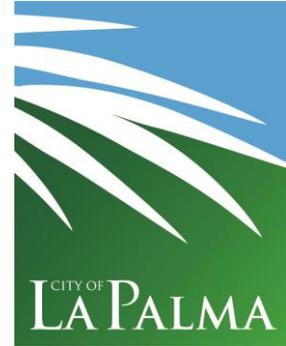


City of La Palma

Agenda Item No. 10



MEETING DATE: June 2, 2020
TO: CITY COUNCIL
FROM: CITY MANAGER
SUBMITTED BY: Scott Hutter, Planning Manager

AGENDA TITLE: Second Reading and Adoption of an Ordinance Amending City Zoning Code (Chapter 44 of the La Palma Municipal Code) Section's 44-10, 79, 111, and 364 Pertaining to the Regulation of Accessory Dwelling Units (ADU's) in Residential Zones in Conformance With State Law

CEQA: exempt pursuant to Public Resources Code (PRC) Section 21080.17 and CEQA Guideline Section 15303 (Class 3)

RECOMMENDATION:

It is recommended that the City Council adopt and order the second reading of Ordinance of the City of La Palma amending City Zoning Code (Chapter 44 of the La Palma Municipal Code) Section's 44-10, 79, 111 and 364 pertaining to the regulation of accessory dwelling units (ADU's) in residential zones in conformance with State law.

SUMMARY:

The City Council conducted a duly noticed Public Hearing on May 5, 2020, for the aforementioned Ordinance which is provided as *Attachment 1* to this report. The Ordinance amends Section's 44-10, 79, 111 and 364 pertaining to the regulation of accessory dwelling units (ADU's) and Junior accessory dwelling units (JADU's) in residential zones in conformance with State law. The May 5, 2020, agenda report on the introduction of this Ordinance is provided as *Attachment 2*. For this Ordinance to become effective, the City Council needs to conduct the second reading of the Ordinance to adopt it. Once the Ordinance is adopted it will become effective in 30 days.

BACKGROUND:

At their May 5, 2020, meeting, the City Council took action to make zone text amendments to its City Code by introduction of this Ordinance. This Ordinance is the result of a thorough review of the following amendments to California law became effective January 1, 2020, regarding the creation of ADUs and JADUs.

- **Chapter 653, Statutes of 2019 (Senate Bill 13)**
- **Chapter 655, Statutes of 2019 (Assembly Bill 68)**
- **Chapter 657, Statutes of 2019 (Assembly Bill 587)**
- **Chapter 178, Statutes of 2019 (Assembly Bill 670)**
- **Chapter 658, Statutes of 2019 (Assembly Bill 671)**
- **Chapter 659, Statutes of 2019 (Assembly Bill 881)**

The State changes in ADU law requires the City of La Palma to review and revise the City's Municipal Code regulations for ADU's to ensure compliance with all provisions of State law. Any City regulation that does not comply with the new State requirements is null and void until such time as the jurisdiction adopts an ordinance that complies with the latest State ADU law.

ANALYSIS:

This proposed Ordinance amends regulations that pertain to ADU's in Sections 44-10, 44-79, 44-111, 44-364 of the City of La Palma Municipal Code. The changes being made to the Zoning Code are depicted in color coded strikeout form and described in details as a part of the May 5, 2020, agenda report provided as *Attachment 2*.

ENVIRONMENTAL REVIEW:

The City Council finds that this ADU Ordinance is statutory exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 21080.17 of the California Public Resources Code (PRC). Under PRC Section 21080.17, CEQA does not apply to the adoption of an Ordinance by a City or County to implement the provisions of Section 65852.2 of the Government Code (the state ADU law). This Ordinance implements Government Code Section 65852.2 within the City of La Palma in a manner that is consistent with the requirements of state law. As such, the adoption of the ordinance is exempt from CEQA. The City Council also finds that this project qualifies for a Categorical (Class 3) Exemption, per CEQA Guidelines section 15303, which exempts new construction or conversion of small structures, as in the case of a second dwelling unit in a residential zone. It has been determined that the project would not have a significant effect on the environment pursuant to the California Environmental Quality Act (CEQA).

CONCLUSION:

Adoption of this Ordinance will update the City's Zoning Code regulations for ADU's to incorporate changes in State Law that relate to the regulations of ADU's.

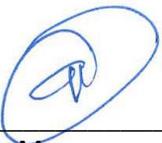
FISCAL IMPACT:

The cost of processing this ADU Ordinance to comply with State law is borne by the City. The Planning Manager, City Clerk and City Attorney worked together internally to process this Ordinance.

APPROVED:

S.A.H.

Planning Manager



City Manager

- Attachments:**
1. Proposed Ordinance
 2. May 5, 2020, Agenda Report

ORDINANCE NO. 2020- __

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA PALMA AMENDING CITY ZONING CODE (CHAPTER 44 OF THE LA PALMA MUNICIPAL CODE) SECTIONS 44-10, 79, 111, AND 364 PERTAINING TO THE REGULATION OF ACCESSORY DWELLING UNITS (ADUS) AND JUNIOR ACCESSORY DWELLING UNITS (JADUS) IN RESIDENTIAL ZONES IN CONFORMANCE WITH STATE LAW

WHEREAS, the City Council of the City of La Palma wishes to protect and preserve the quality of the residential and commercial areas of the City, as well as the quality of life throughout the City, through effective land use and planning; and,

WHEREAS, the State of California is facing a housing affordability crisis; and,

WHEREAS, Accessory Dwelling Units (ADUs) are a source of lower-cost housing in single-family and multifamily neighborhoods, and can provide rental income and/or additional living space for family members or caregivers; and,

WHEREAS, Junior Accessory Dwelling Units (JADUs) are a source of lower-cost housing in single-family neighborhoods, and can provide rental income and/or additional living space within the footprint of the existing residence; and,

WHEREAS, effective January 1, 2020, Senate Bill (SB) 13 and Assembly Bills (AB) 68, 587, 670 671 and 881, amended Sections 65852.2 and 65852.22 of the Government Code and changed the requirements for local governments relating to ADUs and JADUs; and,

WHEREAS, State law provides that a local agency may adopt an ordinance that provides a ministerial approval for ADUs in any zone that allows residential use, and JADUs in any zone that allows a single-family residence, subject to applicable development standards; and,

WHEREAS, this proposed ordinance adds local policies that are within the scope of the State law, including floor area and height limits, and parking requirements; and,

WHEREAS, the proposed ordinance promotes the construction of new ADUs and conversion of existing spaces to ADUs and JADUs, while ensuring adequate access and compatibility with surrounding land uses;

WHEREAS, the proposed ordinance is consistent with and is supportive of policies of the City of La Palma General Plan, including the Housing Element, to promote more affordable housing units; and,

WHEREAS, the City has prepared an amendment to Chapter 44 of the City's Municipal Code to address zoning regulations for Accessory Dwelling Units (ADUs) in the City's Single Family Residential (R-1) and Multiple-Family Residential (R-3) Zone; and,

WHEREAS, notice of the City Council Public Hearing concerning this Ordinance was duly published in a local newspaper at least ten (10) days prior to the hearing and posted City Hall, Central Park, and the Library; and,

WHEREAS, City staff have analyzed the proposed changes to the City's ADU regulations and determined, in accordance with State CEQA Guidelines this project qualifies for a Statutory Exemption pursuant to Section 21080.17, which exempts the adoption of an accessory dwelling unit ordinance to implement the provisions of sections 65852.2 and 65852.22 of the California Government Code; and, this project qualifies for a Categorical (Class 3) Exemption, per CEQA Guidelines section 15303, which exempts new construction or conversion of small structures, as in the case of a second dwelling unit in a residential zone; and,

WHEREAS, on May 5, 2020, the City Council of the City of La Palma introduced and conducted a first reading of this Ordinance, held a duly noticed Public Hearing with respect thereto, and considered testimony and evidence at the Public Hearing; and,

WHEREAS, on June 2, 2020, the City Council of the City of La Palma conducted a second reading and adoption of the Ordinance, and considered testimony and evidence at the Public Hearing held with respect thereto.

NOW, THEREFORE, the City Council of the City of La Palma resolves as follows:

SECTION 1. The foregoing Recitals are incorporated herein and made a part hereof.

SECTION 2. The City Council finds that this ADU Ordinance is statutorily exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 21080.17 of the California Public Resources Code (PRC). Under PRC Section 21080.17, CEQA does not apply to the adoption of an Ordinance by a City or County to implement the provisions of Section 65852.2 of the Government Code (the "State ADU Law"). This Ordinance implements the State ADU Law.2 within the City of La Palma in a manner that is consistent with the requirements of state law. As such, the adoption of the ordinance is exempt from CEQA. The City Council also finds that this project qualifies for a Categorical (Class 3) Exemption, per CEQA Guidelines section 15303, which exempts new construction or conversion of small structures, as in the case of a second dwelling unit in a residential zone.

SECTION 3: In accordance with La Palma Municipal Code Section 44-672, the City Council of the City of La Palma finds as follows:

- (a) The proposed ordinance is consistent with all of the applicable objectives, policies, general land uses, programs, and actions of all applicable elements in the General Plan.
- (b) The proposed ordinance shall not be detrimental to the public convenience, health, safety, or general welfare of the City.
- (c) The proposed ordinance is in compliance with the provisions of the California Environmental Quality Act (CEQA).
- (d) The proposed ordinance is internally consistent with other applicable provisions of the City's Municipal Code.

SECTION 4: Section 44-10 of Article I of Chapter 44 of the La Palma Municipal Code is hereby amended to amend the following defined term “Accessory dwelling unit, (ADU)” to read in its entirety as follows:

“*Accessory dwelling unit, (ADU)* 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.”

SECTION 5: Section 44-10 of Article I of Chapter 44 of the La Palma Municipal Code is hereby amended to add each of the following defined terms, to be added alphabetically as appropriate: “Living area, junior accessory dwelling unit, local agency, passageway, proposed dwelling, public transit, qualified buyer, qualified nonprofit corporation, tandem parking” to read in their entirety as follows:

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

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

“*Local agency* means a city, county, or city and county, whether general law or chartered.”

“*Passageway* means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.”

“*Proposed dwelling* means a dwelling that is the subject of a permit application and that meets the requirements for permitting. “

“*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.”

“*Qualified buyer* means persons and families of low or moderate income, as that term is defined in Section 50093 of the Health and Safety Code.”

“*Qualified nonprofit corporation* means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section

214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.”

“*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.”

SECTION 6: Table II-2 of Section 44-79 “Development standards for residential zoning districts” of Chapter 44 of the La Palma Municipal Code is hereby amended to read, in its entirety, as follows:

DEVELOPMENT FEATURE		R-1 DISTRICT	R-3 DISTRICT
Minimum Parcel Size		5,000 sq. ft. ¹	10,000 sq. ft.
Density Range		1.0 to 8.7 dwelling units per net acre	Parcel Size of 0—2.0 acres Up to 10 dwelling units per net acre
			Parcel Size of 2.1—4.0 acres Up to 15 dwelling units per net acre
			Parcel Size of 4.1 or more acres Up to 25 dwelling units per net acre
Setbacks Required	Front ²	15 ft. ⁴	20 ft. ⁴
	Side ³	5 ft.	10 ft.
	Side Adjacent to Residential Zoned Property	N/A	20 ft.
	Street side	5 ft.	15 ft.
	Rear	15 ft.	15 ft.
	Rear Adjacent to Residential Zoned Property	N/A	25 ft.
	Accessory structures	See Section 44-102	See Section 44-102
	Accessory Dwelling Units	See Section 44-111	See Section 44-111
Maximum Height Limit		30 ft. (two stories)	30 ft. (two stories)
	1 Story Building on Same Lot	N/A	10 ft.

Minimum Building Separation	2 Story Buildings or Between 1 and 2 Story Buildings on the Same Lot	N/A	20 ft.
	1 Story Multifamily Buildings From Property Zoned for Single-Family Residences	N/A	20 ft.
	2 Story Multifamily Buildings From Property Zoned for Single-Family Residences on Different Lots	N/A	30 ft.
Maximum Lot Coverage		45%	40%

- 1 For conventional single-family parcels only. For other permissible housing types, minimum lot size shall be determined by density range.
- 2 Paved areas other than the driveway and paved ancillary parking area shall not encroach into the required front yard area in single-family developments.
- 3 Tailored development standards and site design permitted on housing projects, other than conventional single-family, shall be permitted with approval of the City Council.
- 4 23-foot setback for front loaded garages and 15 feet for side-loaded garages.

SECTION 7: Section 44-111 of Article II Division 3 of Chapter 44 of the La Palma Municipal Code “Accessory Dwelling Units (ADUs)” is hereby deleted and replaced with the new Section 44-111 “Accessory Dwelling Unit (ADUs)” to read in its entirety as follows

“Sec. 44-111. – Accessory Dwelling Units (ADUs).

- (a) The purpose of this section is to establish zoning regulations governing accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs), in compliance with California Government Code Sections 65852.2 and 65852.22, and to provide standards for the development of ADUs and JADUs. The City may identify an ADU or JADU as an adequate site to satisfy RHNA housing needs as specified in Gov. Code Sections 65583.1(a) and 65852.2(m).
- (b) A permit application for an ADU or a JADU shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or City Ordinance regulating the issuance of variances or special use permit. The City shall act on the application to create an ADU or JADU within 60 days from the date the City receives a completed application, if there is an existing single-family or multifamily dwelling unit on the lot. If the permit application to create an ADU or JADU is submitted with a permit application to create a new single-family dwelling on the lot, the City may delay acting on the permit application for the ADU or JADU until the City acts on the permit application to create the new single-family dwelling, but the application to create the ADU or JADU 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.

- (c) Upon application and approval, an owner of a substandard ADU or a JADU shall have five (5) years to correct the violation, if the violation is not a health and safety issue, as determined by the City.
- (d) The maximum number of ADUs allowed in a single-family property zone is two (2), comprised of one (1) detached ADU and one (1) attached ADU if not attached JADU is permitted. The maximum number of ADUs allowed in any existing, legally-built housing type other than one single-family residence, in any zone that allows residential uses, is one (1) ADU or 25 percent of the existing dwelling units, whichever is greater, converted from non-livable spaces within existing multi-family residential buildings, and two (2) ADUs detached from existing multi-family residential buildings. For example, an eight-unit multi-family residential development would be allowed two (2) ADUs within the existing buildings, and two (2) detached ADUs

Maximum ADUs and JADUs allowed on a residential property are identified in Table II-4.5.

TABLE II-4.5 MAXIMUM NUMBER OF ADUs AND JADUs PERMITTED ON A LOT		
Principal Use on a Lot	Maximum Number	
	ADUs	JADUs
One proposed or existing, legally-built single-family residence in any zone that allows single-family residence	2 (1 detached; 1 attached [if no attached JADU is permitted])	1 (if no attached ADU is permitted)
Any existing, legally-built housing type other than one single-family residence in any zone that allows residential use	2 Detached from existing residential building(s); AND 1 or 25% of existing dwelling units, whichever is greater, converted from non-livable spaces within existing residential building(s)	None

- (f) The conversion of garages, sheds, barns, and other existing accessory structures, either attached or detached from the primary dwelling, into ADUs is permitted. These conversions of accessory structures are not subject to any additional development standard, such as floor area limitations, height limitations, and lot coverage requirements, and shall be from legally permitted existing space. The City shall not set limits on when the structure was created and must meet standards for Health & Safety. Accessory structures are eligible for a 150 square foot expansion for the purposes of ingress and egress and shall conform to setbacks sufficient for fire and safety.

(g) The City shall not require, as a condition for ministerial approval of a permit application for the creation of an ADU or a JADU, the correction of nonconforming zoning conditions. No physical improvements shall be required for the construction or conversion of an ADU. Any requirement to carry out public improvements is beyond what is required for the creation of an ADU, as per California Government Code.

(h) California Government Code removed the owner-occupancy requirement for ADUs effective January 1, 2020. Prior to 2020, the creation of an ADU required the property owner to reside in either the ADU or primary residence. This provision is set to expire on December 31, 2024. – Subdivision (a)(6) However, should a property have both an ADU and JADU, JADU law requires owner-occupancy of either the newly created JADU, or the single-family residence. Under this specific circumstance, a lot with an ADU would be subject to owner-occupancy requirements per Subdivision (a)(2) of Government Code 65852.22.

(i) To the extent that any provision of this Section is in conflict with State law, the applicable provision of State law shall control, but all other provisions of this Section shall remain in full force and effect.

(j) ADU Site and Design Standards within Existing Space

(1) An accessory dwelling unit within an existing space including the primary structure, attached or detached garage or other accessory structure shall be permitted ministerially with a building permit regardless of all other standard within this Chapter if complying with:

- a. Building and safety codes; and,
- b. Independent exterior access from the existing residence; and,
- c. Sufficient side and rear setbacks for fire safety.

(k) ADU Site and Design Standards for Attached and Detached ADUs

(1) General

- a. An ADU shall not be sold or otherwise conveyed separate from the primary residence, but may be rented. The applicant for an ADU shall be the owner of the primary residence and must occupy either the primary residence or the ADU. The applicant shall record a covenant preventing rental of both units simultaneously, provided that, an accessory dwelling unit that is approved after January 1, 2020, but before January 1, 2025, is not subject to the owner-occupancy requirement.
- b. An ADU is proposed on a lot that is zoned to allow single-family or multifamily dwelling residential use and contains an existing or proposed dwelling.
- c. An ADU 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.
- d. City Building Code requirements apply to detached ADUs, as appropriate.

- e. An ADU shall comply with the following total area of floor space requirements.
 - 1. The increased floor area of an attached ADU shall not exceed fifty (50) percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.
 - 2. The total floor area for a detached ADU shall not exceed 1,200 square feet.
 - 3. A minimum 800 square feet ADU that is at least 16 feet in height with four-foot side and rear yard setbacks, constructed in compliance with all other development standards, is permitted regardless of limits on lot coverage, floor area ratio, open space, and minimum lot size criteria specified in this chapter.
 - 4. An expansion of up to 150 square feet is permitted when an ADU is created within the space of an existing accessory structure, for the purposes of accommodating ingress and egress. This 150 square feet expansion would be in addition to any prescribed size limitation for an ADU or JADU specified in this chapter.
 - 5. The conversion of an existing accessory structure to an ADU is not subject to ADU size requirements specified in this chapter.
- f. No passageway shall be required in conjunction with the construction of an accessory dwelling unit.
- g. No setback shall be required for an existing living area or accessory structure of a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an ADU or to a portion of an ADU, and a setback of no more than four feet from the side and rear lot lines shall be required for an ADU 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.
- h. An ADU shall conform to the height limits established in this chapter for the zone in which the subject residential property lies, if the second unit is attached to the primary unit.
- i. An ADU is limited to one story in height not exceeding 16 feet if it is detached from the primary unit.
- j. An ADU shall conform to all setback and building separation requirements established in this chapter for the zone in which the subject residential property lies unless otherwise specified in this section.
- k. An ADU shall maintain architectural compatibility with the primary unit, which includes, but is not limited to, building proportion, architectural style, roof type, paint color, finish, details, and other design qualities.
- l. Fire sprinklers shall not be required in an ADU if they are not required in the primary residence.
- m. An ADU shall conform to all parking requirements in this chapter.

- n. New or separate utility connection or any related connection fee or capacity charge are not required for an ADU contained within an existing residence or accessory structure. Any fee or charge for attached and detached ADUs must be proportional to the burden of the unit on the water or sewer system and not exceed the reasonable cost of providing the service.
 - o. No development standards or additional parking can be applied to ADUs within existing space except for Building Code requirements.
 - p. No setback can be required from an existing garage that is converted to an ADU.
 - q. An ADU cannot be used for short term rentals (terms of 30 days or less).
 - r. ADUs do not exceed the allowable density for the lot upon which the accessory dwelling units 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.
 - s. There shall be no requirements on minimum lot size for an ADU.
- (l) *Sale of unit.* An Accessory Dwelling Unit may be rented separately from the primary residence, but shall not be sold, transferred, or assigned separately from the primary residence. An ADU shall not be approved by the City prior to the applicant's submittal of evidence that a deed restriction affirming this requirement has been filed with the County Recorder. This deed restriction shall run with the land and be continuous in tenure with the life of the second unit. The deed restriction shall specify the size and location of the ADU(s). The owner of the residence can occupy the primary single-family residence or the ADU, provided that, an ADU that is approved after January 1, 2020, but before January 1, 2025, is not subject to the owner-occupancy requirement.
- (m) Permit Requirements: The Community Development Department shall issue a building permit or zoning certificate to establish an ADU in compliance with this chapter if all applicable requirements are met.
- (n) Junior Accessory Dwelling Units (JADU)
- (1) Number of units allowed: Only one JADU may be located on any residentially zoned lot that permits a single-family dwelling. A JADU may only be located on a lot with one legal single-family dwelling, built or proposed to be built, on the lot.
 - (2) Owner Occupancy: The owner of a parcel proposed for a JADU shall occupy as principal residence either the primary dwelling or the accessory dwelling, except when the home is held by an agency such as a land trust or housing organization in an effort to create affordable housing.
 - (3) Sale Prohibited: A JADU shall not be sold independently of the primary dwelling on the parcel.
 - (4) Deed Restriction: A deed restriction shall be completed and recorded and shall run with the land, and shall include both of the following:

- a. A prohibition on the sale of the JADU separately from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.
 - b. A restriction on the size and attributes of the JADU that conforms to this section.
- (5) Location of JADU: A JADU must be created within the walls of the proposed or existing primary dwelling. The JADU may share a bath with the primary residence or have its own bath.
- (6) Separate Entry Required: A permitted JADU shall include a separate entrance from the main entrance to the proposed or existing single family residence.
- (7) Kitchen Requirements: The JADU shall include an efficiency kitchen, requiring and limited to the following components:
 - a. A sink with a maximum waste line diameter of one-and-a-half (1.5) inches.
 - b. A cooking facility with appliance(s) which do not require electrical service greater than one-hundred-and-twenty (120) volts or natural or propane gas.
 - c. A food preparation counter and storage cabinets that are reasonable to size of the unit.
- (8) Parking: No additional parking is required beyond that which is required when the existing primary dwelling was constructed.
- (9) Size: A JADU shall be limited to one bedroom with a maximum JADU unit size of 500 square feet and a minimum JADU size of 150 square feet, or as specified in Section 17958.1 of the California Health and Safety Code.
- (10) Setbacks: Setbacks for a JADU shall be the same as required for the primary dwelling unit.
- (11) Deed Restriction: Prior to obtaining a building permit for a JADU, a deed restriction, approved by the City Attorney, shall be recorded with the Orange County Clerk Recorder's office, which shall include the pertinent restrictions and limitation of a JADU identified in this Chapter. Said deed restriction shall run with the land, and shall be binding upon any future owners, heirs, or assigns. A copy of the recorded deed restriction shall be filed with the City stating that:
 - a. The JADU shall not be sold separately from the primary dwelling unit.
 - b. The JADU is restricted to the maximum size allowed per the development standards in this Chapter.
 - c. The JADU shall be considered legal only so long as either the primary residence, or the ADU, is occupied by the owner of record of the property, except when the home is owned by an agency such as a land trust or housing organization in an effort to create affordable housing.

- d. The restrictions shall be binding upon any successor in ownership if 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 JADU on the property.
- (12) No Water Connection Fees: No agency may require a sewer connection fee for the development of a JADU. An inspection fee to confirm that the dwelling unit complies with development standards may be assessed by the City.
- (13) No Fire Sprinklers and Fire Attenuation: No agency may require fire sprinklers or fire attenuation specification for the development of a JADU. An inspection fee to confirm that the dwelling unit complies with development standards may be assessed by the City.”
- (o) The City shall not require, as a condition for ministerial approval of a permit application for the creation of an ADU or a JADU, the correction of nonconforming zoning conditions.

SECTION 7: Section 44-364 “Parking Calculations of Chapter 44 of the La Palma Municipal Code is hereby amended to read, in its entirety, as follows:

“Sec. 44-364. –Parking Calculations.

Parking calculations for all zoning districts shall be determined by use, as identified in the following table.

TABLE III-7. PARKING REQUIREMENTS BY LAND USE		
Land use	Minimum Vehicle Spaces Required	
Single Family Residential	Two parking spaces in a fully enclosed garage for each dwelling unit.	
Multiple-family Residential	Up to 2 bedrooms	2 plus 1 guest space — at least 66% covered
	3 bedrooms	3 plus 1 guest space — at least 50% covered
	4 or more bedrooms	4 plus 1 guest space — at least 40% covered
Accessory Dwelling Units (ADUs) ^{1, 2, 3}	<p>One parking space per ADU or per bedroom, whichever is less. Spaces can be provided uncovered on a driveway as tandem parking spaces to the garage, an uncovered ancillary parking space to the side of the driveway, or a garaged parking space in addition to the main homes standard two parking spaces in a fully enclosed garage.</p> <p>The requirement shall not apply to an ADU if any of the following are true:</p>	

	<ul style="list-style-type: none"> • The ADU is within one-half mile walking distance from public transit; or, • The ADU is part of (i.e., contained within) the footprint of an existing primary residence or an existing accessory building; or, • Is in an area where on-street parking permits are required, but not offered to the occupancy of the ADU; or, • Is located within one block of a car share area. • No additional parking is required for ADU's within existing space.
Religious Institutions	One parking space for each 3 seats in the main sanctuary or assembly area. Where no fixed seats are provided, 1 space for every 30 sq. ft. in the main assembly room.
Congregate Care/Assisted Living Facilities	0.5 space for each residential unit, plus one space for each 4 units for guests unless specified in an approved precise plan.
Hospitals	One space for each 2 patient beds the facility is licensed to accommodate plus required spaces for ancillary uses as determined by the planning division.
Hotels/Motels	One space for each guest room, plus 0.75 space for each employee, plus any spaces required for ancillary uses.
Self-Storage, Personal Storage Facilities	One space for each 10 storage units but not less than 6 spaces total, plus 2 spaces for the manager's office. If a resident caretaker is provided, an enclosed garage, 20 feet by 20 feet shall be included in the parking requirements.
Offices	One parking space for each 250 square feet of gross floor area.
Restaurants	One parking space for each 100 square feet of gross floor area.
Retail and services	One parking space for each 200 square feet of gross floor area.
Schools (Private) Elementary/Junior High	1.5 spaces for each classroom, plus one space for every 75 sq. ft. of assembly area in an auditorium, plus one bus loading space for each 100 students or portion thereof.
High School	Five spaces for each classroom, plus one space for each 75 square feet in assembly rooms and auditoriums, plus one bus loading space for each 150 students or portion thereof.
Trade and Business Schools	One space for each student.
Tutoring Facilities	One space for every 50 sq. ft. of gross floor area.
Service Stations (Including Multi-Use Stations)	One space for each 200 sq. ft. of gross floor area, plus 3 spaces for each service bay. 50 percent of the parking provided at pump islands may be credited towards meeting parking requirements.
Light Manufacturing and Warehouses	First 25,000 sq. ft.: 1 for every 500 sq. ft.
	25,001 to 100,000 sq. ft.: 1 for every 750 sq. ft.

	100,001 to 200,000 sq. ft.: 1 for every 1,000 sq. ft.
	Anything over 200,000 sq. ft.: 1 for every 2,000 sq. ft.
	(This is a cumulative requirement: for example, a 250,000 sq. ft. building requires 50 + 100 + 100 + 25 = 275 spaces)
	Incidental office areas for warehousing and distribution facilities exceeding 15 percent of the gross building area will require one parking space for each 300 square feet of floor area.
Emergency Shelter (Homeless) ⁴	One parking space for every 5 beds and 0.5 space per bedroom designed as a family unit with children, plus 1 space for every employee and/or volunteer staff member on duty. Each shelter shall also provide a bike rack for clients in a secured area.

¹ ADUs that are created through the conversion of a garage, carport or covered parking structure are not required to provide replacement off-street parking spaces.

² Off-street parking shall be permitted in setback areas in locations determined by the City 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.

³ Alternatively, an emergency shelter may submit a parking study, subject to approval by the Community Development Director, demonstrating that the parking demand associated with the emergency shelter justifies requiring a reduced amount of off-street parking.”

SECTION 8. City staff is hereby authorized and directed to file a Notice of Exemption with respect to the adoption of this Ordinance.

SECTION 9: If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subdivision, sentence, clause, phrase, or portion of this Ordinance irrespective of the fact that one or more sections, subdivisions, sentences, clauses, phrases, or portions of this Ordinance be declared invalid.

SECTION 10: All required proceedings and consideration precedent to the adoption of this Ordinance have been regularly taken in accordance with applicable law.

SECTION 11: The City Clerk is authorized and directed to publish this Ordinance or a summary thereof in the manner provided by law and in accordance with procedures normally taken.

SECTION 12: The City Clerk shall certify to the passage of this Ordinance and cause the same to be published as required by law, and the Ordinance shall take effect thirty (30) days after adoption.

SECTION 13: Upon the effective date of this Ordinance, all former ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance are hereby repealed and declared to be of no further force and effect.

APPROVED AND ADOPTED by the City Council of La Palma at a regular meeting on the 2nd day of June 2020.

Peter Kim
Mayor

ATTEST:

Kimberly Kenney, CMC
City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS.
CITY OF LA PALMA)

I, KIMBERLY KENNEY, City Clerk of the City of La Palma, California, DO HEREBY CERTIFY that the foregoing Ordinance was adopted by the City Council of said City at a regular meeting of said City Council held on the 2nd day of June 2020 and that it was so adopted by called vote as follows:

AYES:

NOES:

Kimberly Kenney, CMC
City Clerk

City of La Palma



MEETING DATE: May 5, 2020
TO: CITY COUNCIL
FROM: CITY MANAGER
SUBMITTED BY: Scott Hutter, Planning Manager

AGENDA TITLE: Introduction and First Reading of An Ordinance Amending City Zoning Code (Chapter 44 of the La Palma Municipal Code) Section’s 44-10, 79, 111, and 364 Pertaining to the Regulation of Accessory Dwelling Units (ADU’s) in Residential Zones in Conformance With State Law

CEQA: exempt pursuant to Public Resources Code (PRC) Section 21080.17 and CEQA Guideline Section 15303 (Class 3)

RECOMMENDATION:

It is recommended that the City Council take the following actions:

- a) Open Public Hearing
- b) Receive Staff Report
- c) City Council Comments and Questions
- d) Receive Public Input
- e) Close Public Hearing
- f) Introduce An Ordinance amending City Zoning Code (Chapter 44 of the La Palma Municipal Code) Section’s 44-10, 79, 111 and 364 pertaining to the regulation of accessory dwelling units (ADU’s) in residential zones in conformance with State law

SUMMARY:

Staff is proposing an Ordinance to update to the Zoning regulations in the Municipal Code to address recent changes in state legislation regarding Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs). The proposed update to the Municipal Code will ensure City’s ADU regulations are consistent with State law. ADU regulations allow the City staff to

appropriately regulate ADUs going forward as staff anticipates an influx of requests based on the latest State standards.

BACKGROUND:

The City's most recent ADU Ordinance was adopted in 2018 and since that time a significant amount of new State legislation pertaining to ADUs has been signed into law.

The following amendments to California law became effective January 1, 2020, regarding the creation of ADUs and JADUs and are incorporated into the draft Ordinance provided as *Attachment 1* to this agenda report.

- **Chapter 653, Statutes of 2019 (Senate Bill 13)**
- **Chapter 655, Statutes of 2019 (Assembly Bill 68)**
- **Chapter 657, Statutes of 2019 (Assembly Bill 587)**
- **Chapter 178, Statutes of 2019 (Assembly Bill 670)**
- **Chapter 658, Statutes of 2019 (Assembly Bill 671)**
- **Chapter 659, Statutes of 2019 (Assembly Bill 881)**

A memorandum from the Department of Housing and Community Development Division of Housing Policy Development dated January 10, 2020, summarized the recent legislation listed above and is included as *Attachment 2* to this agenda report for reference. The State changes in ADU law requires the City of La Palma to review and revise the City's Municipal Code regulations for ADU's to ensure compliance with all provisions of State law. Any City regulation that does not comply with the new State requirements is null and void until such time as the jurisdiction adopts an ordinance that complies with the latest State ADU law.

ANALYSIS:

This proposed Ordinance amends regulations that pertain to ADU's in Sections 44-10, 44-79, 44-111, 44-364 of the City of La Palma Municipal Code.

Zoning Code Section 44-10 Definitions

The defined term "Accessory dwelling unit, (ADU)" has been updated amended to mirror the current State definition. Additionally, Section 44-10 will include the following defined terms "Living area, junior accessory dwelling unit, local agency, passageway, proposed dwelling, public transit, qualified buyer, qualified nonprofit corporation, tandem parking" to as defined in the State law. The complete definitions of each term are shown in *Attachment 1*.

Zoning Code Section 44-79 Development standards for residential zoning districts

The new ADU laws include specific development standards such as a four (4) feet setback requirement. All of the development standards for ADUs are found within Section 44-111 Accessory Dwelling Units (ADUs), and now Table II-2 Development Standards for Residential Zoning Districts has a line item for ADUs and makes reference to Municipal Code to Sec. 44-111. That way now when reading the Municipal Code for developments standards in Sec. 44-79 one

is alerted to the ADU standards located separately under Sec. 44-111. The changes to Sec. 44-79 are shown in strikeout form in *Attachment 1*.

Zoning Code Section 44-111 Accessory Dwelling Units (ADUs)

There can now be a maximum of two (2) ADU's on a single family property and that would bring the unit count to three (3) total. Furthermore, ADU's are now required to be permitted at a minimum size of 800 square feet regardless of Municipal Code Zoning requirements on lot coverage, open space, and lot size criteria. This is significant in that it will likely allow many properties have a larger ADU at 800 square feet then could have possibly been built previously under the old standards. In addition to the new minimum size there is a new minimum ADU setback of four (4) feet that the City must apply to an ADU rear setback and side setback. This is significant change in that prior to this State mandated setback, the City's minimum side setback was five (5) feet and minimum rear setback was fifteen (15) feet for an ADU. The lesser side and rear setbacks will allow the placement of ADU closer to property lines then previously allowed. Bullet points below list key changes are identified incorporated into Sec. 44-111.

- The City may identify an ADU or JADU as an adequate site to satisfy RHNA housing needs.
- The City shall act on the application to create an ADU or JADU within 60 days
- There shall be no requirements on minimum lot size for an ADU.
- ADUs do not exceed the allowable density for the lot upon which the ADUs are located, and that ADU's are a residential use that is consistent with the existing general plan and zoning designation for the lot.
- The maximum number of ADUs in a single-family property is now two (2). This can be an attached ADU and a detached ADU or an attached JADU and a detached ADU.
- The maximum number of ADUs on a multi-family property is now two (2) detached and 1 or 25% of existing dwelling units, whichever is greater, converted from non-livable spaces within existing residential buildings.
- The conversion of garages, sheds, barns, and other existing accessory structures, either attached or detached from the primary dwelling, into ADUs is permitted.
- The conversion of an existing accessory structure to an ADU is not subject to ADU size requirements.
- An expansion of up to 150 square feet is permitted in addition to any prescribed size limitation for an ADU or JADU created within the space of an existing accessory structure, for the purposes of accommodating ingress and egress.
- An ADU that is approved after January 1, 2020, but before January 1, 2025, is not subject to the owner-occupancy requirement.
- A minimum 800 square feet ADU is now permitted regardless of limits on lot coverage, floor area ratio, open space, and minimum lot size criteria.

- ADU can now have four-foot side and rear yard setbacks.

Zoning Code Section 44-364 Parking Calculations

Parking calculations for ADU's are provided in this Section. The City's parking calculations for ADU's will be revised to be consistent with the new provisions of State Law. A new provision in State law is that ADUs that are created through the conversion of a garage, carport or covered parking structure are not required to provide replacement off-street parking spaces. For example, if a single-family home converts their two-car garage into an ADU or JADU, the off street parking for the home defaults to the driveway as the City cannot require that a new garage (replacement parking) be built. The proposed changes are shown in ~~strikeout~~ form in *Attachment 1*.

ENVIRONMENTAL REVIEW:

The City Council finds that this ADU Ordinance is statutory exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 21080.17 of the California Public Resources Code (PRC). Under PRC Section 21080.17, CEQA does not apply to the adoption of an Ordinance by a City or County to implement the provisions of Section 65852.2 of the Government Code (the state ADU law). This Ordinance implements Government Code Section 65852.2 within the City of La Palma in a manner that is consistent with the requirements of state law. As such, the adoption of the ordinance is exempt from CEQA. The City Council also finds that this project qualifies for a Categorical (Class 3) Exemption, per CEQA Guidelines section 15303, which exempts new construction or conversion of small structures, as in the case of a second dwelling unit in a residential zone. It has been determined that the project would not have a significant effect on the environment pursuant to the California Environmental Quality Act (CEQA).

NOTIFICATION:

On April 22, 2020, a public notice was published on the Event-News Enterprise for the May 5, 2020, City Council meeting. Public notices were also posted at the two (2) public locations (City Hall, and Central Park) within the City. The public notice stated that as a result of the COVID-19 virus that the meeting will be closed to in-person attendance and that concerns or questions could be emailed or called to the City Clerk. As of the writing of this agenda report, the City has not received any comments.

CONCLUSION:

Adoption of this Ordinance will update the City's Zoning Code regulations for ADU's to incorporate changes in State Law that relate to the regulations of ADU's. The City Council may propose to change, alter, or decline any of the proposed revised ADU regulations contained within the proposed Ordinance. However, not adopting the revisions proposed for consistency with State law, such as the recommended regulations for ADUs would make the City liable for non-compliance with State law.

FISCAL IMPACT:

The cost of processing this ADU Ordinance to comply with State law is borne by the City. The Planning Manager, City Clerk and City Attorney worked together internally to process this Ordinance.

APPROVED:



Planning Manager



City Manager

- Attachments:**
1. Proposed Ordinance
 2. HCD ADU Memo

ORDINANCE NO. 2020-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA PALMA AMENDING CITY ZONING CODE (CHAPTER 44 OF THE LA PALMA MUNICIPAL CODE) SECTIONS 44-10, 79, 111, AND 364 PERTAINING TO THE REGULATION OF ACCESSORY DWELLING UNITS (ADUS) AND JUNIOR ACCESSORY DWELLING UNITS (JADUS) IN RESIDENTIAL ZONES IN CONFORMANCE WITH STATE LAW

WHEREAS, the City Council of the City of La Palma wishes to protect and preserve the quality of the residential and commercial areas of the City, as well as the quality of life throughout the City, through effective land use and planning; and,

WHEREAS, the State of California is facing a housing affordability crisis; and,

WHEREAS, Accessory Dwelling Units (ADUs) are a source of lower-cost housing in single-family and multifamily neighborhoods, and can provide rental income and/or additional living space for family members or caregivers; and,

WHEREAS, Junior Accessory Dwelling Units (JADUs) are a source of lower-cost housing in single-family neighborhoods, and can provide rental income and/or additional living space within the footprint of the existing residence; and,

WHEREAS, effective January 1, 2020, Senate Bill (SB) 13 and Assembly Bills (AB) 68, 587, 670 671 and 881, amended Sections 65852.2 and 65852.22 of the Government Code and changed the requirements for local governments relating to ADUs and JADUs; and,

WHEREAS, State law provides that a local agency may adopt an ordinance that provides a ministerial approval for ADUs in any zone that allows residential use, and JADUs in any zone that allows a single-family residence, subject to applicable development standards; and,

WHEREAS, this proposed ordinance adds local policies that are within the scope of the State law, including floor area and height limits, and parking requirements; and,

WHEREAS, the proposed ordinance promotes the construction of new ADUs and conversion of existing spaces to ADUs and JADUs, while ensuring adequate access and compatibility with surrounding land uses;

WHEREAS, the proposed ordinance is consistent with and is supportive of policies of the City of La Palma General Plan, including the Housing Element, to promote more affordable housing units; and,

WHEREAS, the City has prepared an amendment to Chapter 44 of the City's Municipal Code to address zoning regulations for Accessory Dwelling Units (ADUs) in the City's Single Family Residential (R-1) and Multiple-Family Residential (R-3) Zone; and,

WHEREAS, notice of the City Council Public Hearing concerning this Ordinance was duly published in a local newspaper at least ten (10) days prior to the hearing and posted City Hall, Central Park, and the Library; and,

WHEREAS, City staff have analyzed the proposed changes to the City's ADU regulations and determined, in accordance with State CEQA Guidelines this project qualifies for a Statutory Exemption pursuant to Section 21080.17, which exempts the adoption of an accessory dwelling unit ordinance to implement the provisions of sections 65852.2 and 65852.22 of the California Government Code; and, this project qualifies for a Categorical (Class 3) Exemption, per CEQA Guidelines section 15303, which exempts new construction or conversion of small structures, as in the case of a second dwelling unit in a residential zone; and,

WHEREAS, on May __, 2020, the City Council of the City of La Palma introduced and conducted a first reading of this Ordinance, held a duly noticed Public Hearing with respect thereto, and considered testimony and evidence at the Public Hearing; and,

WHEREAS, on June __, 2020, the City Council of the City of La Palma conducted a second reading and adoption of the Ordinance, and considered testimony and evidence at the Public Hearing held with respect thereto.

NOW, THEREFORE, the City Council of the City of La Palma resolves as follows:

SECTION 1. The foregoing Recitals are incorporated herein and made a part hereof.

SECTION 2. The City Council finds that this ADU Ordinance is statutorily exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 21080.17 of the California Public Resources Code (PRC). Under PRC Section 21080.17, CEQA does not apply to the adoption of an Ordinance by a City or County to implement the provisions of Section 65852.2 of the Government Code (the "State ADU Law"). This Ordinance implements the State ADU Law.2 within the City of La Palma in a manner that is consistent with the requirements of state law. As such, the adoption of the ordinance is exempt from CEQA. The City Council also finds that this project qualifies for a Categorical (Class 3) Exemption, per CEQA Guidelines section 15303, which exempts new construction or conversion of small structures, as in the case of a second dwelling unit in a residential zone.

SECTION 3: In accordance with La Palma Municipal Code Section 44-672, the City Council of the City of La Palma finds as follows:

- (a) The proposed ordinance is consistent with all of the applicable objectives, policies, general land uses, programs, and actions of all applicable elements in the General Plan.
- (b) The proposed ordinance shall not be detrimental to the public convenience, health, safety, or general welfare of the City.
- (c) The proposed ordinance is in compliance with the provisions of the California Environmental Quality Act (CEQA).
- (d) The proposed ordinance is internally consistent with other applicable provisions of the City's Municipal Code.

SECTION 4: Section 44-10 of Article I of Chapter 44 of the La Palma Municipal Code is hereby amended to amend the following defined term “Accessory dwelling unit, (ADU)” to read in its entirety as follows:

~~Accessory Dwelling Unit (ADU), means an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling home is situated. An accessory dwelling unit generally takes four forms: Detached: The unit is separated from the primary structure. Attached: The unit is attached to the primary structure. Repurposed Existing Space: Space (e.g., master bedroom) within the primary residence is converted into an independent living unit. Junior Accessory Dwelling Unit (JADU): Means a unit that is between 150 to 500 square feet in size and contained entirely within an existing single-family structure. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing structure.~~

“Accessory dwelling unit, (ADU) 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.”

SECTION 5: Section 44-10 of Article I of Chapter 44 of the La Palma Municipal Code is hereby amended to add each of the following defined terms, to be added alphabetically as appropriate: “Living area, junior accessory dwelling unit, local agency, passageway, proposed dwelling, public transit, qualified buyer, qualified nonprofit corporation, tandem parking” to read in their entirety as follows:

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

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

“Local agency means a city, county, or city and county, whether general law or chartered.”

“Passageway means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.”

“Proposed dwelling means a dwelling that is the subject of a permit application and that meets the requirements for permitting. “

“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.”

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

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

“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.”

SECTION 6: Table II-2 of Section 44-79 “Development standards for residential zoning districts” of Chapter 44 of the La Palma Municipal Code is hereby amended to read, in its entirety, as follows:

TABLE II-2. DEVELOPMENT STANDARDS FOR RESIDENTIAL ZONING DISTRICTS			
DEVELOPMENT FEATURE		R-1 DISTRICT	R-3 DISTRICT
Minimum Parcel Size		5,000 sq. ft. ¹	10,000 sq. ft.
Density Range		1.0 to 8.7 dwelling units per net acre	Parcel Size of 0—2.0 acres Up to 10 dwelling units per net acre
			Parcel Size of 2.1—4.0 acres Up to 15 dwelling units per net acre
			Parcel Size of 4.1 or more acres Up to 25 dwelling units per net acre
Setbacks Required	Front ²	15 ft. ⁴	20 ft. ⁴
	Side ³	5 ft.	10 ft.
	Side Adjacent to Residential Zoned Property	N/A	20 ft.
	Street side	5 ft.	15 ft.
	Rear	15 ft.	15 ft.
	Rear Adjacent to Residential Zoned Property	N/A	25 ft.

	Accessory structures	See Section 44-102	See Section 44-102
	Accessory Dwelling Units	See Section 44-111	See Section 44-111
Maximum Height Limit		30 ft. (two stories)	30 ft. (two stories)
Minimum Building Separation	1 Story Building on Same Lot	N/A	10 ft.
	2 Story Buildings or Between 1 and 2 Story Buildings on the Same Lot	N/A	20 ft.
	1 Story Multifamily Buildings From Property Zoned for Single-Family Residences	N/A	20 ft.
	2 Story Multifamily Buildings From Property Zoned for Single-Family Residences on Different Lots	N/A	30 ft.
Maximum Lot Coverage		45%	40%

- ¹ For conventional single-family parcels only. For other permissible housing types, minimum lot size shall be determined by density range.
- ² Paved areas other than the driveway and paved ancillary parking area shall not encroach into the required front yard area in single-family developments.
- ³ Tailored development standards and site design permitted on housing projects, other than conventional single-family, shall be permitted with approval of the City Council.
- ⁴ 23-foot setback for front loaded garages and 15 feet for side-loaded garages.

SECTION 7: Section 44-111 of Article II Division 3 of Chapter 44 of the La Palma Municipal Code “Accessory Dwelling Units (ADUs)” is hereby deleted and replaced with the new Section 44-111 “Accessory Dwelling Unit (ADUs)” to read in its entirety as follows

“Sec. 44-111. – Accessory Dwelling Units (ADUs).

- (a) The purpose of this section is to establish zoning regulations governing accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs), in compliance with California Government Code Sections 65852.2 and 65852.22, and to provide standards for the development of ADUs and JADUs. The City may identify an ADU or JADU as an adequate site to satisfy RHNA housing needs as specified in Gov. Code Sections 65583.1(a) and 65852.2(m).
- (b) A permit application for an ADU or a JADU shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or City Ordinance regulating the issuance of variances or special use permit. The City shall act on the application to create an ADU or JADU within 60 days from the date the City receives a completed application, if there is an existing single-family or multifamily dwelling unit on the

lot. If the permit application to create an ADU or JADU is submitted with a permit application to create a new single-family dwelling on the lot, the City may delay acting on the permit application for the ADU or JADU until the City acts on the permit application to create the new single-family dwelling, but the application to create the ADU or JADU 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.

- (c) Upon application and approval, an owner of a substandard ADU or a JADU shall have five (5) years to correct the violation, if the violation is not a health and safety issue, as determined by the City.
- (d) The maximum number of ADUs allowed in a single-family property zone is two (2), comprised of one (1) detached ADU and one (1) attached ADU if not attached JADU is permitted. The maximum number of ADUs allowed in any existing, legally-built housing type other than one single-family residence, in any zone that allows residential uses, is one (1) ADU or 25 percent of the existing dwelling units, whichever is greater, converted from non-livable spaces within existing multi-family residential buildings, and two (2) ADUs detached from existing multi-family residential buildings. For example, an eight-unit multi-family residential development would be allowed two (2) ADUs within the existing buildings, and two (2) detached ADUs

Maximum ADUs and JADUs allowed on a residential property are identified in Table II-4.5.

TABLE II-4.5 MAXIMUM NUMBER OF ADUs AND JADUs PERMITTED ON A LOT		
Principal Use on a Lot	Maximum Number	
	ADUs	JADUs
One proposed or existing, legally-built single-family residence in any zone that allows single-family residence	2 (1 detached; 1 attached [if no attached JADU is permitted])	1 (if no attached ADU is permitted)
Any existing, legally-built housing type other than one single-family residence in any zone that allows residential use	2 Detached from existing residential building(s); AND 1 or 25% of existing dwelling units, whichever is greater, converted from non-livable spaces within existing residential building(s)	None

- (f) The conversion of garages, sheds, barns, and other existing accessory structures, either attached or detached from the primary dwelling, into ADUs is permitted. These conversions of accessory structures are not subject to any additional development standard, such as floor

area limitations, height limitations, and lot coverage requirements, and shall be from legally permitted existing space. The City shall not set limits on when the structure was created and must meet standards for Health & Safety. Accessory structures are eligible for a 150 square foot expansion for the purposes of ingress and egress and shall conform to setbacks sufficient for fire and safety.

(g) The City shall not require, as a condition for ministerial approval of a permit application for the creation of an ADU or a JADU, the correction of nonconforming zoning conditions. No physical improvements shall be required for the construction or conversion of an ADU. Any requirement to carry out public improvements is beyond what is required for the creation of an ADU, as per California Government Code.

(h) California Government Code removed the owner-occupancy requirement for ADUs effective January 1, 2020. Prior to 2020, the creation of an ADU required the property owner to reside in either the ADU or primary residence. This provision is set to expire on December 31, 2024. – Subdivision (a)(6) However, should a property have both an ADU and JADU, JADU law requires owner-occupancy of either the newly created JADU, or the single-family residence. Under this specific circumstance, a lot with an ADU would be subject to owner-occupancy requirements per Subdivision (a)(2) of Government Code 65852.22.

(i) To the extent that any provision of this Section is in conflict with State law, the applicable provision of State law shall control, but all other provisions of this Section shall remain in full force and effect.

(a) ADU Site and Design Standards ~~Accessory Structures~~ within Existing Space

(1) An accessory dwelling unit within an existing space including the primary structure, attached or detached garage or other accessory structure shall be permitted ministerially with a building permit regardless of all other standard within this Chapter if complying with:

- a. Building and safety codes; and,
- b. Independent exterior access from the existing residence; and,
- c. Sufficient side and rear setbacks for fire safety.

(b) ADU Site and Design Standards ~~Accessory Structures for (Attached and Detached)~~ ADUs

(1) General

- a. ~~The~~ An ADU ~~is~~ shall not ~~intended~~ be sold or otherwise conveyed ~~for sale~~ separate from the primary residence, ~~but and~~ may be rented. The applicant for an ADU shall be the owner of the primary residence and must occupy either the primary residence or the ADU. The applicant shall record a covenant preventing rental of both units simultaneously, ~~provided that, an accessory dwelling unit that is approved after January 1, 2020, but before January 1, 2025, is not subject to the owner-occupancy requirement.~~
- b. ~~The~~ An ADU is proposed on a lot that is zoned ~~to allow for~~ single-family or multifamily dwelling residential ~~use~~ and contains an existing ~~or proposed~~ ~~single family~~ dwelling.

- c. ~~The~~ An ADU is either attached to ~~the existing single family home or detached from the existing home and located on the same lot as the existing home,~~ 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.
- d. ~~The increased floor area of an attached ADU shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.~~ City Building Code requirements apply to detached ADUs, as appropriate.
- e. ~~The total floor area for a detached ADU shall not exceed 1,200 square feet.~~ An ADU shall comply with the following total area of floor space requirements.
 - 1. The increased floor area of an attached ADU shall not exceed fifty (50) percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.
 - 2. The total floor area for a detached ADU shall not exceed 1,200 square feet.
 - 3. A minimum 800 square feet ADU that is at least 16 feet in height with four-foot side and rear yard setbacks, constructed in compliance with all other development standards, is permitted regardless of limits on lot coverage, floor area ratio, open space, and minimum lot size criteria specified in this chapter.
 - 4. An expansion of up to 150 square feet is permitted when an ADU is created within the space of an existing accessory structure, for the purposes of accommodating ingress and egress. This 150 square feet expansion would be in addition to any prescribed size limitation for an ADU or JADU specified in this chapter.
 - 5. The conversion of an existing accessory structure to an ADU is not subject to ADU size requirements specified in this chapter.
- f. No passageway shall be required in conjunction with the construction of an accessory dwelling unit.
- g. No setback shall be required for an existing ~~garage~~ living area or accessory structure of a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an ADU or to a portion of an ADU, and a setback of no more than ~~five~~ four feet from the side and rear lot lines shall be required for an ADU that is ~~constructed above a garage~~ not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.
- h. ~~The~~ An ADU shall conform to the height limits established in this chapter for the zone in which the subject residential property lies, if the second unit is attached to the primary unit.
- i. ~~The~~ An ADU is limited to one story in height not exceeding 16 feet if it is detached from the primary unit.

- j. ~~The~~ An ADU shall conform to all setback and building separation requirements established in this chapter for the zone in which the subject residential property lies unless otherwise specified in this section.
 - k. An ADU shall maintain architectural compatibility with the primary unit, which includes, but is not limited to, building proportion, architectural style, roof type, paint color, finish, details, and other design qualities.
 - l. Fire sprinklers shall not be required in an ADU if they are not required in the primary residence ~~and may employ alternative methods for fire protection.~~
 - m. ~~The~~ An ADU shall conform to all parking requirements in this chapter.
 - n. New or separate utility connection or any related connection fee or capacity charge are not required for an ~~Accessory Dwelling Unit-ADU~~ contained within an existing residence or accessory structure. Any fee or charge for attached and detached ~~Accessory Dwelling Units~~ ADUs must be ~~proportionate~~ proportional to the burden of the unit on the water or sewer system and not exceed the reasonable cost of providing the service.
 - o. No development standards or additional parking can be applied to ADUs within existing space except for Building Code requirements.
 - p. No setback can be required from an existing garage that is converted to an ADU.
 - q. An ADU cannot be used for short term rentals (terms of 30 days or less).
 - r. ADUs do not exceed the allowable density for the lot upon which the accessory dwelling units 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.
 - s. There shall be no requirements on minimum lot size for an ADU.
- (e) *Sale of unit.* An Accessory Dwelling Unit may be rented separately from the primary residence, but shall not be sold, transferred, or assigned separately from the primary residence. An ADU shall not be approved by the City prior to the applicant's submittal of evidence that a deed restriction affirming this requirement has been filed with the County Recorder. This deed restriction shall run with the land and be continuous in tenure with the life of the second unit. The deed restriction shall specify the size and location of the ADU(s). The owner of the residence can occupy the primary single-family residence or the ~~Accessory Dwelling Unit-ADU~~, provided that, an ADU that is approved after January 1, 2020, but before January 1, 2025, is not subject to the owner-occupancy requirement.
- (dm) Permit Requirements: ~~ADUs shall be permitted ministerially, in compliance with this Chapter within 120 days of application.~~ The Community Development Department shall issue a building permit or zoning certificate to establish an ~~accessory dwelling unit~~ ADU in compliance with this chapter if all applicable requirements are met.
- (en) Junior Accessory Dwelling Units (JADU)

- (1) Number of units allowed: Only one JADU may be located on any residentially zoned lot that permits a single-family dwelling. A JADU may only be located on a lot ~~which already contains~~ with one legal single-family dwelling, ~~built or proposed to be built, on the lot.~~
- (2) Owner Occupancy: The owner of a parcel proposed for a JADU shall occupy as principal residence either the primary dwelling or the accessory dwelling, except when the home is held by an agency such as a land trust or housing organization in an effort to create affordable housing.
- (3) Sale Prohibited: A JADU shall not be sold independently of the primary dwelling on the parcel.
- (4) Deed Restriction: A deed restriction shall be completed and recorded, ~~in compliance with Section 3 below.~~ and shall run with the land, and shall include both of the following:
 - a. A prohibition on the sale of the JADU separately from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.
 - b. A restriction on the size and attributes of the JADU that conforms to this section.
- (5) Location of JADU: A JADU must be created within the ~~existing~~ walls of ~~an existing the proposed or existing~~ primary dwelling, ~~and must include conversion of an existing bedroom.~~ The JADU may share a bath with the primary residence or have its own bath.
- (6) Separate Entry Required: A ~~separate exterior entry shall be provided to serve a~~ permitted JADU shall include a separate entrance from the main entrance to the proposed or existing single family residence.
- ~~(7) Interior Entry Remains: The interior connection to the main living area must be maintained, but a second door may be added for sound attenuation.~~
- (87) Kitchen Requirements: The JADU shall include an efficiency kitchen, requiring and limited to the following components:
 - a. A sink with a maximum waste line diameter of one-and-a-half (1.5) inches.
 - b. A cooking facility with appliance(s) which do not require electrical service greater than one-hundred-and-twenty (120) volts or natural or propane gas.
 - c. A food preparation counter and storage cabinets that are reasonable to size of the unit.
- (98) Parking: No additional parking is required beyond that ~~which is~~ required when the existing primary dwelling was constructed.

- (409) Size: A JADU shall be limited to one bedroom with a ~~M~~maximum JADU unit size ~~shall be of 500 square feet~~ and a ~~M~~minimum JADU size ~~shall be of 150 square feet~~, or as specified in Section 17958.1 of the California Health and Safety Code.
- (410) Setbacks: Setbacks for a JADU shall be the same as required for the primary dwelling unit.
- (421) Deed Restriction: Prior to obtaining a building permit for a JADU, a deed restriction, approved by the City Attorney, shall be recorded with the Orange County Clerk Recorder's office, which shall include the pertinent restrictions and limitation of a JADU identified in this Chapter. Said deed restriction shall run with the land, and shall be binding upon any future owners, heirs, or assigns. A copy of the recorded deed restriction shall be filed with the City stating that:
- a. The JADU shall not be sold separately from the primary dwelling unit.
 - b. The JADU is restricted to the maximum size allowed per the development standards in this Chapter.
 - c. The JADU shall be considered legal only so long as either the primary residence, or the ADU, is occupied by the owner of record of the property, except when the home is owned by an agency such as a land trust or housing organization in an effort to create affordable housing.
 - d. The restrictions shall be binding upon any successor in ownership if 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 JADU on the property.
- (4312) No Water Connection Fees: No agency ~~should~~ may require a sewer connection fee for the development of a JADU. An inspection fee to confirm that the dwelling unit complies with development standards may be assessed by the City.
- (4413) No Fire Sprinklers and Fire Attenuation: No agency ~~should~~ may require fire sprinklers or fire attenuation specification for the development of a JADU. An inspection fee to confirm that the dwelling unit complies with development standards may be assessed by the City."
- (o) The City shall not require, as a condition for ministerial approval of a permit application for the creation of an ADU or a JADU, the correction of nonconforming zoning conditions.

SECTION 7: Section 44-364 "Parking Calculations of Chapter 44 of the La Palma Municipal Code is hereby amended to read, in its entirety, as follows:

"Sec. 44-364. –Parking Calculations.

Parking calculations for all zoning districts shall be determined by use, as identified in the following table.

TABLE III-7. PARKING REQUIREMENTS BY LAND USE		
Land use	Minimum Vehicle Spaces Required	
Single Family Residential	Two parking spaces in a fully enclosed garage for each dwelling unit.	
Multiple-family Residential	Up to 2 bedrooms	2 plus 1 guest space — at least 66% covered
	3 bedrooms	3 plus 1 guest space — at least 50% covered
	4 or more bedrooms	4 plus 1 guest space — at least 40% covered
Accessory Dwelling Units (ADUs) ^{1, 2, 3}	<p>One parking space per ADU or per bedroom, whichever is less. Spaces can be provided uncovered on a driveway as tandem parking spaces to the garage, an uncovered ancillary parking space to the side of the driveway, or a garaged parking space in addition to the main homes standard two parking spaces in a fully enclosed garage.</p> <p>The one parking space requirement is not required for the shall not apply to an ADU if any of the following are true:</p> <ul style="list-style-type: none"> • The ADU is within a one-half mile walking distance from public transit (bus stop, train station, paratransit); or, • The ADU is part of (i.e., contained within) the footprint of an existing primary residence or an existing accessory structure building; or, • Is in an area where on-street parking permits are required, but not offered to the occupancy of the ADU; or, • Is located within one block of a car share area. • No additional parking is required for ADU's within existing space. 	
Religious Institutions	One parking space for each 3 seats in the main sanctuary or assembly area. Where no fixed seats are provided, 1 space for every 30 sq. ft. in the main assembly room.	
Congregate Care/Assisted Living Facilities	0.5 space for each residential unit, plus one space for each 4 units for guests unless specified in an approved precise plan.	
Hospitals	One space for each 2 patient beds the facility is licensed to accommodate plus required spaces for ancillary uses as determined by the planning division.	
Hotels/Motels	One space for each guest room, plus 0.75 space for each employee, plus any spaces required for ancillary uses.	
Self-Storage, Personal Storage Facilities	One space for each 10 storage units but not less than 6 spaces total, plus 2 spaces for the manager's office. If a resident caretaker is provided, an enclosed garage, 20 feet by 20 feet shall be included in the parking requirements.	

Offices	One parking space for each 250 square feet of gross floor area.
Restaurants	One parking space for each 100 square feet of gross floor area.
Retail and services	One parking space for each 200 square feet of gross floor area.
Schools (Private) Elementary/Junior High	1.5 spaces for each classroom, plus one space for every 75 sq. ft. of assembly area in an auditorium, plus one bus loading space for each 100 students or portion thereof.
High School	Five spaces for each classroom, plus one space for each 75 square feet in assembly rooms and auditoriums, plus one bus loading space for each 150 students or portion thereof.
Trade and Business Schools	One space for each student.
Tutoring Facilities	One space for every 50 sq. ft. of gross floor area.
Service Stations (Including Multi-Use Stations)	One space for each 200 sq. ft. of gross floor area, plus 3 spaces for each service bay. 50 percent of the parking provided at pump islands may be credited towards meeting parking requirements.
Light Manufacturing and Warehouses	First 25,000 sq. ft.: 1 for every 500 sq. ft.
	25,001 to 100,000 sq. ft.: 1 for every 750 sq. ft.
	100,001 to 200,000 sq. ft.: 1 for every 1,000 sq. ft.
	Anything over 200,000 sq. ft.: 1 for every 2,000 sq. ft.
	(This is a cumulative requirement: for example, a 250,000 sq. ft. building requires 50 + 100 + 100 + 25 = 275 spaces)
	Incidental office areas for warehousing and distribution facilities exceeding 15 percent of the gross building area will require one parking space for each 300 square feet of floor area.
Emergency Shelter (Homeless) ²⁴	One parking space for every 5 beds and 0.5 space per bedroom designed as a family unit with children, plus 1 space for every employee and/or volunteer staff member on duty. Each shelter shall also provide a bike rack for clients in a secured area.

~~1—Replacement Parking: When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an accessory dwelling unit, replacement parking shall be required pursuant to TABLE III-7. PARKING REQUIREMENTS BY LAND USE.~~

ADUs that are created through the conversion of a garage, carport or covered parking structure are not required to provide replacement off-street parking spaces.

² Off-street parking shall be permitted in setback areas in locations determined by the City 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.

²³ Alternatively, an emergency shelter may submit a parking study, subject to approval by the Community Development Director, demonstrating that the parking demand associated with the emergency shelter justifies requiring a reduced amount of off-street parking.”

SECTION 8. City staff is hereby authorized and directed to file a Notice of Exemption with respect to the adoption of this Ordinance.

SECTION 9: If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subdivision, sentence, clause, phrase, or portion of this Ordinance irrespective of the fact that one or more sections, subdivisions, sentences, clauses, phrases, or portions of this Ordinance be declared invalid.

SECTION 10: All required proceedings and consideration precedent to the adoption of this Ordinance have been regularly taken in accordance with applicable law.

SECTION 11: The City Clerk is authorized and directed to publish this Ordinance or a summary thereof in the manner provided by law and in accordance with procedures normally taken.

SECTION 12: The City Clerk shall certify to the passage of this Ordinance and cause the same to be published as required by law, and the Ordinance shall take effect thirty (30) days after adoption.

SECTION 13: Upon the effective date of this Ordinance, all former ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance are hereby repealed and declared to be of no further force and effect.

APPROVED AND ADOPTED by the City Council of La Palma at a regular meeting on the ___ day of ___ 2020.

Peter Kim
Mayor

ATTEST:

Kimberly Kenney, CMC
City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS.
CITY OF LA PALMA)

I, KIMBERLY KENNEY, City Clerk of the City of La Palma, California, DO HEREBY CERTIFY that the foregoing Ordinance was adopted by the City Council of said City at a regular meeting of said City Council held on the ____ day of ____ 2020 and that it was so adopted by called vote as follows:

AYES:

NOES:

Kimberly Kenney, CMC
City Clerk

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

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

**MEMORANDUM**

DATE: January 10, 2020

TO: Planning Directors and Interested Parties



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

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

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

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

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

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

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

ATTACHMENT A

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

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

(Changes noted in strikeout, underline/italics)

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

65852.2.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) 850 square feet.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) A height limitation of 16 feet.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) An efficiency unit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Becomes operative on January 1, 2025)

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

65852.2.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) 850 square feet.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) A height limitation of 16 feet.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) An efficiency unit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

65852.22.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17980.12.

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

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

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

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

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

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

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

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

ATTACHMENT B

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

AB 587 Accessory Dwelling Units

(Changes noted in underline/italics)

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

65852.26.

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

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

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

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

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

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

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

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

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

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

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

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

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

ATTACHMENT C

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

AB 670 Accessory Dwelling Units

(Changes noted in underline/italics)

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

4751.

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

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

ATTACHMENT D

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

AB 671 Accessory Dwelling Units

(Changes noted in underline/italics)

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

65583(c)(7).

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

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

50504.5.

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

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

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