File #: 19-1005

PLANNING AND HOUSING COMMISSION
STAFF REPORT

DATE: 12/9/2019

TO: Honorable Chair and Commissioners

FROM: Community Development Department

APPLICATION REQUEST:
ZTA2019-0004: Zone text amendment to Title 17 of the Corona Municipal Code (CMC) amending Chapter 17.85 to update the regulations pertaining to Accessory Dwelling Units to be in accordance with state law, Chapter 17.04 regarding the definitions for accessory dwelling units and junior accessory dwelling units, CMC Sections 17.06.110, 17.08.110, 17.10.110, 17.11.110, 17.12.110, 17.14.110, 17.16.110, 17.18.110, 17.20.110, and 17.22.110 regarding the distance between buildings for various single family residential zones, Chapter 17.66 regarding development standards for accessory buildings, and amendment to Chapter 16.23 of the CMC regarding Development Impact Fees for accessory dwelling units.

RECOMMENDED ACTION:
That the Planning and Housing Commission recommend APPROVAL OF ZTA2019-0004 to the City Council, based on the findings contained in the staff report.

BACKGROUND
In 2017, state legislation was enacted by Senate Bill 1069 and Assembly Bill 2299 addressing the construction of Accessory Dwelling Units, commonly known as ADU. The legislation established new mandatory regulations for allowing ADUs in single family residential zones. The city already allowed secondary residential dwelling units, but imposed certain limitations allowed by the prior legislation. In April 2017, the city renamed the secondary residential unit ordinance to accessory dwelling unit and updated the ordinance to be consistent with the legislation enacted by SB 1069 and AB 2299, which was intended to make the development of ADUs easier for property owners by easing the barriers of existing local laws that might have discouraged ADUs. Furthermore, the bills were intended to address the severe shortage of housing experienced in the state.

On October 9, 2019, the governor signed several bills into state law to address the state's housing shortage and affordability crisis, several of which are related to ADUs. Assembly Bill 881 (AB 881) goes into effect on January 1, 2020, and is intended to accelerate the development of ADUs

EXHIBIT 5

throughout the state by allowing for more streamlined approval by local agencies. Additionally, the law removed impediments to the construction of ADUs on properties zoned for single family and multiple family residential and now allows more than one ADU to be constructed on property. Therefore, to address the changes enacted by AB 881, the city needs to amend its Accessory Dwelling Unit ordinance to be consistent with state law. This change also affects other chapters in the city's municipal code with respect to certain development standards for detached accessory dwelling units. This zone text amendment also addresses those changes, which are discussed in the Project Amendment. In summary this amendment:

- Amends the city's ADU definition in Chapter 17.06.
- Provides supplemental definitions used in AB 881 to Chapter 17.85, Accessory Dwelling Units.
- Removes the parking replacement requirement if a garage or carport is converted to an ADU.
- Amends the side and rear yard setback of an ADU from five feet to four feet.
- Clarifies that no development standards shall prevent the construction of an ADU that is at least 800 square feet and 16 feet in height.
- Amends the development standards in other R-1 zones as it relates to the distance between buildings for accessory dwelling units and the primary unit.

PROPOSED AMENDMENT

The amendment to the city's ADU ordinance affects several chapters in Title 17 of the CMC. The majority of the changes will be in Chapter 17.85 which is the ordinance governing ADUs. Other amendments are in the city's various R-1 zones which describe the distance between buildings for accessory dwelling units to the primary unit. Also, Chapter 16.23, Development Impact Fees is being amended to replace secondary residential units with accessory dwelling units which is the correct terminology used in the state legislation. This is being done to prevent confusion when it comes to applying development impact fees for ADUs.

Section 17.85.020 Definitions

The amendment will refer the accessory dwelling unit and junior accessory dwelling unit definitions to Chapter 17.04, Definitions. Chapter 17.04 covers the various definitions used throughout Title 17 and already includes the definition for ADU and Junior ADU. Rather than having to track the definition in another chapter it is easier to keep the actual definitions in the definition chapter of the Zoning Ordinance. The definitions are being revised as followed in Chapter 17.04 in accordance with the newly enacted legislation.

17.04.016 Accessory Dwelling Unit.

"Accessory dwelling unit" means ~~repurposed existing space within the primary unit or accessory building,~~ an attached ~~unit attached to the primary unit,~~ or detached residential dwelling unit that is located on the same lot as an existing or proposed single family or multiple family ~~separate from the~~ primary unit or a unit that is contained entirely within an existing or proposed single family primary unit or accessory structure and that ~~which~~ provides complete independent living facilities for one or more persons~~.~~ ~~The independent living space~~ includes~~s~~ing permanent provisions for living, sleeping, eating, cooking, and

sanitation on the same parcel that the primary unit is situated. An accessory dwelling unit also includes the following:

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

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

The definition for larger accessory dwelling unit is being eliminated as this is no longer needs a separate definition based on the amended legislation.

~~17.04.017 Accessory dwelling unit, larger.~~

~~"Larger accessory dwelling unit" means an accessory dwelling unit that is greater than 1,200 square feet in size.~~

The Junior ADU definition is being slightly revised to replace existing single-family structure with primary unit. Primary unit is the common terminology used throughout the state legislation instead of existing single family structure.

17.04.018 Accessory dwelling unit, junior.

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

Section 17.85.020 however will add definitions for passageway and public transit. These definitions are specific to ADUs in AB 881 and should be referenced in this section as opposed to being placed in Chapter 17.04.

17.85.020

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

(E) "**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.

17.85.030 General Requirements.

Prior legislation mandated at a minimum that ADUs be allowed on properties zoned single family residential. The newly enacted legislation now mandates that ADUs also be allowed on properties zoned multiple family residential. Per Section 17.85.030 (B), the city already allowed ADUs on properties zoned single family and multiple family residential. The amendment now includes properties zoned mixed-use for residential and commercial. This is being done to further clarify that ADUs would also be allowed within developments that include multiple family residential mixed with commercial land uses. This section was also renumbered to Section 17.85.030 (C) by this amendment.

17.85.030 (C)

The lot proposed for an accessory dwelling unit is zoned for single family, ~~or~~ multiple family residential or residential/commercial mixed-use and contains an existing or proposed primary unit.

The state legislation also makes provisions for reasonable water and sewer connection fees related to ADUs. This cost can be burdensome for property owners and prior legislation required that the fees associated with water and sewer connection be proportionate to the burden of the ADU on the water system. The amended legislation further expands on this and stipulates that no water or sewer connection fee or capacity charge shall be required for the development of an ADU within the existing living area of the primary unit or an existing accessory building being converted to an ADU. However, said fees can be charged if the ADU is being constructed in tandem with a new primary unit.

17.85.030 (F)

An accessory dwelling unit located within the existing ~~space~~ living area of a single-family primary unit or ~~an~~ accessory building does not require a new or separate utility connection directly between the accessory dwelling unit and the utility ~~or the payment of a connection fee or capacity charge~~.

17.85.030 (G)

For an attached ~~and~~ or detached accessory dwelling unit or an accessory dwelling unit that is constructed with a new single-family primary unit, the applicant shall be required to pay a ~~a~~ water and sewer connection fee and/or capacity charge established by resolution of the City Council that is proportionate to the burden of the proposed accessory dwelling unit on the water and sewer system, based upon either its ~~size~~ square footage or the number of its ~~plumbing fixtures~~ drainage fixture unit value, as defined in the California Plumbing Code, as adopted in Chapter 15.20 ~~upon the water and sewer system~~. No water or sewer connection fee or capacity charge shall be required for the development of an accessory dwelling unit located within the existing living area of a single-family primary unit or accessory building unless the accessory dwelling unit is being constructed at the same time as a new primary unit.

Prior legislation only mandated that one ADU be allowed per property. The amended legislation now mandates that more than one ADU may be allowed on property zoned single-family if the combination includes a junior ADU or an ADU within the existing primary unit and a detached ADU. Therefore, a property in a single-family residential zone can include the primary unit, an ADU within the existing living area of the primary unit or junior ADU and a detached ADU. This means three separate independent residential living quarters can be established on the property.

On property zoned multiple family residential the law states 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, may be constructed within up to 25 percent

of the existing multiple family residential units on the lot. However, at least one ADU or junior ADU shall be permitted within the building space of the existing multiple family residential units on the lot. As an example, if a multiple family residential property contains 20 residential units at least five ADUs within the existing building space of the multiple family units can be constructed. In the case of smaller multiple family residential developments where the 25 percent of the units may result in less than one ADU, the property would be allowed at least one ADU or junior ADU within the existing building space. As it relates to detached ADUs in multiple family residential zones, no more than two detached ADUs are allowed. Furthermore, the ADUs constructed under this provision shall not be considered to exceed the allowable density of the property. The provisions related to this are being added as Section 17.85.030 (K).

17.85.030 (K)

The maximum number of accessory dwelling units and/or junior accessory dwelling units that may be constructed on each lot shall be as follows:

(1) On lots with an existing or proposed single-family primary unit, one (1) detached accessory dwelling unit that otherwise complies with the requirements of this chapter and either one (1) junior accessory dwelling unit or one (1) accessory dwelling unit that is contained entirely within the existing or proposed single-family primary unit and that otherwise complies with the requirements of this chapter, provided that the side and rear setbacks are sufficient for fire and safety.
(2) On lots with existing multi-family residential units, accessory structures located on the same lot that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements or garages, may be converted to accessory dwelling units or junior accessory dwelling units provided such units comply with the requirements of this chapter and all applicable regulations set forth in Title 15 of this code.
(3) On lots with existing multi-family residential units, accessory dwelling unit(s) or junior accessory dwelling unit(s) may be constructed within up to twenty-five percent (25%) of the existing multi-family residential units on the lot provided that at least one (1) accessory dwelling unit or junior accessory dwelling unit shall be permitted within the existing multi-family residential units on the lot.
(4) On lots with existing multi-family residential units, no more than two (2) detached accessory dwelling units.

Prior legislation allowed local jurisdictions to require replacement parking for the primary unit if a garage or carport serving the primary unit was converted to an ADU. However, the law did not require the parking to be replaced in the same manner. The law allowed the parking to be replaced as off-street uncovered parking or tandem parking on the property. Covered parking was allowed but not required by state law. The amended legislation completely removes the provision of requiring replacement parking if the structure housing existing parking for the primary unit is converted to an ADU. Also, if an ADU is constructed within the existing living area of the primary unit or an existing accessory structure no additional parking for that unit was required by the law. That is still the case with the amended legislation. However, parking is still required for an ADU attached or detached from the primary unit and shall only be provided at one space per unit or one parking space per bedroom, whichever is less. Parking may be provided as covered or uncovered on the property. Section 17.85.040 (B) describes the changes to the parking requirement for ADUs.

17.85.040 (B)

Parking for an accessory dwelling unit is required in the following manner:

(1) No additional parking is required for an accessory dwelling unit contained within the existing ~~space~~ living area of a primary unit or an existing accessory structure. ~~Existing parking area for the primary unit converted to an accessory dwelling unit shall be replaced with off-street parking on the lot the primary unit is located. Replacement parking may be provided as covered parking, uncovered parking and tandem parking and may be provided on an existing driveway in the front yard setback, provided that the driveway is at least 20 feet in depth.~~

(2) An accessory dwelling unit attached or detached from the primary unit shall provide one parking space per unit or one parking space per bedroom, whichever is less. Parking may be provided on an existing driveway in the front yard setback area of the lot on which the accessory dwelling unit is located, provided that the driveway is at least 20 feet in depth. Notwithstanding the foregoing, if an existing garage, carport, or covered parking structure is converted to an accessory dwelling unit or demolished in conjunction with the construction of an accessory dwelling unit, the parking provided by such garage, carport, or covered parking structure is not required to be replaced.

The amended legislation now imposes different size limitations for an attached and detached ADU. Currently, an attached or detached ADU shall not exceed 1,200 square feet or result in a total built area that would exceed the maximum lot coverage required by the underlying residential zone. The amendment now establishes a total floor area of no more than 1,200 square feet for a detached ADU, or no more than 50 percent of the total floor area of the primary unit for an attached ADU subject to certain development standards. Additionally, if development standards prevent the construction of an ADU on the property, the law allows at least one ADU to be constructed that is at least 16 feet in height and at least 800 square feet in size. Also, the law mandates that a minimum setback shall be no more than four feet from the side and rear lot lines including lot lines adjacent to streets for an ADU that is not converted from existing living area or an existing accessory structure. Currently, the minimum setback is five feet if an ADU was constructed above an existing accessory building and no ADU was allowed within the street side yard setback which is generally 10 feet or 15 feet depending on the underlying zone of the property. Sections 17.85.040 (D), 17.85.040 (E) and 17.85.040 (F) describe the provisions related to this amendment.

17.85.040

(D) The total floor area for ~~an attached or~~ an detached accessory dwelling unit shall not exceed 1,200 square feet, if detached, or fifty percent (50%) of the primary unit if attached, or, subject to subsection (F) of this section, otherwise result in ~~a~~ the total built area of the primary unit and the accessory dwelling unit ~~that would result in~~ exceeding the maximum lot area coverage as prescribed per the underlying residential zone. This standard shall not apply to an accessory dwelling unit that is contained within the existing space of an existing or proposed primary unit or ~~an existing~~ accessory building.

(E) Nothing in this chapter shall be construed and no development standard shall apply to prohibit the construction of an accessory dwelling unit that is at least 16 feet in height and at least 800 square feet in size.

(F) The location of, and improvements for, the accessory dwelling unit shall conform with the yard setback, ~~distance between buildings~~, building height, and landscaping requirements of the zone in which it is to be located, except as applied in the following:

(1) No setback shall be required when existing living area or an existing accessory structure for an existing garage that is converted to an accessory dwelling unit, or a portion of an accessory dwelling unit, or when an accessory dwelling unit or a portion of an accessory dwelling unit is constructed in the same location and to the same dimensions as existing living area or an existing accessory structure.

(2) ~~, and a~~ A ~~minimum~~ setback of no more than ~~five~~ four feet from the side and rear lot lines, including lot lines adjacent to streets, shall be required for ~~an~~ all other accessory dwelling units ~~that is constructed above a garage.~~

The amended legislation enacts a review time of 60 days on all ADU applications that are submitted to the city and considered complete applications. This provision was added to Section 17.85.070 Review and approval process.

All of the redlined amendments to Chapter 17.85 are provided in Exhibit A.

Additional amendments related to the Zoning Ordinance in Title 17 of the CMC as a result of the amendments to the ADU ordinance are being included with this zone text amendment. These amendments are shown in Exhibit C. The city's various R-1 zones and R-2 zone are described in the following Chapters.

- Chapter 17.06, Agricultural Zone
- Chapter 17.08, A14.4 Single Family Residential Zone
- Chapter 17.10, R-1A Single Family Residential Zone
- Chapter 17.11, R-20.0 Single Family Residential Zone
- Chapter 17.12, R-12.0 Single Family Residential Zone
- Chapter 17.14, R-1-9.6 Single Family Residential Zone
- Chapter 17.16, R-1-8.6 Single Family Residential Zone
- Chapter 17.18, R-1-7.2 Single Family Residential Zone
- Chapter 17.20, R-1-14.4 Single Family Residential Zone
- Chapter 17.22, R-2 Low Density Multiple Family Residential Zone

All of these chapters have a section requiring a distance between buildings. The distances are specific to accessory buildings to the primary unit and residential accessory buildings, which is an ADU, to the primary unit. Some residential zones have a different building separation from a residential accessory building to the primary unit. In some zones the separation can be 10 feet and in other zones the separation is 25 feet. There is no rational reasoning for the building separation as the construction standards imposed by the California Building Code are intended to protect the use of

the building and the residential construction standards that apply to the primary unit will also apply to the ADU. Therefore, the construction standards are designed to protect property and ensure a safe living environment for residents. Also, with the side and rear yard setbacks for ADUs now being four feet to the side and rear property lines there should be more flexibility to allow the ADU to be placed closer to the primary unit.

Building separations to accessory buildings are also described in the affected sections, but an accessory building is not the same as an ADU. An accessory building is defined by CMC Section 17.04.015 as *a building or structure, part of a building or structure that is subordinate to and the use of which is incidental to that of the main building, structure or use on the same lot. An accessory building does not include a patio cover and is not the same as an "accessory dwelling unit."* Basically, an accessory building is a nonresidential structure, such as a detached garage, pool house and other similar building. The building separation is not being changed with this amendment and will maintain a minimum building separation of five feet to the primary unit.

Chapter 17.66 covers accessory buildings and Section 17.66.010 is being amended to provide consistency in the terminology being used for primary unit. Primary unit will replace the previous use of *main structure* in this section. Section 17.66.015 describes patio covers. Over the years the city has received several inquires from the public on why a freestanding patio cover needs to be separated at least five feet from the main structure or an accessory building when an attached patio cover abuts the main structure. A detached and attached patio cover have the same type of building material and a freestanding patio cover is supported by its own footings on all sides. Staff has no reason for requiring the five-foot separation for detached patio covers and decided to remove this requirement with this amendment to allow property owners greater flexibility when it comes to improving their property.

Chapter 16.23 governs Development Impact Fees for the city. The city does not require the payment of development impact fees for secondary residential units. Secondary residential units have since been renamed accessory dwelling units. Therefore, to establish consistency with the terminology used in Chapter 17.85, the two sections is Chapter 16.23, referring to secondary residential units is being amended to accessory dwelling unit.

ENVIRONMENTAL ANALYSIS:

A preliminary exemption assessment has been conducted by the City of Corona and it has shown that this project does not require further environmental assessment because under CEQA Guidelines Section 15061(b)(3), General Rule exemptions apply to actions that have no possibility of significant environmental effect. This action amends language in the municipal code pursuant to state law, and there is no possibility that the adoption of the ordinance will have a significant effect on the environment.

FISCAL IMPACT

This amendment was initiated by the city. Therefore, no applications fees are applicable.

PUBLIC NOTICE

A 10-day public notice was advertised in the Sentinel Weekly News.

STAFF ANALYSIS

AB 881, which takes effect on January 1, 2020, provides that if a local agency's existing ADU ordinance does not meet the requirements of AB 881, the entire ordinance shall be null and void and the local agency will be required to apply only the standards set forth in state law until the local agency adopts an ordinance that complies with the newly enacted legislation. The city's amended ordinance is also required to be submitted to Housing and Community Development demonstrating its compliance with AB 881. If HCD determines that any portion of the city's ordinance violates AB 881 the ordinance in its entirety will be void and the city will need to adhere to state law. Therefore, this amendment is being done to establish compliance with the newly enacted law governing ADUs.

FINDINGS OF APPROVAL FOR ZTA 2019-0004

1. A preliminary exemption assessment has been conducted by the City of Corona and it has shown that this project does not require further environmental assessment because under CEQA Guidelines Section 15061(b)(3), General Rule exemptions apply to actions that have no possibility of significant environmental effect. This action amends language in the municipal code pursuant to state law, and there is no possibility that the adoption of the ordinance will have a significant effect on the environment.

2. The proposed amendment is consistent with the General Plan for the following reasons:

   a. ZTA2019-0004 complies with General Plan Policy 1.7.1 by accommodating the development of a diversity of residential housing types that meets the needs of and is affordable for Corona's residents in accordance with the applicable design and development standards because it will provide greater flexibility for allowing ADUs on existing single family and multiple family residential properties.

   b. ZTA2019-0004 complies with General Plan Policy 1.7.2 by promoting the development of innovative forms of housing that increase the diversity and affordability of units to meet the needs of the population because ADUs provide housing opportunities on already developed residential properties.

   c. ZTA2019-0004 complies with General Plan Policy 1.7.3 by allowing for the development of second units in appropriate residential zones, provided that the parking, design, and other neighborhood impacts are fully addressed, in accordance with State statutory requirements because the provisions being amended in the CMC are compliant with state law.

   d. ZTA2019-0004 complies with General Plan Goal 3.2 by promoting and preserve suitable and affordable housing for persons with special needs, including large families, single parent households, the disabled, and senior citizens because ADUs will provide additional housing options the general population.

3. The proposed amendment is consistent with intent of Title 17 of the Corona Municipal Code for the following reason:

   a. ZTA2019-0004 is consistent with the intent of Title 17 of the Corona Municipal Code to regulate properties for the purpose of protecting the public health, safety and welfare, to create and maintain an attractive city, and

to improve the quality of life for the residents of Corona.

4. The proposed amendment will provide for the public health, safety, and welfare for the following reasons:

   a. The proposed amendment is necessary to comply with State statutory requirements for accessory dwelling units.

   b. The proposed amendment incorporates development standards to ensure that accessory dwelling units are developed in an orderly and safe manner and in compliance with the applicable zoning and building code requirements to protect the public health, welfare and safety of the City and its residents.

SUBMITTED BY: JOANNE COLETTA, COMMUNITY DEVELOPMENT DIRECTOR

EXHIBITS

1. Exhibit A - Amended CMC Chapter 17.85.
2. Exhibit B - Amended CMC Chapter 17.04.
3. Exhibit C - Amended CMC Sections 17.06.110, 17.08.110, 17.10.110, 17.11.110, 17.12.110, 17.14.110, 17.16.110, 17.18.110, 17.20.110, 17.22.110; and 17.66.010 and 17.66.015.
4. Exhibit D - Assembly Bill 881.
5. Exhibit E - Environmental documentation.

Case Planner: (951) 736-2262

EXHIBIT "A"

Chapter 17.85 (Accessory Dwelling Unit) of Title 17 (Zoning) is hereby amended in its entirety to read as follows:

CHAPTER 17.85
ACCESSORY DWELLING UNIT

Sections

17.85.010 Purpose.

The purpose of this chapter is to provide additional opportunities for affordable housing in the city by permitting accessory dwelling units for residential purposes on lots zoned for single-family ~~use zoned for single~~ or multiple family use ~~which are compatible~~; to implement state law requiring consideration and provisions for such use; and to protect and preserve existing neighborhoods through established development standards for accessory dwelling units.

17.85.020 Definitions.

(A) "**Accessory dwelling unit**" means the same as defined in Section 17.04.016 of this code. ~~a dwelling unit contained within the existing space of a primary unit or accessory building, a dwelling unit attached to a primary unit or a dwelling unit detached and separate from a primary unit which provides a complete independent living area for one or more persons. The independent living area shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel that the primary unit is situated. An accessory dwelling unit also includes the following:~~

~~(1) An efficiency unit, as defined in Section 17958.1 of the California Health and Safety Code; and~~

~~(2) A manufactured home, as defined in Section 18007 of the California Health and Safety Code.~~

(B) "**Living area**" means the interior habitable area of a dwelling unit, including basements and attics, but excluding a garage or any accessory building.

~~(C) "**Habitable area**" means a space in a building for living, sleeping, eating or cooking.~~

EXHIBIT A

(~~D~~C) "**Junior accessory dwelling unit**" means the same as defined in Section 17.04.018 of this code. ~~a unit that is no more than 500 square feet in size and contained entirely within an existing primary unit. A junior accessory dwelling unit may include separate sanitation facilities within the existing primary unit.~~

~~(E) "**Larger accessory dwelling unit**" means an accessory dwelling unit that is greater than 1,200 square feet in size.~~

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

(E) "**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.

17.85.030 General requirements.

No accessory dwelling unit may be approved or certificate of occupancy issued unless and until each of the following requirements are met:

(A) ~~(A)~~ The plans for the accessory dwelling unit indicate that requirements of the State Subdivision Map Act and Title 16 of this code will be met.

(B) The accessory dwelling unit complies with the requirements of Title 15 of this code, including, without limitation, the Building Code and the Fire Code.

(~~B~~C) The lot proposed for an accessory dwelling unit is zoned for single family, ~~or~~ multiple family residential or residential/commercial mixed-use and contains an existing or proposed primary unit.

(~~C~~D) The applicant is the owner of the property.

(~~D~~E) An accessory dwelling unit shall not be sold separately from the primary unit, but may be rented; provided that~~. However,~~ short term rentals less than 30 days are prohibited for either unit.

(~~E~~F) An accessory dwelling unit located within the existing ~~space~~ living area of a single-family primary unit or ~~an~~ accessory building does not require a new or separate utility connection directly between the accessory dwelling unit and the utility ~~or the payment of a connection fee or capacity charge~~.

(~~F~~G) For an attached ~~and~~ or detached accessory dwelling unit or an accessory dwelling unit that is constructed with a new single-family primary unit, the applicant shall be required to pay a ~~a~~ water and sewer connection fee and/or capacity charge established by resolution of the City Council that is proportionate to the burden of the proposed accessory dwelling unit on the water and sewer system, based upon either its ~~size~~ square footage or the number of its ~~plumbing fixtures~~drainage fixture unit value, as defined in the California Plumbing Code, as adopted in

Chapter 15.20~~, upon the water and sewer system~~. No water or sewer connection fee or capacity charge shall be required for the development of an accessory dwelling unit located within the existing living area of a primary unit unless the accessory dwelling unit is being constructed at the same time as a new primary unit.

(H) An accessory dwelling unit that conforms to the requirements of this chapter 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 General Plan and zoning designations for the lot.

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

(J) The physical dimensions of a primary unit or an accessory building may be expanded by no more than 150 feet if necessary to accommodate ingress and egress to a junior accessory dwelling unit or an accessory dwelling unit located within an accessory building or the existing living area of a primary unit.

(K) The maximum number of accessory dwelling units and/or junior accessory dwelling units that may be constructed on each lot shall be as follows:

(1) On lots with an existing or proposed single-family primary unit, one (1) detached accessory dwelling unit that otherwise complies with the requirements of this chapter and either one (1) junior accessory dwelling unit or one (1) accessory dwelling unit that is contained entirely within the existing or proposed single-family primary unit and that otherwise complies with the requirements of this chapter, provided that the side and rear setbacks are sufficient for fire and safety.

(2) On lots with existing multi-family residential units, accessory structures located on the same lot that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements or garages, may be converted to accessory dwelling units or junior accessory dwelling units provided such units comply with the requirements of this chapter and all applicable regulations set forth in Title 15 of this code.

(3) On lots with existing multi-family residential units, accessory dwelling unit(s) or junior accessory dwelling unit(s) may be constructed within up to twenty-five percent (25%) of the existing multi-family residential units on the lot provided that at least one (1) accessory dwelling unit or junior accessory dwelling unit shall be permitted within the existing multi-family residential units on the lot.

(4) On lots with existing multi-family residential units, no more than two (2) detached accessory dwelling units.

17.85.040 Development standards.

(A) The accessory dwelling unit shall be located on the same lot as the proposed or existing primary unit and ~~may~~ shall be attached to or contained within the existing space of the proposed or existing primary unit, including attached garages, storage areas, or accessory structures, ~~attached to the primary unit,~~ or detached from the primary unit.

(B) Parking for an accessory dwelling unit is required in the following manner:

(1) No additional parking is required for an accessory dwelling unit contained within the existing ~~space~~ living area of a primary unit or an existing accessory structure. ~~Existing parking area for the primary unit converted to an accessory dwelling unit shall be replaced with off-street parking on the lot the primary unit is located. Replacement parking may be provided as covered parking, uncovered parking and tandem parking and may be provided on an existing driveway in the front yard setback, provided that the driveway is at least 20 feet in depth.~~

(2) An accessory dwelling unit attached or detached from the primary unit shall provide one parking space per unit or one parking space per bedroom, whichever is less. Parking may be provided on an existing driveway in the front yard setback area of the lot on which the accessory dwelling unit is located, provided that the driveway is at least 20 feet in depth. Notwithstanding the foregoing, if an existing garage, carport, or covered parking structure is converted to an accessory dwelling unit or demolished in conjunction with the construction of an accessory dwelling unit, the parking provided by such garage, carport, or covered parking structure is not required to be replaced.

(3) Parking spaces shall be paved or on another surface approved by the Community Development Director, such as compacted, decomposed granite. Parking on dirt or landscaped areas is prohibited.

(4) A front yard landscaped area is required to be maintained on the lot on which the accessory dwelling unit is located and shall not be ~~replaced in its entirety~~removed to accommodate off-street parking.

(C) Notwithstanding the foregoing, no additional parking spaces beyond that required for the primary unit shall be required for an accessory dwelling unit that meets any of the following criteria:

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

(2) The accessory dwelling unit is located within a historic district identified in the city's Register of Historic Resources.

(3) The accessory dwelling unit is contained within the existing primary unit or accessory building.

(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.

~~(D) The minimum dwelling unit area for the primary unit after construction of the accessory dwelling unit shall meet the minimum dwelling unit area required by the zone in which both units are located.~~

(~~E~~D) The total floor area for ~~an attached or~~an ~~detached~~ accessory dwelling unit shall not exceed 1,200 square feet, if detached, or fifty percent (50%) of the primary unit if attached, or, subject to subsection (F) of this section, otherwise result in ~~a~~ the total built area of the primary unit and the accessory dwelling unit ~~that would result in~~ exceeding the maximum lot area coverage as prescribed per the underlying residential zone. This standard shall not apply to an accessory dwelling unit that is contained within the existing space of an existing or proposed primary unit or ~~an existing~~ accessory building.

(E) Nothing in this chapter shall be construed and no development standard shall apply to prohibit the construction of an accessory dwelling unit that is at least 16 feet in height and at least 800 square feet in size.

(F) The location of, and improvements for, the accessory dwelling unit shall conform with the yard setback, ~~distance between buildings,~~ building height, and landscaping requirements of the zone in which it is to be located, except as applied in the following:

(1) ~~(1)~~ No setback shall be required when existing living area or an existing accessory structure~~for an existing garage that~~ is converted to an accessory dwelling unit, or a portion of an accessory dwelling unit, or when an accessory dwelling unit or a portion of an accessory dwelling unit is constructed in the same location and to the same dimensions as existing living area or an existing accessory structure.

~~(1)~~(2) ~~, and a~~A ~~minimum~~ setback of no more than ~~five~~ four feet from the side and rear lot lines, including lot lines adjacent to streets, shall be required for ~~an~~ all other accessory dwelling unit~~s that is constructed above a garage~~.

(G) An accessory dwelling unit shall have a separate independent entrance from the primary unit.

(H) A manufactured home on a permanent foundation may be permitted in any zone as an accessory dwelling unit, subject to the provisions of Chapter 17.81.

(I) The accessory dwelling unit shall be architecturally compatible with the primary unit, with respect to style, roof pitch, color, and exterior materials.

~~(J) No more than one accessory dwelling unit shall be permitted on each lot zoned for single family or multiple family residential use.~~

(~~K~~J) ~~Fire sprinklers shall not be required for an accessory dwelling unit that is 1,200 square feet or less in size if the existing primary unit is not required to have fire sprinklers.~~ If the existing primary unit is required to have fire sprinklers, the accessory dwelling unit shall be required to have fire sprinklers.

~~**17.85.050 Larger Accessory Dwelling Units.**~~

~~(A) A larger accessory dwelling unit is permitted subject to the requirements set forth in §§ 17.85.030 through 17.85.040 except for the following:~~

~~(1) Fire sprinklers shall not be required for a larger accessory dwelling unit that is attached to or contained within the existing space of a primary unit or existing accessory building if fire sprinklers are not required for the primary unit. If the existing primary unit is required to have fire sprinklers, the larger accessory dwelling unit shall be required to have fire sprinklers.~~

~~(2) Fire sprinklers shall be required for a larger accessory dwelling unit that is detached from the primary unit regardless of whether the primary unit is required to have fire sprinklers.~~

17.85.060 Junior Accessory Dwelling Units.

~~As an alternative to an accessory dwelling unit or larger accessory dwelling unit,~~ Subject to the limitations set forth in Section 17.85.030(K), a junior accessory dwelling unit shall be permitted if it complies with the following standards:

(A) The junior accessory dwelling unit complies with the requirements of Title 15 of this code, including, without limitation, the Building Code and the Fire Code.

~~One junior accessory dwelling unit may be located on a residential lot zoned for single family residential purposes with an existing primary unit.~~

(B) The owner of the lot proposed for the junior accessory dwelling unit shall occupy, as a principal residence, either the primary unit or the junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another government agency, land trust, or housing organization.

(C) The junior accessory dwelling unit shall not be sold independently of the primary unit on the lot. Either unit may be rented; however, short term rentals less than 30 days are prohibited.

(D) A deed restriction, in the form satisfactory to the Community Development Director and the City Attorney, shall be completed and recorded with the County Recorder's office prior to issuance of a building permit for a junior accessory dwelling unit. The deed restriction shall include the restrictions and limitations identified in this subsection, shall run with the land, and shall be binding upon any future owners, heirs, or assigns of the property. A copy of the recorded deed restriction shall be filed with the Community Development Department stating the following:

(1) The junior accessory dwelling unit shall not be sold separately from the primary unit;

(2) The junior accessory dwelling unit shall not exceed 500 square feet in size;

(3) The junior accessory dwelling unit shall be considered permitted only so long as either the primary unit or the junior accessory dwelling unit is occupied by the record owner of the

property, except when the property is owned by a government agency, land trust, or housing organization.

(4) The restrictions shall be binding upon a successor in ownership of the property and lack of compliance with this provision may result in legal action against the property owner, including revocation of any right to maintain a junior accessory dwelling unit on the property.

(E) The junior accessory dwelling unit must be created within the ~~existing~~ walls of an existing or proposed primary unit~~, and must include the conversion of an existing bedroom~~.

(F) The junior accessory dwelling unit shall have an independent exterior entrance separate from the main entrance to the primary unit.

~~(G) The interior entrance connecting the junior accessory dwelling unit to the primary unit must be maintained, and may include a second interior doorway for sound attenuation.~~

(~~H~~G) The junior accessory dwelling unit shall include an efficiency kitchen which shall include and be limited to the following components:

~~(1) A sink with a maximum waste line diameter of 1.5 inches.~~

(~~2~~1) A cooking facility with appliances ~~that do not require electrical service greater than 120 volts, or natural or propane gas~~.

(~~3~~2) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

(~~I~~H) A junior accessory dwelling unit shall comply with the building setbacks as required for the primary unit.

(~~J~~I) No additional parking shall be required for the junior accessory dwelling unit ~~provided that the required parking spaces serving the primary unit are maintained~~.

(~~K~~J) No water or sewer connection fee or capacity charge shall be required for the development of a junior accessory dwelling unit.

(K) A junior accessory dwelling unit does not require a new or separate utility connection directly between the junior accessory dwelling unit and the utility.

(~~L~~L) Fire sprinklers shall ~~not~~ be required for a junior accessory dwelling unit only if fire sprinklers are ~~not~~ required for the primary unit.

17.85.070 Review and approval process.

Accessory dwelling units, larger accessory dwelling units, and junior accessory dwelling units shall be reviewed ministerially through the plan check process for a building permit. Application,

plans, and documents required for the plan check process shall be submitted to the Building Division in accordance with the plan check submittal requirements. The City will act on such applications within sixty (60) days of receipt of a completed application or such extended time as requested by the applicant; provided that if the application to construct an accessory dwelling unit or a junior accessory unit is submitted with an application to construct a new single-family primary unit on the lot, the City will delay acting on the accessory dwelling unit permit until such time that the building permit is issued for the primary unit.

17.85.080 Plan check ~~F~~fees.

Plan check fees may be established by City Council resolution. Such fees, if any, shall be paid at the time the documents are submitted for plan check.

EXHIBIT "B"

Sections 17.04.016 (Accessory dwelling unit) and 17.04.018 (Accessory dwelling unit, junior) of Chapter 17.04 (Definitions and Construction) of Title 17 (Zoning) are hereby amended in their entirety to read as follows:

17.04.016 Accessory dwelling unit.

"Accessory dwelling unit" means ~~repurposed existing space within the primary unit or accessory building,~~ an attached ~~unit attached to the primary unit,~~ or detached residential dwelling unit that is located on the same lot as an existing or proposed single family or multiple family ~~separate from the~~ primary unit or a unit that is contained entirely within an existing or proposed single family primary unit or accessory structure and that ~~which~~ provides complete independent living facilities for one or more persons~~. The independent living space~~ includinges permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel that the primary unit is situated. An accessory dwelling unit also includes the following:

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

(2) A manufactured home, as defined in Section l8007 of the California Health and Safety Code.

17.04.018 Accessory dwelling unit, junior.

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

Section 17.04.017 (Accessory dwelling unit, larger) of Chapter 17.04 (Definitions and Construction) of Title 17 (Zoning) is hereby deleted in its entirety.

~~**17.04.017 Accessory dwelling unit, larger.**~~

~~"Larger accessory dwelling unit" means an accessory dwelling unit that is greater than 1,200 square feet in size.~~

EXHIBIT B

EXHIBIT "C'

Section 17.06.110 (Distance between buildings) of Chapter 17.06 (A-Agricultural Zone) of Title 17 (Zoning) is hereby amended in its entirety to read as follows:

17.06.110 Distance between buildings.

(A) The minimum distance between accessory buildings and the primary unit ~~main buildings~~ shall be ~~as follows:~~

~~(1) Nonresidential accessory buildings shall be located not less than~~ five feet~~. from any main buildings;~~

~~(2) Residential accessory buildings shall be located not less than 25 feet from any main building.~~

(B) The minimum distance between ~~nonresidential~~ accessory buildings shall be five feet unless the buildings have a common or party wall. ~~The minimum distance between residential accessory buildings shall be 20 feet.~~

Section 17.08.110 (Distance between buildings) of Chapter 17.08 (A-14.4 – Single-Family Residential Zone) of Title 17 (Zoning) is hereby amended in its entirety to read as follows:

17.08.110 Distance between buildings.

(A) The minimum distance between accessory buildings and ~~main buildings~~the primary unit shall be ~~as follows:~~

~~(1) Nonresidential accessory buildings shall be located not less than~~ five feet~~. from any main buildings;~~

~~(2) Residential accessory buildings shall be located not less than 25 feet from any main building.~~

(B) The minimum distance between ~~nonresidential~~ accessory buildings shall be five feet unless the buildings have a common or party wall. ~~The minimum distance between residential accessory buildings shall be 20 feet.~~

Section 17.10.110 (Distance between buildings) of Chapter 17.10 (A-1A – Single-Family Residential Zone) of Title 17 (Zoning) is hereby amended in its entirety to read as follows:

17.10.110 Distance between buildings.

(A) The minimum distance between accessory buildings and ~~main buildings~~the primary unit shall be ~~as follows:~~

~~(1) Nonresidential accessory buildings shall be located not less than~~ five feet~~. from any main buildings;~~

~~(2) Residential accessory buildings shall be located not less than 25 feet from any main building.~~

(B) The minimum distance between ~~nonresidential~~ accessory buildings shall be five feet unless the buildings have a common or party wall. ~~The minimum distance between residential accessory buildings shall be 20 feet.~~

EXHIBIT C

Section 17.11.110 (Distance between buildings) of Chapter 17.11 (R-20.0 – Single-Family Residential Zone) of Title 17 (Zoning) is hereby amended in its entirety to read as follows:

17.11.110 Distance between buildings.

(A) The minimum distance between accessory buildings and ~~main buildings~~ the primary unit shall be ~~as follows:~~

~~(1) Nonresidential accessory buildings shall be located not less than~~ five feet~~.~~ ~~from any main buildings;~~

~~(2) Residential accessory buildings shall be located not less than 20 feet from any main building.~~

(B) The minimum distance between ~~nonresidential~~ accessory buildings shall be five feet unless the buildings have a common or party wall. ~~The minimum distance between residential accessory buildings shall be ten feet.~~

Section 17.12.110 (Distance between buildings) of Chapter 17.12 (R-12.0 – Single-Family Residential Zone) of Title 17 (Zoning) is hereby amended in its entirety to read as follows:

17.12.110 Distance between buildings.

(A) The minimum distance between accessory buildings and ~~main buildings~~the primary unit shall be ~~as follows:~~

~~(1) Nonresidential accessory buildings shall be located not less than~~ five feet~~.~~ ~~from any main buildings;~~

~~(2) Residential accessory buildings shall be located not less than 15 feet from any main building.~~

(B) The minimum distance between ~~nonresidential~~ accessory buildings shall be five feet unless the buildings have a common or party wall. ~~The minimum distance between residential accessory buildings shall be ten feet.~~

Section 17.14.110 (Distance between buildings) of Chapter 17.14 (R-1-9.6 – Single-Family Residential Zone) of Title 17 (Zoning) is hereby amended in its entirety to read as follows:

17.14.110 Distance between buildings.

(A) The minimum distance between accessory buildings and ~~main buildings~~the primary unit shall be ~~as follows:~~

~~(1) Nonresidential accessory buildings shall be located not less than~~ five feet~~.~~ ~~from any main buildings;~~

~~(2) Residential accessory buildings shall be located not less than ten feet from any main building.~~

(B) The minimum distance between ~~nonresidential~~ accessory buildings shall be five feet unless the buildings have a common or party wall. ~~The minimum distance between residential accessory buildings shall be ten feet.~~

Section 17.16.110 (Distance between buildings) of Chapter 17.16 (R-1-8.4 – Single-Family Residential Zone) of Title 17 (Zoning) is hereby amended in its entirety to read as follows:

17.16.110 Distance between buildings.

(A) The minimum distance between accessory buildings and ~~main buildings~~the primary unit shall be ~~as follows:~~

~~(1) Nonresidential accessory buildings shall be located not less than~~ five feet~~ from any main buildings;~~

~~(2) Residential accessory buildings shall be located not less than ten feet from any main building.~~

(B) The minimum distance between ~~nonresidential~~ accessory buildings shall be five feet unless the buildings have a common or party wall. ~~The minimum distance between residential accessory buildings shall be ten feet.~~

Section 17.18.110 (Distance between buildings) of Chapter 17.18 (R-1-7.2 – Single-Family Residential Zone) of Title 17 (Zoning) is hereby amended in its entirety to read as follows:

17.18.110 Distance between buildings.

(A) The minimum distance between accessory buildings and ~~main buildings~~the primary unit shall be ~~as follows:~~

~~(1) Nonresidential accessory buildings shall be located not less than~~ five feet~~ from any main buildings;~~

~~(2) Residential accessory buildings shall be located not less than ten feet from any main building.~~

(B) The minimum distance between ~~nonresidential~~ accessory buildings shall be five feet unless the buildings have a common or party wall. ~~The minimum distance between residential accessory buildings shall be ten feet.~~

Section 17.20.110 (Distance between buildings) of Chapter 17.20 (R-1-14.4 – Single-Family Residential Zone) of Title 17 (Zoning) is hereby amended in its entirety to read as follows:

17.20.110 Distance between buildings.

(A) The minimum distance between accessory buildings and ~~main buildings~~the primary unit shall be ~~as follows:~~

~~(1) Nonresidential accessory buildings shall be located not less than~~ five feet~~ from any main buildings;~~

~~(2) Residential accessory buildings shall be located not less than 25 feet from any main building.~~

(B) The minimum distance between ~~nonresidential~~ accessory buildings shall be five feet unless the buildings have a common or party wall. ~~The minimum distance between residential accessory buildings shall be 20 feet~~.

Section 17.22.110 (Distance between buildings) of Chapter 17.22 (R-2 – Low-Density Multiple-Family Residential Zone) of Title 17 (Zoning) is hereby amended in its entirety to read as follows:

17.22.110 Distance between buildings.

The minimum distance between single-story dwellings, neither one of which has an entrance opening upon the intervening space, shall be not less than ten feet, and the minimum distance between buildings in all other cases shall not be less than 20 feet. No minimum distance is required between an accessory dwelling unit and the primary unit.

Sections 17.66.010 (Accessory buildings) and 17.66.015 (Patio covers) of Chapter 17.66 (Accessory Buildings and Building Height) of Title 17 (Zoning) is hereby amended in its entirety to read as follows:

17.66.010 Accessory buildings.

(A) No garage or other accessory building shall be located in any R zone without a permissive ~~main building~~primary unit.

(B) Detached accessory buildings shall be at least five feet from the ~~main building~~primary unit. ~~Nonresidential a~~Accessory buildings shall be separated by five feet.

(C) (1) Detached accessory buildings which match the architecture of the ~~main structure~~primary unit shall be permitted to be constructed at or up to the front setback line and are subject to all other applicable setbacks.

(2) ~~Nonresidential d~~Detached accessory buildings which do not match the architecture of the ~~main structure~~primary unit shall be located to the rear of the ~~main structure~~primary unit.

(3) Both of the following are not subject to the development standards in this subsection: detached accessory buildings under six feet in height which are located in the rear yard and detached accessory buildings that are less than 120 square feet in area.

(D) Detached accessory buildings without fire resistive walls shall be at least four feet from a side or rear lot line. Detached accessory buildings with fire resistive walls shall be permitted at least two feet from a side or rear lot line; provided, however, that any area three feet or less shall be poured with a minimum of two inches or concrete and finished to provide proper drainage.

(E) Garages with automobile access from an alley shall not be closer than 25 feet from the opposite property line of the alley.

(F) No accessory building shall occupy any portion of the side yard on the street side of the corner lot, and on a reversed corner lot no accessory building shall be erected closer to the street than the building line of the adjacent key lot.

17.66.015 Patio covers.

(A) No patio cover shall be constructed without a permissive ~~main building~~primary unit.

~~(B) A freestanding patio cover shall be located at least five feet from the main building or an accessory building.~~

(~~C~~B) No patio cover shall extend closer than five feet to a side lot line or rear lot line adjacent to a street.

(~~D~~C) For single-family detached residential units, no patio cover shall extend closer than five feet to any side lot line or rear lot line.

(~~E~~D) For single-family attached residential units, and multi-family attached residential units, townhomes, condominiums, and zero lot line units, no patio cover shall extend closer than three feet to any side lot line or rear lot line.

AB-881 Accessory dwelling units. (2019-2020)

Date Published: 10/10/2019 09:00 PM

Assembly Bill No. 881

CHAPTER 659

An act to amend, repeal, and add Section 65852.2 of the Government Code, relating to housing.

[Approved by Governor October 09, 2019. Filed with Secretary of State October 09, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 881, Bloom. Accessory dwelling units.

(1) The Planning and Zoning Law provides for the creation of accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions. Existing law requires the ordinance to designate areas where accessory dwelling units may be permitted and authorizes the designated areas to be based on criteria that includes, but is not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

This bill would instead require a local agency to designate these areas based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. The bill would also prohibit a local agency from issuing a certificate of occupancy for an accessory dwelling unit before issuing a certificate of occupancy for the primary residence.

(2) Existing law requires an ordinance providing for the creation of accessory dwelling units, as described above, to impose standards on accessory dwelling units, including, among other things, lot coverage. Existing law also requires such an ordinance to require that the accessory dwelling units be either attached to, or located within, the living area of the proposed or existing primary dwelling, or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

This bill would delete the provision authorizing the imposition of standards on lot coverage and would prohibit an ordinance from imposing requirements on minimum lot size. The bill would revise the requirements for an accessory dwelling unit by providing that the accessory dwelling unit may be attached to, or located within, an attached garage, storage area, or an accessory structure, as defined.

(3) Existing law prohibits a local agency from requiring a setback for an existing garage that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit. Existing law requires that an accessory dwelling unit that is constructed above a garage have a setback of no more than 5 feet.

This bill would instead prohibit a setback requirement 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. The bill would also instead require a setback of no more than 4 feet 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.

EXHIBIT D

(4) Existing law provides that replacement offstreet parking spaces, required by a local agency 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, may be located in any configuration on the same lot as the accessory dwelling unit, except as provided.

This bill would instead prohibit a local agency from requiring the replacement of offstreet parking spaces when a garage, carport, or covered parking structure is demolished or converted, as described above.

(5) Existing law requires a local agency to ministerially approve or deny a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit within 120 days of receiving the application.

This bill would instead require a local agency to ministerially approve or deny a permit application for the creation of an accessory dwelling unit or 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. The bill would authorize the permitting agency to delay acting on the permit application if the permit application is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, as specified.

(6) Existing law prohibits a local agency from utilizing standards to evaluate a proposed accessory dwelling unit on a lot that is zoned for residential use that includes a proposed or existing single-family dwelling other than the criteria described above, except, among one other exception, a local agency may require an applicant for a permit to be an owner-occupant of either the primary or accessory dwelling unit as a condition of issuing a permit.

This bill, until January 1, 2025, would prohibit a local agency from imposing an owner-occupant requirement, as described above.

(7) Existing law authorizes a local agency to establish minimum and maximum unit size limitations on accessory dwelling units, provided that the ordinance permits an efficiency unit to be constructed in compliance with local development standards.

This bill would prohibit a local agency from establishing a minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit, as defined. The bill would also prohibit a local agency from establishing a maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than 850 square feet, and 1,000 square feet if the accessory dwelling unit contains more than one bedroom. The bill would also instead prohibit a local agency from establishing 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 dwelling units that prohibits at least an 800 square foot accessory dwelling unit that is at least 16 feet in height and with a 4-foot side and rear yard setbacks.

(8) Existing law prohibits a local agency from imposing parking standards for an accessory dwelling unit if, among other conditions, the accessory dwelling unit is located within $^1/_2$ mile of public transit.

This bill would make that prohibition applicable if the accessory dwelling unit is located within $^1/_2$ mile walking distance of public transit, and would define public transit for those purposes.

(9) Existing law requires a local agency to 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 of the unit that is contained within the existing space of a single-family residence or accessory structure when specified conditions are met, including that the side and rear setbacks are sufficient for fire safety.

This bill would instead require ministerial approval of an application for a building permit within a residential or mixed-use zone to create the following: (1) one accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if certain requirements are met; (2) a detached, new construction accessory dwelling unit that meets certain requirements and would authorize a local agency to impose specified conditions relating to floor area and height on that unit; (3) multiple accessory dwelling units within the portions of an existing multifamily dwelling structure provided those units meet certain requirements; or (4) not more than 2 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 certain height and rear yard and side setback requirements.

(10) Existing law prohibits a local agency, special district, or water corporation from considering an accessory dwelling unit to be a new residential use for purposes of calculating fees or capacity charges.

This bill would establish an exception from the above-described prohibition in the case of an accessory dwelling unit that was constructed with a new single-family home.

(11) Existing law requires a local agency to submit a copy of the adopted ordinance to the Department of Housing and Community Development and authorizes the department to review and comment on the ordinance.

This bill would instead authorize the department to submit written findings to the local agency as to whether the ordinance complies with the statute authorizing the creation of an accessory dwelling unit, and, if the department finds that the local agency's ordinance does not comply with those provisions, would require the department to notify the local agency within a reasonable time. The bill would require the local agency to consider the department's findings and either amend its ordinance to comply with those provisions or adopt it without changes and include specified findings. If the local agency does not amend it ordinance or does not adopt those findings, the bill would require the department to notify the local agency and authorize it to notify the Attorney General that the local agency is in violation of state law, as provided. The bill would authorize the department to adopt guidelines to implement uniform standards or criteria to supplement or clarify the provisions authorizing accessory dwelling units.

(12) Existing law defines the term "accessory dwelling unit" for these purposes to mean an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons.

This bill would revise the definition to additionally require an accessory dwelling unit be located on a lot with a proposed or existing primary residence in order for the provisions described above to apply.

(13) This bill would incorporate additional changes to Section 65852.2 of the Government Code proposed by SB 13 to be operative only if this bill and SB 13 are enacted and this bill is enacted last.

(14) By increasing the duties of local agencies with respect to land use regulations, this bill would impose a state-mandated local program.

(15) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(16) This bill would include findings that the changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. 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 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 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 use and includes a proposed or existing single-family 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 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 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.

(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 to create an accessory dwelling unit or a junior accessory dwelling unit shall be considered 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 that it incurs as a result of amendments to this paragraph enacted during the 2001–02 Regular Session of the Legislature, 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 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 used or imposed, including an owner-occupant requirement, except that a local agency may require the property to 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). 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.

(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 and one 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 dwelling units 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.

(A) 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.

(B) 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 or the number of its plumbing fixtures, 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, 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.

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

(3) "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.

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

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

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

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

(8) "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.

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

SEC. 1.5. 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 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) 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.

(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 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) 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.

(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.

(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.

SEC. 2. Section 65852.2 is added to the Government Code, 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 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.

(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 Places. 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 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 use and includes a proposed or existing single-family 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 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 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.

(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 to create an accessory dwelling unit or a junior accessory dwelling unit shall be considered 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 that it incurs as a result of amendments to this paragraph enacted during the 2001–02 Regular Session of the Legislature, 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 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 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 used or imposed, except that, subject to subparagraph (B), a local agency may require an applicant for a permit issued pursuant to this subdivision for an accessory dwelling unit created on or after January 1, 2025, to be an owner-occupant, or may require the property to 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.

(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 and one 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 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.

(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.

(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) Accessory dwelling units 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.

(A) 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.

(B) 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 or the number of its plumbing fixtures, 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, 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.

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

(3) "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.

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

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

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

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

(8) "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.

(9) "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) This section shall become operative on January 1, 2025.

SEC. 2.5. Section 65852.2 is added to the Government Code, 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 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 on 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 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.

(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.

(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 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 become operative on January 1, 2025.

SEC. 3. Sections 1.5 and 2.5 of this bill incorporates amendments to Section 65852.2 of the Government Code proposed by both this bill and Senate Bill 13. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2020, (2) each bill amends Section 65852.2 of the Government Code, and (3) this bill is enacted after Senate Bill 13, in which case Sections 1 and 2 of this bill shall not become operative.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 5. The Legislature finds and declares that Sections 1 and 2 of this act amending, repealing, and adding Section 65852.2 of the Government Code addresses a matter of statewide concern rather than a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Section 1 of this act applies to all cities, including charter cities.

NOTICE OF EXEMPTION

TO: CLERK OF THE BOARD OF
SUPERVISORS COUNTY OF RIVERSIDE

FROM: CITY OF CORONA
COMMUNITY DEVELOPMENT DEPT.
400 S. VICENTIA AVE, SUITE 120
CORONA, CA 92882

1. Project title: ZTA2019-0004

2. Project location (specific): N/A – City wide

3. a. Project location - City of Corona
b. Project location - County of Riverside

4. Description of nature, purpose and beneficiaries of project:

Zone Text Amendment 2019-004 (ZTA2019-0004) is an amendment to various chapters in Title 17 of the Corona Municipal Code, Zoning Ordinance, to amend the regulations for Accessory Dwelling Units in accordance with state law enacted by AB 881.

5. Name of public agency approving project: City of Corona

6. Name of Person or Agency undertaking the project, including any person undertaking an activity that receives financial assistance from the Public Agency as part of the activity or the person receiving a lease, permit, license, certificate, or other entitlement of use from the Public Agency as part of the activity: City of Corona

7. Exempt Status (check one):
   a. ___ Ministerial Project (Pub. Res. Code § 21080(b)(1); State CEQA Guidelines § 15268).
   b. ___ Not a project.
   c. ___ Emergency project (Pub. Res. Code § 21080(b)(4); State CEQA Guidelines § 15269(b),(c)).
   d. ___ Categorical Exemption. State type and class number: *****
   e. ___ Declared Emergency (Pub. Res. Code § 21080(b)(3); State CEQA Guidelines § 15269(a)).
   f. ___ Statutory Exemption. State code section number
   g. X Other: *See below explanation.*

8. Reasons why the project is exempt:

ZTA2019-0004 is exempt pursuant to Section 15061(b)(3) of the Guidelines for the California Environmental Quality Act (CEQA), which states that a project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This amendment amends language in the municipal code pursuant to state law, and there is no possibility that adopting this Ordinance will have a significant effect on the environment.

9. Contact Person/Telephone No.: Joanne Coletta / (951) 279-3553

10. Attach Preliminary Exemption Assessment (Form "A") before filing.

Date received for filing:_____ Signature:_____
Joanne Coletta, Community Development Director

EXHIBIT E

CITY OF CORONA

PRELIMINARY EXEMPTION ASSESSMENT
(Certificate of Determination When attached to Notice of Exemption)

Name, Description and Location of Project:

Zone Text Amendment 2019-0004 (ZTA2019-0004) is an amendment to various chapters in Title 17 of the Corona Municipal Code, Zoning Ordinance, to amend the regulations for Accessory Dwelling Units in accordance with state law enacted by AB 881.

Entity or Person Undertaking Project:

__X__ A. Public Agency: City of Corona, 400 S. Vicentia Avenue, Corona, CA 92880 / (951) 736-2262.

___ B. Other (private)

Staff Determination:

The City's staff, having undertaken and completed a preliminary review of this project in accordance with the City's Resolution entitled "Local Guidelines of the City of Corona Implementing the California Environmental Quality Act (CEQA)" has concluded that this project does not require further environmental assessment because:

___A. The proposed action does not constitute a project under CEQA.
___B. The project is a Ministerial Project.
___C. The project is an Emergency Project.
___D. The project constitutes a feasibility` or planning study.
___E. The project is categorically exempt: Applicable Exemption Class: ****
___F. The project is a statutory exemption. Code section number:
__X__G. The project is otherwise exempt on the following basis:
ZTA2019-0004 is exempt pursuant to Section 15061(b)(3) of the Guidelines for the California Environmental Quality Act (CEQA), which states that a project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This amendment amends language in the municipal code pursuant to state law, and there is no possibility that adopting this Ordinance will have a significant effect on the environment.
___H. The project involves another public agency which constitutes the lead agency. Name of Lead Agency:

Date:_____

_____
Joanne Coletta, Director
Lead Agency Representative