and Community Development within 60 days for review and approval.

ADU Definition

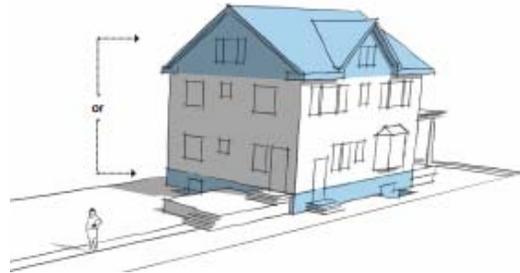
An ADU is a separate residential unit providing independent living facilities on a residentially zoned lot that already contains a legally established residential dwelling unit. The key distinction between an ADU and other types of detached structures, such as pool cabanas, is the inclusion of a kitchen in the ADU.

Procedurally, a key aspect of ADUs is that they are approved ministerially through issuance of building permits only. Discretionary permits for ADUs are prohibited under State law. Because ADUs are not discretionary actions, public notice is not provided as part of the application review process.

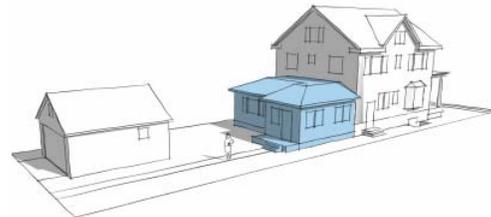
ADU Types

There are three types of ADUs:

Junior: Unit is contained entirely within an existing single-family structure through conversion of existing living area. The unit includes an efficiency kitchen, which has cooking and food preparation facilities but may or may not have a sink. A junior ADU may have its own bathroom or may share a bathroom with the main dwelling.



Attached: Unit is comprised of an addition to the main dwelling and/or conversion of existing living area and may include conversion of an attached garage. The unit has a full kitchen and its own bathroom.



Detached: Unit is not attached to the main dwelling. Unit may be a new or rebuilt structure or conversion of all or a portion of an existing accessory structure, including a detached garage.



Accessory Dwelling Units (MCA 2019-70990)
January 28, 2020
Page 3

Status of ADUs in Thousand Oaks

Historically, there have been few ADUs in Thousand Oaks. On January 1, 2017, the State adopted new ADU standards, designed to increase the production of ADUs statewide. On May 30, 2017, City Council amended the City's ADU ordinance to reflect these new standards.

Local interest in ADUs has increased significantly since the 2017 changes, as indicated in Table 1, below.

Table 1: Building Permit Status for New ADUs (6/13/17 to 12/31/19)

ADU Type	# of Building Permit Applications	New ADUs Built	Average ADU Size¹
Junior	6	4	462 s.f.
Attached	13	2	469 s.f.
Detached	34	16	537 s.f.
Total	53	22	489 s.f.

¹ Based on ADU planning applications during the same time period

The majority of these new ADUs are located in central Thousand Oaks, between Erbes Road and Lynn Road, and north of the 101 Freeway. Fewer ADUs are located in other parts of the City.

Urgency Ordinance

The new State legislation provides that if a city's ADU ordinance does not comply with State law as amended (specifically Government Code Sections 65852.2 and 65852.22), the city's ordinance is null and void as of January 1, 2020. The City is therefore currently limited to applying only the default ADU standards as provided in State law, without applying any additional local zoning controls. Approving ADUs based solely on the default statutory standards, without benefit of local zoning regulations, such as slope avoidance, oak tree avoidance, and setbacks from open space areas, threatens the character of existing neighborhoods, and negatively impacts property values, personal privacy, and fire safety.

Due to the immediate impact that the new State legislation could have on the public health, safety, and welfare without application of local zoning regulations, staff is proposing the adoption of new accessory dwelling unit regulations through an urgency ordinance. Under California Government Code Section 36937, an urgency ordinance requires a four-fifths vote of the City Council. Urgency ordinances take effect immediately upon adoption.

Accessory Dwelling Units (MCA 2019-70990)
January 28, 2020
Page 4

Regular Ordinance

Although the urgency ordinance would go into effect immediately, staff still recommends that a corresponding regular ordinance be adopted through the standard process. This involves: a) City Council initiation of an MCA, which is recommended as part of this report, b) Planning Commission review and recommendation, and c) final action on the MCA by City Council.

DISCUSSION/ANALYSIS:

New Regulations

The new bills affect a variety of ADU development standards and requirements. Attachment #2 shows the key differences between the previous City standards (primarily found in Municipal Code Sections 9-4.2521 and 9-4.2521.1) to the new ADU standards. Significant changes required by the new bills include the following:

- Larger ADUs permitted
- Reduced parking requirements
- Reduced impact fees
- Shorter timeframe for City action on ADU applications
- Owner occupancy no longer required for most ADUs
- ADUs now allowed for multi-family dwellings
- More ADUs allowed per lot

Additionally, new State law requires that the City develop a plan to incentivize the construction of ADUs. This will be addressed as part of the General Plan Housing Element update.

Fee Changes

Fees associated with ADUs are comprised of three types:

- **Planning Application Fee:** Fee charged to review ADU plans for compliance with zoning standards, e.g. ADU size and location on a lot. This is a \$142 fixed fee based on the staff time and resources required.
- **Building Fees:** Plan check and permit fees to cover the cost of reviewing plans, issuing permits, and performing inspections. This is a variable fee, depending on building size and valuation. The average fees charged over the past three years are between \$2,800 and \$3,200 per unit.

Accessory Dwelling Units (MCA 2019-70990)

January 28, 2020

Page 5

- **Impact Fees and Utility Service/Connection Fees:** These fees offset impacts to public services that result from the project including impact fees from the City, Conejo Valley Unified School District, Thousand Oaks Police Department, Ventura County Fire Department, and Conejo Recreation and Park District. City fees include water and wastewater connection fees and traffic impact fees. These are a combination of fixed and variable fees.

Under the new State law, the City will be able to continue collecting the Planning Application Fee and Building Fees. Utility service/connection fees may not be collected for Junior ADUs and other ADUs that involve conversion of an existing structure. Impact fees may only be collected for ADUs of 750 s.f. or larger and may only be charged in an amount proportional to the primary dwelling.

Ordinance and Resolution

The urgency ordinance for ADUs is included in Attachment #3. This ordinance reflects the State's guidelines and recent changes to State law (Attachment #5). The resolution initiating the regular ordinance is included as Attachment #4.

COUNCIL GOAL COMPLIANCE:

Meets City Council Goals B and E:

- B. Operate City government in a fiscally and managerially responsible and prudent manner to ensure that the City of Thousand Oaks remains one of California's most desirable places to live, work, visit, recreate, and raise a family.
- E. Provide and enhance essential infrastructure to ensure that the goals and policies of the Thousand Oaks General Plan are carried out and the City retains its role and reputation as a leader in protecting the environment and preserving limited natural resources.

PREPARED BY: Michael Forbes, Deputy Community Development Director

Attachments:

- Attachment #1 – Summary of ADU Bills
- Attachment #2 – Key Changes in ADU Regulations
- Attachment #3 – Urgency Ordinance
- Attachment #4 – Resolution Initiating Regular Ordinance
- Attachment #5 – MCD Memo on ADUs dated January 10, 2020

SUMMARY OF ADU BILLS
AB 68 (Ting), AB 587 (Friedman), AB 671 (Friedman),
AB 881 (Bloom), SB 13 (Wieckowski)
IN EFFECT JANUARY 1, 2020

The Legislature passed several bills that may require a city to amend its existing ordinance regarding development of ADUs and Junior ADUs. A copy of the amended ordinance must be submitted to HCD within 60 days of adoption.

Accessory Dwelling Units: Location; development standards

Gov't Code 65852.2 requires a city to adopt an ordinance that allows ADUs subject only to ministerial (non-discretionary approval). Generally the ordinance must allow ADUs in areas zoned to allow single family or multi-family units.

Effective January 1, 2020, the law relating to ADUs will be amended to provide¹:

1. A city must allow within a residential or mixed-use zone. A city that does not provide water or sewer service must consult with local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where ADUs may be permitted.
 - Within a new or proposed single-family home: One ADU and one junior ADU per lot if exterior access is available; and side and rear setbacks are sufficient for fire and safety.
 - One detached, new construction ADU that does not encroach into four-foot side and rear yard setbacks on a lot with a proposed or existing single-family dwelling. City may impose total floor area of 800 square feet; height limitation of 16 feet.
 - Multiple ADUs within portions of existing multifamily dwelling structures that are not used as livable space including storage rooms, boiler rooms, passageways, attics, basements, garages if each unit complies with state building standards. At least one ADU within an existing multifamily dwelling and *"shall allow up to 25% of the existing multifamily dwelling units."*²
 - Not more than 2 ADUs that are located on a lot that has an existing multifamily dwelling but are detached from the dwelling and are subject to a height limit of 16 feet and four-foot rear and side setbacks.

¹ This list is a compilation of changes made by AB 68 (Ting); AB 881 (Bloom); SB 13 (Wieckowski); AB 587 (Friedman); and AB 671 (Friedman).

² Language in italics is not clear. Does this mean all multifamily units in the city?

2. An ADU may be located in an attached garage, storage area or other accessory structure. If on-site parking is removed to allow for ADU, a city may not require the on-site parking to be replaced.

3. The maximum rear and side yard setback for an ADU that is not converted from an existing structure is 4 feet (reduced from 5 feet in existing law).

4. Development standards:

- City may not impose a minimum lot size.
- Fire sprinklers cannot be required in an ADU if sprinklers are not required for the primary residence.
- Minimum size may not prohibit efficiency unit.
- Maximum size may not be less than 850 square feet or 1,000 square feet for ADU that provides more than one bedroom.
- Lot coverage, floor area ratio, open space and other standards may not preclude must permit at least an 800 square foot ADU that is at least 16 feet.
- Parking: If on-site parking is removed to allow for ADU, a city may not require the on-site parking to be replaced. No parking can be required if ADU located within ½ mile *walking distance* of public transit.

5. A city must act on an application for an ADU on a lot with an existing single-family or multi-family structure within 60 days of receiving a completed application. Ministerial approval of an ADU is required under existing law.

6. City may not require owner occupancy for either the primary dwelling or the ADU. This section is repealed on January 1, 2025.

7. Rental of an ADU must be for a term longer than 30 days.

8. Gov't Code 65852.2(a)(1)(D)(i) provides that an ADU may be rented separate from the primary residence but may not be sold or otherwise conveyed separate from the primary residence.

AB 587 (Friedman) creates an exception to this provision:

- Qualified non-profit corporation developed the property.
- Enforceable restriction recorded on the use of the land.

- Qualified buyer must occupy as primary residence (person of low or moderate income).
- Qualified buyer must first offer option to purchase to nonprofit corporation if sells unit in the future.
- Affordability restrictions must be placed on the property for 45 years.
- A separate utility connection can be required.

9. A city must submit a copy of its ADU ordinance to HCD within 60 days of adoption. HCD may submit written findings to city regarding whether ordinance complies with state law. If HCD finds it does not, city is given 30 days to respond to HCD's findings. City must either amend ordinance or "adopt without changes."³ HCD may refer violation to Attorney General.

10. HCD to adopt guidelines.

Accessory Dwelling Units: Fees

- No impact fees upon development of ADU less than 750 square feet.
- Impact fee for ADU more than 750 square feet charged proportionately in relation to the square footage of the primary dwelling unit.
- Impact fee includes park fees (Gov't Code 66477) but does not include capacity fee or connection fee.
- Connection fees and capacity charges are based upon the "proportionate burden of the proposed ADU on the water or sewer system, based upon either its square feet (formerly "size") or the number of its drainage fixture unit (DFU) values, as defined by the UPC (formerly "number of plumbing fixtures").

Accessory Dwelling Units: Delay in Enforcement of Building Standard

For ADU built before 1/1/20 or built after 1/1/20 in a city with a noncompliant ADU ordinance (but ordinance is compliant when request is made).

City shall delay enforcement of a building standard for five years upon request of owner on the basis that correcting the violation is not necessary to protect health and safety. Delay granted if enforcement agency – after consulting with entity responsible for enforcement of building standards and other regulations of the State Fire Marshal – determines that correction the violation is not necessary to protect health and safety. No delays granted after January 1, 2030. [Delay procedure set forth in H & S 17980.12 added by SB 13 (Wieckowski). Delay provisions sunset January 1, 2035.

³ Since ordinance has been adopted already, this must mean "readopt" ordinance. An interesting consequence: Delays effective date of ADU ordinance for 45 more days.

Junior ADUs [unit that is no more than 500 square feet and contained entirely within an existing or proposed single-family structure)

1. A junior ADU must have a cooking facility but a city can no longer limit the nature of the electrical, gas or propane gas connections.
2. A city may no longer require a sink within an efficiency kitchen with a maximum waste line diameter of 1.5 inches.
3. An application for a permit for a junior ADU must be acted on within 60 days from receipt of a completed application.

ADUs and Housing Elements

Housing element must include a plan that incentivizes and promotes the creation of ADUs that can be offered at affordable rent for very low, low or moderate-income households.

Key Changes in Accessory Dwelling Unit (ADU) Regulations

Standard	ADU Type	Prior City Ordinance	New State Law (effective 1/1/2020)
Minimum Size	All types	220 s.f.	150 s.f.
Maximum Size	Junior	500 s.f. and maximum 2 bedrooms	500 s.f.
	Attached	Lesser of 500 s.f. or 50% of primary dwelling living area	Lesser of 800 s.f. or 50% of primary dwelling living area
	Detached	600 s.f.	850 s.f. for studio or 1 bedroom; 1,000 s.f. for 2 or more bedrooms
Side and Rear Setbacks	All types	5 ft.	4 ft.
Height	Junior	Same as primary dwelling unit	Same as primary dwelling unit
	Attached	Same as primary dwelling unit	Same as primary dwelling unit
	Detached	1 story and 15 ft.	16 ft.
Parking	Junior	1 space per bedroom; none under certain circumstances*	None
	Attached	1 space per bedroom; none under certain circumstances*	None for studio; 1 space for 1 or more bedrooms; none under certain circumstances**
	Detached	1 space per bedroom; none under certain circumstances*	None for studio; 1 space for 1 or more bedrooms; none under certain circumstances**
	Converted Garage	Must replace parking	No replacement parking required
Owner Occupancy	All types	Owner must live on property	Owner not required to live on property except for Junior ADU
Approval Timeframe	All types	120 days	60 days
Impact Fees	All types	Standard fees apply	Cannot charge impact fees for ADU smaller than 750 s.f.; Fees can be charged for units 750 s.f. and larger in an amount proportional to primary dwelling
Zoning	All types	Allowed in conjunction with single-family dwelling only	Allowed in conjunction with single-family or multi-family dwellings

Key Changes in ADU Regulations
Page 2

Standard	ADU Type	Prior City Ordinance	New State Law (effective 1/1/2020)
Number of ADUs Allowed per lot	All types	One ADU per lot	For single-family lots, 1 Junior ADU and 1 attached or detached ADU allowed for total of 2 ADUs; For multi-family lots, 2 detached ADUs allowed; plus attached ADUs within converted space with maximum number equal of 25% of multi-family units

*No parking required if ADU is: 1) within ½ mile of bus stop; 2) located in a historic district; 3) within one block of car share vehicle; 4) not offered parking permits that are otherwise available; or 5) part of an existing structure.

** No parking required if ADU is: 1) within ½ mile of bus stop; 2) located in a historic district; 3) within one block of car share vehicle; 4) not offered parking permits that are otherwise available; or 5) part of an existing or rebuilt structure that has not been expanded by more than 150 s.f.

ORDINANCE NO.

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THOUSAND OAKS AMENDING SECTIONS 9-4.202, 9-4.1802(c), 9-4.1803, 9-4.2104, 9-4.2501(a)(3), 9-4.2402(a)(7), 9-4.2509(a), 9-4.2509.5, AND 9-4.2521; AND DELETING IN ITS ENTIRETY SECTION 9-4.2521.1 OF CHAPTER 4 OF TITLE 9 OF THE THOUSAND OAKS MUNICIPAL CODE REGARDING REGULATIONS FOR ACCESSORY DWELLING UNITS (MCA 2019-70990)

The City Council of the City of Thousand Oaks, California, DOES ORDAIN AS FOLLOWS:

PART 1
(Uncodified)

The purpose of this ordinance is to amend the Thousand Oaks Municipal Code with regard to regulations for accessory dwelling units consistent with California Government Code Sections 65852.2 and 65852.22.

PART 2
(Uncodified)

Based on the information contained in the staff report and testimony provided at the public hearing, the City Council makes the following findings:

1. California Planning and Zoning Law authorizes cities to act by ordinance to provide for the creation and regulation of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs).
2. In 2019, the California Legislature approved, and the Governor signed into law, several bills that amended Government Code Sections 65852.2 and 65852.22 to impose new limits on local authority to regulate ADUs and JADUs. The legislation took effect on January 1, 2020.
3. Since the City's ordinance regulating ADUs and JADUs does not comply with amended Government Code Sections 65852.2 and 65852.22 as of January 1, 2020, the City's ordinance is null and void as a matter of law, thereby limiting the City to the application of the default standards provided in Government Code Sections 65852.2 and 65852.22 for the approval of ADUs and JADUs.

4. The approval of ADUs and JADUs based solely on the default statutory standards, without benefit of local zoning regulations, would threaten the character of existing neighborhoods, and negatively impact property values, personal privacy, and fire safety.
5. The City therefore desires to amend its local regulatory scheme for the construction of ADUs and JADUs to comply with the amended provisions of Government Code sections 65852.2 and 65852.22 while preserving community character and quality of life through local zoning regulations.
6. The ordinance complies with California Government Code Sections 65852.2 and 65852.22.
7. The ordinance is consistent with the Thousand Oaks General Plan.
8. The ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to California Public Resources Code Section 21080.17, and CEQA Guidelines Section 15282(h).

PART 3

Section 9-4.202 of the Thousand Oaks Municipal Code is hereby amended in part to delete the definition of “Secondary dwelling unit” in its entirety and to change the definitions of “Accessory dwelling unit,” “Efficiency unit,” “Efficiency kitchen,” “Junior accessory dwelling unit,” and “Living area” to read as follows:

Sec. 9-4.202. Definitions.

...

“Accessory dwelling unit” shall mean an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary dwelling. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit may be an efficiency unit or a manufactured home as defined in Section 18007 of the Health and Safety Code.

“Efficiency unit” shall mean a dwelling unit with a separate bedroom, closet, and kitchen, per California Building Code Section 1208.4.

“Efficiency kitchen” shall mean a kitchen that contains a cooking facility with appliances, a food preparation counter, and storage cabinets that are of reasonable size in relation to the size of the dwelling unit. An efficiency kitchen may or may not contain a sink.

“Junior accessory dwelling unit” shall mean an accessory dwelling unit that is contained entirely within the living area of an existing or proposed single-family dwelling and has an efficiency kitchen. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

“Living area” means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure, except accessory dwelling units.

PART 4

Section 9-4.1802(c) of the Thousand Oaks Municipal Code is hereby amended to read as follows:

(c) First floor room addition to the footprint of the principal structure to an existing single-family detached dwelling unit where the added floor area is more than 1,000 square feet;

PART 5

Section 9-4.1803 of the Thousand Oaks Municipal Code is hereby amended to read as follows:

(7) First floor room addition-to an existing single family detached dwelling unit of less than the applicable threshold defined by Section 9-4.1802(c) of this article;

PART 6

Section 9-4.2104 of the Thousand Oaks Municipal Code is hereby amended to state that the land use category “Accessory dwelling units, per Sec. 9-4.2521 and 9-4.2521.1” is a permitted use “P” in all residential zoning classifications; and to delete the land use category “Secondary dwelling units, per Sec. 9-4.2521” from the list of land use categories.

PART 7

Section 9-4.2501(a)(3) of the Thousand Oaks Municipal Code is hereby amended to read as follows:

(3) Accessory buildings shall be limited to a maximum building height of fifteen (15') feet, except accessory dwelling units as provided in Section 9-4.2521.

PART 8

Section 9-4.2402(a)(7) of the Thousand Oaks Municipal Code is hereby amended to read as follows:

Use	Parking Spaces Required
...	...
(7) Dwelling, accessory	As provided in Section 9-4.2521

PART 9

Section 9-4.2509(a) of the Thousand Oaks Municipal Code is hereby amended in part to read as follows:

- (a) Accessory buildings in rear yards, exclusive of detached accessory dwelling units pursuant to Section 9-4.2521.

PART 10

Section 9-4.2509.5 of the Thousand Oaks Municipal Code is hereby amended to read as follows:

(a) Accessory buildings, excluding any secondary residential accessory dwelling units authorized by Section 9-4.2521, in all R Zones shall not have a floor area in excess of six hundred (600) square feet nor shall any accessory building in any R Zone have a floor area in excess of fifty (50%) percent of the footprint of the principal or main building unless otherwise authorized as part of a residential planned development permit in the RPD and HPD zones or subject to the approval of an Administrative Approval in the R-A, R-E, R-O, R-1 and R-2 Zones in accordance with Section 94.2815.

(b) Cumulative floor area of accessory buildings in any R Zone exclusive of accessory dwelling units pursuant to Section 9-4.2521 shall not exceed one hundred (100%) percent of the footprint of the principal or main building on a single lot or parcel of land.

(c) Estate lots in the R-A, R-E, R-O and R-1 Zones which are five (5) acres in size or greater shall be considered exempt from area requirements for accessory buildings except for area requirements applicable to accessory dwelling units pursuant to Section 9-4.2521.

PART 11

Section 9-4.2521 of the Thousand Oaks Municipal Code is hereby amended in its entirety to read as follows:

Sec. 9-4.2521. Accessory Dwelling Units.

- (a) Intent and purpose. The intent and purpose of this Section is to provide a means by which the City' s existing housing resources and infrastructure may be more effectively utilized to produce less costly rental housing through the creation of new accessory dwelling units (ADUs) on residentially zoned lots that already contain one legally established unit. By the adoption of this ordinance, the City finds that ADUs are consistent with the allowable density for the lot upon which the ADU is located, and that ADUs are a residential use that is consistent with the existing General Plan and zoning designation for the lot.
- (b) Authority. California Government Code Sections 65852.2 and 65852.22 allow local agencies to provide for the creation of ADUs and Junior ADUs, respectively, in areas zoned for single-family and multifamily residential use. The City may designate areas for ADUs based on the adequacy of water and sewer services and the impact on traffic flow and public safety.
- (c) Location and Number of ADUs.
 - (1) Single-Family Zones.
 - (i) ADUs may be constructed on any lot in the R-A, R-E, R-O, R-1, or HPD zone that is improved with one legal existing or proposed primary dwelling unit, subject to the requirements of this Section.
 - (ii) Lots in the R-A, R-E, R-O, R-1, or HPD zone may have a maximum of one Junior ADU and one additional ADU that is attached to the primary dwelling or detached, for a maximum total of two ADUs.
 - (2) Multiple Family Zones.
 - (i) ADUs may be constructed on any lot in the R-2, R-3, or RPD zone that is improved with one or more legal existing or proposed dwelling units, subject to the requirements of this Section.

- (ii) Lots in the R-2, R-3, or RPD zone may have a maximum of two detached ADUs. In addition, portions of existing dwelling structures that are not used as livable space, including but limited to storage rooms, boiler rooms, passageways, attics, basements, and garages, may be converted into attached ADUs. The number of attached ADUs on a lot may not exceed 25 percent of the number of existing multifamily dwelling units.

- (d) **Development Standards.** ADUs are subject to all development standards applicable to the zone in which they are located except as provided in this Section. The standards provided in this Section supersede any conflicting standards otherwise applicable to the zone.
 - (1) **Development Standards Table.** All ADUs must comply with the applicable standards in the table.

Development Standard	Junior ADU	ADU Within or Attached to Primary Dwelling	ADU Detached from Primary Dwelling
Front setback	Same as required for primary dwelling		Same as required for primary dwelling, and no closer to the front property line than the proposed or existing primary dwelling structure
Rear setback	Same as required for primary dwelling		4 feet
Side setback	Same as required for primary dwelling		4 feet
Street side setback	Same as required for primary dwelling		
Maximum height	Same as required for primary dwelling		16 feet
Minimum size	Same as efficiency dwelling unit		
Maximum size	500 square feet	50% of primary dwelling area or 800 square feet, whichever is greater	850 square feet for studio or 1-bedroom unit 1,000 square feet for unit with 2 or more bedrooms

Development Standard	Junior ADU	ADU Within or Attached to Primary Dwelling	ADU Detached from Primary Dwelling
Minimum number of parking spaces	None required	None required for efficiency and studio units 1 space per unit for units with 1 or more bedrooms, except as provided in Subsection (e)	
Required cooking facilities	Efficiency kitchen	Full kitchen	
Required sanitation facilities	May be separate from, or shared with, primary dwelling	Must be separate from primary dwelling	

- (2) **Maximum Size.** The maximum size of an ADU may be limited to less than that shown in the above table through the application of other development standards such as lot coverage, floor area ratio, or open space. However, in no case may the maximum allowed size of an ADU, other than a Junior ADU, be limited to less than 800 square feet, notwithstanding any other development standards.

- (3) **Conversion of Existing Structures.**
 - (i) A portion of an existing legally established single-family dwelling, or all or a portion of an existing legally established accessory structure, may be converted to an ADU, even if such structure does not comply with the otherwise applicable height and setback requirements.

 - (ii) An accessory structure may be demolished and reconstructed in the same location and to the same dimensions and may be fully or partially converted to a detached ADU, even if such structure does not comply with the otherwise applicable height and setback requirements.

 - (iii) An accessory structure, including a demolished and reconstructed structure, that is being fully or partially converted to a detached ADU, may be expanded by up to 150 square feet to accommodate ingress and egress, so long as such expansion does not increase the nonconformity of the structure.

(4) Objective Design Standards.

- (i) The materials and colors of exterior walls, roof, eaves, windows, and doors of an ADU must match those of the primary dwelling.
- (ii) The roof slope of an ADU must match the dominant roof slope of the primary dwelling. The dominant roof slope is the slope shared by the largest portion of the roof.
- (iii) The ADU must have an independent exterior entrance separate from the primary dwelling.

(e) Parking.

- (1) ADU parking spaces may be covered or uncovered, may be located in any setback area, and may be tandem in a driveway.
- (2) ADU parking spaces are in addition to those required for the primary dwelling on the lot. Provided however that when a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an ADU, those parking spaces are not required to be replaced.
- (3) No on-site parking is required for an ADU in any of the following instances:
 - (i) The ADU is located within one-half mile walking distance of public transit.
 - (ii) The ADU is located within an architecturally and historically significant historic district.
 - (iii) The ADU is part of the proposed or existing primary dwelling or an accessory structure and/or is created from the conversion or reconstruction of an existing structure pursuant to Subsection (d)(3).
 - (iv) On-street parking permits are required but not offered to the occupant of the ADU.

- (v) There is a car share vehicle located within one block of the ADU.
- (f) Fire Sprinklers and Utilities.
 - (1) The City may not require fire sprinklers for ADUs if they are not required for the primary dwelling.
 - (2) New or separate utility connections from the primary dwelling may be required for ADUs, except in the following instances, when new or separate connections are not required and connection fees and capacity charges may not be imposed:
 - (i) Junior ADUs
 - (ii) Attached or detached ADUs created from the conversion or reconstruction of an existing structure pursuant to Subsection (d)(3), unless constructed with a new single-family dwelling.
- (g) Applications and Approvals.
 - (1) ADU applications must be approved through a ministerial process and are not subject to architectural design review or precise plan of design. The requirements set forth in Article 18 of this Chapter are not applicable to ADUs.
 - (2) The City may not require the correction of any existing nonconforming zoning conditions prior to approving an ADU application.
 - (3) ADU applications must be acted upon within 60 days from the date a complete application is submitted unless the applicant requests a delay, in which case the time period is tolled for the period of the delay, and except as provided in Subsection (4).
 - (4) If an application for an ADU is submitted in conjunction with an application to construct a new single-family or multifamily dwelling, the ADU application may not be approved until the application is approved for the new dwelling. The application for the ADU must be processed ministerially regardless of the approvals required for the dwelling. The 60-day time period is tolled until the application to construct the new dwelling is approved.

- (5) A certificate of occupancy for an ADU may not be issued before issuance of a certificate of occupancy for the primary dwelling.
- (h) Occupancy and Conveyance.
- (1) An ADU may be rented separately from the primary dwelling but may not be sold or otherwise conveyed separately from the primary dwelling.
 - (2) An ADU may not be rented for a period of less than 30 consecutive days.
 - (3) On a lot with a Junior ADU, the property owner must occupy either the primary dwelling or the Junior ADU. The City may require a covenant to be recorded on the property to provide notice and disclosure to future owners of the owner occupancy requirement.
 - (4) On a lot with an ADU permitted prior to January 1, 2020, or on or after January 1, 2025, the property owner must occupy the primary dwelling or the ADU. The City may require a covenant to be recorded on the property to provide notice and disclosure to future owners of the owner occupancy requirement. There is no owner occupancy requirement for ADUs permitted on or after January 1, 2020 and before January 1, 2025.
- (i) Fees.
- (1) An ADU may not be considered a new residential use for the purpose of calculating utility connection fees or capacity charges unless the ADU is constructed with a new single-family dwelling.
 - (2) Impact fees may not be assessed on an ADU smaller than 750 square feet. Impact fees may be assessed on an ADU of 750 square feet or greater in an amount proportionate to the square footage of the primary dwelling unit.

PART 12

Section 9-4.2521.1 of the Thousand Oaks Municipal Code is hereby deleted in its entirety.

PART 13
(Uncodified)
Severability

If any section, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions. The City Council hereby declares that this Ordinance, and each section, subsection, sentence, clause and phrase hereof, would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

PART 10
(Uncodified)
Effective Date

This Ordinance shall take effect immediately upon adoption by a four-fifths (4/5) vote of the City Council.

PASSED AND ADOPTED THIS 28th day of January, 2020.

Al Adam, Mayor
City of Thousand Oaks, California

ATTEST:

Cynthia M. Rodriguez, City Clerk

APPROVED AS TO FORM:

Tracy M. Noonan, City Attorney

APPROVED AS TO ADMINISTRATION:

Andrew P. Powers, City Manager

THIS PAGE INTENTIONALLY LEFT BLANK
TO ALLOW FOR INSERTION OF CERTIFICATION
BY CITY CLERK

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF THOUSAND OAKS DECLARING INTENTION TO
CONSIDER AMENDMENTS TO THE THOUSAND OAKS
MUNICIPAL CODE RELATED TO ACCESSORY
DWELLING UNITS

WHEREAS, on January 28, 2020, the Thousand Oaks City Council adopted an urgency ordinance regarding accessory dwelling units in residential zones; and

WHEREAS, the urgency ordinance will allow the City to comply with new State legislation regarding accessory dwelling units effective January 1, 2020; and

WHEREAS, the urgency ordinance is needed to protect the public health, safety, and welfare from adverse impacts that could result from approving accessory dwelling units based solely on State law without benefit of local zoning regulations, including threats to the character of existing neighborhoods and negative impacts to property values, personal privacy, and fire safety; and

WHEREAS, the City Council also desires to initiate amendments to the Municipal Code to be processed through the standard process for such amendments as set forth in Title 9, Chapter 4, Article 29 of the Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Thousand Oaks as follows:

Section 1: It is the intention of the City Council to consider an amendment to the Thousand Oaks Municipal Code to modify requirements pertaining to accessory dwelling units.

Section 2: Changes to the City's accessory dwelling unit regulations are needed to comply with State law and to prevent adverse impacts to community character, property values, quality of life, and fire safety.

Section 3: This amendment is hereby referred to staff for processing to the Planning Commission for public hearing and back to the City Council pursuant to Title 9, Chapter 4, Article 29 of the Municipal Code.

PASSED AND ADOPTED this 28th day of January, 2020.

Al Adam, Mayor
City of Thousand Oaks, California

ATTEST:

Cynthia M. Rodriguez, City Clerk

APPROVED AS TO FORM:

Tracy M. Noonan, City Attorney

APPROVED AS TO ADMINISTRATION:

Andrew P. Powers, City Manager

THIS PAGE INTENTIONALLY LEFT BLANK
TO ALLOW FOR INSERTION OF CERTIFICATION
BY CITY CLERK

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov

**MEMORANDUM**

DATE: January 10, 2020

TO: Planning Directors and Interested Parties

FROM: Zachary Olmstead, Deputy Director
Division of Housing Policy Development

SUBJECT: **Local Agency Accessory Dwelling Units**
Chapter 653, Statutes of 2019 (Senate Bill 13)
Chapter 655, Statutes of 2019 (Assembly Bill 68)
Chapter 657, Statutes of 2019 (Assembly Bill 587)
Chapter 178, Statutes of 2019 (Assembly Bill 670)
Chapter 658, Statutes of 2019 (Assembly Bill 671)
Chapter 659, Statutes of 2019 (Assembly Bill 881)

This memorandum is to inform you of the amendments to California law, effective January 1, 2020, regarding the creation of accessory dwelling units (ADU) and junior accessory dwelling units (JADU). Chapter 653, Statutes of 2019 (Senate Bill 13, Section 3), Chapter 655, Statutes of 2019 (Assembly Bill 68, Section 2) and Chapter 659 (Assembly Bill 881, Section 1.5 and 2.5) build upon recent changes to ADU and JADU law (Government Code Section 65852.2, 65852.22 and Health & Safety Code Section 17980.12) and further address barriers to the development of ADUs and JADUs. (Attachment A includes the combined ADU statute updates from SB 13, AB 68 and AB 881).

This recent legislation, among other changes, addresses the following:

- Development standards shall not include requirements on minimum lot size (Section (a)(1)(B)(i)).
- Clarifies areas designated for ADUs may be based on water and sewer and impacts on traffic flow and public safety.
- Eliminates owner-occupancy requirements by local agencies (Section (a)(6) & (e)(1)) until January 1, 2025.
- Prohibits a local agency from establishing a maximum size of an ADU of less than 850 square feet, or 1000 square feet if the ADU contains more than one bedroom (Section (c)(2)(B)).
- Clarifies that when ADUs are created through the conversion of a garage, carport or covered parking structure, replacement offstreet parking spaces cannot be required by the local agency (Section (a)(1)(D)(xi)).

- Reduces the maximum ADU and JADU application review time from 120 days to 60 days (Section (a)(3) and (b)).
- Clarifies “public transit” to include various means of transportation that charge set fees, run on fixed routes and are available to the public (Section (j)(10)).
- Establishes impact fee exemptions or limitations based on the size of the ADU. ADUs up to 750 square feet are exempt from impact fees and impact fees for an ADU of 750 square feet or larger shall be proportional to the relationship of the ADU to the primary dwelling unit (Section (f)(3)).
- Defines an “accessory structure” to mean a structure that is accessory or incidental to a dwelling on the same lot as the ADU (Section (j)(2)).
- Authorizes HCD to notify the local agency if the department finds that their ADU ordinance is not in compliance with state law (Section (h)(2)).
- Clarifies that a local agency may identify an ADU or JADU as an adequate site to satisfy RHNA housing needs as specified in Gov. Code Section 65583.1(a) and 65852.2(m).
- Permits JADUs without an ordinance adoption by a local agency (Section (a)(3), (b) and (e)).
- Allows a permitted JADU to be constructed within the walls of the proposed or existing single-family residence and eliminates the required inclusion of an existing bedroom or an interior entry into the single-family residence (Gov. Code Section 65852.22).
- Allows upon application and approval, an owner of a substandard ADU 5 years to correct the violation, if the violation is not a health and safety issue, as determined by the enforcement agency (Section (n)).
- Creates a narrow exemption to the prohibition for ADUs to be sold or otherwise conveyed separate from the primary dwelling by allowing deed-restricted sales to occur. To qualify, the primary dwelling and the ADU are to be built by a qualified non-profit corporation whose mission is to provide units to low-income households (Gov. Code Section 65852.26).
- Removes covenants, conditions and restrictions (CC&Rs) that either effectively prohibit or unreasonably restrict the construction or use of an ADU or JADU on a lot zoned for single-family residential use are void and unenforceable (Civil Code Section 4751).
- Requires local agency housing elements to include a plan that incentivizes and promotes the creation of ADUs that can offer affordable rents for very low, low-, or moderate-income households and requires HCD to develop a list of state grants and financial incentives in connection with the planning, construction and operation of affordable ADUs (Gov. Code Section 65583 and Health and Safety Code Section 50504.5) (Attachment D).

For assistance, please see the amended statutes in Attachments A, B, C and D. HCD continues to be available to provide preliminary reviews of draft ADU ordinances to assist local agencies in meeting statutory requirements. In addition, pursuant to Gov. Code Section 65852.2(h), adopted ADU ordinances shall be submitted to HCD within 60 days of adoption. For more information and updates, please contact HCD’s ADU team at adu@hcd.ca.gov.

ATTACHMENT A

GOV. CODE: TITLE 7, DIVISION 1, CHAPTER 4, ARTICLE 2

(AB 881, AB 68 and SB 13 Accessory Dwelling Units)

(Changes noted in strikeout, underline/italics)

Effective January 1, 2020, Section 65852.2 of the Government Code is amended to read:

65852.2.

(a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on ~~criteria that may include, but are not limited to,~~ the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, ~~lot coverage,~~ landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places. Resources. These standards shall not include requirements on minimum lot size.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The accessory dwelling unit may be rented separate from the primary residence, ~~buy~~ but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing ~~single-family~~ dwelling.

(iii) The accessory dwelling unit is either attached ~~to,~~ or located ~~within the living area of the~~ within, the proposed or existing primary dwelling or dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) ~~The total area of floorspace of~~ If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the ~~proposed or existing primary dwelling living area or 1,200 square feet.~~ existing primary dwelling.

(v) The total floor area of ~~floorspace~~ for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing ~~garage~~ living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than ~~five~~ four feet from the side and rear lot lines shall be required for an accessory dwelling

unit that is ~~constructed above a garage-~~ not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(III) This clause shall not apply to a an accessory dwelling unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, ~~and the local agency requires-~~ shall not require that those offstreet ~~offstreet~~ parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d). ~~replaced.~~

(xii) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) ~~When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application-~~ A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, ~~within 120 days after receiving the application.~~ permits. The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001-02 Regular Session of the Legislature, incurred to implement this paragraph, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency ~~subsequent to the effective date of the act adding this paragraph-~~ shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. ~~In the event that-~~ If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void ~~upon the effective date of the act adding this paragraph-~~ and that agency shall thereafter apply the standards established in this

subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the *delay* or denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot ~~zoned for residential use~~ that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be ~~utilized~~ used or imposed, including any owner-occupant requirement, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) ~~within 120 days after receiving the application.~~ (a). The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.

(c) (1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.

(2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:

(A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.

(B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:

(i) 850 square feet.

(ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.

~~(c) (C) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum~~ Any other minimum or maximum size for an accessory dwelling unit, ~~or~~ size based upon a percentage of the proposed or existing primary dwelling, shall be established by ordinance or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings that does not permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. 800 square

foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile walking distance of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) (1) ~~Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a zone for single-family use one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, including, but not limited to, a studio, pool house, or other similar structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. A city may require owner occupancy for either the primary or the accessory dwelling unit created through this process.~~ within a residential or mixed-use zone to create any of the following:

(A) One accessory dwelling unit or junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

(i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(ii) The space has exterior access from the proposed or existing single-family dwelling.

(iii) The side and rear setbacks are sufficient for fire and safety.

(iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.

(B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:

(i) A total floor area limitation of not more than 800 square feet.

(ii) A height limitation of 16 feet.

(C) (i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

(ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.

(D) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

(2) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.

(3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.

(4) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.

(5) A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite water treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

(6) Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) ~~Accessory~~ An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer ~~service~~. service, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(3) (A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

(B) For purposes of this paragraph, "impact fee" has the same meaning as the term "fee" is defined in subdivision (b) of Section 66000, except that it also includes fees specified in Section 66477. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

~~(A)~~ (4) For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge. charge, unless the accessory dwelling unit was constructed with a new single-family home.

~~(B)~~ (5) For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size-square feet or the number of its ~~plumbing fixtures~~, drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

~~(h) Local (1) agencies~~ A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. ~~The department may review and comment on this submitted ordinance.~~ After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section.

(2) (A) If the department finds that the local agency's ordinance does not comply with this section, the department shall notify the local agency and shall provide the local agency with a reasonable time,

no longer than 30 days, to respond to the findings before taking any other action authorized by this section.

(B) The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:

(i) Amend the ordinance to comply with this section.

(ii) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.

(3) (A) If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.

(B) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.

(i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(j) As used in this section, the following terms mean:

(1) "Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.

(4) (1) "Accessory dwelling unit" means an attached or a detached residential dwelling unit which ~~that~~ provides complete independent living facilities for one or more ~~persons~~ persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(2) "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.

(A) (3) An efficiency unit, "Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.

(B) (4) A manufactured home, as defined in Section 18007 of the Health and Safety Code. "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

(5) "Local agency" means a city, county, or city and county, whether general law or chartered.

(6) "Neighborhood" has the same meaning as set forth in Section 65589.5.

(7) "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.

(8) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(9) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

(10) "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

~~(6)~~ (11) “Tandem parking” means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(k) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.

(j) (l) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.

(n) In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2) below, a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:

(1) The accessory dwelling unit was built before January 1, 2020.

(2) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(o) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

(Becomes operative on January 1, 2025)

Section 65852.2 of the Government Code is amended to read (changes from January 1, 2020 statute noted in underline/italic):

65852.2.

(a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. These standards shall not include requirements on minimum lot size.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The accessory dwelling unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.

(iii) The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling.

(v) The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit

that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(III) This clause shall not apply to an accessory dwelling unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the local agency shall not require that those offstreet parking spaces be replaced.

(xii) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse it for costs incurred to implement this paragraph, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this subdivision.

(6) (A) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be used or imposed, ~~including any owner-occupant requirement, except that a local agency may require that the property be used for rentals of terms longer than 30 days.~~ imposed except that, subject to subparagraph (B), a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(B) Notwithstanding subparagraph (A), a local agency shall not impose an owner-occupant requirement on an accessory dwelling unit permitted between January 1, 2020, to January 1, 2025, during which time the local agency was prohibited from imposing an owner-occupant requirement.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a). The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.

(c) (1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.

(2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:

(A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.

(B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:

(i) 850 square feet.

(ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.

(C) Any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile walking distance of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) (1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

(A) One accessory dwelling unit or junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

(i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(ii) The space has exterior access from the proposed or existing single-family dwelling.

(iii) The side and rear setbacks are sufficient for fire and safety.

(iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.

(B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:

(i) A total floor area limitation of not more than 800 square feet.

(ii) A height limitation of 16 feet.

(C) (i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms,

passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

(ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and may shall allow up to 25 percent of the existing multifamily dwelling units.

(D) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

(2) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.

(3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.

(4) A local agency may require owner occupancy for either the primary dwelling or the accessory dwelling unit on a single-family lot, subject to the requirements of paragraph (6) of subdivision (a).

(5) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.

~~(5)~~ (6) A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite water treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

~~(6)~~ (7) Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(3) (A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

(B) For purposes of this paragraph, "impact fee" has the same meaning as the term "fee" is defined in subdivision (b) of Section 66000, except that it also includes fees specified in Section 66477. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

(4) For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or

separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge, unless the accessory dwelling unit was constructed with a new single-family home dwelling.

(5) For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) (1) A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section.

(2) (A) If the department finds that the local agency's ordinance does not comply with this section, the department shall notify the local agency and shall provide the local agency with a reasonable time, no longer than 30 days, to respond to the findings before taking any other action authorized by this section.

(B) The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:

(i) Amend the ordinance to comply with this section.

(ii) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.

(3) (A) If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.

(B) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.

(i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(j) As used in this section, the following terms mean:

(1) "Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed

or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(2) "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.

(3) "Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.

(4) "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

(5) "Local agency" means a city, county, or city and county, whether general law or chartered.

(6) "Neighborhood" has the same meaning as set forth in Section 65589.5.

(A) An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(7) "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.

(8) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(9) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

(10) "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

(11) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(k) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.

(l) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.

(n) In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2) below, a local agency, upon request of an owner of an accessory dwelling unit

for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:

(1) The accessory dwelling unit was built before January 1, 2020.

(2) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(o) This section shall ~~remain in effect only until January 1, 2025, and as of that date is repealed~~ become operative on January 1, 2025.

Effective January 1, 2020, Section 65852.22 of the Government Code is amended to read (changes noted in strikeout, underline/italics) (AB 68 (Ting)):

65852.22.

(a) Notwithstanding Section 65852.2, a local agency may, by ordinance, provide for the creation of junior accessory dwelling units in single-family residential zones. The ordinance may require a permit to be obtained for the creation of a junior accessory dwelling unit, and shall do all of the following:

(1) Limit the number of junior accessory dwelling units to one per residential lot zoned for single-family residences with a single-family residence ~~already built~~ built, or proposed to be built, on the lot.

(2) Require owner-occupancy in the single-family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

(3) Require the recordation of a deed restriction, which shall run with the land, shall be filed with the permitting agency, and shall include both of the following:

(A) A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.

(B) A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.

(4) Require a permitted junior accessory dwelling unit to be constructed within the ~~existing~~ walls of the structure, and require the inclusion of an existing bedroom. proposed or existing single-family residence.

(5) Require a permitted junior accessory dwelling to include a separate entrance from the main entrance to the structure, with an interior entry to the main living area. A permitted junior accessory dwelling may include a second interior doorway for sound attenuation. proposed or existing single-family residence.

(6) Require the permitted junior accessory dwelling unit to include an efficiency kitchen, which shall include all of the following:

(A) A sink with a maximum waste line diameter of 1.5 inches.

(B) ~~(A)~~ A cooking facility with appliances that do not require electrical service greater than 120 volts, or natural or propane gas. appliances.

~~(C)~~ (B) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

(b) (1) An ordinance shall not require additional parking as a condition to grant a permit.

(2) This subdivision shall not be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to determine ~~whether~~ if the junior accessory dwelling unit ~~is in compliance~~ complies with applicable building standards.

(c) An application for a permit pursuant to this section shall, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, be considered ministerially, without discretionary review or a hearing. ~~A permit shall be issued within 120 days of submission of an application for a permit pursuant to this section.~~ The permitting agency shall act on the application to create a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family dwelling on the lot. If the permit application to create a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the

applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse the local agency for costs incurred in connection with the issuance of a permit pursuant to this section.

(d) For ~~the~~ purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit. This section shall not be construed to prohibit a city, county, city and county, or other local public entity from adopting an ordinance or regulation relating to fire and life protection requirements within a single-family residence that contains a junior accessory dwelling unit so long as the ordinance or regulation applies uniformly to all single-family residences within the zone regardless of whether the single-family residence includes a junior accessory dwelling unit or not.

(e) For ~~the~~ purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

(f) This section shall not be construed to prohibit a local agency from adopting an ordinance or regulation, related to parking or a service or a connection fee for water, sewer, or power, that applies to a single-family residence that contains a junior accessory dwelling unit, so long as that ordinance or regulation applies uniformly to all single-family residences regardless of whether the single-family residence includes a junior accessory dwelling unit.

(g) If a local agency has not adopted a local ordinance pursuant to this section, the local agency shall ministerially approve a permit to construct a junior accessory dwelling unit that satisfies the requirements set forth in subparagraph (A) of paragraph (1) of subdivision (e) of Section 65852.2 and the requirements of this section.

~~(g)~~ (h) For purposes of this section, the following terms have the following meanings:

(1) "Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size and contained entirely within ~~an existing~~ a single-family ~~structure.~~ residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

Effective January 1, 2020 Section 17980.12 is added to the Health and Safety Code, immediately following Section 17980.11, to read (changes noted in underline/italics) (SB 13 (Wieckowski)):

17980.12.

(a) (1) An enforcement agency, until January 1, 2030, that issues to an owner of an accessory dwelling unit described in subparagraph (A) or (B) below, a notice to correct a violation of any provision of any building standard pursuant to this part shall include in that notice a statement that the owner of the unit has a right to request a delay in enforcement pursuant to this subdivision:

(A) The accessory dwelling unit was built before January 1, 2020.

(B) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(2) The owner of an accessory dwelling unit that receives a notice to correct violations or abate nuisances as described in paragraph (1) may, in the form and manner prescribed by the enforcement agency, submit an application to the enforcement agency requesting that enforcement of the violation be delayed for five years on the basis that correcting the violation is not necessary to protect health and safety.

(3) The enforcement agency shall grant an application described in paragraph (2) if the enforcement determines that correcting the violation is not necessary to protect health and safety. In making this determination, the enforcement agency shall consult with the entity responsible for enforcement of building standards and other regulations of the State Fire Marshal pursuant to Section 13146.

(4) The enforcement agency shall not approve any applications pursuant to this section on or after January 1, 2030. However, any delay that was approved by the enforcement agency before January 1, 2030, shall be valid for the full term of the delay that was approved at the time of the initial approval of the application pursuant to paragraph (3).

(b) For purposes of this section, "accessory dwelling unit" has the same meaning as defined in Section 65852.2.

(c) This section shall remain in effect only until January 1, 2035, and as of that date is repealed.

ATTACHMENT B

GOV. CODE: TITLE 7, DIVISION 1, CHAPTER 4, ARTICLE 2

AB 587 Accessory Dwelling Units

(Changes noted in underline/italics)

Effective January 1, 2020 Section 65852.26 is added to the Government Code, immediately following Section 65852.25, to read (AB 587 (Friedman)):

65852.26.

(a) Notwithstanding clause (i) of subparagraph (D) of paragraph (1) of subdivision (a) of Section 65852.2, a local agency may, by ordinance, allow an accessory dwelling unit to be sold or conveyed separately from the primary residence to a qualified buyer if all of the following apply:

(1) The property was built or developed by a qualified nonprofit corporation.

(2) There is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code.

(3) The property is held pursuant to a recorded tenancy in common agreement that includes all of the following:

(A) The agreement allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling each qualified buyer occupies.

(B) A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the property if the buyer desires to sell or convey the property.

(C) A requirement that the qualified buyer occupy the property as the buyer's principal residence.

(D) Affordability restrictions on the sale and conveyance of the property that ensure the property will be preserved for low-income housing for 45 years for owner-occupied housing units and will be sold or resold to a qualified buyer.

(4) A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded in the county in which the property is located. A Preliminary Change of Ownership Report shall be filed concurrently with this grant deed pursuant to Section 480.3 of the Revenue and Taxation Code.

(5) Notwithstanding subparagraph (A) of paragraph (2) of subdivision (f) of Section 65852.2, if requested by a utility providing service to the primary residence, the accessory dwelling unit has a separate water, sewer, or electrical connection to that utility.

(b) For purposes of this section, the following definitions apply:

(1) "Qualified buyer" means persons and families of low or moderate income, as that term is defined in Section 50093 of the Health and Safety Code.

(2) "Qualified nonprofit corporation" means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.

ATTACHMENT C

CIVIL CODE: DIVISION 4, PART 5, CHAPTER 5, ARTICLE 1

AB 670 Accessory Dwelling Units

(Changes noted in underline/italics)

Effective January 1, 2020, Section 4751 is added to the Civil Code, to read (AB 670 (Friedman)):

4751.

(a) Any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that either effectively prohibits or unreasonably restricts the construction or use of an accessory dwelling unit or junior accessory dwelling unit on a lot zoned for single-family residential use that meets the requirements of Section 65852.2 or 65852.22 of the Government Code, is void and unenforceable.

(b) This section does not apply to provisions that impose reasonable restrictions on accessory dwelling units or junior accessory dwelling units. For purposes of this subdivision, "reasonable restrictions" means restrictions that do not unreasonably increase the cost to construct, effectively prohibit the construction of, or extinguish the ability to otherwise construct, an accessory dwelling unit or junior accessory dwelling unit consistent with the provisions of Section 65852.2 or 65852.22 of the Government Code.

ATTACHMENT D

GOV. CODE: TITLE 7, DIVISION 1, CHAPTER 3, ARTICLE 10.6

AB 671 Accessory Dwelling Units

(Changes noted in underline/italics)

Effective January 1, 2020, Section 65583(c)(7) of the Government Code is added to read (sections of housing element law omitted for conciseness) (AB 671 (Friedman)):

65583(c)(7).

Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent, as defined in Section 50053 of the Health and Safety Code, for very low, low-, or moderate-income households. For purposes of this paragraph, "accessory dwelling units" has the same meaning as "accessory dwelling unit" as defined in paragraph (4) of subdivision (i) of Section 65852.2.

Effective January 1, 2020, Section 50504.5 is added to the Health and Safety Code, to read (AB 671 (Friedman)):

50504.5.

(a) The department shall develop by December 31, 2020, a list of existing state grants and financial incentives for operating, administrative, and other expenses in connection with the planning, construction, and operation of an accessory dwelling unit with affordable rent, as defined in Section 50053, for very low, low-, and moderate-income households.

(b) The list shall be posted on the department's internet website by December 31, 2020.

(c) For purposes of this section, "accessory dwelling unit" has the same meaning as defined in paragraph (4) of subdivision (i) of Section 65852.2 of the Government Code.