

14. ACCESSORY DWELLING UNIT UPDATE

Staff seeks City Council feedback to draft an Accessory Dwelling Unit ordinance with Zoning Code Text amendments to be in full compliance with state regulations.

**Legend****Underline** = State Law Requirement**§ 17.04.210. Accessory dwelling units.**

A. Purpose. The purpose of this section is to comply with Government Code Section 65852.2, which allows the City to enact standards for the development of accessory dwelling units (ADUs) to increase the supply of affordable housing while ensuring that ADUs remain compatible with existing neighborhoods.

B. Submittal Requirements and Application Processing.

1. The Director of Community Development shall prescribe the form of applications, documents to be submitted and the type of information to be provided by the applicant.
2. Application Requirement. Any application for an ADU that meets the standards contained in this Code shall be approved ministerially, without discretionary review, by the Director of Community Development or designee.

A City must approve or deny an ADU application within 60 days of submittal.

C. Use Restrictions.

1. If either the primary dwelling or ADU is rented, the property owner must occupy either the primary dwelling or ADU as his or her principal residence. No owner-occupancy requirements for ADUs.
2. The unit on the lot that is rented (i.e., either the primary dwelling or the ADU) shall be rented only for terms longer than 30 days.
3. The ADU is not to be sold or conveyed separately from the primary dwelling. An ADU may be sold separately from the primary dwelling under certain conditions by non-profit organizations. There is potential for cities to allow these units to be conveyed as separate property condominiums.

D. Location Requirements.

1. One ADU may be developed on properties that are zoned for single-family residential uses, including R-1, R-2, R-3, R-4, and R-H zones. ADUs shall be permitted in all residential zones and mixed-use zones that allow residential.
2. The property shall contain exactly one existing or proposed single-family dwelling. ADUs are permitted on properties with multiple-family residential dwellings.
3. The ADU may not be located on real property that is listed on the California Register of Historic Places. ADUs are required to be allowed on such property.

E. Development Standards for ADUs with New Construction. The following development standards shall apply to: (1) ADUs involving new construction, which includes, but is not limited to, an ADU that is entirely made up of new construction, and an ADU comprised of part of an existing accessory structure or residence but the ADU does not fit within the existing space of the single-family residence or accessory structure; and (2) newly established ADUs within existing structures listed in subsection (F)(2).

1. Lot Size.

- a. For properties with an R-1 or R-H zoning designation, the minimum lot size shall

be 10,000 square feet. No minimum lot size shall be required.

- b. For properties with an R-2, R-3, or R-4 zoning designation, the minimum lot size shall be 5,000 square feet. No minimum lot size shall be required.
2. Lot Width. All properties shall contain a minimum lot width of 50 feet. No minimum lot width shall be required.
3. Setbacks.
  - a. For properties with an R-1, R-2, R-3, or R-4 zoning designation, the setbacks for ADUs shall be in accordance with the yard requirements listed in Article I, Article II, Article III, or Article V, respectively of Chapter 17.05. No less than four-foot side and rear yard setback.
  - b. For properties with an R-H zoning designation, the setbacks for ADUs shall be in accordance with the yard requirements listed in Article IV of Chapter 17.05. No less than four-foot side and rear yard setback.
  - c. An ADU shall not be built above an existing structure if the structure is located within the required front or rear yard. No less than four-foot side and rear yard setback.
  - d. A detached ADU shall not be located in front of the primary dwelling. Exempt ADUs cannot be prevented from being located in the front yard setback.
4. Separation. A detached ADU shall not be located within five feet of another accessory structure or primary dwelling, as measured from the nearest portions of the buildings. No change except for Exempt ADUs.
5. Building Height.
  - a. For properties with an R-1, R-2, R-3, or R-4 zoning designation, the building height for ADUs shall be in accordance with the height requirements listed in Article I, Article II, Article III, or Article V, respectively of Chapter 17.05.
  - b. For properties with an R-H zoning designation, the building height for ADUs shall be in accordance with the height requirements listed in Article IV of Chapter 17.05.
  - c. No portion of an ADU shall exceed the height of the primary dwelling. For the purpose of calculating the allowable building height for an ADU, the height of the primary dwelling shall include the roof, and shall not include the height of chimneys or other architectural projections that do not contribute to the gross floor area of the primary dwelling.

Attached ADU: A height of 25 feet or the height limitation in the local zoning ordinance that applies to the primary dwelling, whichever is lower, for an accessory dwelling unit that is attached to a primary dwelling.

Detached ADU: 16 feet; or 18 feet if within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor with the allowance of additional two feet in height to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.
6. Open Space. A minimum of 500 square feet of open space shall be provided for the

ADU. This requirement shall be in addition to any open space required for the primary dwelling. Open space for an ADU shall:

- a. Be contiguous (i.e., not separated);
- b. Have no linear dimension at any point of less than 10 feet; and
- c. Be located on the same lot.

No change except for Exempt ADUs.

7. Unit Size.

- a. The primary dwelling must contain a minimum of 800 square feet of gross floor area and the unit width shall be 20 feet in width in accordance with Section 17.05.090(A)(4). No minimum size requirement for primary dwelling.
- b. The gross floor area of an ADU shall be a minimum of 150 square feet, and shall not exceed 50% of the gross floor area of the existing primary dwelling or 720 square feet, whichever is less. For the purpose of calculating the allowable gross floor area for an ADU, garages, unenclosed accessory structures and detached accessory buildings on the property shall not be included in the gross floor area of the existing primary dwelling. Attached ADUs: Maximum 50% of gross floor area (GFA) of primary dwelling or 1,000 SF, whichever is less. Detached ADUs: Maximum 1,000 SF. The maximum size for exempt detached/attached ADUs is 800 SF.
- c. An ADU may be attached to another accessory structure. In that case, the square footage of the attached accessory structure shall not contribute to the maximum gross floor area for the ADU. No change.

8. Floor Plan.

- a. The ADU shall contain a kitchen, which shall include a kitchen sink, cooking appliance, refrigeration facilities and a counter top with minimum dimensions of 16 inches by 24 inches. An ADU shall contain an efficiency kitchen and must have independent entrance from primary dwelling.
- b. The ADU shall contain a bathroom, which shall include a sink, toilet, and bathtub or shower. No change.
- c. The ADU shall contain independent exterior access from the primary dwelling. No change.

9. Architectural Design.

Local agency can apply objective standards to ADUs. "Objective standards" means standards that involve no personal or subjective judgement 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.

- a. The ADU shall incorporate the same or similar architectural features, building materials, and colors of the primary dwelling. This includes, but is not limited to:

roof pitches, exterior wall finishes, eaves, fascia boards and windows.

- b. The exterior access to the ADU shall not be visible from the street, including from the front or street side yard areas, in order to maintain the appearance of a single-family dwelling.
  - c. Exterior staircases leading to a second story shall not be permitted. Any staircase providing access to an ADU located on the second story, or to a part of an ADU located on the second story, must be contained within the interior of the building.
  - d. The ADU must comply with the standards contained in Section 17.05.090.
10. Landscaping. Landscaping shall be provided pursuant to Chapter 17.03, Article I. No change.
11. Off-Street Parking.
- a. No parking shall be required for an ADU.  
A local agency shall not impose any parking standards for an ADU in any of the following instances:
    - (1) Where the ADU is located within one-half of one mile walking distance of public transit.
    - (2) Where the ADU is located within an architecturally and historically significant historic district.
    - (3) Where the ADU 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 ADU.
    - (5) When there is a car share vehicle located within one block of the ADU.
  - b. If a garage, carport, or covered parking structure is reduced or demolished in conjunction with construction of an ADU or if an existing accessory structure that provides required parking spaces for the primary dwelling is converted into an ADU, the off-street parking spaces for the primary dwelling that are lost as a result of the demolition or conversion shall be replaced on-site. The replacement parking spaces shall comply with the following:
    - i. Spaces may be covered or uncovered.
    - ii. Spaces may be located anywhere on the property and must comply with the parking layout standards contained in Section 17.03.050, except tandem spaces are allowed.
    - iii. A mechanical automobile parking lift may be utilized.When a garage, carport, covered parking structure, or uncovered parking space is demolished in conjunction with the construction of an ADU or converted to an ADU, the local agency shall not require that those off-street parking spaces be replaced.
12. Utility Connections. All ADUs shall share all gas, electrical, and water meters assigned to the primary dwelling. An ADU built entirely within the footprint of the existing

main dwelling is not required to install a new or separate utility connection directly between the ADU and the utility or impose a related connection fee or capacity charge, unless the ADU was constructed with a new single-family dwelling, or upon separate conveyance of the ADU.

13. Address. All ADUs shall share the same address assigned to the primary dwelling. An ADU must have a separate address, but a local agency can decide how to address an ADU.
  14. Covenant. Prior to issuance of a building permit for an ADU, the property owner shall file with the County Recorder a declaration of restrictions, which has been approved by the City Attorney as to form and content, containing a reference to the deed under which the property was acquired by the owner, placing the following restrictions on the property, the property owner, and all successors in interest:
    - a. If either the primary dwelling or ADU is rented, the property owner must occupy either the primary dwelling or ADU as his or her principal residence. Not required for ADUs; Required for JADUs.
    - b. The unit on the lot that is rented (i.e., either the primary dwelling or the ADU) shall be rented only for terms longer than 30 days. No change.
    - c. The ADU is not to be sold or conveyed separately from the primary dwelling. Under certain conditions, an ADU can be sold or conveyed separately. There is potential for cities to allow these units to be conveyed as separate property condominiums.
- F. Development Standards for Conversions of Existing Space into ADUs. The following development standards shall apply to conversions of existing space within a single-family residence or an existing accessory structure:
1. Limited Scope of Work. Subsection F shall apply only to projects where the proposed ADU is contained entirely within the existing gross floor area of an existing single-family residence or accessory structure. Clarifies that ADUs that are conversions are a type of Exempt ADU and that non-living spaces of multiple family dwellings are eligible for conversions.
  2. Conversion of the following structures are subject to the requirements contained in subsection E:
    - a. Unenclosed accessory buildings or unenclosed accessory structures, such as patios, gazebos, breezeways, carports, porte cochères, or similar structures.
    - b. Animal enclosures or buildings used for the housing of animals.
    - c. Accessory buildings or accessory structures that are less than 150 square feet in area.

Existing accessory structures can be converted as Exempt ADUs with a maximum of 150 SF addition limited to accommodate ingress and egress.

Non-living spaces of multiple family dwellings are eligible for conversions
  3. Setbacks. No setbacks shall be required beyond what the existing structure currently

has, except modifications to the existing structure that may be required by the Building Code and Fire Code. 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 ADU or to a portion of an ADU.

4. Unit Size.

- a. The primary dwelling must contain a minimum of 800 square feet of gross floor area and the unit width shall be 20 feet in width in accordance with Section 17.05.090(A)(4). No minimum size shall be established for primary dwelling.
- b. The gross floor area of an ADU shall be a minimum of 150 square feet, and shall not exceed 50% of the gross floor area of the existing primary dwelling or 720 square feet, whichever is less. For the purpose of calculating the allowable gross floor area for an ADU, garages, unenclosed accessory structures and detached accessory buildings on the property shall not be included in the gross floor area of the existing primary dwelling. The minimum size of an ADU shall be 150 SF. No maximum size shall be required for conversions of existing permitted structures.
- c. An ADU may be attached to another accessory structure. In that case, the square footage of the attached accessory structure shall not contribute to the maximum gross floor area for the ADU. No change.

5. Floor Plan.

- a. The ADU shall contain a kitchen, which shall include a kitchen sink, cooking appliance, refrigeration facilities and a counter top with minimum dimensions of 16 inches by 24 inches. An ADU shall contain an efficiency kitchen and must have independent entrance from primary dwelling.
- b. The ADU shall contain a bathroom, which shall include a sink, toilet, and bathtub or shower. No change.
- c. The ADU shall contain independent exterior access from the primary dwelling. No change.

6. Landscaping. Landscaping shall be provided pursuant to Chapter 17.03, Article I. No change.

7. Off-Street Parking.

- a. No parking shall be required for an ADU.

A local agency shall not impose any parking standards for an ADU in any of the following instances:

- (1) Where the ADU is located within one-half of one mile walking distance of public transit.
- (2) Where the ADU is located within an architecturally and historically significant historic district.
- (3) Where the ADU 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 ADU.

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

b. If a garage, carport, or covered parking structure is reduced or demolished in conjunction with construction of an ADU or if an existing accessory structure that provides required parking spaces for the primary dwelling is converted into an ADU, the off-street parking spaces for the primary dwelling that are lost as a result of the demolition or conversion shall be replaced on-site. The replacement parking spaces shall comply with the following:

i. Spaces may be covered or uncovered.

ii. Spaces may be located anywhere on the property and must comply with the parking layout standards contained in Section 17.03.050, except tandem spaces are allowed.

iii. A mechanical automobile parking lift may be utilized.

When a garage, carport, covered parking structure, or uncovered parking space is demolished in conjunction with the construction of an ADU or converted to an ADU, the local agency shall not require that those off-street parking spaces be replaced.

8. Utility Connections. All ADUs shall share all gas, electrical, and water meters assigned to the primary dwelling. An ADU built entirely within the footprint of the existing main dwelling is not required to install a new or separate utility connection directly between the ADU and the utility or impose a related connection fee or capacity charge, unless the ADU was constructed with a new single-family dwelling, or upon separate conveyance of the ADU.

9. Address. All ADUs shall share the same address assigned to the primary dwelling. An ADU must have a separate address, but a local agency can decide how to address an ADU.

10. Covenant. Prior to issuance of a building permit for an ADU, the property owner shall file with the County Recorder a declaration of restrictions, which has been approved by the City Attorney as to form and content, containing a reference to the deed under which the property was acquired by the owner, placing the following restrictions on the property, the property owner, and all successors in interest:

a. If either the primary dwelling or ADU is rented, the property owner must occupy either the primary dwelling or ADU as his or her principal residence. No owner occupancy requirements for ADUs. Covenants are required for JADUs.

b. The unit on the lot that is rented (i.e., either the primary dwelling or the ADU) shall be rented only for terms longer than 30 days. No change.

c. The ADU is not to be sold or conveyed separately from the primary dwelling. Under certain conditions, an ADU may be sold or conveyed separately. There is potential for cities to allow these units to be conveyed as separate property condominiums.



(Prior code § 27-22.23; Ord. 1540 § 4, 2003; Ord. 18-1701 § 6; Ord. 21-1722 § 2)

## Title 17. Zoning

### Chapter 17.04. USE REGULATIONS

#### Article III. Specific Uses in Residential Zones

##### § 17.04.210. Accessory dwelling units.

- A. Purpose. The purpose of this section is to comply with **Government Code** Section 65852.2, which allows the City to enact standards for the development of accessory dwelling units (ADUs) to increase the supply of affordable housing while ensuring that ADUs remain compatible with existing neighborhoods.
- B. Submittal Requirements and Application Processing.
  - 1. The Director of Community Development shall prescribe the form of applications, documents to be submitted and the type of information to be provided by the applicant.
  - 2. Application Requirement. Any application for an ADU that meets the standards contained in this Code shall be approved ministerially, without discretionary review, by the Director of Community Development or designee.
- C. Use Restrictions.
  - 1. If either the primary dwelling or ADU is rented, the property owner must occupy either the primary dwelling or ADU as his or her principal residence.
  - 2. The unit on the lot that is rented (i.e., either the primary dwelling or the ADU) shall be rented only for terms longer than 30 days.
  - 3. The ADU is not to be sold or conveyed separately from the primary dwelling.
- D. Location Requirements.
  - 1. One ADU may be developed on properties that are zoned for single-family residential uses, including R-1, R-2, R-3, R-4, and R-H zones.
  - 2. The property shall contain exactly one existing or proposed single-family dwelling.
  - 3. The ADU may not be located on real property that is listed on the California Register of Historic Places.
- E. Development Standards for ADUs with New Construction. The following development standards shall apply to: (1) ADUs involving new construction, which includes, but is not limited to, an ADU that is entirely made up of new construction, and an ADU comprised of part of an existing accessory structure or residence but the ADU does not fit within the existing space of the single-family residence or accessory structure; and (2) newly established ADUs within existing structures listed in subsection **(F)(2)**.
  - 1. Lot Size.

- a. For properties with an R-1 or R-H zoning designation, the minimum lot size shall be 10,000 square feet.
  - b. For properties with an R-2, R-3, or R-4 zoning designation, the minimum lot size shall be 5,000 square feet.
2. Lot Width. All properties shall contain a minimum lot width of 50 feet.
3. Setbacks.
  - a. For properties with an R-1, R-2, R-3, or R-4 zoning designation, the setbacks for ADUs shall be in accordance with the yard requirements listed in Article I, Article II, Article III, or Article V, respectively of Chapter **17.05**.
  - b. For properties with an R-H zoning designation, the setbacks for ADUs shall be in accordance with the yard requirements listed in Article IV of Chapter **17.05**.
  - c. An ADU shall not be built above an existing structure if the structure is located within the required front or rear yard.
  - d. A detached ADU shall not be located in front of the primary dwelling.
4. Separation. A detached ADU shall not be located within five feet of another accessory structure or primary dwelling, as measured from the nearest portions of the buildings.
5. Building Height.
  - a. For properties with an R-1, R-2, R-3, or R-4 zoning designation, the building height for ADUs shall be in accordance with the height requirements listed in Article I, Article II, Article III, or Article V, respectively of Chapter **17.05**.
  - b. For properties with an R-H zoning designation, the building height for ADUs shall be in accordance with the height requirements listed in Article IV of Chapter **17.05**.
  - c. No portion of an ADU shall exceed the height of the primary dwelling. For the purpose of calculating the allowable building height for an ADU, the height of the primary dwelling shall include the roof, and shall not include the height of chimneys or other architectural projections that do not contribute to the gross floor area of the primary dwelling.
6. Open Space. A minimum of 500 square feet of open space shall be provided for the ADU. This requirement shall be in addition to any open space required for the primary dwelling. Open space for an ADU shall:
  - a. Be contiguous (i.e., not separated);
  - b. Have no linear dimension at any point of less than 10 feet; and
  - c. Be located on the same lot.
7. Unit Size.
  - a. The primary dwelling must contain a minimum of 800 square feet of gross floor area and the unit width shall be 20 feet in width in accordance with Section **17.05.090(A)(4)**.
  - b. The gross floor area of an ADU shall be a minimum of 150 square feet, and shall not exceed 50% of the gross floor area of the existing primary dwelling or 720 square feet, whichever is less. For the purpose of calculating the allowable gross floor area for an ADU, garages, unenclosed accessory structures and detached accessory buildings on the property shall not be included in the gross floor area of the existing primary dwelling.
  - c. An ADU may be attached to another accessory structure. In that case, the square footage of the attached accessory structure shall not contribute to the maximum gross floor area for the ADU.

8. Floor Plan.

- a. The ADU shall contain a kitchen, which shall include a kitchen sink, cooking appliance, refrigeration facilities and a counter top with minimum dimensions of 16 inches by 24 inches.
- b. The ADU shall contain a bathroom, which shall include a sink, toilet, and bathtub or shower.
- c. The ADU shall contain independent exterior access from the primary dwelling.

9. Architectural Design.

- a. The ADU shall incorporate the same or similar architectural features, building materials, and colors of the primary dwelling. This includes, but is not limited to: roof pitches, exterior wall finishes, eaves, fascia boards and windows.
- b. The exterior access to the ADU shall not be visible from the street, including from the front or street side yard areas, in order to maintain the appearance of a single-family dwelling.
- c. Exterior staircases leading to a second story shall not be permitted. Any staircase providing access to an ADU located on the second story, or to a part of an ADU located on the second story, must be contained within the interior of the building.
- d. The ADU must comply with the standards contained in Section **17.05.090**.

10. Landscaping. Landscaping shall be provided pursuant to Chapter **17.03**, Article I.

11. Off-Street Parking.

- a. No parking shall be required for an ADU.
- b. If a garage, carport, or covered parking structure is reduced or demolished in conjunction with construction of an ADU or if an existing accessory structure that provides required parking spaces for the primary dwelling is converted into an ADU, the off-street parking spaces for the primary dwelling that are lost as a result of the demolition or conversion shall be replaced on-site. The replacement parking spaces shall comply with the following:
  - i. Spaces may be covered or uncovered.
  - ii. Spaces may be located anywhere on the property and must comply with the parking layout standards contained in Section **17.03.050**, except tandem spaces are allowed.
  - iii. A mechanical automobile parking lift may be utilized.

12. Utility Connections. All ADUs shall share all gas, electrical, and water meters assigned to the primary dwelling.

13. Address. All ADUs shall share the same address assigned to the primary dwelling.

14. Covenant. Prior to issuance of a building permit for an ADU, the property owner shall file with the County Recorder a declaration of restrictions, which has been approved by the City Attorney as to form and content, containing a reference to the deed under which the property was acquired by the owner, placing the following restrictions on the property, the property owner, and all successors in interest:

- a. If either the primary dwelling or ADU is rented, the property owner must occupy either the primary dwelling or ADU as his or her principal residence.
- b. The unit on the lot that is rented (i.e., either the primary dwelling or the ADU) shall be rented only for terms longer than 30 days.
- c. The ADU is not to be sold or conveyed separately from the primary dwelling.

- F. Development Standards for Conversions of Existing Space into ADUs. The following development standards shall apply to conversions of existing space within a single-family residence or an existing accessory structure:
1. Limited Scope of Work. Subsection **F** shall apply only to projects where the proposed ADU is contained entirely within the existing gross floor area of an existing single-family residence or accessory structure.
  2. Conversion of the following structures are subject to the requirements contained in subsection **E**:
    - a. Unenclosed accessory buildings or unenclosed accessory structures, such as patios, gazebos, breezeways, carports, porte cochères, or similar structures.
    - b. Animal enclosures or buildings used for the housing of animals.
    - c. Accessory buildings or accessory structures that are less than 150 square feet in area.
  3. Setbacks. No setbacks shall be required beyond what the existing structure currently has, except modifications to the existing structure that may be required by the Building Code and Fire Code.
  4. Unit Size.
    - a. The primary dwelling must contain a minimum of 800 square feet of gross floor area and the unit width shall be 20 feet in width in accordance with Section **17.05.090(A)(4)**.
    - b. The gross floor area of an ADU shall be a minimum of 150 square feet, and shall not exceed 50% of the gross floor area of the existing primary dwelling or 720 square feet, whichever is less. For the purpose of calculating the allowable gross floor area for an ADU, garages, unenclosed accessory structures and detached accessory buildings on the property shall not be included in the gross floor area of the existing primary dwelling.
    - c. An ADU may be attached to another accessory structure. In that case, the square footage of the attached accessory structure shall not contribute to the maximum gross floor area for the ADU.
  5. Floor Plan.
    - a. The ADU shall contain a kitchen, which shall include a kitchen sink, cooking appliance, refrigeration facilities and a counter top with minimum dimensions of 16 inches by 24 inches.
    - b. The ADU shall contain a bathroom, which shall include a sink, toilet, and bathtub or shower.
    - c. The ADU shall contain independent exterior access from the primary dwelling.
  6. Landscaping. Landscaping shall be provided pursuant to Chapter **17.03**, Article I.
  7. Off-Street Parking.
    - a. No parking shall be required for an ADU.
    - b. If a garage, carport, or covered parking structure is reduced or demolished in conjunction with construction of an ADU or if an existing accessory structure that provides required parking spaces for the primary dwelling is converted into an ADU, the off-street parking spaces for the primary dwelling that are lost as a result of the demolition or conversion shall be replaced on-site. The replacement parking spaces shall comply with the following:
      - i. Spaces may be covered or uncovered.

- ii. Spaces may be located anywhere on the property and must comply with the parking layout standards contained in Section **17.03.050**, except tandem spaces are allowed.
    - iii. A mechanical automobile parking lift may be utilized.
  - 8. Utility Connections. All ADUs shall share all gas, electrical, and water meters assigned to the primary dwelling.
  - 9. Address. All ADUs shall share the same address assigned to the primary dwelling.
  - 10. Covenant. Prior to issuance of a building permit for an ADU, the property owner shall file with the County Recorder a declaration of restrictions, which has been approved by the City Attorney as to form and content, containing a reference to the deed under which the property was acquired by the owner, placing the following restrictions on the property, the property owner, and all successors in interest:
    - a. If either the primary dwelling or ADU is rented, the property owner must occupy either the primary dwelling or ADU as his or her principal residence.
    - b. The unit on the lot that is rented (i.e., either the primary dwelling or the ADU) shall be rented only for terms longer than 30 days.
    - c. The ADU is not to be sold or conveyed separately from the primary dwelling.
- (Prior code § 27-22.23; Ord. 1540 § 4, 2003; Ord. 18-1701 § 6; Ord. 21-1722 § 2)

**GOVERNMENT CODE - GOV**

**TITLE 7. PLANNING AND LAND USE [65000 - 66499.58]** ( *Heading of Title 7 amended by Stats. 1974, Ch. 1536.* )

**DIVISION 1. PLANNING AND ZONING [65000 - 66342]** ( *Heading of Division 1 added by Stats. 1974, Ch. 1536.* )

**CHAPTER 13. Accessory Dwelling Units [66310 - 66342]** ( *Chapter 13 added by Stats. 2024, Ch. 7, Sec. 20.* )

**ARTICLE 1. General Provisions [66310 - 66313]** ( *Article 1 added by Stats. 2024, Ch. 7, Sec. 20.* )

**66310.** The Legislature finds and declares all of the following:

- (a) Accessory dwelling units are a valuable form of housing in California.
- (b) 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.
- (c) Homeowners who create accessory dwelling units benefit from added income, and an increased sense of security.
- (d) Allowing accessory dwelling units in single-family or multifamily residential zones provides additional rental housing stock in California.
- (e) California faces a severe housing crisis.
- (f) 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.
- (g) Accessory dwelling units offer lower cost housing to meet the needs of existing and future residents within existing neighborhoods, while respecting architectural character.
- (h) Accessory dwelling units are, therefore, an essential component of California's housing supply.

*(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)*

**66311.** 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.

*(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)*

**66312.** Notwithstanding Section 65803, this chapter shall also apply to a charter city.

*(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)*

**66313.** For purposes of this chapter:

- (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. 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:

(1) An efficiency unit.

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

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

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

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

(e) "Livable space" means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.

(f) "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.

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

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

(i) "Objective standards" means 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.

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

(k) "Permitting agency" means any entity that is involved in the review of a permit for an accessory dwelling unit or junior accessory dwelling unit and for which there is no substitute, including, but not limited to, applicable planning departments, building departments, utilities, and special districts.

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

(m) "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.

(n) "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.

*(Amended by Stats. 2024, Ch. 296, Sec. 1. (SB 1211) Effective January 1, 2025.)*



**ARTICLE 2. Accessory Dwelling Unit Approvals [66314 - 66332]** ( Article 2 added by Stats. 2024, Ch. 7, Sec. 20. )

**66314.** 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) (1) Impose objective 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 Historical Resources. These standards shall not include requirements on minimum lot size.

(2) Notwithstanding paragraph (1), 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:

(1) Except as provided in Article 4 (commencing with Section 66340), the accessory dwelling unit may be rented separate from the primary residence, but shall not be sold or otherwise conveyed separate from the primary residence.

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

(3) 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, including detached garages.

(4) 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.

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

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

(7) 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.

(8) Local building code requirements that apply to detached dwellings, except that the construction of an accessory dwelling unit shall not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code (Title 24 of the California Code of Regulations), unless the building official or enforcement agency of the local agency makes a written finding based on substantial evidence in the record that the construction of the accessory dwelling unit could have a specific, adverse impact on public health and safety. Nothing in this paragraph shall be interpreted to prevent a local agency from changing the occupancy code of a space that was uninhabitable space or was only permitted for nonresidential use and was subsequently converted for residential use pursuant to this article.

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

(10) (A) 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.

(B) 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.

(C) This subparagraph shall not apply to an accessory dwelling unit that is described in Section 66322.

(11) When a garage, carport, covered parking structure, or uncovered parking space 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.

(12) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.

(e) Require that a demolition permit for a detached garage that is to be replaced with an accessory dwelling unit be reviewed with the application for the accessory dwelling unit and issued at the same time.

(f) An accessory dwelling unit ordinance shall not require, and the applicant shall not be otherwise required, to provide written notice or post a placard for the demolition of a detached garage that is to be replaced with an accessory dwelling unit, unless the property is located within an architecturally and historically significant historic district.

*(Amended by Stats. 2024, Ch. 296, Sec. 2. (SB 1211) Effective January 1, 2025.)*

**66315.** Section 66314 establishes the maximum standards that a local agency 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 Section 66314, shall be used or imposed, including an owner-occupant requirement, except that a local agency may require that the property may be used for rentals of terms 30 days or longer.

*(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)*

**66316.** An existing accessory dwelling unit 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 article. If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this article, that ordinance shall be null and void and that agency shall thereafter apply the standards established in this article for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this article.

*(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)*

**66317.** (a) 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 either approve or deny the application to create or serve an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the permitting agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create or serve an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the permitting agency may delay approving or denying the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency approves or denies the permit application to create the new single-family or multifamily dwelling, but the application to create or serve 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. If the local agency has not approved or denied the completed application within 60 days, the application shall be deemed approved. A local agency may charge a fee to reimburse it for costs incurred to implement this section, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(b) If a permitting agency denies an application for an accessory dwelling unit or junior accessory dwelling unit pursuant to subdivision (a), the permitting agency shall, within the time period described in subdivision (a), return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

(c) No local ordinance, policy, or regulation, other than an accessory dwelling unit ordinance consistent with this article shall be the basis for the delay or denial of a building permit or a use permit under this section.

*(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)*

**66318.** (a) 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 article.

(b) An accessory dwelling unit ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

*(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)*

**66319.** An accessory dwelling unit that conforms to Section 66314 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.

*(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)*

**66320.** (a) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with Section 66314 receives an application for a permit to create or serve an accessory dwelling unit pursuant to this article, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to Section 66317. The permitting agency shall either approve or deny the application to create or serve an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the permitting agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create or serve an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create or serve a new single-family or multifamily dwelling on the lot, the permitting agency may delay approving or denying the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency approves or denies the permit application to create or serve the new single-family or multifamily dwelling, but the application to create or serve 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 approved or denied the completed application within 60 days, the application shall be deemed approved.

(b) If a permitting agency denies an application for an accessory dwelling unit or junior accessory dwelling unit pursuant to subdivision (a), the permitting agency shall, within the time period described in subdivision (a), return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

*(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)*

**66321.** (a) Subject to subdivision (b), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.

(b) Notwithstanding subdivision (a), a local agency shall not establish by ordinance any of the following:

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

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

(A) Eight hundred fifty square feet.

(B) One thousand square feet for an accessory dwelling unit that provides more than one bedroom.

(3) Any requirement for a zoning clearance or separate zoning review or 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, front setbacks, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

(4) Any height limitation that does not allow at least the following, as applicable:

(A) A height of 16 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit.

(B) A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. A local agency shall also allow an additional two feet in height to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.

(C) A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling.

(D) A height of 25 feet or the height limitation in the local zoning ordinance that applies to the primary dwelling, whichever is lower, for an accessory dwelling unit that is attached to a primary dwelling. This subparagraph shall not require a local agency to allow an accessory dwelling unit to exceed two stories.

*(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)*

**66322.** Notwithstanding any other law, and whether or not the local agency has adopted an ordinance governing accessory dwelling units in accordance with Section 66314, all of the following shall apply:

(a) A local agency shall not impose any parking standards for an accessory dwelling unit in any of the following instances:

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

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

(3) Where 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.

(6) When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the accessory dwelling unit or the parcel satisfies any other criteria listed in this subdivision.

(b) The local agency shall not deny an application for a permit to create an accessory dwelling unit due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the accessory dwelling unit.

*(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)*

**66323.** (a) Notwithstanding Sections 66314 to 66322, 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:

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

(A) 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.

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

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

(D) The junior accessory dwelling unit complies with the requirements of Article 3 (commencing with Section 66333).

(2) 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 paragraph (1). A local agency may impose the following conditions on the accessory dwelling unit:

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

(B) A height limitation as provided in subparagraph (A), (B), or (C) of paragraph (4) of subdivision (b) of Section 66321, as applicable.

(3) (A) 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.

(B) 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.

(4) (A) (i) Multiple accessory dwelling units, not to exceed the number specified in clause (ii) or (iii), as applicable, that are located on a lot that has an existing or proposed multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limitation in subparagraph (A), (B), or (C) of paragraph (4) of subdivision (b) of Section 66321, as applicable, and rear yard and side setbacks of no more than four feet.

(ii) On a lot with an existing multifamily dwelling, not more than eight detached accessory dwelling units. However, the number of accessory dwelling units allowable pursuant to this clause shall not exceed the number of existing units on the lot.



(iii) On a lot with a proposed multifamily dwelling, not more than two detached accessory dwelling units.

(B) If the existing multifamily dwelling has a rear or side setback of less than four feet, the local agency shall not require any modification of the existing multifamily dwelling as a condition of approving the application to construct an accessory dwelling unit that satisfies the requirements of this paragraph.

(b) A local agency shall not impose any objective development or design standard that is not authorized by this section upon any accessory dwelling unit that meets the requirements of any of paragraphs (1) to (4), inclusive, of subdivision (a).

(c) 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.

(d) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing multifamily dwelling.

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

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

(g) Notwithstanding Section 66321 and subdivision (a) 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 subdivision (a), and may impose objective 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.

*(Amended by Stats. 2024, Ch. 296, Sec. 3. (SB 1211) Effective January 1, 2025.)*

**66324.** (a) 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).

(b) 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.

(c) (1) 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.

(2) For purposes of this subdivision, "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.

(d) For an accessory dwelling unit described in paragraph (1) of subdivision (a) of Section 66323, a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or

impose a related connection fee or capacity charge, unless the accessory dwelling unit was constructed with a new single-family dwelling, or upon separate conveyance of the accessory dwelling unit pursuant to Section 66342.

(e) For an accessory dwelling unit that is not described in paragraph (1) of subdivision (a) of Section 66323, 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.

*(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)*

**66325.** (a) Except as provided in subdivision (b), this article shall supersede a conflicting local ordinance.

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

*(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)*

**66326.** (a) A local agency shall submit a copy of the ordinance adopted pursuant to Section 66314 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 article.

(b) (1) If the department finds that the local agency's ordinance does not comply with this article, 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 article.

(2) The local agency shall consider the findings made by the department pursuant to paragraph (1) and shall do one of the following:

(A) Amend the ordinance to comply with this article.

(B) 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 article despite the findings of the department.

(c) (1) 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 article 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.

(2) 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 article between January 1, 2017, and January 1, 2020.

*(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)*

**66327.** 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 article. The guidelines adopted pursuant to this section are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

*(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)*

**66328.** 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.

*(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)*

**66329.** Nothing in this article 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.

*(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)*

**66330.** 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.

*(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)*

**66331.** 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 subdivision (a) or (b), 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:

(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.

*(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)*

**66332.** (a) Notwithstanding any other law, and except as otherwise provided in subdivision (b), a local agency shall not deny a permit for an unpermitted accessory dwelling unit or unpermitted junior accessory dwelling unit that was constructed before January 1, 2020, due to either of the following:

(1) The accessory dwelling unit or junior accessory dwelling unit is in violation of 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.

(2) The accessory dwelling unit or junior accessory dwelling unit does not comply with this article or Article 3 (commencing with Section 66333), as applicable, or any local ordinance regulating accessory dwelling units or junior accessory dwelling units.

(b) Notwithstanding subdivision (a), a local agency may deny a permit for an accessory dwelling unit or junior accessory dwelling unit subject to subdivision (a) if the local agency makes a finding that correcting the violation is necessary to comply with the standards specified in Section 17920.3 of the Health and Safety Code.

(c) This section shall not apply to a building that is deemed substandard pursuant to Section 17920.3 of the Health and Safety Code.

(d) A local agency shall inform the public about the provisions of this section through public information resources, including permit checklists and the local agency's internet website, which shall include both of the following:

(1) A checklist of the conditions specified in Section 17920.3 of the Health and Safety Code that would deem a building substandard.

(2) Informing homeowners that, before submitting an application for a permit, the homeowner may obtain a confidential third-party code inspection from a licensed contractor to determine the unit's existing condition or potential scope of building improvements before submitting an application for a permit.

(e) A homeowner applying for a permit for a previously unpermitted accessory dwelling unit or junior accessory dwelling unit constructed before January 1, 2020, shall not be required to pay impact fees or connection or capacity charges except when utility infrastructure is required to comply with Section 17920.3 of the Health and Safety Code and when the fee is authorized by subdivision (e) of Section 66324.

(f) Subject to subdivision (c), upon receiving an application to permit a previously unpermitted accessory dwelling unit or junior accessory dwelling unit constructed before January 1, 2020, an inspector from the local agency may inspect the unit for compliance with health and safety standards and provide recommendations to comply with health and safety standards necessary to obtain a permit. If the inspector finds noncompliance with health and safety standards, the local agency shall not penalize an applicant for having the unpermitted accessory dwelling unit or junior accessory dwelling unit and shall approve necessary permits to correct noncompliance with health and safety standards.

*(Amended by Stats. 2024, Ch. 834, Sec. 1. (AB 2533) Effective January 1, 2025.)*

**ARTICLE 3. Junior Accessory Dwelling Units [66333 - 66339]** ( Article 3 added by Stats. 2024, Ch. 7, Sec. 20. )

**66333.** Notwithstanding Article 2 (commencing with Section 66314), 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:

- (a) 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.
- (b) 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.
- (c) 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:
  - (1) 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.
  - (2) A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this article.
- (d) Require a permitted junior accessory dwelling unit to be constructed within the walls of the proposed or existing single-family residence. For purposes of this subdivision, enclosed uses within the residence, such as attached garages, are considered a part of the proposed or existing single-family residence.
- (e) (1) Require a permitted junior accessory dwelling unit to include a separate entrance from the main entrance to the proposed or existing single-family residence.
  - (2) If a permitted junior accessory dwelling unit does not include a separate bathroom, the permitted junior accessory dwelling unit shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.
- (f) Require the permitted junior accessory dwelling unit to include an efficiency kitchen, which shall include all of the following:
  - (1) A cooking facility with appliances.
  - (2) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

*(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)*

**66334.** (a) A junior accessory dwelling unit ordinance adopted pursuant to Section 66333 shall not require additional parking as a condition to grant a permit.

(b) This article shall not be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to determine if the junior accessory dwelling unit complies with applicable building standards.

*(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)*

**66335.** (a) (1) An application for a permit pursuant to this article 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.

(2) The permitting agency shall either approve or deny the application to create or serve 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.

(3) If the permit application to create or serve a junior accessory dwelling unit is submitted with a permit application to create or serve a new single-family dwelling on the lot, the permitting agency may delay approving or denying the permit application for the junior accessory dwelling unit until the permitting agency approves or denies the permit application to create or serve the new single-family dwelling, but the application to create or serve the junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing.

(4) If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay.

(b) If a permitting agency denies an application for a junior accessory dwelling unit pursuant to subdivision (a), the permitting agency shall, within the time period described in subdivision (a), return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

(c) 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 article.

*(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)*

**66336.** A local agency shall not deny an application for a permit to create a junior accessory dwelling unit pursuant to this article due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and that are not affected by the construction of the junior accessory dwelling unit.

*(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)*

**66337.** (a) For 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.

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

*(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)*

**66338.** (a) For 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.

(b) This section shall not be construed to prohibit a local agency from adopting an ordinance or regulation related to 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.

*(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)*

**66339.** If a local agency has not adopted a local ordinance pursuant to this article, the local agency shall ministerially approve a permit to construct a junior accessory dwelling unit that satisfies the requirements set forth in paragraph (1) of subdivision (a) of Section 66323 and the requirements of this article.

*(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)*

**ARTICLE 4. Accessory Dwelling Unit Sales [66340 - 66342]** ( Article 4 added by Stats. 2024, Ch. 7, Sec. 20. )

**66340.** For purposes of this article:

(a) "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.

(b) "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.

*(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)*

**66341.** A local agency shall 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:

(a) The accessory dwelling unit or the primary dwelling was built or developed by a qualified nonprofit corporation.

(b) 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.

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

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

(2) A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the accessory dwelling unit or primary dwelling if the buyer desires to sell or convey the property.

(3) A requirement that the qualified buyer occupy the accessory dwelling unit or primary dwelling as the buyer's principal residence.

(4) Affordability restrictions on the sale and conveyance of the accessory dwelling unit or primary dwelling that ensure the accessory dwelling unit and primary dwelling 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.

(5) If the tenancy in common agreement is recorded after December 31, 2021, it shall also include all of the following:

(A) Delineation of all areas of the property that are for the exclusive use of a cotenant. Each cotenant shall agree not to claim a right of occupancy to an area delineated for the exclusive use of another cotenant, provided that the latter cotenant's obligations to each of the other cotenants have been satisfied.

(B) Delineation of each cotenant's responsibility for the costs of taxes, insurance, utilities, general maintenance and repair, improvements, and any other costs, obligations, or liabilities associated with the property. This delineation shall only be binding on the parties

to the agreement, and shall not supersede or obviate the liability, whether joint and several or otherwise, of the parties for any cost, obligation, or liability associated with the property where such liability is otherwise established by law or by agreement with a third party.

(C) Procedures for dispute resolution among the parties before resorting to legal action.

(d) 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.

(e) Notwithstanding Section 66324, 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.

(f) Nothing in this section limits the ability of an accessory dwelling unit to be sold or otherwise conveyed separate from the primary residence as a condominium pursuant to an ordinance adopted under Section 66342.

*(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)*

**66342.** In addition to the requirement that a local agency allow the separate sale or conveyance of an accessory dwelling unit pursuant to Section 66341, a local agency may also adopt a local ordinance to allow the separate conveyance of the primary dwelling unit and accessory dwelling unit or units as condominiums. Any such ordinance shall include all of the following requirements:

(a) The condominiums shall be created pursuant to the Davis-Stirling Common Interest Development Act (Part 5 (commencing with Section 4000) of Division 4 of the Civil Code).

(b) The condominiums shall be created in conformance with all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410)) and all objective requirements of a local subdivision ordinance.

(c) Before recordation of the condominium plan, a safety inspection of the accessory dwelling unit shall be conducted as evidenced either through a certificate of occupancy from the local agency or a housing quality standards report from a building inspector certified by the United States Department of Housing and Urban Development.

(d) (1) Neither a subdivision map nor a condominium plan shall be recorded with the county recorder in the county where the real property is located without each lienholder's consent. The following shall apply to the consent of a lienholder:

(A) A lienholder may refuse to give consent.

(B) A lienholder may consent provided that any terms and conditions required by the lienholder are satisfied.

(2) Prior to recordation of the initial or any subsequent modifications to the condominium plan, written evidence of the lienholder's consent shall be provided to the county recorder along with a signed statement from each lienholder that states as follows:

"(Name of lienholder) hereby consents to the recording of this condominium plan in their sole and absolute discretion and the borrower has or will satisfy any additional terms and conditions the lienholder may have."

(3) The lienholder's consent shall be included on the condominium plan or a separate form attached to the condominium plan that includes the following information:

(A) The lienholder's signature.

(B) The name of the record owner or ground lessee.

(C) The legal description of the real property.

(D) The identities of all parties with an interest in the real property as reflected in the real property records.

(E) The lienholder's consent shall be recorded in the office of the county recorder of the county in which the real property is located.

(e) The local agency shall include the following notice to consumers on any accessory dwelling or junior accessory dwelling unit submittal checklist or public information issued describing requirements and permitting for accessory dwelling units, including as standard condition of any accessory dwelling unit building permit or condominium plan approval:

"NOTICE: If you are considering establishing your primary dwelling unit and accessory dwelling unit as a condominium, please ensure that your building permitting agency allows this practice. If you decide to establish your primary dwelling unit and accessory dwelling unit as a condominium, your condominium plan or any future modifications to the condominium plan must be recorded with the County Recorder. Prior to recordation or modification of your subdivision map and condominium plan, any lienholder with a lien on your title must provide a form of written consent either on the condominium plan, or on the lienholder's consent form attached to the condominium plan, with text that clearly states that the lender approves recordation of the condominium plan and that you have satisfied their terms and conditions, if any.

In order to secure lender consent, you may be required to follow additional lender requirements, which may include, but are not limited to, one or more of the following:

(a) Paying off your current lender.

You may pay off your mortgage and any liens through a refinance or a new loan. Be aware that refinancing or using a new loan may result in changes to your interest rate or tax basis. Also, be aware that any subsequent modification to your subdivision map or condominium plan must also be consented to by your lender, which consent may be denied.

(b) Securing your lender's approval of a modification to their loan collateral due to the change of your current property legal description into one or more condominium parcels.

(c) Securing your lender's consent to the details of any construction loan or ground lease.

This may include a copy of the improvement contract entered in good faith with a licensed contractor, evidence that the record owner or ground lessee has the funds to complete the work, and a signed statement made by the record owner or ground lessor that the information in the consent above is true and correct."

(f) If an accessory dwelling unit is established as a condominium, the local government shall require the homeowner to notify providers of utilities, including water, sewer, gas, and electricity, of the condominium creation and separate conveyance.

(g) (1) The owner of a property or a separate interest within an existing planned development that has an existing association, as defined in Section 4080 of the Civil Code, shall not record a condominium plan to create a common interest development under Section 4100 of the Civil Code without the express written authorization by the existing association.

(2) For purposes of this subdivision, written authorization by the existing association means approval by the board at a duly noticed board meeting, as defined in Section 4090 of the Civil Code, and if needed pursuant to the existing association's governing documents, membership approval of the existing association.



(h) An accessory dwelling unit shall be sold or otherwise conveyed separate from the primary residence only under the conditions outlined in this paragraph or pursuant to this article.

*(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)*