Planning Commission Agenda

Tuesday, November 17, 2020 at 7:00 p.m.

TELECONFERENCE
DIAL-IN NUMBER: 1-669-900-6833
MEETING ID: 850 4709 0563#
https://us02web.zoom.us/j/85047090563

Call To Order

Pledge Of Allegiance

Roll Call

City Officials:

CHAIRPERSON
Jenny Perez

COMMISSIONERS
Jose Delgado
Jose De La Paz
Diego Sepulveda

VICE CHAIRPERSON
Fabiola Inzunza

COVID 19 Meeting Procedures

Pursuant to Government Newsom's Executive Order N-29-20, dated March 17, 2020, members of the Planning Commission, staff, and the public will participate in the November 17, 2020 meeting via a teleconference. To avoid exposure to COVID-19 this meeting will be held with Planning Commission Members participating via teleconference by calling Dial-in-Number 1-669-900-6833 and Meeting ID: 850 4709 0563# and http://us02web.zoom.us/j/85047090563.

Additionally, you may submit your comments electronically by emailing Erika Soriano, Administrative Services Coordinator at esoriano@sogate.org.
Procedure for Participation:
Any person wanting to participate may request to “speak” on an agenda item. Once acknowledged and authorized by the Chairperson the person may speak. Alternatively, any person may submit comments on an item electronically by emailing esoriano@sogate.org. Submission by email must be received 30 minutes prior to the posted start time of the meeting if emailing subject.

Subject line should read: COMMENT FOR ITEM NO. ______, MEETING OF NOVEMBER 17, 2020.

Please note, you will enter the meeting muted, but if you want to comment on an Agenda Item or during the public comment portion of the Agenda, raise your hand or press *9 at the appropriate time indicated by the Chairperson. When you are selected to speak, you will hear that you are unmuted, this is the time to make your public comments. Your patience with these changes is appreciated as the City adjusts to new ways of conducting business during the COVID-19 pandemic. Thank you.

Accessibility:
Reasonable accommodations for individuals with disabilities will be handled on a case-by-case basis and in accordance with the Americans with Disabilities Act and Governor Newsom’s Executive Order N-29-20. Please call the Community Development Department at (323) 563-9529.

Report On Posting

Meeting Compensation Disclosure
Pursuant to Government Code Section 54952.3: Disclosure of compensation for meeting attendance by the Planning Commission Commissioners is $125.00 per meeting.

Item No. 1
The Planning Commission will consider approving the minutes for the Planning Commission meeting of October 20, 2020.

Documents:

ITEM NO. 1.PDF

Item No. 2
The Planning Commission will conduct a public hearing for Zone Text Amendment No. 168 to amend the South Gate Municipal Code Chapter 11.43 (Accessory Dwelling Units and Accessory Structures) to revise the City’s Accessory Dwelling Unit and Accessory Structure regulations.

Documents:

ITEM NO. 2.PDF
Item No. 3
The Planning Commission will receive a presentation on the status of the Urban Orchard project.

Documents:

ITEM NO. 3.PDF

Comments
At this time, members of the public and staff may address the City Planning Commission regarding any items within the subject matter jurisdiction of the Planning Commission. No action may be taken on items not listed on the agenda unless authorized by law.

Audience Comments

City Staff Comments

Planning Commission Comments

Adjournment
Adjournment to the Regular Planning Commission meeting on Tuesday, December 1, 2020 at 7:00 p.m.

I, Erika Soriano, Administrative Services Coordinator, certify that a true and correct copy of the foregoing Meeting Agenda was properly posted on November 12, 2020 at 6:00 p.m., as required by law.

Erika Soriano, Administrative Services Coordinator  Erika Soriano

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in the Planning Commission Meetings, please contact the Comm.Development Department.

Notification 48 hours prior to the Meeting will enable the City to make reasonable arrangements to assure accessibility.

Any final action of the Planning Commission, on this agenda, is appealable to the City Council upon filing the request with the City Clerk prior to 5:00 pm on Monday, November 30, 2020.

Materials related to an item on the Agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the City Clerk's office, 8650 California Avenue, South Gate, CA 90280 (323) 563-9510 * fax (323) 563-5411 * www.cityofsouthgate.org
INTRODUCTORY PROCEDURES

Management Analyst Dianne Guevara introduced and welcomed Interim Community Development Director Paul Adams to the Planning Commission meeting.

Chairperson Jenny Perez called the meeting to order at 7:04 P.M.

The Pledge of Allegiance was led by Interim Community Development Director Paul Adams

ROLL CALL: By Erika Soriano, Recording Secretary.

Present: Chairperson Jenny Perez, Vice-Chairperson Fabiola Inzunza, Commissioners Jose Delgado, Jose De La Paz, and Diego Sepulveda.

Absent/Excused: None.

Staff: Interim Community Development Director Paul Adams, Management Analyst Dianne Guevara, City Attorney Craig Hardwick and Recording Secretary Erika Soriano.

REPORT ON POSTING: By Erika Soriano, Recording Secretary.

1. MINUTES

The Planning Commission considered approving the minutes for the Planning Commission meeting of September 15, 2020. Commissioner Jose De La Paz moved and Vice Chairperson Fabiola Inzunza seconded the motion to approve the Planning Commission minutes of September 15, 2020 with minor edits.

Roll call vote was taken as follows:

Chairperson Jenny Perez: Yes
Vice Chairperson Fabiola Inzunza: Yes
Commissioner Jose Delgado: Yes
Commissioner Jose De La Paz: Yes
Commissioner Diego Sepulveda Yes

The motion carried (5-0), with all Commissioners in favor.

2. PRESENTATION

REDEVELOPMENT PLAN FOR 9001-9019 LONG BEACH BOULEVARD AND EPA BROWNFIELDS CLEANUP GRANT APPLICATION FOR 9019 LONG BEACH BOULEVARD

Management Analyst Dianne Guevara gave a brief presentation regarding this project. The South Gate Housing Authority is the successor housing entity to the former Community Development Commission. Since receiving transferred affordable housing assets from the former Community Development Commission in 2012, the Housing Authority has been seeking a means feasibility redevelop two parcels located at 9001-9015 Long Beach Boulevard. The property totals .37 acres and is located on the southwest corner of Willow Place and
Long Beach Boulevard. Under state law, the Housing Authority has until April 2023 to redevelop or dispose of the properties. In early 2018, the Community Development Director was contacted by Jon Ungvari, owner of 9019 Long Beach Boulevard adjacent to the Housing Authority property, with an offer to sell his Trust’s property to the Housing Authority. After conferring with the Housing Authority, staff received direction to obtain an appraisal and negotiating authority for the purchase of the parcel. A Purchase and Sale Agreement was executed by the Housing Authority and Seller in December 2018. About the same time, Habitat for Humanity of Greater Los Angeles approached the Housing Authority expressing interest in purchasing the two Housing Authority parcels adjacent parcel once the Housing Authority obtained ownership. On April 23, 2019, the Housing Authority and Developer entered into an Exclusive Negotiation Agreement for the redevelopment of the three parcels at 9001-19 Long Beach Boulevard, which would result in the development of 14 townhomes, 12 townhomes would be available for purchase to low and moderate income household and 2 townhomes would be available to rent to household earning less than 30 percent of the County median income. The South Gate Housing Authority intends to submit an application for an EPA Grant in the amount of $160,000, due on October 28, 2020. In order to move forward with the application submission, the Housing Authority must provide a notice to the community of its intent to apply for the EPA Grant and allow the community an opportunity to comment on the draft application and ABCA which can be done during the public comment portion of this meeting.

Miss Guevara introduced RSG consultant Alex Lawrence who will be introducing the Environmental clean-up efforts for the site and the members of Habitat for Humanity that will be providing a presentation on the proposed project and organization.

Alex Lawrence, RSG consultant provided a presentation regarding the Environmental Site Assessment and cleanup up efforts for the site. The Housing Authority has determined that the most feasible option is to excavate the contaminated soil and safely dispose of it off-site. The California Department of Toxic Substance Control would oversee remediation activities and would certify 9019 Long Beach Boulevard safe for residential use when complete.

Darrell Simien, Senior Vice President of Community Development of Habitat for Humanity provided a presentation on the organization and the partner families and the eligibility process.

Patrick Sunpanich, Real Estate Project Manager of Habitat for Humanity provided a presentation regarding Community outreach and engagement.

Robert Dwelle, Director of Housing Development and Design of Habitat for Humanity gave a presentation regarding the proposed project.

Chairperson Jenny Perez opened the item for public comments.

Chairperson Jenny Perez thanked Habitat for Humanity for their great work within the City of South Gate and the region. Chairperson Jenny Perez asked if there was any other public meeting regarding this item. Management Analyst Dianne Guevara informed the Commission that tonight’s public meeting is the community input portion that is required to submit the EPA Grant application.

Commissioner Diego Sepulveda commended City staff for the efforts in cleaning up the site. Commissioner Diego Sepulveda asked that the application be corrected to state that the City of South Gate is in Southeast Los Angeles. He also inquired on the eligibility process for the partner families that are selected by Habitat for Humanity.

Darrell Simien, Senior Vice President of Community Development of Habitat for Humanity informed the Commission that the organization works with families that make 80 percent or less of the Area Median Income (AMI); for example, a family of 4 will have an annual income of $92,000. The partner family would typically
be first-time homebuyers. Mr. Simien also informed the Commission that they will search and outreach within the City to attain partner families.

Commissioner Diego Sepulveda asked if Habitat for Humanity assists non-citizen families. Erin Rank, CEO of Habitat for Humanity informed the Commission that they have housed a total of 91% of the families of color. Ms. Rank informed the Commission that they use HUD funding and are required to follow HUD regulations regarding citizenship requirements but Habitat for Humanity does not require a family to have US citizenship.

Commissioner Jose Delgado thanked Habitat for Humanity for their efforts in housing the low-income population. Commissioner Jose Delgado inquired about the Environmental impacts in the soil on the surrounding homes. Alex Lawrence informed the Commission that the soil contamination is not spreading and once the excavation is conducted the contamination will be gone.

Commissioner Jose De La Paz asked how it was determined that the contamination is not spreading. Alex Lawrence informed the Commission that the Environmental Site Assessment conducted on the site determined that the contamination is shallow and the contamination is not spreading or affecting the water supply.

Commissioner Jose De La Paz inquired on the mitigation efforts to reduce adverse impacts on the surrounding neighborhood. Darrel Simien informed the Commission the demolition contractor will work closely with the EPA organization and will monitor the site for dust control and will test the soil for contamination.

Vice Chairperson Fabiola Inzunza expressed excitement for the proposed project. Vice Chairperson Inzunza asked if contingency fees would be allocated in the Grant application for possible unforeseen contamination. Alex Lawrence informed the Commission that 15 percent of the funds requested in the EPA grant application have been allocated for contingencies costs.

Vice Chairperson Fabiola Inzunza asked if all surrounding residents will be notified before the cleanup of the contaminated soil. Management Analyst Dianne Guevara informed the Commission that the company that will be doing the environmental cleanup will notify all of the surrounding residents.

With no other comments received, Chairperson Jenny Perez closed the public comments.

Commissioner Jose Delgado motioned and Vice Chairperson Fabiola Inzunza seconded to receive and file the report regarding preliminary development plans for 9001-9019 Long Beach Boulevard and Environmental Protection Agency Brownfields Cleanup Grant application for 9019 Long Beach Boulevard with public comments.

Roll call vote was taken as follows:

Chairperson Jenny Perez: Yes
Vice Chairperson Fabiola Inzunza: Yes
Commissioner Jose Delgado: Yes
Commissioner Jose De La Paz: Yes
Commissioner Diego Sepulveda: Yes

The motion carried (5-0), with all Commissioners in favor.

Audience Comments
None
City Staff Comments
Management Analyst Dianne Guevara informed the Planning Commission of the following upcoming events, and projects:

- 2020 Census Update – Self-response rate as of October 20th in South Gate is 68.4%. The Census Bureau will have a complete count by December 2020.
- The City has 2 official voting drop boxes, one located in the Civic Center next to the museum and the second location is at Leland Weaver Library.
- Two CDBG application workshops will be held on Thursday, October 22nd for Public Service and Non-Public Service organizations interested in applying for the CDBG funding for FY 2021-22.

Planning Commission Comments
Commissioner Jose Delgado welcomed Interim Community Development Director Paul Adams to the Planning Commission.

Commissioner Jose Delgado inquired on the Urban Orchard project.

Chairperson Jenny Perez requested that a presentation be provided to the Planning Commission in a future meeting.

Commissioner Diego Sepulveda thanked staff for their efforts in promoting the 2020 Census.

Vice Chairperson Fabiola Inzunza requested that a discussion item regarding public outreach efforts be brought before the Planning Commission.

ADJOURNMENT
There being no further business before the Planning Commission, Chairperson Jenny Perez adjourned the meeting to November 3, 2020. The meeting was adjourned at 8:18 P.M.

Respectfully,

__________________________________
Dianne Guevara, Acting Secretary

APPROVED:

__________________________________
Jenny Perez, Chairperson
City of South Gate
PLANNING COMMISSION
AGENDA BILL
For the Regular Meeting of: November 17, 2020
Senior Planner: Interim Community Development Director: Erika Ramirez Paul L. Adams

SUBJECT: ZONE TEXT AMENDMENT NO. 168 TO AMEND THE SOUTH GATE MUNICIPAL CODE CHAPTER 11.43 (ACCESSORY DWELLING UNITS AND ACCESSORY STRUCTURES) TO REVISE THE CITY’S ACCESSORY DWELLING UNIT AND ACCESSORY STRUCTURE REGULATIONS

PURPOSE: The purpose of this amendment is to conform the City’s municipal ordinances regulating Accessory Dwelling Units (ADUs) with the new State law requirements established by AB 68 and with related Senate Bill 13 and Assembly Bill 881 and to establish development standards for accessory structures in the City of South Gate.

RECOMMENDED ACTIONS:

1. CONDUCT a public hearing;

2. ACCEPT the determination that this project is exempt from the California Environmental Quality Act;

3. ADOPT the findings as outlined in Resolution No. 2020-05 (Attachment A); and

4. RECOMMEND that the City Council adopt the draft Ordinance (Attachment B) approving Zone Text Amendment No. 168.

PUBLIC NOTIFICATION: Advertising and notification of the public hearing for this item was conducted in compliance with Chapter 11.50, Title 11 of the South Gate Municipal Code. Notice of the hearing was originally posted and published in the “Press Telegram” newspaper on November 7, 2020.

ENVIRONMENTAL EVALUATION: The foregoing amendment to the South Gate Zoning Code is exempt from the California Environmental Quality Act (“CEQA”) pursuant to Public Resources Code Section 21080.17, which provides that CEQA “does not apply to the adoption of an ordinance by a city or county to implement the provisions of Sections 65852.1 or 65852.2 of the Government Code.” This ordinance is adopted to implement changes in Government Code Section 65852.2, and thus is exempt from CEQA’s environmental review requirements.

ANALYSIS: In 2019, the California Legislature adopted eighteen (18) housing bills aimed at addressing the housing crisis. Six of those bills specifically made changes to the creation of accessory dwelling units (ADU) and junior accessory dwelling units (JADU). The changes to
Government Code Sections 65852.2 and 65852.22 imposed new limits on the City’s ability to regulate ADUs and JADUs (Attachment G). In adopting these new regulations, the State Legislature determined that housing is a matter of statewide concern, rather than a municipal affair. This determination allows the State to mandate cities to implement the new ADU law. The State Legislature intends to reduce regulatory barriers and costs, streamline the approval process, and expand the potential capacity for ADUs.

As a result of this new legislation, as of January 1, 2020, the City’s ordinance regulating ADUs is no longer in compliance with State law and can no longer be enforced. The City is currently limited to the application of the few default standards provided in Government Code Sections 65852.2 and 65852.22 for the approval of ADUs and JADUs, unless and until a compliant ordinance is adopted.

**Proposed New Regulations**
The State is now requiring all cities ministerial approve ADUs and JADUs under the following circumstances:

1. Convert existing space within a single-unit residence to provide either an ADU or a JADU. In this case only one ADU or JADU is allowed.
2. Convert existing space within a single-unit residence to build a JADU and construct a new detached ADU. In this case, both an ADU and JADU are allowed.
3. Convert existing space within a one single-unit residence to build an ADU and construct a new detached ADU on a property with two detached single-unit residences. A JADU is not permitted.
4. Convert non-habitable space, such as garages, storage rooms, etc., within a multiple-unit structure into ADUs. The number of ADUs on the property may not exceed 25 percent of the total number of units with a minimum of one ADU.
5. Construct two detached ADUs on the same property as a multi-unit dwelling. JADUs are not permitted.

As part of the new ADU law, the City must allow ADUs to be constructed in any zone that permits residential use and cannot require a minimum lot, which results in the potential that any property improved with a residential unit in a zone that permits residential use could be eligible to construct an ADU.

A noteworthy change in the new ADU law limits a city’s ability to require owner occupancy on lots that include an ADU. Cities can only require owner occupancy on lots in which JADUs are constructed. This restriction is in place until 2025. In addition, while cities are able to limit the overall size to 850 square feet for a one-bedroom/studio ADU and 1,000 square feet for an ADU that is more than 1-bedroom, cities are not able to limit the number of bedrooms within a unit. Furthermore, a conversion or the construction of a new ADU up to 800 square feet cannot be included in the lot coverage calculation and cities must allow for a minimum of a new detached 800 square foot ADU with 4 foot setbacks from the rear and side property lines, a 6ft distance from other structures and a maximum height of 16 feet. Lastly, separate utilities are no longer required for any ADU or JADU.

For clarity, an accessory dwelling unit (ADU) is defined as 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 on a fixed, permanent foundation. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the
same parcel as the single-family or multifamily dwelling. A junior accessory dwelling unit (JADU) is defined as a dwelling unit created out of space entirely within a proposed or existing single-family residence, and of no more than 500 square feet in size, which provides independent living facilities for one or more persons and includes permanent provisions for living, an efficiency kitchen, eating and sleeping. A junior accessory dwelling unit shall have independent exterior access. Provisions for sanitation may be provided within the unit or may share sanitation facilities with the main residence.

Parking
While the state statute allows for Cities to require one parking space for each ADU (JADUs are not required to provide a parking space), the City must waive the ADU parking space requirement in the following circumstances:

1. The ADU is located within a one-half mile (1/2) mile walking distance to a transit stop;
2. The ADU is located within one (1) block of a designated car share pick up and drop off location;
3. The ADU is located within an architecturally and historically significant historic district;
4. The ADU is proposed to be converted from existing space entirely within the primary dwelling unit or an existing accessory structure; or
5. The ADU is located in a permit parking area where on-street parking permits are required, but not offered to the occupant(s) of the accessory dwelling unit.

As demonstrated by Attachment E, the vast majority of the properties in South Gate are located within one-half (1/2) mile walking distance to a transit stop.

If an owner wishes to convert their existing garage to an ADU, the new ADU law prevents the City from requiring replacement parking for the garage spaces lost to the conversion. In addition, if a garage or carport is demolished in conjunction with the construction of an ADU, the lost covered parking is not required to be replaced.

A summary of the changes to the City’s current ADU ordinance required by the new regulations are summarized in Attachment D.

Relationship to Regional Housing Needs Assessment (RHNA)
Accessory dwelling units and junior accessory dwelling units will count towards the City’s housing production to meet RHNA housing targets.

State Department of Housing and Community Development Review
Paragraph (h) of Government Code Section 65852.2 requires the City to submit the ordinance to the State Department of Housing and Community Development (HCD) within 60 days of adoption. Upon adoption of the proposed ordinance to amend Title 11 staff will forward the ordinance to HCD for review. If HCD finds the ordinance does not comply with the new ADU laws, HCD will notify the City. Should this occur, the City would have 30 days to either amend the ordinance or adopt additional findings that explain the reason the ordinance complies with the statute and addresses the department’s findings. HCD may notify the Attorney General that the City is in violation of the State law. To ensure HCD’s review does not result in a finding of noncompliance, staff has worked diligently with HCD to bring forth the attached draft ordinance.

Items for Consideration
The current ordinance is drafted to include all restrictions that the City is able to incorporate into
a compliant revised ordinance. If the Commission recommends adding more restrictions to the draft ordinance they are adopted, it would result in HCD issuing a finding of noncompliance; however, there are areas in which the Commission may direct staff to propose alternative standards that would be acceptable to HCD. These are identified in the Alternative column of the table below.

<table>
<thead>
<tr>
<th>Proposed Development Standard</th>
<th>Alternative</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum size of detached ADU: 1,000 square feet</td>
<td>Maximum size of detached ADU: 1,200 square feet</td>
</tr>
<tr>
<td>ADUs above the garage are prohibited</td>
<td>ADUs above the garage or other accessory structures are permitted</td>
</tr>
<tr>
<td>Height limit of detached ADU: 16 feet</td>
<td>Height limit of detached ADU: 26 feet</td>
</tr>
<tr>
<td>Height limit of attached ADU: same roof line of main dwelling</td>
<td>Height limit of attached ADU: 16 feet</td>
</tr>
<tr>
<td>Multifamily lots may convert spaces not used for living into a minimum of 1 ADU and up to 25% of the existing units or may construct up to 2 detached ADUs.</td>
<td>Multifamily lots may convert spaces not used for living into a minimum of 1 ADU and up to 25% of the existing units <strong>and</strong> may construct up to 2 detached ADUs.</td>
</tr>
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</table>

The City may also consider development bonuses for ADUs that include a covered parking space.

**Accessory Structures**

Chapter 11.43 of the South Gate Zoning Code includes development standards for Accessory Dwelling Units and Accessory Structures. Staff is also proposing new regulations as it pertains to accessory structures for clarity and consistency of development standards throughout the zoning code. This section addresses distance requirements for incidental structures such as storages, canopies, storage containers, garages and patio covers. Development standards for accessory structures were located under the development standards for each specific zone prior to 2015. When the Zoning Code was updated in its entirety these sections were erroneously omitted as the designate land use categories changed. The proposed ordinance amends the code to reincorporate such sections in one location and to allow staff to address these land uses separately from dwelling units.

**BACKGROUND:** Effective January 1, 2017, the California state legislature adopted Government Code Section 65852.2, which made sweeping changes to state law regarding “accessory dwelling units” (formerly known as “second dwelling units”). Among other things, it required ministerial approval of applications for permits to construct alternative dwelling units, subject to certain specified conditions. Government Code Section 65852.2 effectively rendered void the City’s then-existing ordinance regarding applications for permits to construct accessory dwelling units, which called for discretionary approval rather than ministerial approval.

In response, the City Council, at its regularly scheduled meeting of April 25, 2017, adopted Urgency Ordinance No. 2336 to establish interim approval standards with respect to applications for alternative dwelling unit permits, and to identify procedures for ministerial approval of accessory dwelling units within the City, all as necessary to cause the City’s process for approving those applications to comply with Government Code Section 65852.2. Interim Urgency Ordinance No. 2336 was scheduled to expire on June 9, 2017, unless extended. Pursuant to Government Code Section 65858(b), the City Council was entitled to enact an
extension to that Interim Urgency Ordinance in order to extend that Ordinance an additional 22 months and fifteen days. On May 23, 2017, the City Council adopted Interim Urgency Ordinance No. 2338, which extended Interim Urgency Ordinance No. 2336 through and including April 24, 2019. Furthermore, the City Council directed staff to study and develop permanent regulations that may be adopted prior to the April 24, 2019 expiration date.

On March 26, 2019, staff reported that they studied the degree which Interim Urgency Ordinances 2336 and 2338 were effective in increasing the supply of housing in the City without adversely affecting the City’s other obligations and responsibilities to its residents. Staff concluded the Interim Urgency Ordinances had worked well, but should be modified slightly to improve their effectiveness. Accordingly, staff proposed Urgency Ordinance No. 2360 to repeal Interim Ordinance Nos. 2336 and 2338 in their entirety and adding new Chapter 11.43 (Accessory Dwelling Units and Accessory Structures), to Title 11 (Zoning), of the South Gate Municipal Code. This ordinance has been in effect until January 1, 2020. In order to comply with state mandates and implement the few discretions available to the City in regards to ADU and JADU construction it is necessary to adopt a revised Chapter 11.43. The progression in ADU ordinances is summarized in Attachment D.

Survey of Surrounding Cities
Many cities nearby and statewide find themselves in the same predicament as South Gate, which is they have an adopted ADU ordinance that has been deemed null and void as of January 1, 2020. Many, like South Gate, were holding off drafting amendments to their ordinances until a technical memo and guidelines were issued from HCD. Since January 1, 2020, the technical memo has been issued but guidelines have yet to be released. South Gate has decided to move forward with the amendment process because HCD has verbalized that they do not have a target date for the release of guidelines. Staff has conducted a survey of neighboring cities to determine the current trend. The cities polled were Bell, Bellflower, Cerritos, Compton, Downey, Huntington Park, Santa Fe Springs, Norwalk, Paramount and Whittier. Out of the 10 cities surveyed, the majority are currently following the state statute that became effective January 1, 2020, and have not yet adopted an amended ADU ordinance. The cities of Whittier, Santa Fe Springs and Bellflower were the only ones that had adopted an amended ADU ordinance.

The cities of Whittier and Bellflower differ from South Gate’s proposed ordinance by setting the maximum size of a detached ADU to 1,200 square feet. The City of Whittier goes further to set a maximum size of a detached ADU to 1,500 square feet on lots over 20,000 square feet. The City of Santa Fe Springs is very similar to that of South Gate’s proposed ordinance.

South Gate Eligible ADU Properties
Under the previously adopted ordinance, there were 3,101 properties out of the 16,583 residential properties in the City that were eligible for ADUs- representing 19% of all residential properties in the City. With the new state legislation, now all of the 16,583 residential properties in the City are eligible. Therefore, 100% of all residential zoned properties are eligible to be developed with ADUs. It is important to note that the new state laws shifts the criteria for ADU eligibility away from zoning designations to the type of residential development on the lot. Therefore, the new state legislation also expands eligibility beyond residential, and now also allows areas zoned “Urban Mixed-Use” to add an ADU to their property provided there is a proposed or existing residential unit on the lot. It is currently unknown to what extent this affects the City’s Urban Mixed-Use areas as it is unclear how many are improved with residential uses. The number of ADUs is determined by the type of residential units as noted above.
ADUs Approved and Built
There has been a steady increase in interest in developing ADUs and JADUs since they have been permitted by the State in 2017. This interest has dramatically increased with the passage of the new legislative package in January 2020. Table 1 below demonstrates the growing trend. While the number provided for 2020 are only for a 10 month period it accounts for 47% of all ADU/JADU projects over the nearly 4 year period.

<table>
<thead>
<tr>
<th>Year</th>
<th>ADU/JADU Status</th>
<th>Garage Conversions</th>
<th>Detached/Attached ADUs</th>
<th>JADUs</th>
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<td>Total</td>
<td>72</td>
<td>65</td>
<td>14</td>
<td>151</td>
<td></td>
</tr>
</tbody>
</table>

Figures A and B below illustrate that the most common type of ADUs being developed since 2017 in the City of South Gate has been a garage conversion.
From January to October of 2020, 194 ADU/JADU projects have been submitted to the Planning Division. As of October 31st a total of 160 have been approved by Planning and continued to the next steps in the Plan Check and permitting process. Table 2 and Figure C provide details of said projects.
TABLE 2- ADU/JADU Planning Division Plan Check Status  
( January 1, 2020 – October 31, 2020)

<table>
<thead>
<tr>
<th>ADU/JADU Status</th>
<th>Garage Conversions</th>
<th>Detached/Attached ADUs</th>
<th>JADUs</th>
</tr>
</thead>
<tbody>
<tr>
<td>In progress</td>
<td>18</td>
<td>14</td>
<td>1</td>
</tr>
<tr>
<td>Approved By Planning Division</td>
<td>91</td>
<td>47</td>
<td>22</td>
</tr>
<tr>
<td>Total Received = 194</td>
<td>109</td>
<td>62</td>
<td>23</td>
</tr>
</tbody>
</table>

**Figure C: ADU/JADU Planning Division Plan Check Status**  
( Jan. 2020 – Oct. 2020)

**ATTACHMENTS:**  
A. Proposed Resolution No. 2020-05  
B. Proposed Ordinance  
C. Public Hearing Notice  
D. ADU Ordinance Summary of Changes  
E. Public Transit Stops & ¼ Mile Radius  
F. HCD Accessory Dwelling Unit Handbook
ATTACHMENT A: PROPOSED RESOLUTION NO. 2020-05
RESOLUTION NO. 2020-05

A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING THAT THE SOUTH GATE CITY COUNCIL ADOPT AN ORDINANCE AMENDING TITLE 11, CHAPTER 11.43 OF THE SOUTH GATE MUNICIPAL CODE TO REVISE THE CITY’S ACCESSORY DWELLING UNIT AND ACCESSORY STRUCTURE REGULATIONS

WHEREAS, the State of California has found that Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) assist with the housing crisis by providing affordable housing for family members, students, the elderly, in-home providers, the disabled, and others, at below market prices within existing neighborhoods; and,

WHEREAS, on September 27, 2016, Assembly Bill (AB) 2299 and Senate Bill (SB) 1069 were signed into law that significantly impacted and modified the ADU standards provided in Section 65852.2 of the Government Code; and,

WHEREAS, in response the City Council of the City of South Gate amended Title 11, Chapter 11.43 of the South Gate Municipal Code in order to conform the City’s municipal ordinances regulating ADUs with the State law requirements established by AB 2299 and SB 1069; and

WHEREAS, on October 9, 2019, AB 68, AB881, and SB 13 were signed into law, further modifying State law requirements pertaining to ADUs, effective January 1, 2020, as set forth in Sections 65852.2 and 65852.22 of the Government Code; and,

WHEREAS, the proposed ordinance amends Title 11, Chapter 11.43 of the South Gate Municipal Code to conform the City’s municipal ordinances regulating ADUs including location, unit size, height, and other requirements with the new State law requirements established by AB 68 and with related Senate Bill 13 and Assembly Bill 881; and,

WHEREAS, the proposed ordinance further amends Title 11, Chapter 11.43 of the South Gate Municipal Code to provide clarity and consistency regarding accessory structures in the City of South Gate; and

WHEREAS, the Planning Commission, upon giving the required notice, did on the 17th of November, 2020 conduct a duly noticed public hearing as required by law; notice of the hearing was published in the Press Telegram Newspaper on November 7, 2020; and

WHEREAS, the Planning Commission determined that the facts of this matter are as follows:

1. Because the City’s current ADU ordinance varies in certain respects from the requirements imposed by Government Code section 65852.2 as amended by AB 68, there is a risk that the City’s entire ADU ordinance could be declared invalid. Due to this risk, ADU applications are currently being processed by default under State
regulations, resulting in a loss of City authority to process and apply standards for new ADUs and JADUs. Adoption of the proposed Ordinance would eliminate the inconsistency with state law, allowing the City to safely resume processing ADU applications pursuant to the provisions of the City's own Municipal Code.


WHEREAS, the Planning Commission made the following findings:

1. The public health, safety, and welfare would not be adversely affected by approval of the proposed Ordinance since the Ordinance would be consistent with the General Plan and the requirements specified in state law.

2. The proposed Ordinance would not be detrimental to surrounding properties, since the proposed Ordinance furthers General Plan policies that promote increased housing opportunities.

3. This Ordinance is exempt from the California Environmental Act of 1970 (“CEQA”), as amended, because it can be seen with certainty that the proposed ordinance has no likelihood of causing a significant negative effect on the environment and accordingly to both City Council’s action of adopting the proposed ordinance and the effects derivative from the adoption are exempt from the application of CEQA, pursuant to Section 15061(b)(3) of the State CEQA Guidelines (15 Cal. Code Regs. 15061(b)(3)). Furthermore, the adoption and implementation of the Ordinance is exempt from CEQA pursuant to Public Records Code Section 21080.17, which provides that CEQA “does not apply to the adoption of an ordinance by a city or county to implement the provisions of Sections 65852.1 or 65852.2 of the Government Code.” This Ordinance is to be adopted to implement changes in Government Code Section 65852.2, and thus exempt from CEQA’s environmental review.

NOW, THEREFORE, BE IT RESOLVED: That after careful consideration of maps, facts, exhibits, testimony, staff reports, public comments, other evidence submitted in this matter, and the substantial evidence in the record, the Planning Commission recommends that the City Council:

1. Find that the adoption of the Ordinance is exempt from CEQA pursuant to Public Resource Code Section 21080.17; and

2. Adopt Ordinance amending the South Gate Municipal Code Chapter 11.43 Accessory Dwelling Units and Accessory Structures to establish standards and ministerial process for approving Accessory Dwelling Units and accessory structures.

BE IT FURTHER RESOLVED, that the Secretary of this Commission be directed to transmit to the City Council a copy of this resolution as the report of the findings and recommendations of the Planning Commission with reference to this matter.
This Resolution was adopted by the following vote at the Planning Commission meeting of November 17, 2020.

AYES:

NOES:

ABSENT:

NOT VOTING:

APPROVE and ADOPTED this 17th of November, 2020.

______________________________
Paul Adams
Secretary
City Planning Commission

APPROVED:

______________________________
Jenny Perez
Chairperson
City Planning Commission
ATTACHMENT B: PROPOSED ORDINANCE
ORDINANCE NO. _____
CITY OF SOUTH GATE
LOS ANGELES COUNTY, CALIFORNIA

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH GATE AMENDING TITLE 11, CHAPTER 11.43 OF THE SOUTH GATE MUNICIPAL CODE TO REVISE THE CITY’S ACCESSORY DWELLING UNIT AND ACCESSORY STRUCTURE REGULATIONS

WHEREAS, the State of California has found that Accessory Dwelling Units (ADUs) assist with the housing crisis by providing affordable housing for family members, students, the elderly, in-home providers, the disabled, and others, at below market prices within existing neighborhoods; and,

WHEREAS, on September 27, 2016, Assembly Bill (AB) 2299 and Senate Bill (SB) 1069 were signed into law that significantly impacted and modified the ADU standards provided in Section 65852.2 of the Government Code; and,

WHEREAS, in response the City Council of the City of South Gate amended Title 11, Chapter 11.43 of the South Gate Municipal Code in order to conform the City’s municipal ordinances regulating ADUs with the State law requirements established by AB 2299 and SB 1069; and,

WHEREAS, on October 9, 2019, AB 68, AB881, and SB 13 were signed into law, further modifying State law requirements pertaining to ADUs, effective January 1, 2020, as set forth in Sections 65852.2 and 65852.22 of the Government Code; and,

WHEREAS, this ordinance amends Title 11, Chapter 11.43 of the South Gate Municipal Code to conform the City’s municipal ordinances regulating ADUs including location, unit size, height, and other requirements with the new State law requirements established by AB 68 and with related Senate Bill 13 and Assembly Bill 881; and,

WHEREAS, this ordinance amends Title 11, Chapter 11.43 of the South Gate Municipal Code to provide clarity and consistency regarding accessory structures in the City of South Gate; and

WHEREAS, pursuant to California Government Code Section 65854, the Planning Commission duly noticed and agendized a public hearing and conducted the public hearing on this matter on November 17, 2020 and adopted Planning Commission Resolution 2020-05 recommending that the City Council approve Zoning Text Amendment No. 168 and adopt the amendments to the South Gate Zoning Code as set forth in this ordinance; and

WHEREAS, the City Council held a duly noticed public hearing on Zoning Text Amendment No. 168 to consider adoption of this Ordinance and hear public testimony on ____, 2020; and
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH GATE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The forgoing recitations are hereby adopted by the City Council as findings. Based on those findings, the City Council determines the public health, safety and general welfare of the City of South Gate, its residents and property owners can benefit by amending the South Gate Municipal Code (SGMC) to allow accessory dwelling units with development standards, and it is in the best interest of the community to amend the SGMC accordingly.

SECTION 2. Based on the foregoing findings and determinations, existing Chapter 11.43 of the South Gate Municipal is deleted in its entirety and replaced with the following:

Chapter 11.43
ACCESSORY DWELLING UNITS AND ACCESSORY STRUCTURES*

Sections:

11.43.010 Purpose and intent.
11.43.020 Definitions.
11.43.030 Permitted Uses.
11.43.040 General Provisions.
11.43.050 Development Standards.
11.43.060 Application and Review Process.
11.43.070 Accessory Structures

11.43.010 Purpose and intent.
A. This chapter of the South Gate Municipal Code (the "chapter") establishes the standards for permitting accessory dwelling units ("accessory dwelling units") within the city of South Gate, formerly known as "second dwelling units," on residential properties in accordance with Sections 65852.2, 65852.22, and 65852.26 of the California Government Code, as amended and effective January 1, 2020. An accessory dwelling unit that conforms to the development and design standards in this section shall:

1. Be deemed an accessory use or an accessory building and not be considered to exceed the allowable density for the lot upon which it is located;

2. Be deemed a residential use that is consistent with the existing General Plan and zoning designation for the lot upon which it is located;
3. Not be considered in the application of any ordinance, policy, or program to limit residential growth; and

4. Not be considered a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service.

11.43.020 Definitions.
For purposes of this chapter the following terms shall have the meanings indicated:

A. “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 on a fixed, permanent foundation. 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; provided, however that a junior accessory dwelling unit may share sanitation facilities with the principal dwelling. An accessory dwelling unit also includes (i) an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code and (ii) a manufactured home, as defined below and in Section 18007 of the Health and Safety Code. An Accessory Dwelling Unit must be either (a) attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure, or (b) detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

B. “Accessory dwelling unit permit” means the formal, written approval, of the community development director approving the application for an accessory dwelling unit.

C. “Application” means an application for an accessory dwelling unit permit.

D. “Attached” means attached to the main dwelling unit.

E. “Building codes” means all of the requirements for authorization for the construction, alteration, improvement, modification, demolition or removal of any structure within the city of South Gate, including all codes adopted by reference in the municipal code, including but not limited to the California Building Code, the California Electrical Code, the California Plumbing Code, the California Mechanical Code, the California Residential Code and all local amendments thereto as adopted by the city in the municipal code.
F. “Building permits” means all authorizations and permissions required in accordance with all applicable building codes.

G. “City” means the city of South Gate.

H. “Detached” means detached from the principal dwelling unit.

I. “Director” means the community development director of the city of South Gate and all of his/her designees.

J. “Efficiency Unit” means a dwelling unit which contains all of the following: (i) a living area of not less than 220 square feet, plus an additional 100 square feet for each occupant in excess of two; (ii) a separate closet; (iii) a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches in front, together with light and ventilation conforming to Part 2.5 of Title 24 of the California Code of Regulations; and (iv) a separate bathroom containing a water closet, lavatory and bathtub or shower.

J. “Existing structure” for the purposes of defining an allowable space that can be converted to an accessory dwelling unit means any accessory structure or any space within an existing single family dwelling or within an existing multi-family dwelling that can be made safely habitable under local building codes at the determination of the building official regardless of any noncompliance with zoning standards.

L. “Junior accessory dwelling unit” means a dwelling unit created out of space entirely within a proposed or existing single-family residence, and of no more than 500 square feet in size, which provides independent living facilities for one or more persons and includes permanent provisions for living, an efficiency kitchen, eating and sleeping. A junior accessory dwelling unit shall have independent exterior access. Provisions for sanitation may be provided within the unit or may share sanitation facilities with the main residence.

M. “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.

N. “Lot” shall mean the single legal parcel of real property upon which the accessory dwelling unit shall be located.

O. “Multifamily”, “multi-family” or “multiple family” when used in this Chapter shall mean buildings containing two or more principal dwelling units.
P. "Municipal code" means the municipal code of the city of South Gate.

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

R. "Principal dwelling" means a lawfully constructed single-family or multifamily residence existing or proposed on the lot where the accessory dwelling unit may be permitted.

S. "Proposed dwelling" means a dwelling that is the subject of a permit application submitted to the City and that meets the requirements for permitting in the City.

T. "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.

U. Other words and phrases used in this chapter shall have the same meaning as provided in the South Gate Municipal Code.

11.43.030 Permitted Uses.

A. Location of Accessory Dwelling Units. The provisions of this section authorize an accessory dwelling unit to be located on a lot in any zoning district where residential use is permitted or conditionally-permitted that includes a proposed or existing primary dwelling.

B. Number Allowed. On lots with one (1) existing or proposed single-family dwelling, one (1) accessory dwelling unit and one (1) junior accessory dwelling unit may be permitted. On lots with more than one detached single-family dwelling, one (1) accessory dwelling unit created by using space within the proposed or existing space of one (1) of the single family dwellings and one (1) detached accessory dwelling unit with a four-foot side and rear yard setbacks of no more than 800 square feet and 16 feet high may be permitted. On lots with existing multiple-family dwellings (two or more principal dwelling units), accessory dwelling units are allowed within the portions of existing multi-family 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. At least one (1) accessory dwelling unit shall be allowed within an existing multi-family structure, and up to a maximum of 25% of the existing multiple-family dwelling units may be permitted or no more than two (2) detached accessory dwelling units may be permitted on a lot with multi-family dwellings. The two (2) detached
detached accessory dwelling units are subject to a height limit of 16 feet, and a side and rear yard setback of four feet.

11.43.040 General Provisions. The following provisions shall apply to all accessory dwelling units:

A. Residential Use. An accessory dwelling unit shall be used only for residential purposes and no business, enterprise or occupation shall be conducted, permitted or allowed within the accessory dwelling unit.

B. Compliance with Chapter. No accessory dwelling unit may be constructed, maintained, improved, altered, enlarged, modified, permitted or allowed within the city except as provided in this chapter and within zones that permit residential uses.

C. Rental and Sale Limitations. Accessory dwelling units may be rented. If rented, the rental term shall not be for less than 30 days. The accessory dwelling unit shall not be sold or otherwise conveyed separately from the primary dwelling.

D. Any legally permitted structure, or a structure constructed in the same location and to the same dimensions as a legally permitted structure, which is to be converted to an accessory dwelling unit may be converted or built without any additional setbacks.

E. Nonconforming Residential Structures. Any nonconforming zoning conditions on the subject property shall not require correction for the purpose of adding either an accessory dwelling unit or a junior accessory dwelling unit.

F. There shall be no minimum size for accessory dwelling units which are converted from existing space, beside that which is necessary per building code standards.

G. Before the City will issue a certificate of occupancy for a junior accessory dwelling unit, the property owner shall file with the county recorder in the County Recorder's Office, and provide the City with a copy bearing the recording information, a deed restriction, which has been approved by the City Attorney as to its form and content, containing a reference to the deed under which the property was acquired by the owner and stating that:

1. The junior accessory dwelling unit shall not be sold or otherwise conveyed separately from the primary dwelling, and rental of a junior accessory dwelling unit shall be for a period of longer than thirty (30) days.
2. The applicant and all subsequent owners of the lot shall at all times occupy, as his or her principal residence, either the remaining portion of the primary dwelling 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. A restriction of the junior accessory dwelling unit size and attributes exists as required by Sections 11.43.050A3, 11.43.050G, 11.43.050J, 11.43.050K, and 11.43.050M2 below.

H. Before issuing a certificate of occupancy for an accessory dwelling unit, the property owner shall file with the county recorder a covenant agreement, which has been approved by the City Attorney as to its form and content, contacting a reference to the deed under which the property was acquired by the owner stating that:

1. The accessory dwelling unit shall not be sold or otherwise conveyed separately from the primary dwelling, and rental of an accessory dwelling unit shall be for a period of longer than thirty (30) days.

2. The accessory dwelling unit has been constructed in compliance to this chapter and for residential purposes in accordance to plans approved by the City.

I. For any accessory dwelling unit application on a lot with an existing or proposed single family dwelling which is received on or after January 1, 2025, the owner of the subject property and all subsequent owners shall be the occupant of either the primary residence or the accessory dwelling unit, and such restriction shall be recorded on an instrument as approved by the City Attorney and shall run with the land.

11.43.050 Development Standards.

An accessory dwelling unit may be 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.

A. Floor Area. The following floor area standards for accessory dwelling units apply:

1. Attached accessory dwelling units shall not exceed fifty (50) percent of the existing primary dwelling or either 850 square feet for a studio or one-bedroom unit or 1,000 square feet for a unit of more than one-bedroom, whichever is less, provided, however,
that these floor area requirements shall not preclude an accessory dwelling unit of at least 800 square feet from being constructed.

2. Detached accessory dwelling units shall not exceed 850 square feet for a studio or one-bedroom unit or 1,000 square feet for a more than one-bedroom unit.

3. Junior accessory dwelling units shall not exceed 500 square feet.

B. Lot Coverage. The following lot coverage standards for accessory dwelling units apply:

1. The first 800 square feet of either an attached or detached accessory dwelling unit will not count towards the lot coverage of the subject property. Any additional footprint after 800 square feet will count towards the lot coverage of the property and the lot coverage limits of the underlying zone shall apply.

2. An accessory dwelling unit constructed in the same location and to the same dimensions as an existing accessory structure that is converted to an accessory dwelling does not count towards the lot coverage of the property.

C. Minimum Yard Areas. The following minimum yard requirements apply.

1. Front Yards. The provisions of the applicable underlying zoning designation of the subject property shall apply.

2. Rear Yards. The minimum rear yard shall be four feet.

3. Side Yards. The minimum side yard shall be four feet.

D. Building Height. The following maximum building height requirements apply.

1. Attached Accessory Dwelling Units. Attached accessory dwelling units shall not have a height above the existing or proposed single-family dwelling roof line.

2. Detached Accessory Dwelling Units. Detached accessory dwelling units shall have a maximum height of sixteen feet (16’) measured from grade to the peak of the roof.

3. Accessory dwelling units shall not be constructed above a detached garage.

4. Accessory dwelling units and junior accessory dwelling units shall have a vertical clearance from finished floor to ceiling within the habitable space up to eight (8) feet.

E. Building Separation. There shall be a minimum of six feet (6’) separating all construction (including eaves and similar architectural features) of the detached accessory dwelling unit from the main building(s) or other accessory building(s) on the same lot.

F. Expansion of Existing Accessory Structure. An accessory dwelling unit created within an existing accessory structure may include an expansion of not more than one hundred fifty (150) square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical limitation of the existing accessory structure shall be limited to accommodating ingress and egress. This expansion will be exempt from local development standards.
G. **Parking.** No parking shall be required for any accessory dwelling unit or for any junior accessory dwelling unit.

H. **Design Standards.** The following design standards shall apply to all accessory dwelling units.
   1. An attached accessory dwelling unit shall not involve any changes to existing street facing walls nor to existing floor and roof elevations.
   2. This subsection shall not be interpreted to prohibit a prefabricated structure or manufactured home, as defined in Section 18007 of the California Health and Safety Code.
   3. All exterior lighting shall be shielded in a way so that no light spills onto adjacent properties.

I. **Garage Conversions.** Garage conversions shall be allowed subject to the following provisions.
   1. No additional setback shall be provided for an existing garage which is converted to an accessory dwelling unit.
   2. The garage door shall be removed. The new façade shall include a minimum of one window or entryway.

J. **Junior Accessory Dwelling Units.** One junior accessory dwelling unit shall be permitted on lots with an existing or proposed primary single-family dwelling and no more than one (1) detached accessory dwelling unit subject to the following provisions.
   1. The junior accessory dwelling unit shall be fully located within an existing or proposed primary single-family dwelling.
   2. The unit shall be no more than five hundred (500) square feet in floor area.
   3. The unit may maintain an interior connection to the primary dwelling and shall provide an exterior entrance separation from the principal dwelling entrance.
   4. The unit may contain separate sanitation facilities or may share with the primary dwelling.
   5. The unit shall include an efficiency kitchen that shall include the following components:
      i. A cooking facility with appliances; and
      ii. A food preparation counter and storage cabinets.

K. **Interior Amenities.** Washer/dryer hook ups shall be provided within an accessory dwelling unit or the hookups may be provided within a shared common space.

L. **Fire Sprinklers.** Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

M. **Utility Connections.**
1. **Accessory dwelling units shall not be considered new residential uses for the purposes of calculating city and county connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed in conjunction with a new single-family residence.**

2. **For a junior accessory dwelling unit or an accessory dwelling unit located within the existing residence, a new or separate utility meter shall not be required and a related connection or capacity fee may not be charged, unless the accessory dwelling unit has been constructed with a new single-family dwelling.**

3. **When the accessory dwelling unit is attached or detached, a new or separate utility meter shall not be required.**

**11.43.060 Application and Review Process.**

A. **Processing Application.** Within sixty (60) days of receipt of a completed application, submitted with all supporting documentation to the specifications provided by the director and, if applicable, all fees required for building permits, development and planning approvals, authorizations and permissions, in accordance with Government Code Sections 66000 et seq., the director shall issue an accessory dwelling unit permit, ministerially, without discretionary review or hearing, upon making a determination that the proposed accessory dwelling unit would be in compliance with this chapter and that all required approvals, permits, authorizations and permissions exist for the lawful use of the accessory uses or will be issued by the appropriate agency or department. Notwithstanding the foregoing sixty (60) day issuance requirement, 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 City may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the City 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.

B. **Health Official Approval.** In the event that the property is served by a functioning private sewage disposal system, any application for an accessory dwelling unit must be approved by the health official for the city before an accessory dwelling unit permit may be issued by the director.

C. **Conditions of Approval.** The director may include conditions on the accessory dwelling unit permit that are consistent with this chapter.
11.43.070. Accessory Structures.

The following provisions, in combination with Section 11.43.060 (Application and Review Process), are minimum requirements for all accessory structures that are not an accessory dwelling unit.

A. Nonhabitable accessory buildings or structures, include but are not limited to the following:
   1. Garages;
   2. Carports;
   3. Workshops;
   4. Storage rooms or sheds;
   5. Detached patio covers;
   6. Pool bathrooms.

B. All nonhabitable accessory buildings or structures, with the exception of a pool bathroom are not permitted to contain a bathroom.

C. Pool bathrooms consisting a ¾ bathroom are permitted in conjunction with the development of a pool or when a pool exists on the lot.

D. With the exception of a garage or an accessory dwelling unit, a detached accessory structure shall not be located in the front of the main building or directly between the main building and the street.

E. All detached accessory structures or buildings within residential zones, except accessory dwelling units, shall be a minimum of 5 feet from any property line, unless otherwise expressed in this code, be located at least 6 feet from the main building and be no taller than 16 feet high.

F. Accessory structures are not permitted above a detached garage in residential zones.

G. Canopy Structures. The following regulations apply to canopy structures on a residential lot:
   1. Canopy structures shall not be located on any lot for a period of more than three (3) days.
   2. Canopy structures shall not be located within the view of a public right of way, front or side yard area or driveway.
   3. Canopy structures with a maximum projected canopy area of 200 square feet, maximum height of 12 feet and a maximum length of 20 feet may be located within a rear yard area provided that it is fully screened by a 5-ft high fence or shrubs.
4. Reflective, mirrored type covering material shall be prohibited.

H. Storage Containers. Storage containers may be located on a lot developed with a single-family residence on a temporary basis, subject to the following standards:

1. Short-term location. One (1) storage container may be located on a lot up to a total of fourteen (14) days in any calendar year without the approval of any permit.

2. Administrative review. One (1) storage container may be located on a lot for up to six (6) months in conjunction with permitted construction activity on the same lot, subject to approval pursuant to an administrative review. Approval pursuant to an administrative review for this purpose may only be undertaken in conjunction with construction activity for which a valid city building and/or grading permit has been issued and continues to remain active and valid. Regardless of the time period for which the presence of the container is approved pursuant to an administrative review shall automatically expire upon the expiration or termination of all grading and building permits, or upon the final inspection and completion of associated construction activity. In cases where a storage container has been located on a lot in an unauthorized manner prior to approval by an administrative review, any approved time duration shall commence and run from the date during which the location of the storage container on the lot was first documented.

3. Where the temporary presence of a storage container has been approved by an administrative review, the deadline for removal of the container may be extended for up to six (6) months by the Director of Community Development for good cause.

4. Location. The location of a temporary storage container shall be subject to approval pursuant to an administrative review and shall take into consideration such factors as visibility from the street and surrounding properties, and visual and privacy impacts to surrounding properties. The storage container may only be located in the front yard when location in other areas is not feasible or would create other impacts. Location of a storage container on a driveway may only be approved where access to the garage or carport can continue to be provided for at least one (1) vehicle.

5. Size. Storage containers shall be no greater than twenty (20) feet in length, ten (10) feet in height, and ten (10) feet in width.

6. Permanent placement. Permanent placement of storage containers are prohibited on vacant lots and lots developed with residential uses.

I. Garages and Carports. Garages and carport shall have a minimum interior clear width of eighteen (18) feet and depth of twenty (20) feet between columns or walls. Three-
car garages shall have a minimum interior clear width of twenty seven (27) feet and depth of twenty (20) feet.

1. Tandem garage parking is permitted in NL or NM zones to comply with a required three-car garage for a single residential unit. This requires a garage to have a minimum of two (2) parking spaces side-by-side at the garage entrance and minimum nine (9) feet by twenty (20) feet shall be provided behind.

END OF NEW CHAPTER 11.43

SECTION 3. The City Council hereby finds and determines, for the reasons set forth in Section 1, hereof that the adoption of this Ordinance is exempt from the California Environment Quality Act of 1970 ("CEQA"), as amended, because it can be seen with certainty that this ordinance has no likelihood of causing a significant negative effect on the environment and accordingly both the City Council's action of adopting this ordinance and the effects derivative from the adoption are exempt from the application of CEQA, pursuant to Section 15061(b)(3) of the State CEQA Guidelines (15 Cal.Code Regs. § 15061(b)(3)). Furthermore, the adoption and implementation of the Ordinance is exempt from CEQA pursuant to Public Resources Code Section 21080.17, which provides that CEQA "does not apply to the adoption of an ordinance by a city or county to implement the provisions of Sections 65852.1 or 65852.2 of the Government Code." This ordinance is adopted to implement changes in Government Code Section 65852.2, and thus is exempt from CEQA's environmental review requirements.

SECTION 4. This Ordinance is in conformance with the goals, policies, and objectives of the General Plan.

SECTION 5. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one of more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 6. To the extent the provisions of the South Gate Municipal Code as amended by this Ordinance are substantially the same as the provisions of that Code as they read immediately prior to the adoption of this Ordinance, then those provisions shall be construed as continuations of the earlier provisions and not as new enactments.

SECTION 7. This Ordinance shall take effect and be enforced on the thirty-first (31st) day after its adoption.

SECTION 8. The City shall submit a copy of this Ordinance to the State Department of Housing and Community Development within sixty (60) days after adoption.
SECTION 9. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published as required by law.

PASSED, APPROVED and ADOPTED this ___th day of ____, 2020

CITY OF SOUTH GATE:

________________________
Maria Davila, Mayor

ATTEST:

________________________
Carmen Avalos, City Clerk
(SEAL)

APPROVED AS TO FORM:

________________________
Raul F. Salinas, City Attorney
PUBLIC NOTICE
CITY OF SOUTH GATE
PLANNING COMMISSION

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of South Gate will hold a public hearing on Zone Text Amendment No. 168

DATE OF HEARING: Tuesday, November 17, 2020
TIME OF HEARING: 7:00 pm
LOCATION OF HEARING: Members of the public wishing to observe the meeting may join through a Call-in Conference. For the updated Dial-In Number and Conference Code for the November 17th Planning Commission meeting please visit the City's website at www.cityofsouthgate.org/AgendaCenter.

PROJECT LOCATION: Citywide

PROJECT DESCRIPTION: Zone Text Amendment No. 168 to amend the South Gate Municipal Code Chapter 11.43 (Accessory Dwelling Unit and Accessory Structures) to establish new development standards and case processing procedures for accessory dwelling units and junior accessory dwelling units pursuant to sections 65852.2 and 65852.22 of the California Government Code and to establish development standards for accessory structures.

ENVIRONMENTAL REVIEW: The “project” is categorically exempt per CEQA Guidelines section 15303 (New Construction or Conversion of Small Structures).

INVITATION TO BE HEARD: All interested persons are invited to the public hearing to be heard in favor of or in opposition to the proposed ordinance or to provide comments. In addition, written comments may be submitted to the Community Development Department prior to the hearing. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing, described in this Notice, or in written correspondence delivered to the City of South Gate prior to or at the public hearing.

Those desiring a copy of the staff report or further information related to this project should contact

Contact: Erika Ramirez, Senior Planner
Phone: 323-563-9526
E-mail: eramirez@sogate.org

Mailing Address: Community Development Department
City of South Gate
8650 California Avenue
South Gate, CA 90280-3075

ESPÁÑOL
Información en Español acerca de esta junta puede ser obtenida llamando al 323-563-9526
Published: November 7, 2020
ATTACHMENT D: ADU ORDINANCE SUMMARY OF CHANGES
# 2020 ADU Ordinance - Summary of Changes

(Underlined Sections are Changes as a Result of Amendments to CA Law Effective 1/1/2020)

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<tr>
<td><strong>Zoning</strong></td>
<td>➢ NL (Neighborhood Low) Zone</td>
<td>➢ Any lot zoned to allow single family or multi-family dwelling residential use and includes a proposed or existing dwelling.</td>
<td>➢ Allows for an Accessory Dwelling Unit to be located on a lot in any zoning district where residential is permitted or conditionally permitted and includes a proposed or existing primary dwelling.</td>
</tr>
<tr>
<td><strong>Minimum Lot Requirement</strong></td>
<td>➢ 6,000 sq. ft. or larger</td>
<td>➢ Prohibits minimum lot size requirement</td>
<td>➢ No minimum lot size requirement</td>
</tr>
<tr>
<td><strong>Size of ADUs</strong></td>
<td>➢ Maximum of 30% of the existing main dwelling or 640 sq. ft. of gross floor area, whichever is less, unless ADU located entirely within main dwelling</td>
<td>➢ Must allow for at least an 800 square foot Accessory Dwelling Unit</td>
<td>➢ Attached ADUs shall not exceed 50% of the existing primary dwelling or either 850 square feet for a studio or one-bedroom unit or 1,000 square feet for a unit of more than one bedroom, whichever is less</td>
</tr>
<tr>
<td></td>
<td>➢ Minimum of 240 sq. ft. or the minimum size for an efficiency unit as defined in CA Health &amp; Safety Code</td>
<td>➢ Maximum 850 square feet for one bedroom or studio</td>
<td>➢ Detached ADUs shall not exceed 850 for a studio or one-bedroom or 1,000 square feet for more than one bedroom</td>
</tr>
<tr>
<td></td>
<td>➢ Maximum of one bedroom</td>
<td>➢ Maximum 1,000 square feet for more than one bedroom</td>
<td>➢ No minimum size for ADUs that are converted from existing space, beside that which is necessary per building code standards</td>
</tr>
<tr>
<td></td>
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<td>➢ Maximum of 500 square feet for a Junior Accessory Dwelling Unit</td>
<td>➢ JADUs shall not exceed 500 square feet</td>
</tr>
<tr>
<td><strong>Height of ADUs</strong></td>
<td>➢ The ADU shall be no taller than thirty-four feet or the height of the existing main dwelling, whichever is lower and may not exceed one story unless the existing main dwelling has at least two stories</td>
<td>➢ Requires at least 16 feet in height for attached ADUs</td>
<td>➢ Attached ADUs shall not have a height above the existing or proposed single family dwelling roof line</td>
</tr>
<tr>
<td></td>
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<td>➢ A maximum of 16 feet in height for detached ADUs</td>
<td>➢ Detached ADUs shall have a maximum height of sixteen feet measured from grade to peak of roof</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>➢ ADUs shall not be constructed above a detached garage</td>
</tr>
<tr>
<td><strong>Number of ADUs</strong></td>
<td>➢ Only one accessory dwelling unit, regardless of size or configuration, may exist on a lot at any one time.</td>
<td>➢ Allows for (1) accessory dwelling unit and one (1) junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if certain requirements are met</td>
<td>➢ Lots with existing or proposed single family dwelling, one (1) ADU and one (1) JADU may be permitted.</td>
</tr>
<tr>
<td></td>
<td>➢ No more than two dwelling units may exist at any time on a lot containing an accessory dwelling unit.</td>
<td>➢ Multiple accessory dwelling units within the portions of an existing multifamily dwelling structure provided those units meet certain requirements</td>
<td>➢ Lots with more than one detached single family dwelling, one (1) ADU can be created using space within the proposed or existing single family dwelling and one (1) detached ADU meeting the setback and height requirements and no larger than 800 square feet may be permitted.</td>
</tr>
</tbody>
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<td></td>
<td>requirements</td>
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<tr>
<td></td>
<td>➢ No 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 certain height and rear yard and side setback requirements.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>➢ Limit the number of junior accessory dwelling units to one per residential lot zoned for single-family residences with a single-family residence built, or proposed to be built, on the lot.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot Coverage</td>
<td>➢ Maximum lot coverage is 45% for any NL Zone parcel (sum of main dwelling and ADU)</td>
<td>➢ Prohibits implementing lot coverage that does not permit at least an 800 square foot ADU</td>
<td>➢ The first 800 square feet of either an attached or detached accessory dwelling unit will not count toward the lot coverage of the subject property. Any additional footprint after 800 square feet will count toward the lot coverage of the property and the lot coverage limits of the underlying zone shall apply.</td>
</tr>
<tr>
<td>Location of New ADU Construction (Setbacks)</td>
<td>➢ ADUs constructed apart from main dwelling and not within existing garage must meet required setbacks</td>
<td>➢ 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.</td>
<td>➢ Rear yards- minimum setback of four (4) feet</td>
</tr>
<tr>
<td></td>
<td>➢ Minimum 5 ft. setback from side and rear lot for ADU constructed above garage</td>
<td>➢ Minimum building separation of six (6) feet.</td>
<td>➢ Side yards- minimum setback of four (4) feet</td>
</tr>
<tr>
<td></td>
<td>➢ Constructed on rear ½ of lot if not constructed within an existing garage</td>
<td>➢ No additional setbacks shall be required for an existing garage converted to an ADU</td>
<td>➢ Minimum building separation of six (6) feet.</td>
</tr>
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<td></td>
<td>dwelling and ADU</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>➢ No setback requirement for converted garages</td>
<td></td>
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</tr>
</tbody>
</table>
| New Parking for ADUs | ➢ Maximum of one parking space for units containing one or fewer bedrooms | ➢ 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 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. | ➢ **No additional parking shall be required for an accessory dwelling unit**  
➢ **No additional parking is required for a JADU** |
<p>|             | ➢ May be provided through tandem parking, including on an existing driveway or in setback areas, excluding the non-driveway front yard setback |                       |                         |
|             | ➢ Minimum parking space dimensions 10 ft. by 20 ft. |                           |                         |
|             | ➢ Parking spaces are to be maintained and free of debris |                           |                         |
|             | ➢ No parking is required if ADU is: 1. Located within one-half mile of a public transit stop, depot or station 2. A part of the existing main dwelling or an existing ADU that is not being removed to accommodate the ADU 3. Located within a historically significant historic district 4. In an area where on-street parking permits are required, but not offered to the occupant of the secondary ADU 5. Located within one block of a dedicated car share vehicle |                           |                         |</p>
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<td>Replacement ADU Parking</td>
<td>➢ When garage or covered parking structure is demolished or converted with construction of an ADU, replacement parking is required but cannot be located within the non-driveway front yard setback. The number of replacement parking spaces is no fewer than the spaces that were removed; minimum dimensions being 10 ft. by 20 ft.</td>
<td>➢ 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 off-street parking spaces be replaced.</td>
<td>➢ Replacement parking by land use shall not be required</td>
</tr>
<tr>
<td>Utilities</td>
<td>➢ New detached ADUs will require new and separate utility connections</td>
<td>➢ Does not require separate utilities</td>
<td>➢ When the accessory dwelling unit is attached or detached, a new or separate utility meter shall not be required</td>
</tr>
<tr>
<td>Owner Occupancy</td>
<td>➢ One of the dwelling units shall be owner occupied</td>
<td>➢ No requirement for an Accessory Dwelling Unit</td>
<td>➢ The applicant for a JADU shall be owner-occupant of either the remaining portion of the primary dwelling or the newly created Junior Accessory Dwelling Unit</td>
</tr>
<tr>
<td></td>
<td>➢ Any rental of ADU or main dwelling must be for longer than 30 days</td>
<td>➢ Junior Accessory Dwelling Unit requires 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</td>
<td>➢ No owner occupancy requirement for Accessory Dwelling Units</td>
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<td>Maximum Occupancy</td>
<td>Must meet the requirements of the Municipal Code or the State of California</td>
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</tr>
<tr>
<td>Passageways</td>
<td>No passageway shall be required in conjunction with the construction of an ADU</td>
<td>No passageway shall be required in conjunction with the construction of an accessory dwelling unit</td>
<td><strong>No passageway shall be required in conjunction with the construction of an accessory dwelling unit.</strong></td>
</tr>
<tr>
<td>Covenant (Deed Restriction)</td>
<td>Deed restriction including the following: Owner must continuously occupy the primary residential structure or the ADU as their principal residence At all times there shall be no more than two (2) residential units on any Lot containing an ADU ADU may not be sold separately from the remainder of the parcel and that it shall not be subject to partition or separation from the Lot where the Main Dwelling is located That any rental of either the Main Dwelling or Accessory Dwelling Unit must be longer than thirty (30) days That the use of the ADU is subject to the provisions of this Code</td>
<td>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. 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 prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence,</td>
<td><strong>The Accessory Dwelling Unit shall not be sold or otherwise conveyed separately from primary dwelling, and the rental of an accessory dwelling unit shall be for a period of longer than thirty (30) days</strong></td>
</tr>
</tbody>
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## 2020 ADU Ordinance - Summary of Changes
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<tr>
<td>Section 11.43</td>
<td>➢ That the ADU Permit may be subject to revocation in the event of breach of the terms of the Covenant including a statement that the deed restriction may be enforced against future purchasers.</td>
<td>➢ A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.</td>
<td>➢ Require a permitted junior accessory dwelling unit to be constructed within the walls of the proposed or existing single-family residence.</td>
</tr>
<tr>
<td></td>
<td>➢ Require a permitted junior accessory dwelling unit to include a separate entrance from the main entrance to the proposed or existing single-family residence.</td>
<td>➢ The permit application to create an accessory dwelling unit or a junior accessory dwelling unit shall be considered ministerially without discretionary review or hearing.</td>
<td>➢ The permit application to create an accessory dwelling unit or a junior accessory dwelling unit shall be considered ministerially without discretionary review or hearing.</td>
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</table>

### Hearing and appeals
➢ If permit denied, permittee may request a hearing before the Director. If Director denies the application, the permittee may appeal to the Planning Commission per Municipal Code Section 11.50.040. The Accessory Dwelling Unit may continue to be used until the appeal is decided.
California Department of Housing and Community Development

Accessory Dwelling Unit Handbook
September 2020

Where foundations begin
Understanding Accessory Dwelling Units (ADUs) and Their Importance

California’s housing production is not keeping pace with demand. In the last decade, less than half of the homes needed to keep up with the population growth were built. Additionally, new homes are often constructed away from job-rich areas. This lack of housing that meets people’s needs is impacting affordability and causing average housing costs, particularly for renters in California, to rise significantly. As affordable housing becomes less accessible, people drive longer distances between housing they can afford and their workplace or pack themselves into smaller shared spaces, both of which reduce the quality of life and produce negative environmental impacts.

Beyond traditional construction, widening the range of housing types can increase the housing supply and help more low-income Californians thrive. Examples of some of these housing types are Accessory Dwelling Units (ADUs - also referred to as second units, in-law units, casitas, or granny flats) and Junior Accessory Dwelling Units (JADUs).

What is an ADU?

An ADU is an accessory dwelling unit with complete independent living facilities for one or more persons and has a few variations:

- Detached: The unit is separated from the primary structure.
- Attached: The unit is attached to the primary structure.
- Converted Existing Space: Space (e.g., master bedroom, attached garage, storage area, or similar use, or an accessory structure) on the lot of the primary residence that is converted into an independent living unit.
- Junior Accessory Dwelling Unit (JADU): A specific type of conversion of existing space that is contained entirely within an existing or proposed single-family residence.

ADUs tend to be significantly less expensive to build and offer benefits that address common development barriers such as affordability and environmental quality. Because ADUs must be built on lots with existing or proposed housing, they do not require paying for new land, dedicated parking or other costly infrastructure required to build a new single-family home. Because they are contained inside existing single-family homes, JADUs require relatively
modest renovations and are much more affordable to complete. ADUs are often built with cost-effective one or two-story wood frames, which are also cheaper than other new homes. Additionally, prefabricated ADUs can be directly purchased and save much of the time and money that comes with new construction. ADUs can provide as much living space as apartments and condominiums and work well for couples, small families, friends, young people, and seniors.

Much of California’s housing crisis comes from job-rich, high-opportunity areas where the total housing stock is insufficient to meet demand and exclusionary practices have limited housing choice and inclusion. Professionals and students often prefer living closer to jobs and amenities rather than spending hours commuting. Parents often want better access to schools and do not necessarily require single-family homes to meet their needs. There is a shortage of affordable units, and the units that are available can be out of reach for many people. To address our state’s needs, homeowners can construct an ADU on their lot or convert an underutilized part of their home into a JADU. This flexibility benefits both renters and homeowners who can receive extra monthly rent income.

ADUs also give homeowners the flexibility to share independent living areas with family members and others, allowing seniors to age in place as they require more care, thus helping extended families stay together while maintaining privacy. The space can be used for a variety of reasons, including adult children who can pay off debt and save up for living on their own.

New policies are making ADUs even more affordable to build, in part by limiting the development impact fees and relaxing zoning requirements. A 2019 study from the Terner Center on Housing Innovation noted that one unit of affordable housing in the Bay Area costs about $450,000. ADUs and JADUs can often be built at a fraction of that price and homeowners may use their existing lot to create additional housing, without being required to provide additional infrastructure. Often the rent generated from the ADU can pay for the entire project in a matter of years.

ADUs and JADUs are a flexible form of housing that can help Californians more easily access job-rich, high-opportunity areas. By design, ADUs are more affordable and can provide additional income to homeowners. Local governments can encourage the development of ADUs and improve access to jobs, education, and services for many Californians.
Summary of Recent Changes to Accessory Dwelling Unit Laws

In Government Code Section 65852.150, the California Legislature found and declared that, among other things, allowing accessory dwelling units (ADUs) in zones that allow single-family and multifamily uses provides additional rental housing, and is an essential component in addressing California's housing needs. Over the years, ADU law has been revised to improve its effectiveness at creating more housing units. Changes to ADU laws effective January 1, 2020, further reduce barriers, better streamline approval processes, and expand capacity to accommodate the development of ADUs and junior accessory dwelling units (JADUs).

ADUs are a unique opportunity to address a variety of housing needs and provide affordable housing options for family members, friends, students, the elderly, in-home health care providers, people with disabilities, and others. Further, ADUs offer an opportunity to maximize and integrate housing choices within existing neighborhoods.

Within this context, the California Department of Housing and Community Development (HCD) has prepared this guidance to assist local governments, homeowners, architects, and the general public in encouraging the development of ADUs. Please see Attachment 1 for the complete statutory changes. The following is a summary of legislation since 2019 that amended ADU law and became effective as of January 1, 2020.

AB 68 (Ting), AB 881 (Bloom), and SB 13 (Wieckowski)

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 Sections 65852.2, 65852.22 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:

- Prohibits local agencies from including in development standards for ADUs requirements on minimum lot size (Gov. Code, § 65852.2, subd. (a)(1)(B)(i)).

- Clarifies areas designated by local agencies for ADUs may be based on the adequacy of water and sewer services as well as impacts on traffic flow and public safety (Gov. Code, § 65852.2, subd. (a)(1)(A)).

- Eliminates all owner-occupancy requirements by local agencies for ADUs approved between January 1, 2020 and January 1, 2025 (Gov. Code, § 65852.2, subd. (a)(5)).

- Prohibits a local agency from establishing a maximum size of an ADU of less than 850 square feet, or 1,000 square feet if the ADU contains more than one bedroom and requires approval of a permit to build an ADU of up to 800 square feet (Gov. Code, § 65852.2, subd. (c)(2)(B) & (C)).
• Clarifies that when ADUs are created through the conversion of a garage, carport or covered parking structure, replacement off-street parking spaces cannot be required by the local agency (Gov. Code, § 65852.2, subd. (a)(1)(D)(xi)).

• Reduces the maximum ADU and JADU application review time from 120 days to 60 days (Gov. Code, § 65852.2, subd. (a)(3) and (b)).

• Clarifies that “public transit” includes various means of transportation that charge set fees, run on fixed routes and are available to the public (Gov. Code, § 65852.2, subd. (j)(10)).

• Establishes impact fee exemptions and limitations based on the size of the ADU. ADUs up to 750 square feet are exempt from impact fees (Government Code Section 65852.2, Subdivision (f)(3)); ADUs that are 750 square feet or larger may be charged impact fees but only such fees that are proportional in size (by square foot) to those for the primary dwelling unit (Gov. Code, § 65852.2, subd. (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 (Gov. Code, § 65852.2, subd. (j)(2)).

• Authorizes HCD to notify the local agency if HCD finds that their ADU ordinance is not in compliance with state law (Gov. Code, § 65852.2, subd. (h)(2)).

• Clarifies that a local agency may identify an ADU or JADU as an adequate site to satisfy RHNA housing needs (Gov. Code § 65583.1, subd. (a), and § 65852.2, subd. (m)).

• Permits JADUs even where a local agency has not adopted an ordinance expressly authorizing them (Gov. Code, § 65852.2, subd. (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 § 65852.22, subd. (a)(4); Former Gov. Code § 65852.22, subd. (a)(5)).

• Requires, upon application and approval, a local agency to delay enforcement against a qualifying substandard ADU for five (5) years to allow the owner to correct the violation, so long as the violation is not a health and safety issue, as determined by the enforcement agency (Gov. Code, § 65852.2, subd. (n); Health and Safety Code § 17980.12).

AB 587 (Friedman), AB 670 (Friedman), and AB 671 (Friedman)

In addition to the legislation listed above, AB 587 (Chapter 657, Statutes of 2019), AB 670 (Chapter 178, Statutes of 2019), and AB 671 (Chapter 658, Statutes of 2019) also have an impact on state ADU law, particularly through Health and Safety Code Section 17980.12. These recent pieces of legislation, among other changes, address the following:

• AB 587 creates a narrow exemption to the prohibition for ADUs to be sold or otherwise conveyed separately from the primary dwelling by allowing deed-restricted sales to occur if the local agency adopts an ordinance. To qualify, the primary dwelling and the ADU are to be built by a qualified nonprofit corporation whose mission is to provide units to low-income households (Gov. Code § 65852.25).

• AB 670 provides that 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).
• AB 671 requires local agencies' 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 § 65538; Health and Safety Code § 50504.5)
Frequently Asked Questions: Accessory Dwelling Units

1. Legislative Intent

- Should a local ordinance encourage the development of accessory dwelling units?

Yes. Pursuant to Government Code Section 65852.150, the California Legislature found and declared that, among other things, California is facing a severe housing crisis and ADUs are a valuable form of housing that meets the needs of family members, students, the elderly, in-home health care providers, people with disabilities and others. Therefore, ADUs are an essential component of California's housing supply.

ADU law and recent changes intend to address barriers, streamline approval, and expand potential capacity for ADUs, recognizing their unique importance in addressing California's housing needs. The preparation, adoption, amendment, and implementation of local ADU

Government Code 65852.150:

(a) The Legislature finds and declares all of the following:

(1) Accessory dwelling units are a valuable form of housing in California.

(2) Accessory dwelling units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods.

(3) Homeowners who create accessory dwelling units benefit from added income, and an increased sense of security.

(4) Allowing accessory dwelling units in single-family or multifamily residential zones provides additional rental housing stock in California.

(5) California faces a severe housing crisis.

(6) The state is falling far short of meeting current and future housing demand with serious consequences for the state's economy, our ability to build green infill consistent with state greenhouse gas reduction goals, and the well-being of our citizens, particularly lower and middle-income earners.

(7) Accessory dwelling units offer lower cost housing to meet the needs of existing and future residents within existing neighborhoods, while respecting architectural character.

(8) Accessory dwelling units are, therefore, an essential component of California's housing supply.

(b) It is the intent of the Legislature that an accessory dwelling unit ordinance adopted by a local agency has the effect of providing for the creation of accessory dwelling units and that provisions in this ordinance relating to matters including unit size, parking, fees, and other requirements, are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create accessory dwelling units in zones in which they are authorized by local ordinance.

Note: Unless otherwise noted, the Government Code section referenced is 65852.2.
2. Zoning, Development and Other Standards

A) Zoning and Development Standards

• Are ADUs allowed jurisdiction wide?

No. ADUs proposed pursuant to subdivision (e) must be considered in any residential or mixed-use zone. For other ADUs, local governments may, by ordinance, designate areas in zones where residential uses are permitted that will also permit ADUs. However, any limits on where ADUs are permitted may only be based on the adequacy of water and sewer service, and the impacts on traffic flow and public safety. Further, local governments may not preclude the creation of ADUs altogether, and any limitation should be accompanied by detailed findings of fact explaining why ADU limitations are required and consistent with these factors.

Examples of public safety include severe fire hazard areas and inadequate water and sewer service and includes cease and desist orders. Impacts on traffic flow should consider factors like lesser car ownership rates for ADUs and the potential for ADUs to be proposed pursuant to Government Code section 65852.2, subdivision (e). Finally, local governments may develop alternative procedures, standards, or special conditions with mitigations for allowing ADUs in areas with potential health and safety concerns. (Gov. Code, § 65852.2, subd. (e))

Residential or mixed-use zone should be construed broadly to mean any zone where residential uses are permitted by-right or by conditional use.

• Can a local government apply design and development standards?

Yes. A local government may apply development and design standards 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. However, these standards shall be sufficiently objective to allow ministerial review of an ADU. (Gov. Code, § 65852.2, subd. (a)(1)(B)(i))

ADUs created under subdivision (e) of Government Code 65852.2 shall not be subject to design and development standards except for those that are noted in the subdivision.
What does objective mean?

“Objective zoning standards” and “objective design review standards” mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. Gov Code § 65913.4, subd. (a)(5)

ADUs that do not meet objective and ministerial development and design standards may still be permitted through an ancillary discretionary process if the applicant chooses to do so. Some jurisdictions with compliant ADU ordinances apply additional processes to further the creation of ADUs that do not otherwise comply with the minimum standards necessary for ministerial review. Importantly, these processes are intended to provide additional opportunities to create ADUs that would not otherwise be permitted, and a discretionary process may not be used to review ADUs that are fully compliant with ADU law. Examples of these processes include areas where additional health and safety concerns must be considered, such as fire risk.

- Can ADUs exceed general plan and zoning densities?

Yes. An ADU is an accessory use for the purposes of calculating allowable density under the general plan and zoning that does not count toward the allowable density. For example, if a zoning district allows one unit per 7,500 square feet, then an ADU would not be counted as an additional unit. Further, local governments could elect to allow more than one ADU on a lot, and ADUs are automatically a residential use deemed consistent with the general plan and zoning. (Gov. Code, § 65852.2, subd. (a)(1)(C))

- Are ADUs permitted ministerially?

Yes. ADUs must be considered, approved, and permitted ministerially, without discretionary action. Development and other decision-making standards must be sufficiently objective to allow for ministerial review. Examples include numeric and fixed standards such as heights or setbacks or design standards such as colors or materials. Subjective standards require judgement and can be interpreted in multiple ways such as privacy, compatibility with neighboring properties or promoting harmony and balance in the community; subjective standards shall not be imposed for ADU development. Further, ADUs must not be subject to a hearing or any ordinance regulating the issuance of variances or special use permits and must be considered ministerially. (Gov. Code, § 65852.2, subd. (a)(3))

- Can I create an ADU if I have multiple detached dwellings on a lot?

Yes. A lot where there are currently multiple detached single-family dwellings is eligible for creation of one ADU per lot by converting space within the proposed or existing space of a single-family dwelling or existing structure and a new construction detached ADU subject to certain development standards.

- Can I build an ADU in a historic district, or if the primary residence is subject to historic preservation?

Yes. ADUs are allowed within a historic district, and on lots where the primary residence is subject to historic preservation. State ADU law allows for a local agency to impose standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. However, these standards do not apply to ADUs proposed pursuant to Gov. Code § 65852.2, subd. (e).
As with non-historic resources, a jurisdiction may impose objective and ministerial standards that are sufficiently objective to be reviewed ministerially and do not unduly burden the creation of ADUs. Jurisdictions are encouraged to incorporate these standards into their ordinance and submit these standards along with their ordinance to HCD. (Gov. Code, § 65852.2, subd. (a)(1)(B)(i) & (a)(5))

B) Size Requirements

• Is there a minimum lot size requirement?

No. While local governments may impose standards on ADUs, these standards shall not include minimum lot size requirements. Further, lot coverage requirements cannot preclude the creation of a statewide exemption ADU (800 square feet ADU with a height limitation of 16 feet and 4 feet side and rear yard setbacks). If lot coverage requirements do not allow such an ADU, an automatic exception or waiver should be given to appropriate development standards such as lot coverage, floor area or open space requirements. Local governments may continue to enforce building and health and safety standards and may consider design, landscape, and other standards to facilitate compatibility.

What is a Statewide Exemption ADU?

A statewide exemption ADU is an ADU of up to 800 square feet, 16 foot in height and with 4-foot side and rear yard setbacks. ADU law requires that no lot coverage, floor area ratio, open space, or minimum lot size will preclude the construction of a statewide exemption ADU. Further, ADU law allows the construction of a detached new construction statewide exemption ADU to be combined with a JADU within any zone allowing residential or mixed uses regardless of zoning and development standards imposed in an ordinance. See more discussion below.

• Can minimum and maximum unit sizes be established for ADUs?

Yes. A local government may, by ordinance, establish minimum and maximum unit size requirements for both attached and detached ADUs. However, maximum unit size requirements must be at least 850 square feet and 1,000 square feet for ADUs with more than one bedroom. For local agencies without an ordinance, maximum unit sizes are 1,200 square feet for a new detached ADU and up to 50 percent of the floor area of the existing primary dwelling for an attached ADU (at least 800 square feet). Finally, the local agency must not establish by ordinance a minimum square footage requirement that prohibits an efficiency unit, as defined in Health and Safety Code § 17958.1.

The conversion of an existing accessory structure or a portion of the existing primary residence to an ADU is not subject to size requirements. For example, an existing 3,000 square foot barn converted to an ADU would not be subject to the size requirements, regardless if a local government has an adopted ordinance. Should an applicant want to expand an accessory structure to create an ADU beyond 150 square feet, this ADU would be subject to the size maximums outlined in state ADU law, or the local agency’s adopted ordinance.

• Can a percentage of the primary dwelling be used for a maximum unit size?

Yes. Local agencies may utilize a percentage (e.g., 50 percent) of the primary dwelling as a maximum unit size for attached or detached ADUs but only if it does not restrict an ADU’s size to less than the standard of at least 850 sq. ft (or at least 1000 square feet. for ADUs with more than one bedroom). Local agencies must not, by ordinance, establish any other minimum or maximum unit sizes, including based on a percentage of the primary dwelling, that precludes a statewide exemption ADU. Local agencies utilizing
percentages of primary dwelling as maximum unit sizes could consider multi-pronged standards to help navigate these requirements (e.g., shall not exceed 50 percent of the dwelling or 1,000 square feet, whichever is greater).

- **Can maximum unit sizes exceed 1,200 square feet for ADUs?**

  Yes. Maximum unit sizes, by ordinance, can exceed 1,200 square feet for ADUs. ADU law does not limit the authority of local agencies to adopt less restrictive requirements for the creation of ADUs (Gov. Code, § 65852.2, subd. (g)).

  Larger unit sizes can be appropriate in a rural context or jurisdictions with larger lot sizes and is an important approach to creating a full spectrum of ADU housing choices.

**C) Parking Requirements**

- **Can parking requirements exceed one space per unit or bedroom?**

  No. Parking requirements for ADUs shall not exceed one parking space per unit or bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway. Guest parking spaces shall not be required for ADUs under any circumstances.

  **What is Tandem Parking?**

  Tandem parking means two or more automobiles that are parked on a driveway or in any other location on a lot, lined up behind one another. (Gov. Code, § 65852.2, subd. (a)(1)(D)(x)(l) and (j)(11))

  Local agencies may choose to eliminate or reduce parking requirements for ADUs such as requiring zero or half a parking space per each ADU.

- **Is flexibility for siting parking required?**

  Yes. Local agencies should consider flexibility when siting parking for ADUs. Offstreet parking spaces for the ADU shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made. Specific findings must be based on specific site or regional topographical or fire and life safety conditions.

  When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU, or converted to an ADU, the local agency shall not require that those offstreet parking spaces for the primary unit be replaced. (Gov. Code, § 65852.2, subd. (a)(D)(xii))

- **Can ADUs be exempt from parking?**

  Yes. A local agency shall not impose ADU parking standards for any of the following, pursuant to Gov. Code § 65852.2, subd. (d)(1-5) and (j)(10))

  1. Accessory dwelling unit is located within one-half mile walking distance of public transit.
  2. Accessory dwelling unit is located within an architecturally and historically significant historic district.
D) Setbacks

- Can setbacks be required for ADUs?

Yes. A local agency may impose development standards, such as setbacks, for the creation of ADUs. Setbacks may include front, corner, street, and alley setbacks. Additional setback requirements may be required in the coastal zone if required by a local coastal program. Setbacks may also account for utility easements or recorded setbacks. However, setbacks must not unduly constrain the creation of ADUs and cannot be required for ADUs proposed pursuant to subdivision (e). Further, a setback of no more than four feet from the side and rear lot lines shall be required for an attached or detached ADU. (Gov. Code, § 65852.2, subd. (a)(1)(D)(vii))

A local agency may also allow the expansion of a detached structure being converted into an ADU when the existing structure does not have four-foot rear and side setbacks. A local agency may also allow the expansion area of a detached structure being converted into an ADU to have no setbacks, or setbacks of less than four feet, if the existing structure has no setbacks, or has setbacks of less than four feet. A local agency shall not require setbacks of more than four feet for the expanded area of a detached structure being converted into an ADU.

A local agency may still apply front yard setbacks for ADUs, but front yard setbacks cannot preclude a statewide exemption ADU and must not unduly constrain the creation of all types of ADUs. (Gov. Code, § 65852.2, subd. (c))

E) Height Requirements

- Is there a limit on the height of an ADU or number of stories?

Not in state ADU law, but local agencies may impose height limits provided that the limit is no less than 16 feet. (Gov. Code, § 65852.2, subd. (a)(1)(B)(i))

F) Bedrooms

- Is there a limit on the number of bedrooms?

State ADU law does not allow for the limitation on the number of bedrooms of an ADU. A limit on the number of bedrooms could be construed as a discriminatory practice towards protected classes, such as familial status, and would be considered a constraint on the development of ADUs.
G) Impact Fees

- Can impact fees be charged for an ADU less than 750 square feet?

No. An ADU is exempt from incurring impact fees from local agencies, special districts, and water corporations if less than 750 square feet. Should an ADU be 750 square feet or larger, impact fees shall be charged proportionately in relation to the square footage of the ADU to the square footage of the primary dwelling unit.

What is “Proportionately”?

"Proportionately" is some amount that corresponds to a total amount, in this case, an impact fee for a single-family dwelling. For example, a 2,000 square foot primary dwelling with a proposed 1,000 square foot ADU could result in 50 percent of the impact fee that would be charged for a new primary dwelling on the same site. In all cases, the impact fee for the ADU must be less than the primary dwelling. Otherwise, the fee is not calculated proportionately. When utilizing proportions, careful consideration should be given to the impacts on costs, feasibility, and ultimately, the creation of ADUs. In the case of the example above, anything greater than 50 percent of the primary dwelling could be considered a constraint on the development of ADUs.

For purposes of calculating the fees for an ADU on a lot with a multifamily dwelling, the proportionality shall be based on the average square footage of the units within that multifamily dwelling structure. For ADUs converting existing space with a 150 square foot expansion, a total ADU square footage over 750 square feet could trigger the proportionate fee requirement. (Gov. Code, § 65852.2, subd. (f)(3)(A))

- Can local agencies, special districts or water corporations waive impact fees?

Yes. Agencies can waive impact and any other fees for ADUs. Also, local agencies may also use fee deferrals for applicants.

- Can school districts charge impact fees?

Yes. School districts are authorized but do not have to levy impact fees for ADUs greater than 500 square feet pursuant to Section 17620 of the Education Code. ADUs less than 500 square feet are not subject to school impact fees. Local agencies are encouraged to coordinate with school districts to carefully weigh the importance of promoting ADUs, ensuring appropriate nexus studies and appropriate fees to facilitate construction or reconstruction of adequate school facilities.

- What types of fees are considered impact fees?

Impact fees charged for the construction of ADUs must be determined in accordance with the Mitigation Fee Act and generally include any monetary exaction that is charged by a local agency in connection with the approval of an ADU, including impact fees, for the purpose of defraying all or a portion of the cost of public facilities relating to the ADU. A local agency, special district or water corporation shall not consider ADUs as a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer services. However, these provisions do not apply to ADUs that are constructed concurrently with a new single-family home (Gov. Code, § 65852.2, subd. (f) and Government Code § 66000).
• Can I still be charged water and sewer connection fees?

ADUs converted from existing space and JADUs 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, unless constructed with a new single-family dwelling. The connection fee or capacity charge shall be proportionate to the burden of the proposed ADU, based on its square footage or plumbing fixtures as compared to the primary dwelling. State ADU law does not cover monthly charge fees. (Gov. Code, § 65852.2, subd. (f)(2)(A))

H) Conversion of Existing Space in Single Family, Accessory and Multifamily Structures and Other Statewide Permissible ADUs (Subdivision (e))

• Are local agencies required to comply with subdivision (e)?

Yes. All local agencies must comply with subdivision (e). This subdivision requires the ministerial approval of ADUs within a residential or mixed-use zone. The subdivision creates four categories of ADUs that should not be subject to other specified areas of ADU law, most notably zoning and development standards. For example, ADUs under this subdivision should not have to comply with lot coverage, setbacks, heights, and unit sizes. However, ADUs under this subdivision must meet the building code and health and safety requirements. The four categories of ADUs under subdivision (e) are:

a. One ADU or JADU per lot within the existing space of a single-family dwelling, or an ADU within an accessory structure that meets specified requirements such as exterior access and setbacks for fire and safety.

b. One detached new construction ADU that does not exceed four-foot side and rear yard setbacks. This ADU may be combined on the same lot with a JADU and may be required to meet a maximum unit size requirement of 800 square feet and a height limitation of 16 feet.

c. Multiple ADUs within the portions of multifamily structures that are not used as livable space. Local agencies must allow at least one of these types of ADUs and up to 25 percent of the existing multifamily structures.

d. Up to two detached ADUs on a lot that has existing multifamily dwellings that are subject to height limits of 16 feet and 4-foot rear and side yard setbacks.

The above four categories are not required to be combined. For example, local governments are not required to allow (a) and (b) together or (c) and (d) together. However, local agencies may elect to allow these ADU types together.

Local agencies shall allow at least one ADU to be created within the non-livable space within multifamily dwelling structures, or up to 25 percent of the existing multifamily dwelling units within a structure and may also allow not more than two ADUs on the lot detached from the multifamily dwelling structure. New detached units are subject to height limits of 16 feet and shall not be required to have side and rear setbacks of more than four feet.

The most common ADU that can be created under subdivision (e) is a conversion of proposed or existing space of a single-family dwelling or accessory structure into an ADU, without any prescribed size limitations, height, setback, lot coverage, architectural review, landscape, or other development standards. This would enable the conversion of an accessory structure, such as a 2,000 square foot garage, to an ADU without any additional requirements other than compliance with building standards for dwellings. These types of ADUs are also eligible for a 150 square foot expansion (see discussion below).

ADUs created under subdivision (e) shall not be required to provide replacement or additional parking. Moreover, these units shall not, as a condition for ministerial approval, be required to correct any existing or created nonconformity. Subdivision (e) ADUs shall be required to be rented for terms longer than 30 days, and only require fire sprinklers if fire sprinklers are required for the primary residence. These ADUs
shall not be counted as units when calculating density for the general plan and are not subject to owner-occupancy.

- **Can I convert my accessory structure into an ADU?**

  Yes. The conversion of garages, sheds, barns, and other existing accessory structures, either attached or detached from the primary dwelling, into ADUs is permitted and promoted through the state ADU law. These conversions of accessory structures are not subject to any additional development standard, such as unit size, height, and lot coverage requirements, and shall be from existing space that can be made safe under Building and Safety Codes. A local agency should not set limits on when the structure was created, and the structure must meet standards for Health & Safety. Finally, local governments may also consider the conversion of illegal existing space and could consider alternative building standards to facilitate the conversion of existing illegal space to minimum life and safety standards.

- **Can an ADU converting existing space be expanded?**

  Yes. An ADU within the existing or proposed space of a single-family dwelling can be expanded 150 square feet beyond the physical dimensions of the structure but shall be limited to accommodating ingress and egress. An example of where this expansion could be applicable is for the creation of a staircase to reach a second story ADU. These types of ADUs shall conform to setbacks sufficient for fire and safety.

  A local agency may allow for an expansion beyond 150 square feet, though the ADU would have to comply with the size maximums as per state ADU law, or a local agency's adopted ordinance.

  As a JADU is limited to being created within the walls of a primary residence, this expansion of up to 150 square feet does not pertain to JADUs.

I) Nonconforming Zoning Standards

- **Does the creation of an ADU require the applicant to carry out public improvements?**

  No physical improvements shall be required for the creation 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 state law. For example, an applicant shall not be required to improve sidewalks, carry out street improvements, or access improvements to create an ADU. Additionally, as a condition for ministerial approval of an ADU, an applicant shall not be required to correct nonconforming zoning conditions. (Gov. Code, § 65852.2, subd. (e)(2))

J) Renter and Owner-occupancy

- **Are rental terms required?**

  Yes. Local agencies may require that the property be used for rentals of terms longer than 30 days. ADUs permitted ministerially, under subdivision (e), shall be rented for terms longer than 30 days. (Gov. Code, § 65852.2, subd. (a)(6) & (e)(4))
• Are there any owner-occupancy requirements for ADUs?

No. Prior to recent legislation, ADU laws allowed local agencies to elect whether the primary dwelling or ADU was required to be occupied by an owner. The updates to state ADU law removed the owner-occupancy allowance for newly created ADUs effective January 1, 2020. The new owner-occupancy exclusion is set to expire on December 31, 2024. Local agencies may no retroactively require owner occupancy for ADUs permitted between January 1, 2020 and December 31, 2024.

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. – (Gov. Code, § 65852.2, subd. (a)(2))

K) Fire Sprinkler Requirements

• Are fire sprinklers required for ADUs?

No. Installation of fire sprinklers may not be required in an ADU if sprinklers are not required for the primary residence. For example, a residence built decades ago would not have been required to have fire sprinklers installed under the applicable building code at the time. Therefore, an ADU created on this lot cannot be required to install fire sprinklers. However, if the same primary dwelling recently undergoes significant remodeling and is now required to have fire sprinklers, any ADU created after that remodel must likewise install fire sprinklers. (Gov. Code, § 65852.2, subd. (a)(1))- and (e)(3))

Please note, for ADUs created on lots with multifamily residential structures, the entire residential structure shall serve as the "primary residence". Therefore, if the multifamily structure is served by fire sprinklers, the ADU can be required to install fire sprinklers.

L) Solar Panel Requirements

• Are solar panels required for new construction ADUs?

Yes, newly constructed ADUs are subject to the Energy Code requirement to provide solar panels if the unit(s) is a newly constructed, non-manufactured, detached ADU. Per the California Energy Commission (CEC), the panels can be installed on the ADU or on the primary dwelling unit. ADUs that are constructed within existing space, or as an addition to existing homes, including detached additions where an existing detached building is converted from non-residential to residential space, are not subject to the Energy Code requirement to provide solar panels.

Please refer to the CEC on this matter. For more information, see the CEC’s website www.energy.ca.gov. You may email your questions to: title24@energy.ca.gov, or contact the Energy Standards Hotline at 800-772-3300. CEC memos can also be found on HCD’s website at https://www.hcd.ca.gov/policy-research.Accessory Dwelling Units.shtml.

3. Junior Accessory Dwelling Units (JADUs) – Government Code Section 65852.22

• Are two JADUs allowed on a lot?

No. A JADU may be created on a lot zoned for single-family residences with one primary dwelling. The JADU may be created within the walls of the proposed or existing single-family residence, including attached garages, as attached garages are considered within the walls of the existing single-family
residence. Please note that JADUs created in the attached garage are not subject to the same parking protections as ADUs and could be required by the local agency to provide replacement parking.

JADUs are limited to one per residential lot with a single-family residence. Lots with multiple detached single-family dwellings are not eligible to have JADUs. (Gov. Code, § 65852.22, subd. (a)(1))

- Are JADUs allowed in detached accessory structures?

No, JADUs are not allowed in accessory structures. The creation of a JADU must be within the single-family residence. As noted above, attached garages are eligible for JADU creation. The maximum size for a JADU is 500 square feet. (Gov. Code, § 65852.22, subd. (a)(1), (a)(4), and (h)(1))

- Are JADUs allowed to be increased up to 150 square feet when created within an existing structure?

No. Only ADUs are allowed to add up to 150 square feet "beyond the physical dimensions of the existing accessory structure" to provide for ingress. (Gov. Code, § 65852.2, subd. (e)(1)(A)(i).)

This provision extends only to ADUs and excludes JADUs. A JADU is required to be created within the single-family residence.

- Are there any owner-occupancy requirements for JADUs?

Yes. There are owner-occupancy requirements for JADUs. The owner must reside in either the remaining portion of the primary residence, or in the newly created JADU. (Gov. Code, § 65852.22, subd. (a)(2))

4. Manufactured Homes and ADUs

- Are manufactured homes considered to be an ADU?

Yes. An ADU is any residential dwelling unit with independent facilities and permanent provisions for living, sleeping, eating, cooking and sanitation. An ADU includes a manufactured home (Health and Safety Code §18007).

Health and Safety Code section 18007, subdivision (a) "Manufactured home," for the purposes of this part, means a structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. "Manufactured home" includes any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401, and following).
5. ADUs and the Housing Element

- Do ADUs and JADUs count toward a local agency's Regional Housing Needs Allocation?

Yes. Pursuant to Gov. Code § 55852.2 subd. (m) and Government Code section 65583.1, ADUs and JADUs may be utilized toward the Regional Housing Need Allocation (RHNA) and Annual Progress Report (APR) pursuant to Government Code Section 65400. To credit a unit toward the RHNA, HCD and the Department of Finance (DOF) utilize the census definition of a housing unit. Generally an ADU, and a JADU with shared sanitation facilities, and any other unit that meets the census definition and is reported to DOF as part of the DOF annual City and County Housing Unit Change Survey can be credited toward the RHNA based on the appropriate income level. The housing element or APR must include a reasonable methodology to demonstrate the level of affordability. Local governments can track actual or anticipated affordability to assure ADUs and JADUs are counted towards the appropriate income category. For example, some local governments request and track information such as anticipated affordability as part of the building permit or other applications.

- Is analysis required to count ADUs toward the RHNA in the housing element?

Yes. To calculate ADUs in the housing element, local agencies must generally use a three-part approach: (1) development trends, (2) anticipated affordability and (3) resources and incentives. Development trends must consider ADUs permitted in the prior planning period and may also consider more recent trends. Anticipated affordability can use a variety of methods to estimate the affordability by income group. Common approaches include rent surveys of ADUs, using rent surveys and square footage assumptions and data available through the APR pursuant to Government Code section 65400. Resources and incentives include policies and programs to encourage ADUs, such as prototype plans, fee waivers, expedited procedures and affordability monitoring programs.

- Are ADUs required to be addressed in the housing element?

Yes. The housing element must include a description of zoning available to permit ADUs, including development standards and analysis of potential constraints on the development of ADUs. The element must include programs as appropriate to address identified constraints. In addition, housing elements must 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 the California Department of Housing and Community Development to develop a list of state grants and financial incentives in connection with the planning, construction and operation of affordable ADUs. (Gov. Code § 65583 and Health and Safety Code § 50504.5.)

6. Homeowners Association

- Can my local Homeowners Association (HOA) prohibit the construction of an ADU?

No. Assembly Bill 670 (2019) amended Section 4751 of the Civil Code to preclude planned developments from prohibiting or unreasonably restricting the construction or use of an ADU on a lot zoned for single-family residential use. Covenants, conditions and restrictions (CC&Rs) that either effectively prohibit or reasonably restrict the construction or use of an ADU or JADU on such lots are void and unenforceable. Applicants who encounter issues with creating ADUs within CC&Rs are encouraged to reach out to HCD for additional guidance.
7. Enforcement

- Does HCD have enforcement authority over ADU ordinances?

Yes. After adoption of the ordinance, HCD may review and submit written findings to the local agency as to whether the ordinance complies with state ADU law. If the local agency’s ordinance does not comply, HCD must provide a reasonable time, no longer than 30 days, for the local agency to respond, and the local agency shall consider HCD’s findings to amend the ordinance to become compliant. If a local agency does not make changes and implements an ordinance that is not compliant with state law, HCD may refer the matter to the Attorney General.

In addition, HCD may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify ADU law.

8. Other

- Are ADU ordinances existing prior to new 2020 laws null and void?

No. Ordinances existing prior to the new 2020 laws are only null and void to the extent that existing ADU ordinances conflict with state law. Subdivision (a)(4) of Government Code Section 65852.2 states an ordinance that fails to meet the requirements of subdivision (a) shall be null and void and shall apply the state standards (see attachment 3) until a compliant ordinance is adopted. However, ordinances that substantially comply with ADU law may continue to enforce the existing ordinance to the extent it complies with state law. For example, local governments may continue the complaint provisions of an ordinance and apply the state standards where pertinent until the ordinance is amended or replaced to fully comply with ADU law. At the same time, ordinances that are fundamentally incapable of being enforced because key provisions are invalid -- meaning there is not a reasonable way to sever conflicting provisions and apply the remainder of an ordinance in a way that is consistent with state law -- would be fully null and void and must follow all state standards until a compliant ordinance is adopted.

- Do local agencies have to adopt an ADU Ordinance?

No. Local governments may choose not to adopt an ADU ordinance. Should a local government choose to not adopt an ADU ordinance, any proposed ADU development would be only subject to standards set in state ADU law. If a local agency adopts an ADU ordinance, it may impose zoning, development, design, and other standards in compliance with state ADU law. (See Attachment 4 for a state standards checklist.)

- Is a local government required to send an ADU Ordinance to the California Department of Housing and Community Development (HCD)?

Yes. A local government, upon adoption of an ADU ordinance, must submit a copy of the adopted ordinance to the California Department of Housing and Community Development (HCD) within 60 days after adoption. After the adoption of an ordinance, the Department may review and submit written findings to the local agency as to whether the ordinance complies with this section. (Gov. Code, § 65852.2, subd. (h)(1))
Local governments may also submit a draft ADU ordinance for preliminary review by the HCD. This provides local agencies the opportunity to receive feedback on their ordinance and helps to ensure compliance with the new state ADU law.

- **Are charter cities and counties subject to the new ADU laws?**

  Yes. ADU law applies to a local agency which is defined as a city, county, or city and county, whether general law or chartered (Gov. Code, § 65852.2, subd. (j)(5)).

  Further, pursuant to Chapter 659, Statutes of 2019 (AB 881), the Legislature found and declared ADU law as "...a matter of statewide concern rather than a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution" and concluded that ADU law applies to all cities, including charter cities.

- **Do the new ADU laws apply to jurisdictions located in the Coastal Zone?**

  Yes. ADU laws apply to jurisdictions in the Coastal Zone, but do not necessarily alter or lessen the effect or application of Coastal Act resource protection policies. - (Gov. Code, § 65852.22, subd. (f)).

  Coastal localities should seek to harmonize the goals of protecting coastal resources and addressing housing needs of Californians. For example, where appropriate, localities should amend Local Coastal Programs for California Coastal Commission review to comply with the California Coastal Act and new ADU laws. For more information, see the [California Coastal Commission 2020 Memo](#) and reach out to the locality’s local Coastal Commission district office.

- **What is considered a multifamily dwelling?**

  For the purposes of state ADU law, a structure with two or more attached dwellings on a single lot is considered a multifamily dwelling structure. Multiple detached single-unit dwellings on the same lot are not considered multifamily dwellings for the purposes of state ADU law.
Resources
Attachment 1: Statutory Changes (Strikeout/Italics and Underline)

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.
(B) Establish standards that 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.
(C) 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.
(D) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.
(E) Require 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.
(F) 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 single-family dwelling.
(iii) The accessory dwelling unit is either attached to, or located within the living area of, an 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) The total area of floor space of the 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 floor space 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 (5) feet 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) 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).
(xii) 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 that those 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. 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. 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.
(e) (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 located 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 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) of this section, a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.

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

(2) Accessory dwelling units shall not be considered by a local agency, special district, or water corporation to be a new residential use for the 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 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, 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 in square feet or the number of its plumbing fixtures, drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

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

(h) Local 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: 25
(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.
(i) (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 provides complete independent living facilities for one or more persons who are 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) “Neighbor” 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.
(j) (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.
(8) (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.
(i) 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.
(3) 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.

(6) (A) 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) (B) 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 be 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 unit 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 ordnance 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.

(1) “Junior accessory dwelling unit” means a unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure. 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.
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.
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.

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.
## Attachment 2: State Standards Checklist

<table>
<thead>
<tr>
<th>YES/NO</th>
<th>STATE STANDARD*</th>
<th>GOVERNMENT CODE SECTION</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Unit is not intended for sale separate from the primary residence and may be rented.</td>
<td>65852.2(a)(1)(D)(i)</td>
</tr>
<tr>
<td></td>
<td>Lot is zoned for single-family or multifamily use and contains a proposed or existing, dwelling.</td>
<td>65852.2(a)(1)(D)(ii)</td>
</tr>
<tr>
<td></td>
<td>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 dwelling and located on the same lot as the proposed or existing primary dwelling.</td>
<td>65852.2(a)(1)(D)(iii)</td>
</tr>
<tr>
<td></td>
<td>Increased floor area of an attached accessory dwelling unit does not exceed 50 percent of the existing primary dwelling but shall be allowed to be at least 800/850/1000 square feet.</td>
<td>65852.2(a)(1)(D)(iv) &amp; (c)(2)(B) &amp; C</td>
</tr>
<tr>
<td></td>
<td>Total area of floor area for a detached accessory dwelling unit does not exceed 1,200 square feet.</td>
<td>65852.2(a)(1)(D)(v)</td>
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<td></td>
<td>Passageways are not required in conjunction with the construction of an accessory dwelling unit.</td>
<td>65852.2(a)(1)(D)(vi)</td>
</tr>
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<td></td>
<td>Setbacks are not 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.</td>
<td>65852.2(a)(1)(D)(vii)</td>
</tr>
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<td></td>
<td>Local building code requirements that apply to detached dwellings are met, as appropriate.</td>
<td>65852.2(a)(1)(D)(viii)</td>
</tr>
<tr>
<td></td>
<td>Local health officer approval where a private sewage disposal system is being used, if required.</td>
<td>65852.2(a)(1)(D)(ix)</td>
</tr>
<tr>
<td></td>
<td>Parking requirements do not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on an existing driveway.</td>
<td>65852.2(a)(1)(D)(x)(l)</td>
</tr>
</tbody>
</table>
Attachment 3: Bibliography

ACCESSORY DWELLING UNITS: CASE STUDY (26 pp.)
Introduction: Accessory dwelling units (ADUs) — also referred to as accessory apartments, ADUs, or granny flats — are additional living quarters on single-family lots that are independent of the primary dwelling unit. The separate living spaces are equipped with kitchen and bathroom facilities and can be either attached or detached from the main residence. This case study explores how the adoption of ordinances, with reduced regulatory restrictions to encourage ADUs, can be advantageous for communities. Following an explanation of the various types of ADUs and their benefits, this case study provides examples of municipalities with successful ADU legislation and programs. Section titles include: History of ADUs; Types of Accessory Dwelling Units; Benefits of Accessory Dwelling Units; and Examples of ADU Ordinances and Programs.

THE MACRO VIEW ON MICRO UNITS (46 pp.)
Library Call #: H43 4.21 M33 2014
The Urban Land Institute Multifamily Housing Councils were awarded a ULI Foundation research grant in fall 2013 to evaluate from multiple perspectives the market performance and market acceptance of micro and small units.

SECONDARY UNITS AND URBAN INFILL: A Literature Review (12 pp.)
By Jake Wegmann and Alison Nemirow (2011)
UC Berkeley: IURD
Library Call # D44 4.21 S43 2011
This literature review examines the research on both infill development in general, and secondary units in particular, with an eye towards understanding the similarities and differences between infill as it is more traditionally understood — i.e., the development or redevelopment of entire parcels of land in an already urbanized area — and the incremental type of infill that secondary unit development constitutes.

RETHINKING PRIVATE ACCESSORY DWELLINGS (5 pp.)
By William P. Macht. Urbanland online. (March 6, 2015)
Library Location: Urbanland 74 (1/2) January/February 2015, pp. 87-91.
One of the large impacts of single-use, single-family detached zoning has been to severely shrink the supply of accessory dwellings, which often were created in or near primary houses. Detached single-family dwelling zones—the largest housing zoning category—typically preclude more than one dwelling per lot except under stringent regulation, and then only in some jurisdictions. Bureaucratically termed “accessory dwelling units” that are allowed by some jurisdictions may encompass market-derived names such as granny flats, granny cottages, mother-in-law suites, secondary suites, backyard cottages, studio apartments, carriage flats, sidekick houses, basement apartments, attic apartments, laneway houses, and home-within-a-home.
Regulating ADUs in California: Local Approaches & Outcomes (44 pp.)

By Deidra Pfeiffer
Terner Center for Housing and Innovation, UC Berkeley

Accessory dwelling units (ADU) are often mentioned as a key strategy in solving the nation's housing problems, including housing affordability and challenges associated with aging in place. However, we know little about whether formal ADU practices—such as adopting an ordinance, establishing regulations, and permitting—contribute to these goals. This research helps to fill this gap by using data from the Terner California Residential Land Use Survey and the U.S. Census Bureau to understand the types of communities engaging in different kinds of formal ADU practices in California, and whether localities with adopted ordinances and less restrictive regulations have more frequent applications to build ADUs and increasing housing affordability and aging in place. Findings suggest that three distinct approaches to ADUs are occurring in California: 1) a more restrictive approach in disadvantaged communities of color, 2) a moderately restrictive approach in highly advantaged, predominately White and Asian communities, and 3) a less restrictive approach in diverse and moderately advantaged communities. Communities with adopted ordinances and less restrictive regulations receive more frequent applications to build ADUs but have not yet experienced greater improvements in housing affordability and aging in place. Overall, these findings imply that 1) context-specific technical support and advocacy may be needed to help align formal ADU practices with statewide goals, and 2) ADUs should be treated as one tool among many to manage local housing problems.

ADU Update: Early Lessons and Impacts of California's State and Local Policy Changes (8 p.)

By David Garcia (2017)
Terner Center for Housing and Innovation, UC Berkeley

As California’s housing crisis deepens, innovative strategies for creating new housing units for all income levels are needed. One such strategy is building Accessory Dwelling Units (ADUs) by private homeowners. While large scale construction of new market rate and affordable homes is needed to alleviate demand-driven rent increases and displacement pressures, ADUs present a unique opportunity for individual homeowners to create more housing as well. In particular, ADUs can increase the supply of housing in areas where there are fewer opportunities for larger-scale developments, such as neighborhoods that are predominantly zoned for and occupied by single-family homes.

In two of California’s major metropolitan areas -- Los Angeles and San Francisco -- well over three quarters of the total land area is comprised of neighborhoods where single-family homes make up at least 50 percent of the community’s housing stock. Across the state, single-family detached units make up 56.4 percent of the overall housing stock. Given their prevalence in the state’s residential land use patterns, increasing the number of single-family homes that have an ADU could contribute meaningfully to California’s housing shortage.

Jumpstarting the Market for Accessory Dwelling Units: Lessons Learned from Portland, Seattle and Vancouver (29pp.)

By Karen Chapple et al (2017)
Terner Center for Housing and Innovation, UC Berkeley

Despite government attempts to reduce barriers, a widespread surge of ADU construction has not materialized. The ADU market remains stalled. To find out why, this study looks at three cities in the Pacific Northwest of the United States and Canada that have seen a spike in construction in recent years: Portland, Seattle, and Vancouver. Each city has adopted a set of zoning reforms, sometimes in combination with financial incentives and outreach programs, to spur ADU construction. Due to these changes, as well as the acceleration of the housing crisis in each city, ADUs have begun blossoming.
In 2003, California allowed cities to count accessory dwelling units (ADU) towards low-income housing needs. Unless a city’s zoning code regulates the ADU’s maximum rent, occupancy income, and/or effective period, then the city may be unable to enforce low-income occupancy. After examining a stratified random sample of 57 low-, moderate-, and high-income cities, the high-income cities must proportionately accommodate more low-income needs than low-income cities. By contrast, low-income cities must quantitatively accommodate three times the low-income needs of high-income cities. The sample counted 750 potential ADUs as low-income housing. Even though 759 were constructed, no units were identified as available low-income housing. In addition, none of the cities’ zoning codes enforced low-income occupancy. Inferential tests determined that cities with colleges and high incomes were more probable to count ADUs towards overall and low-income housing needs. Furthermore, a city’s count of potential ADUs and cities with high proportions of renters maintained positive associations with ADU production, whereas a city’s density and prior compliance with state housing laws maintained negative associations. In summary, ADUs did increase local housing inventory and potential ADUs were positively associated with ADU production, but ADUs as low-income housing remained a paper calculation.
ITEM NO. 3

City of South Gate
PLANNING COMMISSION
AGENDA BILL

For the Regular Meeting of: November 17, 2020

Management Analyst: Dianne Guevara
Interim Community Development Director: Paul L. Adams

SUBJECT: PRESENTATION ON THE STATUS OF THE URBAN ORCHARD PROJECT

PURPOSE: Receive and file a presentation on the Urban Orchard Project.

RECOMMENDED ACTIONS: Receive and File the presentation on the Urban Orchard Project.

ANALYSIS: The Urban Orchard Project is a multipurpose project proposed, first and foremost, as a storm water quality solution. The City’s storm drain system collects storm water run-off from City streets and discharges it to the Los Angeles River and Rio Hondo Channel. Storm water run-off typically carries pollutants such as heavy metals, trash and bacteria, which adversely affect swimmable, drinkable and fishable waters. The State regulates storm water discharges through the National Pollution Discharge Elimination System (NPDES) Program and a MS4 Permit. The City’s compliance plan, known as the Watershed Management Plan (WMP), identifies storm water quality issues that are estimated to cost approximately $61 Million to resolve. The Urban Orchard Project is one of the solutions. In whole, primary purposes of the project include storm water quality, open space and recreation, water conservation, beautification, and Los Angeles River Revitalization.

The Urban Orchard Project proposes to construct a new passive park along the Los Angeles River. A primary purpose of the project is to divert and treat storm water run-off from the Los Angeles River. Phase I of the Urban Orchard Project will take place on a 7-acre site located at 9475 W. Frontage Road. This site is located between Firestone Boulevard to the north, the Thunderbird Villa Mobile Home Park to the south, the Los Angeles River to the west and I-710 Freeway to the east. If fully funded, Phase I improvements will include a community orchard with fruit trees, storm water diversion structures from the Bandini Channel to an underground reservoir and wetland, a constructed wetland with emergent vegetation, an education garden, a natural play area with a water element, multi-use exercise pathways, a knoll overlooking the wetland, picnic areas, exercise stations, public art, native shade trees, groundcover vegetation, irrigation system, pathway lighting a multi-use community building and a maintenance garage, and an extension of the Los Angeles River Trail.

The Urban Orchard Project is in the design phase, and constructions documents are substantially complete. The Public Works Department has been working with the Trust for Public Land (TPL) and their team of consultants to bid the project in December 2020. Start of construction is anticipated in April of 2021.

The design of the project was developed with extensive input from the City and community. The public outreach process aimed to deliver a project that met the needs of the community, without
sacrificing the primary purpose of the project. Early in its design process, presentations were made to the City Council, Planning Commission and Parks and Recreation Commission. A total of 5 citywide workshop, 4 focus meetings, 15 tabling events, one-of-one with Thunderbird Villa residents, and virtual participation in SELA Art Festival 2020 provided the community an opportunity to guide the design of the project.

The budget requirement for the project is over $24 Million. The City has budgeted $15.3 Million to date in State and Federal Funds. The total potential funding available for the project is estimated to be $19.3 Million, as an additional $4.0 Million is planned to be allocated to the project within the next two months. TPL and City staff are pursuing additional grant funds to fully fund the project, however, this will not delay construction.

ATTACHMENT:  None