



Lori Droste
Berkeley City Councilmember, District 8

Consent Calendar
January 29, 2019

To: Honorable Mayor and Members of the City Council
From: Councilmembers Lori Droste and Ben Bartlett
Subject: Support for AB 68 (Accessory Dwelling Units)

Recommendation:

That the Berkeley City Council send a letter supporting AB 68, Accessory Dwelling Units, authored by Assemblymember Phil Ting which seeks to streamline Accessory Dwelling Units, also known as granny flats or in-law units, in order to encourage new housing units across the state.

Financial Implications:

None.

Background:

Over the past several years, the City of Berkeley has taken several steps to streamline the process of building ADUs.

AB 68 would further streamline the ADU building process by:

- Requiring permits to be issued in 60 days, rather than the 120 days in existing law;
- Prohibiting a local ordinance that applies lot coverage, lot size, or floor area ratio requirements to ADUs;
- Eliminating the requirement that off-street parking spaces be replaced if a garage is converted to an ADU;
- Specifying that local agencies requiring Owner-Occupancy for the primary unit must exempt trust and non-profit "owners" providing for lower income, senior, or disabled residents;
- Prohibiting local agencies from requiring that existing zoning nonconforming conditions be corrected as part of the ministerial approval process; and
- Prohibiting ministerially-approved ADUs from being used as short-term rentals.
- Allowing ministerial approval for:
 - Both a JADU and an ADU within an existing space
 - An ADU that is new construction of up to 800 sq. ft. and no taller than 16 ft.
 - ADUs in multi-family building areas not currently used as livable space

ADUs, also referred to as secondary units, in-law suites, or granny flats, are smaller, independent units on the same lot as a single or multi family home. Studies show that ADUs cost less to both build and rent, making them an affordable and eco-friendly source of new housing. For example, utilities cost less for those living in ADUs due to greater energy efficiency. ADUs utilize existing space on lots and maximize land use to minimize impacts on growing communities. The smaller size of ADUs allows them to be built faster and be on the market sooner. Residents will have greater choice in where they want to live as ADUs present more affordable options in neighborhoods.

Recent state efforts to incentivize the construction of ADUs have resulted in more communities and families building ADUs as a cost efficient way to address the affordable housing crisis. By further streamlining the construction process, this legislation will help add thousands of new units to California's housing stock.

Environmental Sustainability: No impact

Contact Person:

Councilmember Lori Droste Council District 8 510-981-7180

Attachment 1: Draft Letter of Support

December 20, 2018

The Honorable Assemblymember Phil Ting
California State Assembly
State Capitol
P.O. Box 942849
Sacramento, CA 94249

RE: Assembly Bill 68 (Ting) – Accessory Dwelling Units - Streamlining - SUPPORT

Dear Assemblymember Ting,

Berkeley City Council is pleased to support AB 68, which will help address California's housing crisis by easing barriers to the construction of accessory dwelling units (ADUs). Over the past several years, the City of Berkeley has taken several steps to streamline the process of building ADUs and this bill further those goals.

ADUs, also referred to as secondary units, in-law suites, or granny flats, are smaller, independent units on the same lot as a single or multi family home. Studies show that ADUs cost less to both build and rent, making them an affordable and eco-friendly source of new housing. For example, utilities cost less for those living in ADUs due to greater energy efficiency. ADUs utilize existing space on lots and maximize land use to minimize impacts on

growing communities. The smaller size of ADUs allows them to be built faster and be on the market sooner. Residents will have greater choice in where they want to live as ADUs present more affordable options in neighborhoods.

Recent state efforts to incentivize the construction of ADUs have resulted in more communities and families building ADUs as a cost efficient way to address the affordable housing crisis. By further streamlining the construction process, this legislation will help add thousands of new units to California's housing stock. For these reasons and more, Berkeley City Council is proud to support AB 68.

Sincerely,
Berkeley City Council

CC: Assemblymember Buffy Wicks
Senator Nancy Skinner

ASSEMBLY BILL

No. 68

Introduced by Assembly Member Ting
(Coauthor: Assembly Member Gloria)
(Coauthors: Senators Skinner and Wiener)

December 3, 2018

An act to amend Sections 65852.2 and 65852.22 of the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 68, as introduced, Ting. Land use: accessory dwelling units.

The Planning and Zoning Law authorizes a local agency to provide, by ordinance, for the creation of accessory dwelling units in single-family and multifamily residential zones and sets forth required ordinance standards, including, among others, maximum unit size, parking, and height standards.

This bill would prohibit an ordinance from imposing requirements on minimum lot size, lot coverage, or floor area ratio, and would prohibit an ordinance from establishing size requirements for accessory dwelling units that do not permit at least an 800 square foot unit of at least 16 feet in height to be constructed.

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

This bill would instead require a local agency to ministerially approve or deny a permit application for the creation of an accessory dwelling unit permit within 60 days of receipt.

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Existing law requires ministerial approval of a permit to create one accessory dwelling unit within a single-family dwelling, subject to specified conditions and requirements.

This bill would require ministerial approval of an application for a permit to create one or more accessory dwelling units or junior accessory dwelling units on a single-family dwelling or multifamily dwelling, subject to specified conditions and requirements.

Existing law authorizes a local agency ordinance for accessory dwelling units to require that a permit applicant be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

This bill would provide that, if a local agency imposes an owner-occupancy restriction, the monitoring for compliance shall not be more frequent than annually and be based on specified published documents. The bill would describe owner-occupant for purposes of that requirement.

Existing law authorizes a local agency to adopt an ordinance providing for the creation of junior accessory dwelling units in single-family residential zones, and requires a local agency to ministerially approve or deny an application for a junior accessory dwelling unit within 120 days of submission of the application.

This bill would instead require a local agency to ministerially approve or deny an application for a junior accessory dwelling unit within 60 days of submission of the application. The bill would require a local agency that has not adopted an ordinance for the creation of junior accessory dwelling units to apply the same standards established by this bill for local agencies with ordinances.

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

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

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 65852.2 of the Government Code is
2 amended to read:
3 65852.2. (a) (1) A local agency may, by ordinance, provide
4 for the creation of accessory dwelling units in areas zoned to allow

1 single-family or multifamily use. The ordinance shall do all of the
2 following:

3 (A) Designate areas within the jurisdiction of the local agency
4 where accessory dwelling units may be permitted. The designation
5 of areas may be based on criteria that may include, but are not
6 limited to, the adequacy of water and sewer services and the impact
7 of accessory dwelling units on traffic flow and public safety.

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

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

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

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

25 (i) The unit may be rented separate from the primary residence,
26 ~~but~~ *but* may not be sold or otherwise conveyed separate from the
27 primary residence.

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

30 (iii) The accessory dwelling unit is ~~either~~ attached or located
31 within the living area of the proposed or existing primary ~~dwelling~~
32 *dwelling, attached or located within an accessory structure,* or
33 detached from the proposed or existing primary dwelling and
34 located on the same lot as the proposed or existing primary
35 dwelling.

36 (iv) The total *floor area-of-floorspace* of an attached accessory
37 dwelling unit shall not exceed 50 percent of the proposed or
38 existing primary dwelling living area or 1,200 square feet.

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

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- 1 (vi) No passageway shall be required in conjunction with the
2 construction of an accessory dwelling unit.
- 3 (vii) No setback shall be required for an existing ~~garage living~~
4 *area or accessory structure or a structure constructed in the same*
5 *location and to the same dimensions as an existing structure* that
6 is converted to an accessory dwelling unit or to a portion of an
7 accessory dwelling unit, and a setback of no more than ~~five~~ *four*
8 feet from the side and rear lot lines shall be required for an
9 accessory dwelling unit that is ~~constructed above a garage.~~ *not*
10 *converted from an existing structure or a new structure constructed*
11 *in the same location and to the same dimensions as an existing*
12 *structure.*
- 13 (viii) Local building code requirements that apply to detached
14 dwellings, as appropriate.
- 15 (ix) Approval by the local health officer where a private sewage
16 disposal system is being used, if required.
- 17 (x) (I) Parking requirements for accessory dwelling units shall
18 not exceed one parking space per unit or per bedroom, whichever
19 is less. These spaces may be provided as tandem parking on a
20 driveway.
- 21 (II) Offstreet parking shall be permitted in setback areas in
22 locations determined by the local agency or through tandem
23 parking, unless specific findings are made that parking in setback
24 areas or tandem parking is not feasible based upon specific site or
25 regional topographical or fire and life safety conditions.
- 26 (III) This clause shall not apply to a unit that is described in
27 subdivision (d).
- 28 (xi) When a garage, carport, or covered parking structure is
29 demolished in conjunction with the construction of an accessory
30 dwelling unit or converted to an accessory dwelling unit, ~~and the~~
31 ~~local agency requires that those offstreet parking spaces be~~
32 ~~replaced, the replacement spaces may be located in any~~
33 ~~configuration on the same lot as the accessory dwelling unit,~~
34 ~~including, but not limited to, as covered spaces, uncovered spaces,~~
35 ~~or tandem spaces, or by the use of mechanical automobile parking~~
36 ~~lifts. This clause shall not apply to a unit that is described in~~
37 ~~subdivision (d).~~ *shall not require that those offstreet parking spaces*
38 *be replaced.*
- 39 (2) The ordinance shall not be considered in the application of
40 any local ordinance, policy, or program to limit residential growth.

1 (3) ~~When a local agency receives its first application on or after~~
2 ~~July 1, 2003, for a permit pursuant to this subdivision, the~~ *A permit*
3 ~~application shall be considered ministerially without discretionary~~
4 ~~review or a hearing, notwithstanding Section 65901 or 65906 or~~
5 ~~any local ordinance regulating the issuance of variances or special~~
6 ~~use permits, within ~~120~~ 60 days after receiving the application. A~~
7 ~~local agency may charge a fee to reimburse it for costs that it incurs~~
8 ~~as a result of amendments to this paragraph enacted during the~~
9 ~~2001–02 Regular Session of the Legislature, including the costs~~
10 ~~of adopting or amending any ordinance that provides for the~~
11 ~~creation of an accessory dwelling unit.~~

12 (4) An existing ordinance governing the creation of an accessory
13 dwelling unit by a local agency or an accessory dwelling ordinance
14 adopted by a local agency ~~subsequent to the effective date of the~~
15 ~~act adding this paragraph~~ *after January 1, 2017*, shall provide an
16 approval process that includes only ministerial provisions for the
17 approval of accessory dwelling units and shall not include any
18 discretionary processes, provisions, or requirements for those units,
19 except as otherwise provided in this subdivision. ~~In the event that~~
20 ~~If~~ a local agency has an existing accessory dwelling unit ordinance
21 that fails to meet *one or more of* the requirements of this
22 subdivision, that ordinance shall be null and void ~~upon the effective~~
23 ~~date of the act adding this paragraph~~ *to the extent of such conflict*
24 *on January 1, 2017*, and that agency shall thereafter apply the
25 *applicable standards or* standards established in this subdivision
26 for the approval of accessory dwelling units, unless and until the
27 agency ~~adopts an~~ *amends its* ordinance ~~that complies to comply~~
28 with this section.

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

32 (6) This subdivision establishes the maximum standards that
33 local agencies shall use to evaluate a proposed accessory dwelling
34 unit on a lot zoned for residential use that includes a proposed or
35 existing single-family dwelling. No additional standards, other
36 than those provided in this subdivision, shall be ~~utilized~~ *used* or
37 imposed, except that a local agency may require an applicant for
38 a permit issued pursuant to this subdivision to be an
39 owner-occupant or that the property be used for rentals of terms
40 longer than 30 days. *If an ordinance imposes an owner-occupancy*

1 restriction, this restriction shall not be monitored more frequently
 2 than annually based on published public documents that evidence
 3 residency, including, but not limited to, a driver's license, school
 4 registration, or a voter registration document. For purposes of
 5 this requirement, an owner-occupant shall include any of the
 6 following:

7 (A) An owner of the lot who occupies the primary dwelling or
 8 the accessory dwelling unit.

9 (B) A trust in which ownership of the lot is placed if at least one
 10 beneficiary of the trust occupies the primary dwelling or the
 11 accessory dwelling unit.

12 (C) An organization that owns the lot in order to provide
 13 long-term, deed-restricted affordable housing that is subject to a
 14 regulatory agreement with a local agency.

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

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

27 (b) When a local agency that has not adopted an ordinance
 28 governing accessory dwelling units in accordance with subdivision
 29 (a) receives an application for a permit to create an accessory
 30 dwelling unit pursuant to this subdivision, the local agency shall
 31 approve or disapprove the application ministerially without
 32 discretionary review pursuant to subdivision (a) within ~~120~~ 60
 33 days after receiving the application.

34 (c) A local agency may establish minimum and maximum unit
 35 size requirements for both attached and detached accessory
 36 dwelling units. No minimum or maximum size for an accessory
 37 dwelling unit, or size based upon a percentage of the proposed or
 38 existing primary dwelling, shall be established by ordinance for
 39 either attached or detached dwellings that does not permit at least
 40 an ~~efficiency unit~~ 800 square feet accessory dwelling unit that is

1 *at least 16 feet in height* to be constructed in compliance with local
2 development standards. Accessory dwelling units shall not be
3 required to provide fire sprinklers if they are not required for the
4 primary residence.

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

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

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

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

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

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

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

34 (A) *One accessory dwelling unit and one junior accessory*
35 *dwelling unit per lot with a single-family dwelling if all of the*
36 *following apply:*

37 (i) *The accessory dwelling unit or junior accessory dwelling*
38 *unit is substantially within the existing space of a single-family*
39 *dwelling or accessory structure, including, but not limited to,*

- 1 *reconstruction of an existing space with substantially the same*
2 *physical dimensions as the existing accessory structure.*
- 3 *(ii) The space has exterior access from the existing single-family*
4 *dwelling.*
- 5 *(iii) The side and rear setbacks are sufficient for fire and safety.*
- 6 *(iv) The junior accessory dwelling unit complies with the*
7 *requirements of Section 65852.22.*
- 8 *(B) One detached, new construction, single-story accessory*
9 *dwelling unit that does not exceed four-foot side and rear yard*
10 *setbacks for a lot with a single-family dwelling. The accessory*
11 *dwelling unit may be combined with a junior accessory dwelling*
12 *unit described in subparagraph (A). A local agency may impose*
13 *the following conditions on the accessory dwelling unit:*
- 14 *(i) A total floor area limitation of not more than 800 square*
15 *feet.*
- 16 *(ii) A height limitation of 16 feet.*
- 17 *(C) Multiple accessory dwelling units within the portions of*
18 *existing multifamily dwelling structures that are not used as livable*
19 *space, including, but not limited to, storage rooms, boiler rooms,*
20 *passageways, attics, or garages, if each unit complies with state*
21 *building standards for dwellings.*
- 22 *(D) Not more than two accessory dwelling units that are located*
23 *on a lot that has an existing multifamily dwelling, but are detached*
24 *from that multifamily dwelling and are subject to a height limit of*
25 *16 feet and four-foot rear yard and side setbacks.*
- 26 *(2) A local agency shall not require, as a condition for*
27 *ministerial approval, the correction of nonconforming zoning*
28 *conditions.*
- 29 *(3) The installation of fire sprinklers shall not be required in*
30 *an accessory dwelling unit if sprinklers are not required for the*
31 *primary residence.*
- 32 *(4) A local agency may require owner occupancy for either the*
33 *primary dwelling or the accessory dwelling unit on a single-family*
34 *lot, subject to the requirements of paragraph (6) of subdivision*
35 *(a).*
- 36 *(5) A local agency shall require that a rental of the accessory*
37 *dwelling unit created pursuant to this subdivision be for a term*
38 *longer than 30 days.*
- 39 *(6) Subparagraphs (C) and (D) of paragraph (1) shall not apply*
40 *to a local agency that has adopted an ordinance by July 1, 2018,*

1 *providing for the approval of accessory dwelling units in*
2 *multifamily dwelling structures.*

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

7 (2) Accessory dwelling units shall not be considered by a local
8 agency, special district, or water corporation to be a new residential
9 use for the purposes of calculating connection fees or capacity
10 charges for utilities, including water and sewer service.

11 (A) For an accessory dwelling unit described in *subparagraph*
12 *(A) of paragraph (1) of subdivision (e)*, a local agency, special
13 district, or water corporation shall not require the applicant to
14 install a new or separate utility connection directly between the
15 accessory dwelling unit and the utility or impose a related
16 connection fee or capacity charge.

17 (B) For an accessory dwelling unit that is not described in
18 *subparagraph (A) of paragraph (1) of subdivision (e)*, a local
19 agency, special district, or water corporation may require a new
20 or separate utility connection directly between the accessory
21 dwelling unit and the utility. Consistent with Section 66013, the
22 connection may be subject to a connection fee or capacity charge
23 that shall be proportionate to the burden of the proposed accessory
24 dwelling unit, based upon either its size or the number of its
25 plumbing fixtures, upon the water or sewer system. This fee or
26 charge shall not exceed the reasonable cost of providing this
27 service.

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

31 ~~Local agencies~~ *A local agency* shall submit a copy of the
32 ordinance adopted pursuant to subdivision (a) to the Department
33 of Housing and Community Development within 60 days after
34 adoption. The department may review and comment on this
35 submitted ordinance.

36 (i) As used in this section, the following terms ~~mean~~ *apply*:

37 (1) ~~“Living area” means the interior habitable area of a dwelling~~
38 ~~unit including basements and attics but does not include a garage~~
39 ~~or any accessory structure.~~

- 1 ~~(2) “Local agency” means a city, county, or city and county,~~
2 ~~whether general law or chartered.~~
- 3 ~~(3) For purposes of this section, “neighborhood” has the same~~
4 ~~meaning as set forth in Section 65589.5.~~
- 5 ~~(4)~~
- 6 (1) “Accessory dwelling unit” means an attached or a detached
7 residential dwelling unit ~~which~~ *that* provides complete independent
8 living facilities for one or more persons. It shall include permanent
9 provisions for living, sleeping, eating, cooking, and sanitation on
10 the same parcel as the single-family dwelling is situated. An
11 accessory dwelling unit also includes the following:
- 12 (A) An efficiency unit, as defined in Section 17958.1 of the
13 Health and Safety Code.
- 14 (B) A manufactured home, as defined in Section 18007 of the
15 Health and Safety Code.
- 16 (2) “Accessory structure” *means an existing, fixed structure,*
17 *including, but not limited to, a garage, studio, pool house, or other*
18 *similar structure.*
- 19 (3) “Living area” *means the interior habitable area of a*
20 *dwelling unit, including basements and attics but does not include*
21 *a garage or any accessory structure.*
- 22 (4) “Local agency” *means a city, county, or city and county,*
23 *whether general law or chartered.*
- 24 (5) “Nonconforming zoning condition” *means a physical*
25 *improvement on a property that does not conform with current*
26 *zoning standards.*
- 27 ~~(5)~~
- 28 (6) “Passageway” means a pathway that is unobstructed clear
29 to the sky and extends from a street to one entrance of the accessory
30 dwelling unit.
- 31 ~~(6)~~
- 32 (7) “Tandem parking” means that two or more automobiles are
33 parked on a driveway or in any other location on a lot, lined up
34 behind one another.
- 35 (j) Nothing in this section shall be construed to supersede or in
36 any way alter or lessen the effect or application of the California
37 Coastal Act of 1976 (Division 20 (commencing with Section
38 30000) of the Public Resources Code), except that the local
39 government shall not be required to hold public hearings for coastal
40 development permit applications for accessory dwelling units.

1 SEC. 2. Section 65852.22 of the Government Code is amended
2 to read:

3 65852.22. (a) Notwithstanding Section 65852.2, a local agency
4 may, by ordinance, provide for the creation of junior accessory
5 dwelling units in single-family residential zones. The ordinance
6 may require a permit to be obtained for the creation of a junior
7 accessory dwelling unit, and shall do all of the following:

8 (1) Limit the number of junior accessory dwelling units to one
9 per residential lot zoned for single-family residences with a
10 single-family residence already built on the lot.

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

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

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

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

26 (4) Require a permitted junior accessory dwelling unit to be
27 constructed within the existing walls of the structure, and require
28 the inclusion of an existing bedroom.

29 (5) Require a permitted junior accessory dwelling to include a
30 separate entrance from the main entrance to the structure, with an
31 interior entry to the main living area. A permitted junior accessory
32 dwelling may include a second interior doorway for sound
33 attenuation.

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

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

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

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

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

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

11 (c) An application for a permit pursuant to this section shall,
12 notwithstanding Section 65901 or 65906 or any local ordinance
13 regulating the issuance of variances or special use permits, be
14 considered ministerially, without discretionary review or a hearing.
15 A permit shall be issued within ~~120~~ *60* days of submission of an
16 application for a permit pursuant to this section. A local agency
17 may charge a fee to reimburse the local agency for costs incurred
18 in connection with the issuance of a permit pursuant to this section.

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

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

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

39 (g) *If a local agency has not adopted a local ordinance pursuant*
40 *to this section, the local agency shall ministerially approve a permit*

1 *to construct a junior accessory dwelling unit that satisfies the*
2 *requirements set forth in subparagraph (A) of paragraph (1) of*
3 *subdivision (e) of Section 65852.2 and the requirements of this*
4 *section.*

5 ~~(g)~~

6 (h) For purposes of this section, the following terms have the
7 following meanings:

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

13 (2) “Local agency” means a city, county, or city and county,
14 whether general law or chartered.

15 SEC. 3. No reimbursement is required by this act pursuant to
16 Section 6 of Article XIII B of the California Constitution because
17 a local agency or school district has the authority to levy service
18 charges, fees, or assessments sufficient to pay for the program or
19 level of service mandated by this act, within the meaning of Section
20 17556 of the Government Code.

AB 68

ADU Streamlining

Assemblymember
Phil Ting
19TH DISTRICT



SUMMARY

Accessory dwelling units (ADUs) have surged in popularity as a way to address California's housing crisis as demand outpaces supply. AB 68 will remove remaining barriers to the widespread adoption of ADUs as low-cost, energy efficient, affordable housing that can go from policy to permit in 12 months.

BACKGROUND

ADUs, also referred to as secondary units, in-law suites, or granny flats, are smaller, independent units on the same lot as a single or multi family home. Junior accessory dwelling units (JADUs) are units that are no more than 500 square feet and are contained entirely within an existing room, with an efficiency kitchen and a private or shared bathroom.

California is in a housing crisis. Currently, the ability to create additional small housing on a homeowner's property can be delayed for months, or stopped all together, due to zoning requirements that are not directly related to the health and safety of the unit's occupiers.

ADUs and JADUs represent forms of housing production that can be rapidly increased without significant change to state laws. These dwellings provide affordable housing options by maximizing existing space on lots. However, many homeowners encounter land use and permitting obstacles when planning to build ADUs, and thus end up building illegal units that may be unsafe.

A University of California, Berkeley Turner Center for Housing Innovation report (ADU Update: Early Lessons and Impacts of California's State and Local Policy Changes) documented that despite numerous ADU laws enacted in California in the past few years, many cities and counties continue to unevenly impose barriers that prevent ADU development.

By removing remaining barriers to building, while keeping health and safety in mind, we can allow for the non-discriminatory building of ADUs and JADUs throughout the State of California.

THIS BILL

AB 68 will create more housing in California by:

- Requiring permits to be issued in 60 days, rather than the 120 days in existing law;
- Prohibiting a local ordinance that applies lot coverage, lot size, or floor area ratio requirements to ADUs;
- Eliminating the requirement that offstreet parking spaces be replaced if a garage is converted to an ADU;
- Specifying that local agencies requiring Owner-Occupancy for the primary unit must exempt trust and non-profit "owners" providing for lower income, senior, or disabled residents;
- Allowing ministerial approval for:
 - Both a JADU and an ADU within an existing space
 - An ADU that is new construction of up to 800 sq. ft. and no taller than 16 ft.
 - ADUs in multi-family building areas not currently used as livable space;
- Prohibiting local agencies from requiring that existing zoning nonconforming conditions be corrected as part of the ministerial approval process; and
- Prohibiting ministerially-approved ADUs from being used as short-term rentals.

SUPPORT

Bay Area Council

Non-Profit Housing Association of Northern CA

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