CITY OF RIVERSIDE

Planning Commission Memorandum

Community & Economic Development Department **Planning Division**
3900 Main Street, Riverside, CA 92522 | Phone: (951) 826-5371 | RiversideCA.gov

PLANNING COMMISSION HEARING DATE: MARCH 5, 2020

AGENDA ITEM NO.: 5

PROPOSED PROJECT

Case Numbers	**P20-0068** (Zoning Code Amendment)
Request	To consider the following amendments to the Zoning Code (Title 19 of the Riverside Municipal Code): **PART A – ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS** 1. Chapter 19.080 – Nonconformities; 2. Chapter 19.150 – Base Zones Permitted Land Uses; 3. Chapter 19.440 – Accessory Buildings and Structures; 4. Chapter 19.442 – Accessory Dwelling Units and Junior Accessory Dwelling Units; 5. Chapter 19.580 – Parking and Loading; and 6. Chapter 19.910 – Definitions. The proposed amendments are necessary to comply with 2019 State law changes. **PART B – FAMILY DAY CARE HOMES** 1. Chapter 19.100 – Residential Zones (RA-5, RC, RR, RE, R-1-½ ACRE, R-1-13000, R-1-10500, R-1-8500, R-1-7000, R-3-4000, R-3-3000, R-3-2500, R-3-2000, R-3-1500, R-4); 2. Chapter 19.150 – Base Zones Permitted Land Uses; 3. Chapters 19.240, 19.350 and 19.406; 4. Chapter 19.470 Day Care Homes – Family; 5. Chapter 19.580 – Parking and Loading; 6. Chapter 19.640 - General Permit Provisions; 7. Chapter 19.650 – Approving and Appeal Authority; 8. Chapter 19.860 – Day Care Permit – Large Family; and 9. Chapter 19.910 – Definitions. The proposed amendments are necessary to comply with 2019 State law changes to Section 1596.78 of the State Health and Safety Code. **PART C – TINY HOMES AND TINY HOME COMMUNITIES** 1. Chapter 19.100 - Residential Zones (RA-5, RC, RR, RE, R-1-½ ACRE, R-1-13000, R-1-10500, R-1-8500, R-1-7000, R-3-4000, R-3-3000, R-3-2500, R-3-2000, R-3-1500, R-4); 2. Chapter 19.150 – Base Zones Permitted Land Uses; 3. Chapter 19.210 – Mobile Home Park Overlay Zone (MH); 4. Chapter 19.340 – Manufactured Dwellings; 5. Chapter 19.580 – Parking and Loading; 6. Chapter 19.710 – Design Review; 7. Chapter 19.780 – Planned Residential Development Permit; and 8. Chapter 19.910 – Definitions.

	The proposed amendments are necessary to clarify regulations for Tiny Homes and Tiny Home Communities in Riverside as part of the Invest Health Grant received by the City.
Applicant	City of Riverside Community & Economic Development Department 3900 Main Street, 6th Floor Riverside, CA 92522 (951) 826-2372
Project Location	Citywide
Ward	All Wards
Neighborhood	All Neighborhoods
Staff Planner	Matthew Taylor, Associate Planner 951-826-5944 mtaylor@riversideca.gov

RECOMMENDATIONS

Staff recommends that the Planning Commission:

1. **RECOMMEND that the City Council DETERMINE** that Planning Case P20-0068 (Zoning Code Amendment) is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15282(h) of the CEQA Guidelines as amendments to the Municipal Code to implement Sections 65852.1 and 65852.2 of the California Government Code are statutorily exempt from the CEQA; and further determine that the project is exempt from CEQA per CEQA Guidelines Section 15061(b)(3), as it can be seen with certainty that the code amendment does not have the potential to cause a significant effect on the environment (General Rule); and
2. **RECOMMEND APPROVAL** of Planning Case P20-0068 (Zoning Code Amendment) based on the findings attached to this staff report (Exhibit 1).

BACKGROUND

PART A – ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

The State of California has identified an affordable housing shortage as a legislative priority and identified accessory dwelling units (ADUs) and junior ADUs (JADUs) as an opportunity to create low cost housing within existing neighborhoods. Both provide independent living units separate from a primary single-family residence. ADUs and JADUs are typically independent dwelling units that may be rented independent of the primary residence.

On December 12, 2017, the City Council approved the Housing Element Implementation Program, which amended the accessory dwelling units (ADUs) provisions of the Zoning Code to comply with laws enacted in 2016 (AB 2299 and SB 1069). The ADU amendments were one component of the necessary Zoning Code amendment to meet State Housing Element requirements.

In late 2017, the State adopted additional ADU laws (SB 229 and AB 494), which became effective on January 1, 2018. Key elements of the 2017 legislation included:

- Reducing or eliminating parking requirements.
- Clarifying that ADU can be created through the conversion of a garage, carport, or covered parking structure.
- Reducing or eliminating utility connection fees.
- Requiring ministerial approval for ADUs within existing single-family units.

- Requiring ministerial approval for ADUs that comply with specified standards.

On February 19, 2019, City Council approved amendments to the ADU regulations to comply with State law. At that time, the City did not include junior accessory dwelling unit (JADU) regulations and followed State law related to them.

In October 2019, the State amended laws to further eliminate barriers to constructing ADUs and JADUs (Exhibit 2). In addition to the changes adopted in 2017, some additional key elements of the 2019 legislation include:

- Eliminating requirement to bring physical zoning non-conformities into compliance.
- Eliminating owner occupancy requirements for ADUs.
- Requiring owner occupancy for a JADU.
- Allowing both an ADU and JADU on a lot with a primary dwelling.
- Allowing ADUs on lots with multi-family homes (up to 25% in existing structures or 2 detached).
- Eliminating replacement parking requirement if a garage, carport or covered parking is converted to an ADU.
- Eliminating impact fees for ADUs under 750 square feet.

An update to the City's Accessory Dwelling Unit regulations in Title 19 (Zoning) are needed to comply with the State laws.

PART B – FAMILY DAY CARE HOMES

The State Department of Social Services licenses and regulates family daycare homes. Under existing law, a small family daycare home, which provide care for up to 8 children, is considered a residential use for purposes of all local ordinances. Large family daycare homes, which provide care for up to 14 children, could be regulated under local ordinances as a use other than residential.

SB 234 (Exhibit 3), signed by the Governor in September 2019, updates the Health and Safety Code requiring a large family daycare home to be treated as a residential use for purposes of all local ordinances. A small or large family daycare home is considered a residential use by right for the purposes of all local ordinances, including, but not limited to, zoning ordinances. Any regulations on heights, setback, or lot dimensions for small or large family daycare home must mirror those of residential uses in the same zoning designation.

PART C – TINY HOMES AND TINY HOME COMMUNITIES

Tiny homes in the City of Riverside are narrowly defined as smaller homes constructed on a chassis. They are allowed in Tiny Home Communities as accessory uses to an Assemblies of People—Non-Entertainment Use, such as a place of worship or fraternal organization.

With the increasing focus from the State on developing affordable housing, tiny homes provide an opportunity to increase the City's housing options. By distinguishing tiny homes on foundations from those on chassis, the City has an opportunity to increase this type of housing. Tiny homes on foundations would be regulated as any other single family dwelling and tiny homes on a chassis would be regulated as any other mobile home in the City allowing more opportunities for smaller homes in the City.

PROPOSAL

PART A – ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

The proposed amendments to the City's Zoning Code will bring the accessory dwelling unit (ADU) and junior ADU (JADU) regulations into compliance with State requirements and increase housing opportunities.

The proposed amendments to Title 19- Zoning Code (Exhibit 4) related to ADUs and JADUs include the following Chapters:

1. Chapter 19.080 – Nonconformities;
2. Chapter 19.150 – Base Zones Permitted Land Uses;
3. Chapter 19.440 – Accessory Buildings and Structures;
4. Chapter 19.442 – Accessory Dwelling Units and Junior Accessory Dwelling Units;
5. Chapter 19.580 – Parking and Loading; and
6. Chapter 19.910 – Definitions.

PART B – FAMILY DAY CARE HOMES

The proposed amendments to the City's Zoning Code will bring the family daycare home regulations into compliance with State requirements. The amendments to Title 19 – Zoning will remove any regulations related to both small and large family day care homes and clean up language for consistency.

The proposed amendments to Title 19 - Zoning Code (Exhibit 4) related to Family Day Care Homes include the following Chapters:

1. Chapter 19.100 – Residential Zones (RA-5, RC, RR, RE, R-1-½ ACRE, R-1-13000, R-1-10500, R-1-8500, R-1-7000, R-3-4000, R-3-3000, R-3-2500, R-3-2000, R-3-1500, R-4);
2. Chapter 19.150 – Base Zones Permitted Land Uses;
3. Chapters 19.240, 19.350 and 19.405;
4. Chapter 19.470 Day Care Homes – Family;
5. Chapter 19.580 – Parking and Loading;
6. Chapter 19.640 - General Permit Provisions;
7. Chapter 19.650 – Approving and Appeal Authority;
8. Chapter 19.860 – Day Care Permit – Large Family; and
9. Chapter 19.910 – Definitions.

PART C – TINY HOMES AND TINY HOME COMMUNITIES

The proposed amendments to the City's Zoning Code for tiny homes and tiny home communities will distinguish between those on a foundation and those on a chassis. The amendments to Title 19- Zoning would distinguish the regulations for each and clean up the language for consistency.

The proposed amendments to Title 19 - Zoning Code (Exhibit 4) related to Tiny Homes and Tiny Home Communities include the following Chapters:

1. Chapter 19.100 - Residential Zones (RA-5, RC, RR, RE, R-1-½ ACRE, R-1-13000, R-1-10500, R-1-8500, R-1-7000, R-3-4000, R-3-3000, R-3-2500, R-3-2000, R-3-1500, R-4);
2. Chapter 19.150 – Base Zones Permitted Land Uses;
3. Chapter 19.210 – Mobile Home Park Overlay Zone (MH);
4. Chapter 19.340 – Manufactured Dwellings;
5. Chapter 19.580 – Parking and Loading;
6. Chapter 19.710 – Design Review;
7. Chapter 19.780 – Planned Residential Development Permit; and
8. Chapter 19.910 – Definitions.

The following summarizes the changes proposed for each Chapter, summarized for each Part, described above:

CHAPTER 19.080 – NONCONFORMITIES

PART A – ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

Section 19.080.070 provides regulations for the expansion, modification or discontinuance structures and land uses that do not conform with current Zoning Standards. Specific findings must

be made to permit the expansion or modification of a nonconforming residential use, including a finding that the expansion or modification will not increase the number of dwelling units on the lot.

In order to achieve consistency with new State law, an amendment to this Section modifies the required findings to clarify that the number of dwelling units shall not be increased except as allowed by Chapter 19.442 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

CHAPTER 19.100 – RESIDENTIAL ZONES (RA-5, RC, RR, RE, R-1-½ ACRE, R-1-13000, R-1-10500, R-1-8500, R-1-7000, R-3-4000, R-3-3000, R-3-2500, R-3-2000, R-3-1500, R-4)

PART B – FAMILY DAY CARE HOMES

In Section 19.100.030, small and large day care homes are removed as permitted uses in the RA-5 and RC Zones as they are permitted by right under the new State law.

PART C – TINY HOMES AND TINY HOME COMMUNITIES

In Section 19.100.010, in Multiple-Family Residential zones, multiple family residences will be allowed in individual detached buildings, and tiny homes on foundations will be allowed in tiny home communities. The distance between building in a tiny home community, for tiny homes on a foundation, is set at 5 feet. Additionally, typographical errors are cleaned up as part of the amendment.

In Section 19.100.070, the minimum unit size for multiple family residences is eliminated and unit size references the standards of the California Building Code.

CHAPTER 19.150 – BASE ZONES PERMITTED LAND USES

PART A – ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

In the City of Riverside, ADUs are currently allowed as an incidental use to a single-family dwelling in an existing or new primary or accessory structure in the R-E, R-1, R-3, R-4, MU-N, MU-V, and MU-U zones. In the RR, RA-5 and RC districts, ADUs are allowed in an existing single-family residence or existing accessory structure.

Based on the new State law, Staff is proposing an amendment to Title 19 (Zoning) that includes allowing ADUs in all residential zones and mixed-use zones, whether in an existing or proposed structure, for lots with single- or multi-family units. JADUs would also be allowed within the walls of an existing or proposed primary dwelling. The Incidental Use Table (19.150.020B) is updated to reflect this change.

PART B – FAMILY DAY CARE HOMES

The Permitted Use Table (19.150.020A), Incidental Use Table (19.150.020B) and Temporary Uses Table (19.150.020C), and all associated footnotes, are updated to remove small and large day care homes. Family day care homes are permitted by right in all zones that allow residential uses.

PART C – TINY HOMES AND TINY HOME COMMUNITIES

The Permitted Use Table (19.150.020A) is updated to permit manufactured dwellings in the R-3 and R-4 zones. A new use, Tiny Home Community (Foundation), is added as a permitted use in the R-3 and R-4 zones. The Incidental Use Table (19.150.020B) additional standards for tiny home communities references the additional regulations for R-3 and R-4 zones which are also subject to the applicable standards, if developed as an accessory use to Assemblies of People—Non-Entertainment uses.

CHAPTER 19.210 – MOBILE HOME PARK OVERLAY ZONE (MH)

PART C – TINY HOMES AND TINY HOME COMMUNITIES

Section 19.210.020 is amended to allow the Mobile Home Park Overlay Zone as permitted in the Permitted Use Table (19.150.020A) to eliminate potential conflicts. In Table 19.210.040, the density for tiny home communities (chassis), now regulated as a mobile home park, is set at 20 units/acre with the minimum required site area determined by the underlying zone. A maximum size of 400 square feet per unit is established for Tiny Home (chassis) Communities. In Section 19.210.050, fencing and wall requirements for tiny home communities (chassis) are modified.

CHAPTERS 19.240, 19.350 AND 19.405

PART B – FAMILY DAY CARE HOMES

Several Chapters in Article VII are updated to clarify that day care homes are now referred to as family day care home. This includes Chapter 19.240 – Adult-Oriented Businesses, Chapter 19.350 – Parole/Probationer Home and Chapter 19.405 – Tattoo and Body Piercing Parlors. The distance requirements have not been modified when new uses regulated under this Article are proposed.

CHAPTER 19.340 – MANUFACTURED DWELLINGS

PART C – TINY HOMES AND TINY HOME COMMUNITIES

Chapter 19.340 is amended to clarify that manufactured dwellings are allowed in the R-3 and R-4 Zones in addition to single-family zones as currently permitted, as well as within tiny home communities on a foundation.

Section 19.340.040, Development Standards, previously provided that manufactured dwellings in any zone require Design Review approval for architectural elevations and materials. This section is amended to enable the Community & Economic Development Director or his or her designee to administratively approve manufactured dwelling designs.

CHAPTER 19.440 – ACCESSORY BUILDINGS AND STRUCTURES

PART A – ACCESSORY BUILDINGS AND STRUCTURES

Section 19.440.030, Site location, operation and development standards, is amended to clarify that ADUs and JADUs are not subject to the five-foot minimum side and rear yard setback requirement for accessory structures over five feet in height, as ADU and JADU setbacks are regulated by Chapter 19.442 (Accessory Dwelling Units and Junior Accessory Dwelling Units) .

CHAPTER 19.442 – ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

PART A – ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

Chapter 19.442 includes the specific requirements that regulate ADUs in the City of Riverside. The Chapter has been reorganized to include the following sections: General, Location, Setbacks, Unit Size, Number of Units, Owner Occupancy, Height, Parking, Utilities and Impact Fees.

The following provides a summary of the Staff proposed changes to the Zoning Code:

a. General
    a. Requiring rental terms of ADUs or JADUs for over 30 days.
    b. Eliminating any requirements to correct zoning non-conformities related to physical characteristics of the existing or proposed structure.
    c. Restricting sales of ADUs, with the exception of those developed by a qualified

non-profit organization.
   d. Excluding ADUs and JADUs from the calculation of total lot coverage.
   e. Eliminating minimum lot size requirements.
   f. Exempting ADUs and JADUs from the requirements of the RP – Residential Protection Overlay Zone.

b. Location
   a. ADUs may be detached from a primary single-family residence, attached to a single-family residence, or contained wholly within a single-family residence.
   b. JADUs must be contained within the walls of the proposed or existing primary dwelling.

c. Setbacks
   a. No setback requirements for existing structures.
   b. 4-foot side and rear yard setbacks for new ADU construction.

d. Unit Size
   a. If there is an existing primary dwelling on the lot, the total floor space of an attached ADU shall not exceed 50 percent of the existing primary dwelling living area.
   b. The total floor space of any detached ADU shall not exceed 1,200 square feet.
   c. JADUs shall not exceed 500 square feet.

e. Number of Units
   a. The number of dwellings permitted on a single lot in any single-family residential zone shall be limited to the primary dwelling, one ADU and one JADU.
   b. For existing Multi-family structures:
      i. ADUs can include conversion of storage rooms, boiler rooms, passageways, attics, basements or garages provided the ADU complies with building standards for dwellings.
      ii. At least one (1) ADU, but no more than 25% of the existing number of multi-family dwellings on the same lot.
   c. For new Multi-family structures, no more than two new detached (2) ADUs on the same lot.

f. Owner Occupancy
   a. A primary dwelling and ADU are allowed on a single lot – neither of which has to be owner occupied.
   b. On a single lot, one JADU is allowed if the primary dwelling or JADU is owner-occupied.

g. Height
   a. No changes proposed.
   b. Must comply with the underlying zone.

h. Parking
   a. No parking is required for an ADU or JADU.
   b. No replacement parking is required if a garage, carport or covered parking is converted to an ADU.

i. Utilities – Clean up changes clarify the location of ADUs and compliance with County Health if private sewage system is used.

j. Impact Fees - No impact fees shall be applied to ADUs under 750 square feet.

CHAPTER 19.470 DAY CARE HOMES – FAMILY

PART B – FAMILY DAY CARE HOMES

Chapter 19.470 has been removed in its entirety. Title 19 refers to the State Law, in the definition for "Family Day Care Homes", for applicable regulations. Family day care homes are regulated as residential uses in zones where residential uses are allowed.

CHAPTER 19.580 – PARKING AND LOADING

PART A – ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

The Zoning Code currently requires replacement parking for the primary dwelling if a garage, carport or covered parking is demolished or converted to an ADU. No parking is required for the ADU.

Based on the new State law, staff proposed no replacement parking be required when a garage, carport or covered parking is demolished. No parking would be required for the ADU or JADU. Chapter 19.580, Table 19.580.060 is updated to reflect these changes.

PART B – FAMILY DAY CARE HOMES

Chapter 19.580, Table 19.580.060 is updated to clarify that Day Care Facilities do not include family day care homes when determining parking requirements. Family Day Care Homes are removed from the Table and are regulated as residential uses.

PART C – TINY HOMES AND TINY HOME COMMUNITIES

Table 19.580.060, Required Spaces, is amended to assign a minimum parking requirement of one space per unit for tiny home communities on a foundation.

CHAPTER 19.640 - GENERAL PERMIT PROVISIONS

PART B – FAMILY DAY CARE HOMES

Under Section 19.640.040 – Discretionary permits and actions, Day Care Permit – Large Family is removed as permits are not required.

CHAPTER 19.650 – APPROVING AND APPEAL AUTHORITY

PART B – FAMILY DAY CARE HOMES

In Table 19.650.020, Day Care Large Family Home – Permit is removed as a use approved by the Community & Economic Development Director. The use is allowed by right in zones where residential uses are allowed.

CHAPTER 19.710 – DESIGN REVIEW

PART C – TINY HOMES AND TINY HOME COMMUNITIES

Section 19.710.020, Applicability, is amended to remove construction or placement of a manufactured dwelling from the activities requiring Design Review approval.

CHAPTER 19.780 – PLANNED RESIDENTIAL DEVELOPMENT PERMIT

PART C – TINY HOMES AND TINY HOME COMMUNITIES

Section 19.780.040, Permitted Uses, is amended to allow tiny homes on foundations within a tiny home community in Planned Residential Developments, except in the RC – Residential Conservation Zone.

CHAPTER 19.860 – DAY CARE PERMIT – LARGE FAMILY

PART B – FAMILY DAY CARE HOMES

Chapter 19.860 is removed in its entirety. No application is required for the use which is allowed by right.

CHAPTER 19.910 – DEFINITIONS

PART A – ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

Staff is proposing to amend the "Dwelling Unit, Accessory" definition in the Zoning Code to ensure consistency with State Law. The new definition is:

> Dwelling Unit, Accessory means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:
>
> (A) An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code; or
>
> (B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

A definition for "Dwelling Unit, Junior Accessory" is also added:

> Dwelling Unit, Junior Accessory means a unit contained entirely within an existing a single-family structure.

PART B – FAMILY DAY CARE HOMES

In Chapter 19.910.050, "D" definitions, "Day care home, family;" "Day care home, large family;" and "Day care home, small family" are removed in their entirety. In "F" Definitions, a new definition for Family Day Care home is added to reflect the State regulation and includes:

> *Family Day Care home* means a facility that regularly provides care, protection, and supervision for 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family daycare home or a small family daycare home as defined in Section 1596.78 of the Health and Safety Code as may be amended from time to time.
>
> (1) "Large family daycare home" means a facility that provides care, protection, and supervision for 7 to 14 children, inclusive, including children under 10 years of age who reside at the home.
>
> (2) "Small family daycare home" means a facility that provides care, protection, and supervision for eight or fewer children, including children under 10 years of age who reside at the home.
>
> (3) Family day care homes include detached single-family dwellings, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered multifamily dwelling in which the underlying zoning allows for residential uses where the daycare provider resides and includes a dwelling or a dwelling unit that is rented, leased, or owned.

PART C – TINY HOMES AND TINY HOME COMMUNITIES

In 19.910.010, "D" definitions, "Dwelling unit, manufactured" is amended to limit the term to apply only to manufactured or prefabricated living structures, not including mobile homes, which are defined separately in 19.910.140, "M" definitions.

In 19.910.210, "T" definitions, the definition of "Tiny Home Community" is amended to clarify that Tiny Home Communities may be comprised of tiny homes on chassis or tiny homes constructed on foundations. Definitions for Tiny Homes are separated into "Tiny Home (Chassis)" and "Tiny Home (Foundation)." For the definition for "Tiny Home (Chassis)," a reference to the definition for "Mobile Home" is added. The definition for "Tiny Home (Foundation)" is as follows:

Tiny Home (Foundation) means a home that is either manufactured or site-built construction on a foundation in accordance with the adopted California Building Standards Code.

ENVIRONMENTAL DETERMINATION

Amendments to the Municipal Code to implement Sections 65852.1 and 65852.2 of the California Government Code, related to ADUs and JADUs, are statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15282(h) of the CEQA Guidelines. This proposal is further exempt from CEQA per Section 15061(b)(3) of the CEQA Guidelines, as it can be seen with certainty there is no possibility the proposed amendment will have a significant effect on the environment (Common Sense Exemption).

PUBLIC NOTICE AND COMMENTS

Amendments to the Zoning Code affecting airport influence areas are subject to the review of the Riverside County Airport Land Use Commission (ALUC). An application for a Consistency Determination has been filed and ALUC review is anticipated prior to City Council consideration of this proposed amendments.

Pursuant to Section 19.670.040 (Notice of Hearing for Legislative Actions) of the Zoning Code, and California Government Code Section 65090 and 65091, a one-eighth page public notice advertisement was placed in the local newspaper of general circulation within the City (The Press Enterprise) twelve (12) days prior to this hearing. As of the writing of this report, staff has received no responses regarding this proposal.

APPEAL INFORMATION

Actions by the City Planning Commission, including any environmental finding, may be appealed to the City Council within ten calendar days after the decision. Appeal filing and processing information may be obtained from the Planning Department Public Information Section, 3rd Floor, City Hall.

EXHIBITS LIST

1. Staff Recommended Findings
2. State Changes – AB 881 and AB 68 (Accessory Dwelling Units and Junior Accessory Dwelling Units)
3. State Changes – SB 234 (Family Day Care Homes)
4. Proposed Zoning Code Amendments

Prepared by: Dave Murray, Principal Planner

Reviewed by: Mary Kopaskie-Brown, City Planner

Approved by: Mary Kopaskie-Brown, City Planner

CITY OF RIVERSIDE

COMMUNITY & ECONOMIC DEVELOPMENTDEPARTMENT **PLANNING DIVISION**

EXHIBIT 1 – STAFF RECOMMENDED FINDINGS

PART A – ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

PLANNING CASES: **P20-0068** (Zoning Code Amendment)

Zoning Code Amendment Findings pursuant to Chapter 19.810.040

1. That the proposed Zoning Code Text or Map Amendment is generally consistent with the goals, policies, and objectives of the General Plan. Specifically, the Housing Element of the General Plan 2025 includes objectives and policies that:

    a. Objective H-2: To provide adequate diversity in housing types and affordability levels to accommodate housing needs of Riverside residents, encourage economic development and sustainability, and promote an inclusive community.

    b. Policy H-2.4: Housing Diversity. Provide development standards and incentives to facilitate live-work housing, mixed-use projects, accessory dwellings, student housing, and other housing types.

    c. Policy H-2.5: Entitlement Process. Provide flexible entitlement processes that facilitate innovative and imaginative housing solutions yet balance the need for developer certainty in the approval process, governmental regulation, and oversight.

    That the proposed Zoning Code Amendment is consistent with General Plan 2025 Objectives and Policies in that it establishes standards that encourage and facilitates ADU's, which are an affordable housing option to accommodate the housing needs of the community;

2. That the proposed Zoning Code Amendment will not adversely affect surrounding properties in that the proposed amendment includes development standards to minimize impacts to surrounding properties to the extent that is allowed by State law while complying with State mandates and requirements for ADU's furthering address a severe Statewide housing crisis; and

3. That the proposed Zoning Code Amendment promotes public health, safety and general welfare and serves the goals and purposes of the Zoning Code in that the proposed amendment aligns with State mandates and requirements to address severe a severe Statewide housing crisis.

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EXHIBIT 1 – STAFF RECOMMENDED FINDINGS

PART B – FAMILY DAY CARE HOMES

PLANNING CASES: **P20-0068** (Zoning Code Amendment)

Zoning Code Amendment Findings pursuant to Chapter 19.810.040

1. That the proposed Zoning Code Text or Map Amendment is generally consistent with the goals, policies, and objectives of the General Plan in that the amendments to the Zoning Code will facilitate new family day care homes in Riverside to meet the day care needs of residents and provide a needed service;
2. That the proposed Zoning Code text or map amendment will not adversely affect surrounding properties in that:
    a. Title 7 – Noise will be used to ensure any impacts on surrounding properties are addressed; and
    b. The number of children will be limited by the State at 14 ensuring traffic impacts will not be an issue for new family day care homes; and
3. That the proposed Zoning Code text or map amendment promotes public health, safety, and general welfare and serves the goals and purposes of the Zoning Code in that family day care homes will meet the day care needs of residents to promote the general welfare of the City.

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EXHIBIT 1 – STAFF RECOMMENDED FINDINGS

PART C – TINY HOMES AND TINY HOME COMMUNITIES

PLANNING CASES: **P20-0068** (Zoning Code Amendment)

Zoning Code Amendment Findings pursuant to Chapter 19.810.040

1. That the proposed Zoning Code Text or Map Amendment is generally consistent with the goals, policies, and objectives of the General Plan. Specifically, the Housing Element of the General Plan 2025 includes objectives and policies that:
    a. Objective H-2: To provide adequate diversity in housing types and affordability levels to accommodate housing needs of Riverside residents, encourage economic development and sustainability, and promote an inclusive community.
    b. Policy H-2.4: Housing Diversity. Provide development standards and incentives to facilitate live-work housing, mixed-use projects, accessory dwellings, student housing, and other housing types.
2. That the proposed Zoning Code text or map amendment will not adversely affect surrounding properties in that tiny homes and tiny home communities represent an innovative avenue for residential property reinvestment that is compatible with existing neighborhood character with respect to form, mass and scale; and
3. That the proposed Zoning Code text or map amendment promotes public health, safety, and general welfare and serves the goals and purposes of the Zoning Code in that the proposed amendment responds to an urgent housing crisis and facilitates partnerships with non-profit entities and the State to improve the health safety and welfare of residents.

Attachment 2

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

SECTION 1. Section 65852.2 of the Government Code is amended to read:

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily use. The ordinance shall do all of the following:

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

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

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

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

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

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

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

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

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

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

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

(vii) No setback shall be required for an existing ~~garage~~ *living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure* that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than ~~five~~ *four* feet from the side and rear lot lines shall be required for an accessory dwelling unit that is ~~constructed above a garage.~~ *not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.*

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

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

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

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

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

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

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

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

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

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

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

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

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning

designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

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

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

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

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

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

(i) 850 square feet.

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

~~(c)~~ *(C)* ~~A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum~~ *Any other minimum* or maximum size for an accessory dwelling unit, ~~or~~ size based upon a percentage of the proposed or existing primary dwelling, ~~shall be established by ordinance~~ *or limits on lot coverage, floor area ratio, open space, and minimum lot size,* for either attached or detached dwellings that does not permit at least an ~~efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.~~ *800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) A height limitation of 16 feet.

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

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

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

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

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

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

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

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

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

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

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

(B) For an accessory dwelling unit that is not described in *subparagraph (A) of paragraph (1) of* subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly

between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(5)~~ *(6)* "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

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

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

~~(6)~~ *(9)* "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

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

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

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

SEC. 1.5. Section 65852.2 of the Government Code is amended to read:

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily *dwelling residential* use. The ordinance shall do all of the following:

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

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

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

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

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

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

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

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

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

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

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

(vii) No setback shall be required for an existing ~~garage~~ *living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure* that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than ~~five~~ *four* feet from the side and rear lot lines shall be required for an accessory dwelling unit that is ~~constructed above a garage.~~ *not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) 850 square feet.

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

~~(c)~~ *(C)* ~~A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum.~~ *Any other minimum* or maximum size for an accessory dwelling unit, ~~or~~ size based upon a percentage of the proposed or existing primary dwelling, ~~shall be established by ordinance~~ *or limits on lot coverage, floor area ratio, open space, and minimum lot size,* for either attached or detached dwellings that does not permit at least an ~~efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.~~ *800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) A height limitation of 16 feet.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) An efficiency unit.

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

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

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

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

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

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

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

~~(5)~~ *(8)* "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

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

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

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

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

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

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

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

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

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

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

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

65852.2. *(a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily use. The ordinance shall do all of the following:*

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

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

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

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

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

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

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

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

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

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

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

(vii) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

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

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

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

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

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

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

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

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

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

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

(6) (A) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot zoned for residential use that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be used or imposed, except that, subject to subparagraph (B), a local agency may require an applicant for a permit issued pursuant to this subdivision for an accessory dwelling unit created on or after January 1, 2025, to be an owner-occupant, or may require the property to be used for rentals of terms longer than 30 days.

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

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

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

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

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

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

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

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

(i) 850 square feet.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) A height limitation of 16 feet.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

***SEC. 2.5.** Section 65852.2 is added to the Government Code, to read:*

***65852.2.** (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:*

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

consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.

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

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

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

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

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

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

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

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

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

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

(vii) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

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

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

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

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

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

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

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

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

(3) A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on

the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse it for costs incurred to implement this paragraph, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

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

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

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

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

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

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

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

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

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

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

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

(i) 850 square feet.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) A height limitation of 16 feet.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) An efficiency unit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Attachment 2

AB-68 Land use: accessory dwelling units. (2019-2020)

SECTION 1. Section 65852.2 of the Government Code is amended to read:

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily use. The ordinance shall do all of the following:

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

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

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

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

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

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

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

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

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

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

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

(vii) No setback shall be required for an existing ~~garage~~ *living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure* that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than ~~five~~ *four* feet from the side and rear lot lines shall be required for an accessory dwelling unit that is ~~constructed above a garage.~~ *not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.*

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this

subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision ~~(a) within 120 days after receiving the application.~~ *(a). The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay.*

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

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

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

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

(i) 850 square feet.

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

~~(c)~~ *(C)* ~~A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum~~ *Any other minimum* or maximum size for an accessory dwelling unit, ~~or~~ size based upon a percentage of the proposed or existing primary dwelling, ~~shall be established by ordinance~~ *or limits on lot coverage, floor area ratio, open space, and minimum lot size,* for either attached or detached dwellings that does not permit at least an ~~efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.~~ *800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.*

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

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

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

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

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

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

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

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

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

expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

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

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

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

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

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

(ii) A height limitation of 16 feet.

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

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

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

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

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

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

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

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

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

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

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

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

(B) For an accessory dwelling unit that is not described in *subparagraph (A) of paragraph (1) of* subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly

between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

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

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

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

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

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

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

~~(1)~~ *(3)* ~~"Living~~ *(A)* ~~area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.~~ *If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.*

~~(2)~~ *(B)* ~~"Local agency" means a city, county, or city and county, whether general law or chartered.~~ *Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.*

~~(3)~~ *(i)* ~~For purposes of this section, "neighborhood" has the same meaning as~~ *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 ~~Section 65589.5.~~ *this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.*

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

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

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

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

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

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

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

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

~~(5)~~ *(6)* "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

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

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

~~(6)~~ *(9)* "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

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

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

SEC. 1.1. Section 65852.2 of the Government Code is amended to read:

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily use. The ordinance shall do all of the following:

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

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

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

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

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

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

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

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

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

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

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

(vii) No setback shall be required for an existing ~~garage~~ *living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure* that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than ~~five~~ *four* feet from the side and rear lot lines shall be required for an accessory dwelling unit that is ~~constructed above a garage.~~ *not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.*

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

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

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

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

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

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

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

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

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

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

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

~~permit issued pursuant to this subdivision to be an owner-occupant or that the property~~ *the property to* be used for rentals of terms longer than 30 days.

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

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

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

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

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

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

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

(i) 850 square feet.

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

~~(c)~~ *(C)* ~~A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum~~ *Any other minimum* or maximum size for an accessory dwelling unit, ~~or~~ size based upon a percentage of the proposed or existing primary dwelling, ~~shall be established by ordinance~~ *or limits on lot coverage, floor area ratio, open space, and minimum lot size,* for either attached or detached dwellings that does not permit at least an ~~efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.~~ *800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.*

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

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

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

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

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

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

(e) *(1)* Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit ~~to create within a zone for single-family use one accessory dwelling unit per single-family lot~~

~~if the unit is contained within the existing space of a single-family residence or accessory structure, including, but not limited to, a studio, pool house, or other similar structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. A city may require owner occupancy for either the primary or the accessory dwelling unit created through this process.~~ *within a residential or mixed-use zone to create any of the following:*

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

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

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

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

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

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

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

(ii) A height limitation of 16 feet.

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

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

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

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

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

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

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

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

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

(2) Accessory dwelling units shall not be considered by a local agency, special district, or water corporation to be a new residential use for ~~the~~ purposes of calculating connection fees or capacity charges for utilities, including

water and sewer ~~service.~~ *service, unless the accessory dwelling unit was constructed with a new single-family dwelling.*

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

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

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

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

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

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

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

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

~~(1)~~ *(3)* ~~"Living~~ *(A)* ~~area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.~~ *If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.*

~~(2)~~ *(B)* ~~"Local agency" means a city, county, or city and county, whether general law or chartered.~~ *Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.*

~~(3)~~ *(i)* ~~For purposes of this section, "neighborhood" has the same meaning as~~ *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 ~~Section 65589.5.~~ *this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.*

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

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

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

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

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

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

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

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

~~(5)~~ *(6)* "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

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

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

~~(6)~~ *(9)* "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

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

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

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

SEC. 1.2. Section 65852.2 of the Government Code is amended to read:

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily *dwelling residential* use. The ordinance shall do all of the following:

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

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

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

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

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

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

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

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

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

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

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

(vii) No setback shall be required for an existing ~~garage~~ *living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure* that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than ~~five~~ *four* feet from the side and rear lot lines shall be required for an accessory dwelling unit that is ~~constructed above a garage.~~ *not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.*

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

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

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

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

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

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

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

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

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

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

~~effective date of the act adding this paragraph~~ and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

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

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

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

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

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

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

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

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

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

(i) 850 square feet.

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

~~(c)~~ *(C)* ~~A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum~~ *Any other minimum* or maximum size for an accessory dwelling unit, ~~or~~ size based upon a percentage of the proposed or existing primary dwelling, ~~shall be established by ordinance~~ *or limits on lot coverage, floor area ratio, open space, and minimum lot size,* for either attached or detached dwellings that does not permit at least an ~~efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.~~ *800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) A height limitation of 16 feet.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(1)~~ *(3)* ~~"Living~~ *(A)* ~~area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.~~ *If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the*

ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.

~~(2)~~ *(B)* ~~"Local agency" means a city, county, or city and county, whether general law or chartered.~~ *Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.*

~~(3)~~ *(i)* ~~For purposes of this section, "neighborhood" has the same meaning as~~ *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 ~~Section 65589.5.~~ *this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.*

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

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

(A) An efficiency unit.

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

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

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

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

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

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

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

~~(5)~~ *(8)* "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

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

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

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

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

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

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

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

below, a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:

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

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

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

SEC. 1.3. Section 65852.2 of the Government Code is amended to read:

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily *dwelling residential* use. The ordinance shall do all of the following:

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

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

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

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

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

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

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

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

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

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

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

(vii) No setback shall be required for an existing ~~garage~~ *living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure* that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than ~~five~~ *four* feet from the side and rear lot lines shall be required for an accessory dwelling unit that is ~~constructed above a garage.~~ *not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) 850 square feet.

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

~~(c)~~ *(C)* ~~A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum~~ *Any other minimum* or maximum size for an accessory dwelling unit, ~~or~~ size based upon a percentage of the proposed or existing primary dwelling, ~~shall be established by ordinance~~ *or limits on lot coverage, floor area ratio, open space, and minimum lot size,* for either attached or detached dwellings that does not permit at least an ~~efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.~~ *800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.*

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

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

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

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

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

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

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

~~occupancy for either the primary or the accessory dwelling unit created through this process.~~ *within a residential or mixed-use zone to create any of the following:*

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

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

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

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

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

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

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

(ii) A height limitation of 16 feet.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) An efficiency unit.

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

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

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

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

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

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

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

~~(5)~~ *(8)* "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 3. *(a) Section 1.1 of this bill incorporates certain amendments to Section 65852.2 of the Government Code proposed by both this bill and Assembly Bill 881. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2020, (2) each bill amends Section 65852.2 of the Government Code, and (3) Senate Bill 13 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after Assembly Bill 881, in which case Sections 1, 1.2, and 1.3 of this bill shall not become operative.*

(b) Section 1.2 of this bill incorporates certain amendments to Section 65852.2 of the Government Code proposed by both this bill and Senate Bill 13. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2020, (2) each bill amends Section 65852.2 of the Government Code, (3) Assembly Bill 881 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after Senate Bill 13 in which case Sections 1, 1.1, and 1.3 of this bill shall not become operative.

(c) Section 1.3 of this bill incorporates certain amendments to Section 65852.2 of the Government Code proposed by this bill, Assembly Bill 881, and Senate Bill 13. That section of this bill shall only become operative if (1) all three bills are enacted and become effective on or before January 1, 2020, (2) all three bills amend Section 65852.2 of the Government Code, and (3) this bill is enacted after Assembly Bill 881 and Senate Bill 13, in which case Sections 1, 1.1, and 1.2 of this bill shall not become operative.

SEC. 4. *No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.*

Attachment 2

SB-234 Family daycare homes. (2019-2020)

As Amends the Law Today | **As Amends the Law on Nov 18, 2019**

SECTION 1. Section 1596.72 of the Health and Safety Code is amended to read:

1596.72. The Legislature finds all of the following:

(a) That child daycare facilities can contribute positively to a child's emotional, cognitive, and educational development.

(b) That it is the intent of this state to provide a comprehensive, quality system for licensing child daycare facilities to ensure a quality childcare environment.

(c) That this system of licensure requires a special understanding of the unique characteristics and needs of the children served by child daycare facilities.

(d) That it is the intent of the Legislature to establish within the State Department of Social Services an organizational structure to separate licensing of child daycare facilities from those facility types administered under Chapter 3 (commencing with Section 1500).

(e) That good quality childcare services are an essential service for working parents.

(f) California has a tremendous shortage of regulated childcare, and only a small fraction of families who need childcare have it. Parents should be able to support their families without having to sacrifice their child's well-being.

(g) With childcare, families have more options for jobs and education to improve their prospects. Good, affordable childcare gives children a strong start and creates opportunities for families and communities.

SEC. 2. Section 1596.73 of the Health and Safety Code is amended to read:

1596.73. The purposes of this act are to:

(a) Streamline the administration of childcare licensing and thereby increase the efficiency and effectiveness of this system.

(b) Encourage the development of licensing staff with knowledge and understanding of children and childcare needs.

(c) Provide providers of childcare with technical assistance about licensing requirements.

(d) Enhance consumer awareness of licensing requirements and the benefits of licensed childcare.

(e) Recognize that affordable, quality licensed childcare is critical to the well-being of parents and children in this state.

(f) Promote the development and expansion of regulated childcare.

SEC. 3. Section 1596.78 of the Health and Safety Code is amended to read:

1596.78. (a) "Family daycare home" means a facility that regularly provides care, protection, and supervision for 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family daycare home or a small family daycare home.

(b) "Large family daycare home" means a facility that provides care, protection, and supervision for 7 to 14 children, inclusive, including children under 10 years of age who reside at the home, as set forth in Section 1597.465 and as defined in regulations.

(c) "Small family daycare home" means a facility that provides care, protection, and supervision for eight or fewer children, including children under 10 years of age who reside at the home, as set forth in Section 1597.44 and as defined in regulations.

(d) A small family daycare home or large family daycare home includes a detached single-family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered multifamily dwelling in which the underlying zoning allows for residential uses. A small family daycare home or large family daycare home is where the daycare provider resides, and includes a dwelling or a dwelling unit that is rented, leased, or owned.

SEC. 4. Section 1597.30 of the Health and Safety Code is amended to read:

1597.30. The Legislature finds and declares all of the following:

(a) The Legislature has a responsibility to ensure the health and safety of children in family homes that provide daycare.

(b) There is an extreme shortage of regulated family daycare homes in California, and the number has decreased significantly since 2008.

(c) There continues to be a growing need for child daycare facilities due to the increased number of working parents. Parents need childcare so they can work and attend school, and so their children can thrive.

(d) Many parents prefer childcare located in their neighborhoods in family homes.

(e) There should be a variety of childcare settings, including regulated family daycare homes, as suitable choices for parents.

(f) The licensing program to be operated by the state should be cost effective, streamlined, and simple to administer in order to ensure adequate care for children placed in family daycare homes, while not placing undue burdens on the providers.

(g) The state should maintain an efficient program of regulating family daycare homes that ensures the provision of adequate protection, supervision, and guidance to children in their homes.

(h) The state has a responsibility to promote the development and expansion of regulated family daycare homes to care for children in residential settings.

SEC. 5. Section 1597.40 of the Health and Safety Code is repealed.

~~**1597.40.** (a) It is the intent of the Legislature that family daycare homes for children should be situated in normal residential surroundings so as to give children the home environment that is conducive to healthy and safe development. It is the public policy of this state to provide children in a family daycare home the same home environment as provided in a traditional home setting.~~

~~(b) The Legislature declares this policy to be of statewide concern with the purpose of occupying the field. This act, the state building code, and the fire code, and regulations promulgated pursuant to those provisions, shall preempt local laws, regulations, and rules governing the use and occupancy of family daycare homes. Local laws, regulations, or rules shall not directly or indirectly prohibit or restrict the use of a facility as a family daycare home, including, but not limited to, precluding the operation of a family daycare home.~~

SEC. 6. *Section 1597.40 is added to the Health and Safety Code, to read:*

1597.40. *(a) It is the intent of the Legislature that family daycare homes for children should be situated in normal residential surroundings so as to give children the home environment that is conducive to healthy and safe development. It is the public policy of this state to provide children in a family daycare home the same home environment as provided in a traditional home setting.*

(b) The Legislature declares this policy to be of statewide concern with the purpose of occupying the field. This act, the state building code, and the fire code, and regulations promulgated pursuant to those provisions, shall preempt local laws, regulations, and rules governing the use and occupancy of family daycare homes. Local laws, regulations, or rules shall not directly or indirectly prohibit or restrict the use of a facility as a family daycare home, including, but not limited to, precluding the operation of a family daycare home.

SEC. 7. *Section 1597.41 is added to the Health and Safety Code, to read:*

1597.41. *(a) Every provision in a written instrument relating to real property that purports to restrict the conveyance, encumbrance, leasing, or mortgaging of the real property for use or occupancy as a family daycare home is void, and every restriction in that written instrument as to the use or occupancy of the property as a family daycare home is void.*

(b) An attempt to deny, restrict, or encumber the conveyance, leasing, or mortgaging of real property for use or occupancy as a family daycare home is void. A restriction related to the use or occupancy of the property as a family daycare home is void. A property owner or manager shall not refuse to sell or rent, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a detached single-family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered multifamily dwelling in which the underlying zoning allows for residential use to a person because that person is a family daycare provider.

(c) Except as provided in subdivision (d), a restriction, whether by way of covenant, contract, condition upon use or occupancy, or by transfer of title to real property, that restricts directly or indirectly limits the acquisition, use, or occupancy of a detached single-family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered multifamily dwelling in which the underlying zoning allows for residential use as a family daycare home is void.

(d) (1) A prospective family daycare home provider who resides in a rental property shall provide 30 days' written notice to the landlord or owner of the rental property prior to the commencement of operation of the family daycare home.

(2) A family daycare home provider who has relocated an existing licensed family daycare home program to a rental property on or after January 1, 1997, may provide less than 30 days' written notice when the department approves the operation of the new location of the family daycare home in less than 30 days, or the home is licensed in less than 30 days, so that service to the children served in the former location not be interrupted.

(3) A family daycare home provider in operation on rental or leased property as of January 1, 1997, shall notify the landlord or property owner in writing at the time of the annual license fee renewal, or by March 31, 1997, whichever occurs later.

(4) Notwithstanding any other law, upon commencement of, or knowledge of, the operation of a family daycare home on an individual's property, the landlord or property owner may require the family daycare home provider to pay an increased security deposit for operation of the family daycare home. The increase in deposit may be required notwithstanding that a lesser amount is required of tenants who do not operate family daycare homes. The total security deposit charged shall not exceed the maximum allowable under existing law.

(5) Section 1596.890 does not apply to this subdivision.

(e) During the license application process for a small or large family daycare home, the department shall notify the applicant that the remedies and procedures in Article 2 (commencing with Section 12980) of Chapter 7 of Part 2.8 of Division 3 of Title 2 of the Government Code relating to fair housing are available to family daycare home providers, family daycare home provider applicants, and individuals who claim that any of the protections provided by this section or Section 1597.40, 1597.42, 1597.43, 1597.45, 1597.455, or 1597.46 have been denied.

(f) For the purpose of this section, "restriction" means a restriction imposed orally, in writing, or by conduct and includes prohibition.

(g) This section does not alter the existing rights of landlords and tenants with respect to addressing and resolving issues related to noise, lease violations, nuisances, or conflicts between landlords and tenants.

SEC. 8. *Section 1597.42 is added to the Health and Safety Code, to read:*

1597.42. *The use of a home as a family daycare home, operated under the standards of state law, in a residentially zoned area shall be considered a residential use of property for the purposes of all local ordinances, regulations, and rules, and shall not fundamentally alter the nature of the underlying residential use.*

SEC. 9. Section 1597.45 of the Health and Safety Code is amended to read:

1597.45. (a) The use of a home as a small or large family daycare home shall be considered a residential use of property and a use by right for the purposes of all local ordinances, including, but not limited to, zoning ordinances.

(b) A local jurisdiction shall not impose a business license, fee, or tax for the privilege of operating a small or large family daycare home.

(c) Use of a home as a small or large family daycare home shall not constitute a change of occupancy for purposes of Part 1.5 (commencing with Section 17910) of Division 13 (State Housing Law) or for purposes of local building codes.

(d) A small or large family daycare home shall not be subject to the provisions of Division 13 (commencing with Section 21000) of the Public Resources Code.

(e) The provisions of this chapter do not preclude a city, county, or other local public entity from placing restrictions on building heights, setback, or lot dimensions of a family daycare home, as long as those restrictions are identical to those applied to all other residences with the same zoning designation as the family daycare home. This chapter does not preclude a local ordinance that deals with health and safety, building standards, environmental impact standards, or any other matter within the jurisdiction of a local public entity, as long as the local ordinance is identical to those applied to all other residences with the same zoning designation as the family daycare home. This chapter also does not prohibit or restrict the abatement of nuisances by a city, county, or city and county. However, the ordinance or nuisance abatement shall not distinguish family daycare homes from other homes with the same zoning designation, except as otherwise provided in this chapter.

(f) For purposes of this chapter, "small family daycare home or large family daycare home" includes a detached single-family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered multifamily dwelling in which the underlying zoning allows for residential uses. A small family daycare home or large family daycare home is where the family daycare provider resides, and includes a dwelling or dwelling unit that is rented, leased, or owned.

SEC. 10. *Section 1597.455 is added to the Health and Safety Code, to read:*

1597.455. *(a) A small family daycare home shall not be subject to Article 1 (commencing with Section 13100) or Article 2 (commencing with Section 13140) of Chapter 1 of Part 2 of Division 12, except that a small family daycare home shall contain a fire extinguisher and smoke detector device that meet standards established by the State Fire Marshal.*

(b) A small family daycare home for children shall have one or more carbon monoxide detectors in the facility that meet the standards established in Chapter 8 (commencing with Section 13260) of Part 2 of Division 12. The department shall account for the presence of these detectors during inspections.

SEC. 11. Section 1597.46 of the Health and Safety Code is repealed.

~~**1597.46.** (a) A large family daycare home shall abide by all standards, in addition to the requirements of the State Uniform Building Standards Code, that are specifically designed to promote fire and life safety in large family daycare homes. The State Fire Marshal shall adopt separate building standards specifically relating to the subject of fire and life safety in family daycare homes, which shall be published in Title 24 of the California Code of Regulations. These standards shall apply uniformly throughout the state and shall include, but not be limited to, all of the following:~~

~~(1) The requirement that a large family daycare home contain a fire extinguisher or smoke detector device, or both, that meets childcare standards established by the State Fire Marshal.~~

~~(2) Specification as to the number of required exits from the home.~~

~~(3) Specification as to the floor or floors on which childcare may be provided and the number of required exits on each floor.~~

~~(b) A large family daycare home for children shall have one or more carbon monoxide detectors in the facility that meet the standards established in Chapter 8 (commencing with Section 13260) of Part 2 of Division 12. The department shall account for the presence of these detectors during inspections.~~

~~(c) Enforcement of this section shall be in accordance with Sections 13145 and 13146. A city, county, city and county, or district shall not adopt or enforce a building ordinance or local rule or regulation relating to the subject of fire and life safety in large family daycare homes that is inconsistent with those standards adopted by the State Fire Marshal, except to the extent the building ordinance or local rule or regulation applies to all residences with the same zoning designation in which childcare is provided.~~

SEC. 12. *Section 1597.46 is added to the Health and Safety Code, to read:*

1597.46. *(a) A large family daycare home shall abide by all standards, in addition to the requirements of the State Uniform Building Standards Code, that are specifically designed to promote fire and life safety in large family daycare homes. The State Fire Marshal shall adopt separate building standards specifically relating to the subject of fire and life safety in family daycare homes, which shall be published in Title 24 of the California Code of Regulations. These standards shall apply uniformly throughout the state and shall include, but not be limited to, all of the following:*

(1) The requirement that a large family daycare home contain a fire extinguisher or smoke detector device, or both, that meets childcare standards established by the State Fire Marshal.

(2) Specification as to the number of required exits from the home.

(3) Specification as to the floor or floors on which childcare may be provided and the number of required exits on each floor.

(b) A large family daycare home for children shall have one or more carbon monoxide detectors in the facility that meet the standards established in Chapter 8 (commencing with Section 13260) of Part 2 of Division 12. The department shall account for the presence of these detectors during inspections.

(c) Enforcement of this section shall be in accordance with Sections 13145 and 13146. A city, county, city and county, or district shall not adopt or enforce a building ordinance or local rule or regulation relating to the subject of fire and life safety in large family daycare homes that is inconsistent with those standards adopted by the State Fire Marshal, except to the extent the building ordinance or local rule or regulation applies to all residences with the same zoning designation in which childcare is provided.

SEC. 13. Section 1597.47 of the Health and Safety Code is repealed.

SEC. 14. Section 1597.54 of the Health and Safety Code is amended to read:

1597.54. (a) All family daycare homes for children, shall apply for a license under this chapter, except that any home that, on June 28, 1981, had a valid and unexpired license to operate as a family daycare home for children under other provisions of law shall be deemed to have a license under this chapter for the unexpired term of the license, at which time a new license may be issued upon fulfilling the requirements of this chapter.

(b) An applicant for licensure as a family daycare home for children shall file with the department, pursuant to its regulations, an application on forms furnished by the department, which shall include, but not be limited to, all of the following:

(1) A brief statement confirming that the applicant is financially secure to operate a family daycare home for children. The department shall not require any other specific or detailed financial disclosure.

(2) (A) Evidence that the small family daycare home contains a fire extinguisher or smoke detector device, or both, that meets standards established by the State Fire Marshal under Section 1597.455, or evidence that the large family daycare home meets the standards established by the State Fire Marshal under subdivision (a) of Section 1597.46.

(B) Evidence satisfactory to the department that there is a fire escape and disaster plan for the facility and that fire drills and disaster drills will be conducted at least once every six months. The documentation of these drills shall be maintained at the facility on a form prepared by the department and shall include the date and time of the drills.

(3) The fingerprints of any applicant of a family daycare home license, and any other adult, as required under subdivision (b) of Section 1596.871.

(4) Evidence of a current tuberculosis clearance, as defined in regulations that the department shall adopt, for any adult in the home during the time that children are under care. This requirement may be satisfied by a current certificate, as defined in subdivision (f) of Section 121525, that indicates freedom from infectious tuberculosis as set forth in Section 121525.

(5) Commencing September 1, 2016, evidence of current immunity or exemption from immunity, as described in Section 1597.622, for the applicant and any other person who provides care and supervision to the children.

(6) Evidence satisfactory to the department of the ability of the applicant to comply with this chapter and Chapter 3.4 (commencing with Section 1596.70) and the regulations adopted pursuant to those chapters.

(7) Evidence satisfactory to the department that the applicant and all other persons residing in the home are of reputable and responsible character. The evidence shall include, but not be limited to, a criminal record clearance pursuant to Section 1596.871, employment history, and character references.

(8) Other information as required by the department for the proper administration and enforcement of the act.

(c) Failure of the applicant to cooperate with the licensing agency in the completion of the application shall result in the denial of the application. Failure to cooperate means that the information described in this section and in regulations of the department has not been provided, or not provided in the form requested by the licensing agency, or both.

SEC. 15. Section 1597.543 of the Health and Safety Code is repealed.

~~**1597.543.** (a) The State Fire Marshal shall update the building and fire standards necessary to implement the sections of this chapter relating to life and fire safety, including, but not limited to, Sections 1597.455 and 1597.46, and shall publish the updates in the California Code of Regulations (CCR) in the next Title 19 and Title 24 CCR adoption cycle.~~

~~(b) Prior to the publication of the updates required by subdivision (a), but not later than January 1, 2021, the State Fire Marshal shall issue guidance on implementing the sections listed in subdivision (a).~~

~~(c) The State Fire Marshal shall update the regulations at least every three years to conform to changes in this chapter. The State Fire Marshal may issue guidance on implementing this chapter annually in the years in which the regulations are not updated in Title 19 and Title 24 of the CCR.~~

SEC. 16. *Section 1597.543 is added to the Health and Safety Code, to read:*

1597.543. *(a) The State Fire Marshal shall update the building and fire standards necessary to implement the sections of this chapter relating to life and fire safety, including, but not limited to, Sections 1597.455 and 1597.46, and shall publish the updates in the California Code of Regulations (CCR) in the next Title 19 and Title 24 CCR adoption cycle.*

(b) Prior to the publication of the updates required by subdivision (a), but not later than January 1, 2021, the State Fire Marshal shall issue guidance on implementing the sections listed in subdivision (a).

(c) The State Fire Marshal shall update the regulations at least every three years to conform to changes in this chapter. The State Fire Marshal may issue guidance on implementing this chapter annually in the years in which the regulations are not updated in Title 19 and Title 24 of the CCR.

ARTICLE III – NONCONFORMING PROVISIONS

Chapter 19.080 – NONCONFORMITIES

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DIVISION III – NONCONFORMING STRUCTURES AND USES

19.080.070 – Modification or expansion of nonconforming structures.

A nonconforming structure or use shall not be altered or expanded to increase the degree of nonconformity, except as follows:

A. Expansion of a nonconforming structure with respect to development standards, including but not limited to, setbacks, height, distances between structures and parking facilities shall be subject to the granting of a variance. The granting of a variance for the expansion of the nonconforming structure shall not authorize any expansion of the use. A minor conditional use permit shall also be required for expansions to a nonconforming use according to the applicability of the provisions found in paragraphs B and C.

B. Expansion of a nonconforming nonresidential use is permitted subject to the granting of a minor conditional use permit. To grant a minor conditional use permit, all of the following findings shall be made:

   1. The expansion of the use will protect a valuable property investment;
   2. The expansion of the use will not adversely affect or be materially detrimental to the surrounding neighborhood;
   3. There is a need for modernization in order to properly operate the use and protect valuable property rights;
   4. The expansion of the use which included expansion of a structure shall be architecturally compatible with the existing building;
   5. The expansion of the use shall be compatible with the character of the surrounding area;
   6. The expansion shall not displace on-site parking; and
   7. The use has not been discontinued for a period of one year or more, except as provided in Section 19.080.040.

C. Expansion of a nonconforming residential use is subject to the granting of a minor conditional use permit. To grant a minor conditional use permit, all of the following findings shall be made:

   1. The expansion shall not increase the number of living units on the property, except as allowed by Chapter 19.442 (Accessory Dwelling Units and Junior Accessory Dwelling Units);
   2. The expansion of the use shall benefit the health, safety, and welfare of the occupants;
   3. The expansion of the use which includes expansion of a structure shall be architecturally compatible with the existing building;
   4. The expansion of the use shall be compatible with the character of the surrounding area; and
   5. The expansion shall not displace on-site parking.

(Ord. 7408 §1, 2018; Ord. 7331 §3, 2016; Ord. 6966 §1, 2007)

ARTICLE V - BASE ZONES AND RELATED USE AND DEVELOPMENT PROVISIONS

Chapter 19.100 - RESIDENTIAL ZONES (RA-5, RC, RR, RE, R-1-½ ACRE, R-1-13000, R-1-10500, R-1-8500, R-1-7000, R-3-4000, R-3-3000, R-3-2500, R-3-2000, R-3-1500, R-4)

19.100.010 - Purpose.

The purpose of this chapter is to define allowable land uses and property development standards, including density of development, for all residential zones in order to produce healthy, safe, livable and attractive neighborhoods within the City of Riverside, consistent with the goals and policies of the City's General Plan. Fourteen residential zones are established to implement the residential land use designations of the General Plan. The purpose of each of the residential zones is as follows:

B. *Residential Agricultural Zone (RA-5).* The Residential Agricultural Zone (RA-5) is established to provide areas where general agricultural uses can occur independently or in conjunction with a single-family residence, that preserves the agricultural character of the area.

C. *Residential Conservation Zone (RC).* The Residential Conservation Zone (RC) is established consistent with General Plan objectives and voter approved initiatives (Proposition R and Measure C) to protect prominent ridges, hilltops and hillsides, slopes, arroyos, ravines and canyons, and other areas with high visibility or topographic conditions that warrant sensitive development from adverse development practices, and specifically, to achieve the following objectives:

1. To preserve and enhance the beauty of the City's landscape;
2. To maximize the retention of the City's natural topographic features, including but not limited, to skyline profiles, ridgelines, ridge crests, hilltops, hillsides, slopes, arroyos, ravines, canyons, prominent trees and rock outcrops, view corridors, and scenic vistas through the careful selection and construction of building sites and building pads on said topographic features.
3. To assure that residential use of said topographic features will relate to the surrounding topography and will not be conspicuous and obtrusive because of the design and location of said residential use;
4. To reduce the scarring effects of excessive grading for building pads and cut and fill slopes;
5. To prevent the construction of slopes inadequately protected from erosion, deterioration or slippage; and
6. To conserve the City's natural topographic features.

D. ~~*Ruyral*~~*Rural Residential Zone (RR).* The Rural Residential Zone (RR) is established to provide areas for single-family residences on large lots where flexible provisions apply pertaining to the keeping of farm animals such as horses, ponies, mules, cows, goats, sheep, and swine under Future Farmers of America-supervised and 4-H-supervised projects. These zones are established in those areas of the City where the keeping of such animals is already prevalent. It is also the intent of the RR Zone to provide opportunities for persons whose lifestyles include the keeping of such animals in areas where such animal-keeping activities minimize impact to other residential properties.

E. *Residential Estate Zone (RE) and R-1-½ Acre Zone.* The Residential Estate Zone (RE) and R-1-½ Acre Zone are established to provide areas for large lot single-family residences where the keeping of livestock and other farm animals and agricultural uses are not permitted.

F. *Additional Single-family Residential Zones (R-1-13000, R-1-10500, R-1-8500 and R-1-7000).* Additional Single-family Residential Zones (R-1-½ Acre, R-1-13000, R-1-10500, R-1-8500 and R-1-7000) are established to provide areas for single-family residences with a variety of lot sizes and housing choices.

G. *Multiple-Family Residential Zones (R-3-4000, R-3-3000, R-3-2500, R-3-2000 and R-3-1500).* Medium High Density Residential Zones (R-3-4000 and R-3-3000) and High Density Residential Zones (R-3-2500, R-3-2000 and R-3-1500) are established to provide areas for multiple family residences ~~within a single structure~~, including such residential development types as apartments, town homes, ~~and~~ condominiums, and tiny homes (foundation) in tiny home communities.

H. *Multiple-Family Residential Zone (R-4).* The Very ~~High Density~~High-Density Residential Zone (R-4) is established to provide areas for higher density multiple family residences in areas of the City readily served by public transit and near commercial zones and other nonresidential areas that meet the everyday shopping, educational, health service and similar needs of residents.

(Ord. 7331 §4, 2016; Ord. 6966 §1, 2007)

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19.100.030 - Permitted land uses.

Table 19.150.020.A (Permitted Uses Table), Table 19.150.020.B (Incidental Use Table) and Table 19.150.020.C (Temporary Uses Table) in Chapter 19.150 (Base Zones Permitted land uses) identify permitted uses, permitted accessory uses, permitted temporary uses, and uses permitted subject to the approval of a minor conditional use permit (Chapter 19.730 - Minor Conditional Use Permit), uses requiring approval of a conditional use permit (Chapter 19.760 - Conditional Use Permit), or uses requiring some other permit. Table 19.150.020.A also identifies those uses that are specifically prohibited. Uses not listed in the Tables are prohibited unless the Community & Economic Development Director or his/her designee, pursuant to Chapter 19.060 (Interpretation of Code), determines that the use is similar to and no more detrimental than a listed permitted or conditional use. Any use which is prohibited by state and/or federal law is also strictly prohibited. Chapter 19.149 - Airport Land Use Compatibility includes Airport Land Use Compatibility Plan requirements for discretionary actions proposed on property located within an Airport Compatibility Zone.

D. RA-5 Zone Permitted Uses. A summary of this section is contained in the Permitted Uses Table (Table 19.150.020-A), the Incidental Uses Table (Table 19.150.020-B), and the Temporary Uses Table (Table 19.150.020-C). If any conflict between this section and the Tables exists, the provisions of this section shall apply.

1. A one-family dwelling or manufactured dwelling of a permanent character placed in a permanent location and of not less than 750 square feet ground floor area exclusive of open porches and garage;

2. Farms or ranches for orchards, tree crops, field crops, truck gardening, berry and bush crops, flower gardening, growing of nursery plants, similar enterprises carried on in the

general field of agriculture, aviaries, and raising of chinchillas, guinea pigs and parakeets;

3. Poultry, rabbits, crowing fowl and crowing roosters.

    a. The noncommercial keeping of not more than five poultry, including crowing fowl (except crowing roosters), and 18 rabbits is permitted. Such animals shall be housed, kept or penned at least 50 feet from any residence on an adjoining lot or parcel, including the residence on the lot where the animals are kept,

    b. Where poultry and rabbits are housed, kept, or penned at least 100 feet from any residence, the noncommercial keeping of not more than 50 poultry, and 45 rabbits on any lot is permitted. The keeping of not more than seven crowing roosters are permitted on any lot, provided that such roosters are housed from sunset to sunrise in an acoustical structure so as to reduce noise emitted by such roosters and such structure is at least 100 feet from any residential structure on an adjoining lot;

4. Pot-bellied pigs shall not be allowed in the RA-5 zone unless mandated by State law;

5. The grazing, raising or training of equine, riding stables or academies, sheep and cattle, provided that the lot has a minimum area of one acre and animals are not housed or pastured within 100 feet of a residence provided that the property is maintained in accordance with Section 6.16.010 (Fly-Producing Conditions) of the Municipal Code, and further that:

    a. Not more than a total of two of any of the following or a total of two of any combination of horses, colts, mules, ponies, goats, sheep, cows, calves or animals of general like character shall be kept on any lot with an area of one acre and that one additional animal may be kept for each half acre over one acre in any such premises,

    b. Dairies, feeding lots and similar uses may be permitted after public hearing under a conditional use permit,

    c. Additional animals may be permitted subject to the granting of a conditional use permit in the RA-5 zone;

6. The keeping of bees, provided that all other conditions of this Zoning Code and other City ordinances are complied with;

7. Parks, playgrounds or community centers owned and operated by a governmental agency, subject to the granting of a conditional use permit;

8. Golf courses, including miniature courses and driving ranges, subject to the granting of a conditional use permit;

9. Uses customarily incidental to any of the above uses, including hobby activities of a noncommercial nature;

10. Rented rooms in any one-family dwelling for occupancy of not more than four persons in addition to members of the family occupying such dwelling;

11. Accessory buildings and uses, including a private garage, accessory living quarters, recreation room, private stable, barn, greenhouse, lathhouse, corral, pen, coop or other similar structure, a building or room for packing products produced or raised on the same premises, and one stand for the sale of such products;

12. Nameplates and signs as provided in Chapter 19.620 (General Sign Provisions);

13. The growing and wholesale disposal of earthworms in worm farms, provided that the area devoted to the cultivation of worms does not exceed 64 square feet, and further provided

that:

a. All worm farms shall be kept at least 50 feet away from all adjacent dwellings,

b. The maximum height of any worm bed shall be two feet and all other structures shall conform to the requirements for accessory structures,

c. Worm farms in excess of 64 square feet shall only be permitted subject to the granting of a conditional use permit;

14. Agricultural field office as defined in Section 19.910.020 ("A" Definitions) subject to the granting of a conditional use permit in the RA-5 zone subject to the following operation and development standards:

a. The use shall be conducted on a property zoned RA-5 having five acres or more gross area which is zoned for agricultural uses and which is predominately occupied by a commercial agricultural business,

b. The use shall be in conjunction with any permitted agricultural use, provided that such office shall be occupied by an agricultural business, which business is either located on-site or off-site the property,

c. The use shall be established within a stickbuilt, mobile coach or prefabricated structure, attached to or detached from any other building on the property,

d. Adequate parking and vehicular access shall be available in accordance with Chapter 19.580 (Parking and Loading) of the Zoning Code,

e. The building shall comply with the setback standards established for accessory structures in Chapter 19.440 (Accessory Buildings and Structures) of the Zoning Code;

15. Agricultural caretaker living quarters as defined by Section 19.910.040 ("C" Definitions) of this title subject to the granting of a conditional use permit provided all of the following criteria apply:

a. The use shall be conducted on a property having five acres or more gross area which is zoned residential agricultural and which is predominantly occupied by a bona fide agricultural business,

b. The use shall be established within a stickbuilt (completely assembled on site) or prefabricated structure, attached to or detached from the primary dwelling unit on the property or within a mobile home. The square footage of the agricultural caretaker living quarters shall not exceed 50 percent of the square footage of the primary dwelling unit,

c. Occupancy shall be limited to the agricultural caretaker and his or her family. The agricultural caretaker shall be a full-time employee of the on-site agricultural business,

d. The primary dwelling unit on the property shall be occupied by the legal owner of the property,

e. The agricultural caretaker living quarters shall be established in such a way as to minimize its view from adjacent streets and properties,

f. The use shall not be conducted longer than two years except that subsequent time extensions may be granted by the City Planning Commission. Each time extension shall not exceed two years. Written notice shall be given to adjacent property owners as prescribed by Section 19.670.020 (Notice Requirements for Administrative

Discretionary Permits with No Public Hearing) of this title for minor variances. The standard time extension application fee for conditional use permits shall be required,

g. The property owners shall execute and record a covenant and agreement with the City to revert the property to single-family residential use, including the removal of the kitchen facilities of any permanent addition, and the removal of any mobile home which does not meet the requirements of the residential agricultural zone, after the expiration of the conditional use permit or the termination of the agricultural business;

16. Home occupations and telecommuting as defined by Sections 19.910.090 ("H" Definitions) and 19.910.210 ("T" Definitions) of this Code in accordance with the provisions contained in Chapter 19.485 (Home Occupations) of this title. Such uses shall not be allowed in the RA-5 zone unless mandated by State law.

17. Parolee/probationer home, as defined by Section 19.910.170 ("P" Definitions), transitional shelter housing, as defined by Section 19.910.210 ("T" Definitions), permanent emergency shelter, as defined by Section 19.910.060 ("E" Definitions) and drop-in center, as defined by Section 19.910.050 ("D" Definitions) of this Code, are prohibited in the RA-5 Zone.

~~0. Small family day care homes as defined by Section 19.910.050 ("D" Definitions) of this Code;~~

~~0. Large family day care homes as defined by Section 19.910.050 ("D" Definitions) of this Code, subject to the granting of a Day Care Permit and meeting the criteria contained in Chapter 19.470 (Day Care Homes - Family).~~

~~G.~~E. RC Zone permitted uses. A summary of this section is contained in the Permitted Uses Table (Table 19.150.020-A), the Incidental Uses Table (Table 19.150.020-B), and the Temporary Uses Table (Table 19.150.020-C). If any conflict between this section and the Tables exists, the provisions of this section shall apply.

1. One-family dwellings of a permanent character placed in a permanent location and of not less than 750 square feet ground floor area, exclusive of open porches and garage;

2. Planned residential developments subject to the granting of a planned residential development permit as set forth in Chapter 19.780 (Planned Residential Development Permit);

3. Orchards, tree crops, field crops, truck gardening, berry and bush crops, flower gardening, growing of nursery plants, similar enterprises carried on in the general field of agriculture, aviaries and raising of chinchillas, guinea pigs and parakeets;

4. Poultry, rabbits, crowing fowl and crowing roosters.

   a. The noncommercial keeping of not more than five poultry, including crowing fowl (except crowing roosters), and 18 rabbits is permitted. Such animals shall be housed, kept or penned at least 50 feet from any residence on an adjoining lot or parcel, including the residence on the lot where the animals are kept.

   b. Where poultry and rabbits are housed, kept, or penned at least 100 feet from any residence, the noncommercial keeping of not more than 50 poultry and 45 rabbits on any lot is permitted. The keeping of not more than seven crowing roosters are permitted on any lot, provided that such roosters are housed from sunset to sunrise in an acoustical structure so as to reduce noise emitted by such roosters and such structure is at least 100 feet from any residential structure on an adjoining lot.

5. The grazing, raising or training of horses; provided, that the lot has a minimum area of one

acre and animals are not housed or pastured within 100 feet of a residence; and further, that not more than a total of two horses, colts or ponies or a total of two of any combination of horses, colts or ponies shall be kept on any lot with an area of one acre and that one additional animal may be kept for each half acre over one acre in any such premises;

6. The keeping of bees; provided, that all other conditions of this Zoning Code or other City ordinances are complied with;
7. Parks and playgrounds of a noncommercial nature, subject to the granting of a conditional use permit;
8. Golf courses, subject to the granting of a conditional use permit;
9. Uses customarily incidental to any of the above uses, including hobby activities of a noncommercial nature;
10. Rented rooms in any one-family dwelling for occupancy of not more than four persons in addition to members of the family occupying such dwelling;
11. Accessory buildings and uses, including a private garage, accessory living quarters, recreation room, private stable, barn, greenhouse, lathhouse, corral, pen, coop or other similar structure, a building or room for packing products produced or raised on the same premises;
12. Nameplates and signs as provided in Chapter 19.620 (General Sign Provisions);
13. Agricultural field office as defined in Section 19.910.020 ("A" Definitions) subject to the granting of a conditional use permit.~~;~~

~~14. Small family day care homes as defined by Section 19.910.050 ("D" Definitions) of this Code;~~

~~15. Large family day care homes as defined by Section 19.910.050 ("D" Definitions) of this Code, subject to the granting of a Day Care Permit and meeting the criteria contained in Chapter 19.470 (Day Care Homes - Family).~~

~~(~~Ord. 7431 , § 1(Exh. A), 2-20-2018; Ord. 7331 §4, 2016; Ord. 7110 §1, 2011; Ord. 7064 §1, 2010; Ord. 6966 §1, 2007)

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19.100.070 - Additional regulations for the R-3 and R-4 Zones.

A. *Floor area per dwelling unit.* The minimum floor area per dwelling unit in the R-3 and R-4 zones shall meet the minimum standards of the California Building Code.~~, *unless* developed as part of a tiny home community as defined in Article X (Definitions), shall be as follows~~:

~~0. Four hundred square feet for each unit; and~~

~~2. An additional 100 square feet shall be required for each bedroom.~~

~~K.~~L. Usable open space.

1. The minimum usable open space, as defined in Article X (Definitions), required for each dwelling unit shall be as set forth in Table 19.100.070 (Usable Open Space Standards: Multi-Family Residential Zones) below:

Table 19.100.070

Usable Open Space Standards: Multi-Family Residential Zones

Usable Open Space Standards	Multi-Family Residential Zones					
	R-3-4000	R-3-3000	R-3-2500	R-3-2000	R-3-1500	R-4
Common Usable Open Space - Minimum per Unit	500 sq. ft.	500 sq. ft	400 sq. ft.	400 sq. ft.	300 sq. ft	200 sq. ft.
Private Usable Open Space Ground Floor/Upper Story Unit	120 sq. ft./ 50 sq. ft.	120 sq. ft./ 50 sq. ft.	120 sq. ft./ 50 sq. ft.	100 sq. ft./ 50 sq. ft.	100 sq. ft./50 sq. ft.	50 sq. ft./ 50 sq. ft.

2. Development consisting of 20 units or fewer shall provide a large open area (one of the dimensions shall be a minimum of 50 feet).
3. Development consisting of 21 units to 75 units shall provide a large open lawn area (one of the dimensions shall be a minimum of 50 feet) and include but not be limited to two of the recreational amenities listed below, or equivalent:
    a. Tot lot with multiple play equipment
    b. Pool and spa
    c. Barbeque facility equipped with grill, picnic benches, etc.
    d. Court facilities (e.g. tennis, volleyball, basketball, etc.)
    e. Exercise room
    f. Clubhouse
4. Development consisting of 76 units or more shall provide a large open area (one of the dimensions shall be a minimum of 100 feet) and include but not be limited to four of the following recreational amenities, or equivalent:
    a. Tot lots with multiple play equipment. The tot lots shall be conveniently located throughout the site. The number of tot lots and their location shall be subject to Community & Economic Development Director review and approval.
    b. Pool and spa.
    c. Multi-purpose room equipped with kitchen, defined areas for games, exercises, recreation, entertainment, etc.
    d. Barbeque facilities equipped with multiple grills, picnic benches, etc. The barbecue facilities shall be conveniently located throughout the site. The number of barbeque facilities and their locations shall be subject to Community and Economic Director review and approval.
    e. Court facilities (e.g. tennis, volleyball, basketball, etc.)
    f. Jogging/walking trails with exercise stations.
    g. Community garden.
    h. Theater.
    i. Computer room.
    j. Exercise room.
5. Other recreational amenities not listed above, may be considered in lieu of those listed subject to Community & Economic Development Director review and approval.

6. Related recreational activities may be grouped together and located at any one area of the common space.
7. Dispersal of recreational facilities throughout the site shall be required for development with multiple recreational facilities.
8. All recreation areas or facilities required by this section shall be maintained by private homeowners' associations, property owners, or private assessment districts subject to Community & Economic Development Director review and approval.
9. In the R-4 Zone, a maximum of 25 percent of the required common usable open space may be located on the roof of a garage or building, provided such common usable open space is provided with recreational amenities suitable for the residents of the development.

~~L.~~J. *Private usable open space.* Each dwelling unit shall be provided with at least one area of private usable open space, as defined in Article X (Definitions), accessible directly from the living area of the unit and as set forth in Table 19.100.070 (Usable Open Space Standards: Multi-Family Residential Zones) and in the following:

1. *Ground floor units*: Private usable open space for ground floor units shall be in the form of a fenced yard or patio, a deck or balcony. In order to count toward the open space requirement, a yard area, or uncovered deck or patio shall have a minimum area of 120 square feet in R-3 zones and 50 square feet in the R-4 Zone. Such private usable open space shall have no dimension of less than eight feet in R-3 zones and five feet in the R-4 Zone.
2. *Above-ground level units*: Each dwelling unit having no ground-floor living area shall have a minimum above-ground level private usable open space area of at least 50 square feet. Such private usable open space shall have no dimension of less than five feet. Above-ground level space shall have at least one exterior side open above railing height.
3. Each square foot of private usable open space provided beyond the minimum requirement of this section shall be considered equivalent to one and one-half square feet of the required group usable open space provided in the project. In no case shall private usable open space constitute more than 40 percent of the total required group open space for the project.

~~M.~~K. *Distance between buildings.* The minimum distance between buildings shall be not less than 15 feet, except within a Tiny Home Community, in which case the minimum distance between buildings shall not be less than 5 feet.

~~N.~~L. *Trash collection areas.* Common trash collection areas shall be provided and conform to the regulations set forth in Chapter 19.554 (Trash/Recyclable Materials Collection Area Enclosures).

~~O.~~M. *Keeping of animals.* Domestic animals in accordance with Table 19.150.020.B (Incidental Uses Table) pursuant to Chapter 19.455 (Animal Keeping) are permitted. All other animal keeping is prohibited.

No poultry, pigeons, rabbits, horses, mules, ponies, goats, swine, cows or similar animals generally considered to be non-household pets shall be kept in any R-3 or R-4 Zone.

~~P.~~N. *Pedestrian accommodation.* All developments shall provide paved, lighted pedestrian paths connecting parking areas to the units served, and also connecting units to any common usable open space areas improved with recreational amenities.

~~Q.~~O. *Private streets and driveways.* All driveways and streets provided within any multi-family development shall be private and shall be maintained by a private homeowners' association, property owner, or private assessment district. Such private streets and driveways shall be designed, built and maintained as set forth in the permit conditions authorizing such development.

~~R.~~P. *Recreational vehicle parking.* Recreational vehicle parking shall be in accordance with Section 19.580.070 A 4 (Recreational Vehicle Parking in Residential Zones). In addition to providing all required spaces, a development may provide a special parking area and spaces for recreational vehicles, provided such area and spaces are screened from view from surrounding properties by a block wall of a minimum height of eight feet. Any such parking area and screen wall shall be subject to site plan review and design review as set forth in Section 19.100.080 (Site Plan Review and Design review required—R-3 and R-4 Zones).

~~S.~~Q. *Landscaping.* Landscaping shall be provided and continuously maintained as set forth in Chapter 19.570 (Water Efficient Landscaping and Irrigation).

~~T.~~R. Lighting.

1. All outdoor lighting shall be designated with fixtures and poles that illuminate uses, while minimizing light trespass into neighboring areas.
2. The candlepower of outdoor lighting shall be the minimum required for safety purposes.
3. The provisions of Section 19.590.070 (Light and Glare) shall apply.
4. The provisions of Chapter 19.556 (Lighting) shall apply.

(Ord. 7408 §1, 2018; Ord. 7331 §4, 2016; Ord. 6966 §1, 2007)

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Chapter 19.150 - BASE ZONES PERMITTED LAND USES

19.150.010 - Purpose.

This section establishes land use regulations for all base zones listed in this article consistent with the stated intent and purpose of each zone.

(Ord. 7331 §12, 2016; Ord. 6966 §1, 2007)

19.150.020 - Permitted land uses.

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19.150.020.A Permitted Uses Table
This table identifies permitted uses and uses requiring approval of other permits by zoning designation. In addition to these uses, other incidental and temporary uses may also be permitted as noted in the Incidental Uses Table and the Temporary Uses Table.

Use	Zones																			Location of Required Standards in the Municipal Code
	Residential Zones (Residential Conservation (RC), Residential Agricultural (RA-5), Rural Residential (RR), Residential Estate (RE), Single-Family Residential (R-1), Multiple Family Residential (R-3 and R-4))							Office & Commercial Zones (Office, Commercial Retail, Commercial General, Commercial Regional Center)				Mixed Use Zones (Neighborhood, Village, Urban)			Industrial Zones (Business Manufacturing Park, General Industrial, Airport Industrial, Airport)				Other Zones (Public Facilities, Railroad, Neighborhood Commercial Overlay)			
	RC**	RA-5**	RR	RE	R-1	R-3	R-4	O	CR	CG	CRC*	MU-N	MU-V*	MU-U*	BMP	I	AI	AIR	PF	RWY	NC Overlay	
. . .																						
~~Day Care Homes - Large Family~~																						~~See Incidental Uses Table~~
~~Day Care Homes - Small Family~~																						~~See Incidental Uses Table~~
. . .																						
Manufactured Dwellings:	P	P	P	P	P	~~X~~ P	~~X~~ P	X	X	X	X	P	X	X	X	X	X	X	X	X	X	19.850 - Fair Housing and Reasonable Accommodations 19.100 - Residential Zones 19.340 - Manufactured Dwellings See 19.149 - Airport Land Use Compatibility***
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Mobile Home~~`~~ Park	X	X	With the MH Overlay Zone			X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	19.210 - Mobile Home Park Overlay Zone 5.75 - Mobile Home Parks Rent

19.150.020.A Permitted Uses Table

This table identifies permitted uses and uses requiring approval of other permits by zoning designation. In addition to these uses, other incidental and temporary uses may also be permitted as noted in the Incidental Uses Table and the Temporary Uses Table.

Use	Zones																			Location of Required Standards in the Municipal Code
	Residential Zones (Residential Conservation (RC), Residential Agricultural (RA-5), Rural Residential (RR), Residential Estate (RE), Single-Family Residential (R-1), Multiple Family Residential (R-3 and R-4))							Office & Commercial Zones (Office, Commercial Retail, Commercial General, Commercial Regional Center)				Mixed Use Zones (Neighborhood, Village, Urban)			Industrial Zones (Business Manufacturing Park, General Industrial, Airport Industrial, Airport)				Other Zones (Public Facilities, Railroad, Neighborhood Commercial Overlay)			
	RC**	RA-5**	RR	RE	R-1	R-3	R-4	O	CR	CG	CRC*	MU-N	MU-V*	MU-U*	BMP	I	AI	AIR	PF	RWY	NC Overlay	
																						Stabilization Procedures
. . .																						
Tiny Home Community (Foundation)	X	X	X	X	X	P	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X	19.100.070 - Additional regulations for the R-3 and R-4 Zones.

*=For CRC, MU-U and MU-V Zones a Site Plan Review Permit (Chapter 19.770) is required for any new or additions/changes to existing buildings or structures.

**=For a more detailed listing of the permitted land uses in the RA-5 and RC Zones, refer to Sections 19.100.030.A (RA-5 Zone Permitted Uses) and 19.100.030.B (RC Zone Permitted Uses). If any conflict between this Table and Sections 19.100.030.A and 19.100.030.B exists, the provisions of Sections 19.100.030.A and 19.100.030.B shall apply.

***=Refer to Chapter 19.149 - Airport Land Use Compatibility and applicable Airport Land Use Compatibility Plan for airport land use compatibility zones where use may be strictly prohibited.

C=Subject to the granting of a conditional use permit (CUP), Chapter 19.760	~~DCP=Day Care Permit - Large Family, Chapter 19.860~~	MC=Subject to the granting of Minor Conditional Use Permit (MCUP), Chapter 19.730	P=Permitted
PRD=Planned Residential Development Permit, Chapter 19.780	RCP=Recycling Center Permit, Chapter 19.870	SP=Site Plan Review Permit, Chapter 19.770	sq. ft.= Square Feet
X=Prohibited			

1 Commercial Storage Facilities are permitted in all zones with the Commercial Storage Overlay Zone (Chapter 19.190).
2 Legal, existing duplexes built prior to the adoption of this Zoning Code are permitted in the R-1-7000 Zone see 19.100.060 D.
3 Allowed with a Planned Residential Development (PRD) Permit, Chapter 19.780.
4 One single-family detached dwelling allowed on one legal lot 0.25 acres in size or less in existence prior to January 1, 2018 subject to the development standards of the R-1-7000 Zone.
5 Permitted or conditionally permitted on sites that do not include a residential use.
(Ord. 7462 , § 2(Exh. A), 2019; Ord. 7431 § 3(Exh. A), 2018)

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19.150.020.B Incidental Uses Table
This table identifies uses which are generally only permitted as an incidental use to some other permitted use on the property.

Use	Zones																			Location of Required Standards in the Municipal Code
	Residential Zones (Residential Conservation (RC), Residential Agricultural (RA-5), Rural Residential (RR), Residential Estate (RE), Single-Family Residential (R-1), Multiple Family Residential (R-3 and R-4))							Office & Commercial Zones (Office, Commercial Retail, Commercial General, Commercial Regional Center)				Mixed Use Zones (Neighborhood, Village, Urban)			Industrial Zones (Business Manufacturing Park, General Industrial, Airport Industrial, Airport)				Other Zones (Public Facilities, Railroad, Neighborhood Commercial Overlay)			
	RC**	RA-5**	RR	RE	R-1	R-3	R-4	O	CR	CG	CRC*	MU-N	MU-V*	MU-U*	BMP	I	AI	AIR	PF	RWY	NC Overlay	
. . .																						
Accessory Dwelling Unit [1] and Accessory Dwelling Unit, Junior	P	P	P	P	P	P	P	X	X	X	X	P	P	P	X	X	X	X	X	X	X	19.442 - Accessory Dwelling Unit and Junior Accessory Dwelling Units 19.910 - Definitions
. . .																						
~~Day Care Homes - Large Family~~	~~DCP~~	~~DCP~~	~~DCP~~	~~DCP~~	~~DCP~~	~~DCP~~	~~DCP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~DCP~~	~~DCP~~	~~DCP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~19.470 - Day Care Homes - Family~~
~~Day Care Homes - Small Family~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~19.470 - Day Care Homes - Family~~
. . .																						
Tiny Home~~(s)~~ Community ***	X	X	C	C	C	C	X	C	C	C	C	C	C	C	X	X	X	X	X	X	X	19.255 - Assemblies of people—non-entertainment 19.100.070 - Additional regulations for the R-3 and R-4 Zones. 19.910 - Definitions
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(Ord. 7457 § 1(Exh. A), 2019; Ord. 7431 § 3(Exh. A), 2018; Ord. 7408 §1, 2018; Ord. 7331 §11, 2016; Ord. 7316 §4, 2016; Ord. 7273 §1, 2015; Ord. 7222 §3, 2013, Ord. 7110 §§2, 3, 4, 2011; 7064 §9, 2010; Ord. 6966 §1, 2007)

[1] Accessory Dwelling Units (ADU) are permitted when an existing or proposed primary single-family or multi-family residential dwelling is located on the same property, pursuant to Chapter 19.422.
[2] See exemptions noted in 19.450 - Alcohol Sales
[3] Outdoor Sales and Display - Incidental are permitted on an intermittent basis with a TUP. See Section 19.740

[4] Where play areas are proposed in conjunction with a new drive-thru restaurant, the play area can only be considered under the same conditional use permit required for the drive-thru business.

*=For CRC, MU-U and MU-V Zones a Site Plan Review (Chapter 19.770) is required for any new or additions/changes to existing buildings or structures.		
**=For a more detailed listing of the permitted land uses in the RA-5 and RC Zones, refer to Sections 19.100.030.A (RA-5 Zone Permitted Uses) and 19.100.030.B (RC Zone Permitted Uses). If any conflict between this Table and Sections 19.100.030.A and 19.100.030.B exists, the provisions of Sections 19.100.030.A and 19.100.030.B shall apply.		
***=Accessory to an Assemblies of People — Non-Entertainment and subject to the applicable standards identified in Chapter 19.255 ~~shall meet all applicable standards identified in Chapter 19.255~~(Assemblies of People-Non-Entertainment).		
P=Permitted	C=Subject to the granting of a conditional use permit (CUP), Chapter 19.760	MC=Subject to the granting of Minor Conditional Use Permit (MCUP), Chapter 19.730
RCP=Recycling Center Permit, Chapter 19.870.	TUP=Temporary Use Permit, Chapter 19.740	X=Prohibited
~~DCP=Day Care Permit - Large Family, Chapter 19.860~~	sq. ft.=Square Feet	SP=Site Plan Review Permit, Chapter 19.770
PRD=Planned Residential Development Permit, Chapter 19.780	RRP=Room Rental Permit	

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19.150.020.C Temporary Uses Table
This table identifies uses that are temporary in nature.

Use	Zones																				Location of Required Standards in the Municipal Code
	Residential Zones (Residential Conservation (RC), Residential Agricultural (RA-5), Rural Residential (RR), Residential Estate (RE), Single-Family Residential (R-1), Multiple Family Residential (R-3 and R-4))							Office & Commercial Zones (Office, Commercial Retail, Commercial General, Commercial Regional Center)				Mixed Use Zones (Neighborhood, Village, Urban)			Industrial Zones (Business Manufacturing Park, General Industrial, Airport Industrial, Airport)				Other Zones (Public Facilities, Railroad, Neighborhood Commercial Overlay)			
	RC**	RA-5**	RR	RE	R-1	R-3	R-4	O	CR	CG	CRC*	MU-N	MU-V*	MU-U*	BMP	I	AI	AIR	PF	RWY	NC Overlay	

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(Ord. 7408 §1, 2018; Ord. 7211 §2, 2013; Ord. 7110 §§2, 3, 4, 2011; Ord. 7064 §9, 2010; Ord. 6966 §1, 2007)

*=Refer to Chapter 19.149 - Airport Land Use Compatibility, and applicable Airport Land Use Compatibility Plan for airport land use compatibility zones where use may be strictly prohibited.
[1] All sites having active minor conditional use permits or conditional use permits, private schools, assemblies of people, etc.
[2] For Exceptions, see Chapters 19.100.030 (A) - RA-5 Permitted Uses and 19.150.020.B Incidental Uses Table

* = For CRC, MU-U and MU-V Zones a Site Plan Review (Chapter 19.770) is required for any new or additions/changes to existing buildings or structures.		
** = For a more detailed listing of the permitted land uses in the RA-5 and RC Zones, refer to Sections 19.100.030.A (RA-5 Zone Permitted Uses) and 19.100.030.B (RC Zone Permitted Uses). If any conflict between this Table and Sections 19.100.030.A and 19.100.030.B exists, the provisions of Sections 19.100.030.A and 19.100.030.B shall apply.		
*** = Accessory to an Assemblies of People — Non-Entertainment and shall meet all applicable standards identified in Chapter 19.255.		
P = Permitted	C = Subject to the granting of a conditional use permit (CUP), Chapter 19.760	MC = Subject to the granting of Minor Conditional Use Permit (MCUP), Chapter 19.730
RCP = Recycling Center Permit, Chapter 19.870.	TUP = Temporary Use Permit, Chapter 19.740	X = Prohibited
~~DCP = Day Care Permit - Large Family, Chapter 19.860~~	sq. ft. = Square Feet	SP = Site Plan Review Permit, Chapter 19.770
PRD = Planned Residential Development Permit, Chapter 19.780		

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ARTICLE VI - OVERLAY ZONES

Chapter 19.210 - MOBILE HOME PARK OVERLAY ZONE (MH)

19.210.010 - Purpose.

The Mobile Home Park (MH) Overlay Zone is established to set forth standards to be applied to the development of new mobile home parks. The standards herein are intended to ensure a suitable living environment for those persons residing within a mobile home park and to ensure compatibility of such park with the surrounding area.

(Ord. 7331 §19, 2016; Ord. 6966 §1, 2007)

19.210.020 - Applicability.

A. This Mobile Home Park Overlay Zone (MH) may only be applied in combination with a base zone ~~of R-1-7000~~as set forth in Table 19.100.020 A.

B. The MH Overlay Zone may also be applied in combination with other overlay zones.

C. Unless otherwise specified, the provisions of California Code of Regulations Title 25, Division 1, Chapter 2, Mobile Home Parks Act, shall apply.

(Ord. 7331 §19, 2016; Ord. 6966 §1, 2007)

19.210.030 - Permitted uses.

Mobile home parks may be established within a Mobile Home Park Overlay Zone subject to the granting of a conditional use permit processed pursuant to Chapter 19.760 (Conditional Use Permit) and to the provisions of this chapter (Refer to the provisions of California Code of Regulations Title 25, Division 1, Chapter 2, Mobile Home Parks Act).

(Ord. 7331 §19, 2016; Ord. 6966 §1, 2007)

19.210.040 - Development standards.

Table 19.210.040 (MH Overlay Zone Development Standards) sets forth the minimum development standards required for all new mobile home parks. In the event of conflict between these standards and those required for the underlying base zone, the standards set forth in Table 19.210.040 (MH Overlay Zone Development Standards) shall prevail.

(Ord. 7331 §19, 2016; Ord. 6966 §1, 2007)

Table 19.210.040
MH Overlay Zone Development Standards

Development Standard	MH
Density of a Mobile Home Park - Maximum	10 units/acre
Density of a Tiny Home (chassis) Community - Maximum	20 units/acre[1]
Unit Size of a Tiny Home (chassis) Community	Up to 400 square feet
Site Area - Minimum a. Mobile Home Park (gross area) b. Individual Mobile Home Space c. Tiny Home (c~~C~~hassis) Community	 a. 10 acres b. Minimum space area shall comply with Title 25 (Housing and Community Development) of the California Code of Regulations. c. Per underlying Zone.
Frontage on a public street for mobile home park site - Minimum	250 ft.

Dimensions for individual mobile home sites - Minimum a. Lot width b. Lot depth	Minimum lot width and depth shall comply with Title 25 (Housing and Community Development) of the California Code of Regulations.
Building Height - Maximum a. Mobile Home Units within a Park b. Mobile Home Park: - Permanent Structures	a. Building height shall comply with Title 25 (Housing and Community Development) of the California Code of Regulations. b. 35 ft.
Lot Coverage: Individual Mobile Home Space - Maximum	Maximum lot coverage shall comply with Title 25 (Housing and Community Development) of the California Code of Regulations.
Setbacks for an Individual Mobile Home Space - Minimum	Front, sides and rear yard setbacks for each individual mobile home space shall be established and maintained in accordance with Title 25 (Housing and Community Development) of the California Code of Regulations.
Setbacks for Mobile Home Park: - Minimum (Applies to the perimeter setbacks of the park) a. Front ~~1~~2, ~~2~~3 b. Street side ~~1~~2, ~~2~~3, ~~3~~4 c. Interior side ~~2~~3, ~~3~~4 d. Rear ~~2~~3, ~~3~~4	 a. 20 ft. b. 20 ft. c. 10 ft. d. 10 ft.
Building Separation Between Mobile Home Units; and Between Mobile Home Units and Accessory Structures	Building separation shall conform with Title 25 (Housing and Community Development) of the California Code of Regulations.
Notes: 1. Subject to maximum land use intensity criteria pursuant to an applicable Airport Land Use Compatibility Plan. ~~1~~2. Except where the average setback of existing dwellings on the same block exceeds the minimum required front and/or street side setback, the setback of the mobile home park shall conform to that average depth. ~~2~~3. All required setbacks shall be suitably landscaped and maintained pursuant to Chapter 19.570 (Water Efficient Landscaping and Irrigation) of the Zoning Code. ~~3~~4. The park side yard setback shall not be a substitute for the required mobile home space yards.	

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19.210.050 - Additional development standards.

The following additional standards shall apply to all new mobile home parks.

A. *Management.* Every mobile home park community shall be properly managed to ensure maintenance of common facilities and to ensure individual home sites are developed and maintained in accordance with recorded rules and regulations for the park. A Management Plan shall be included in the conditional use permit application submittal. All mobile home park communities shall participate in the City's Crime Free Multi Housing Program, or its successor equivalent.

D. *Site use and improvements.* Each mobile home shall be located on an approved mobile home site, and all mobile home sites shall be designed to accommodate independent mobile homes. No mobile home site shall be used as the location for more than one mobile home or trailer. Each mobile home shall be skirted with material compatible in color and material with the mobile home.

E. *Roadways.* Access to the mobile home park shall be provided from a public roadway and shall include an internal circulation system that would allow access to each individual mobile home space in accordance with Title 25 (Housing and Community Development) of the California Code of Regulations.

F. *Fences and walls (excluding Tiny Home (chassis) Communities).* A minimum six-foot-high decorative solid masonry wall shall be constructed to enclose the park and serve as a visual screen and buffer between uses. The wall shall be located no closer than the front and street side setback along all streets and for the remainder perimeter of the park, it shall be located at the property line. All outdoor storage areas for the Park shall be enclosed by a minimum six-foot-high masonry wall. Fencing for each individual mobile home space shall comply with Title 25 (Housing and Community Development) of the California Code of Regulations.

G. *Landscape buffer.* When a mobile home park shares a common boundary with a residential use, a ten-foot landscape setback shall be provided along the common property line.

H. *Landscaping.* All required minimum setback areas around the perimeter of the park shall be permanently landscaped and maintained with ground cover, trees, and shrubs, pursuant to Chapter 19.570 (Water Efficient Landscaping and Irrigation).

I. *Accessory structures (storage building, garage, carport, awning, cabana, greenhouse, etc.).* Accessory structures shall be subject to the minimum requirements for setbacks, building separation and height, location, size, construction materials and lot coverage established for Mobile Home Accessory Buildings and Structures in Title 25 (Housing and Community Development) of the California Code of Regulations.

J. *Common open space.* A recreation area, exclusive of any mobile home space, shall be provided and maintained on site at a rate of 275 square feet for each mobile home unit within the park. Recreation areas may include, but not be limited to, recreation rooms, community indoor and outdoor facilities, playgrounds, and other similar amenities.

K. *Utilities.* Unless otherwise specifically authorized by the designated approving or appeal authority, all utilities providing service to the park shall be placed underground. Equipment appurtenant to the underground facilities (e.g., transformers, meter cabinets) may be placed above ground. All utilities shall be installed to the specifications of the Public Utilities and Fire Departments. Master metering shall be required, with sub-metering at the option of the park owner.

L. *Parking.* Parking shall be provided and improved in accordance with Chapter 19.580 (Parking and Loading) of the Zoning Code. However, where two parking spaces are provided on a mobile home space, one may be located behind the other (in tandem) and need not have independent vehicular access.

M. *Lighting.* Lighting for signs, structures, landscaping, parking areas, loading areas and the like, shall comply with the regulations set forth in Section 19.590.070 (Light and Glare) and the provisions of Chapter 19.556 (Lighting).

N. Trash receptacles and enclosures.

1. All trash storage areas shall be located so as to be convenient to the users and where associated odors and noise will not adversely impact the users.
2. The provisions of Chapter 19.554 (Trash/Recyclable Materials Collection Area Enclosures) regarding requirements for the screening of trash receptacles shall apply.

(Ord. 7331 §19, 2016; Ord. 6966 §1, 2007)

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ARTICLE VII. - SPECIFIC LAND USE PROVISIONS

Chapter 19.240 - ADULT-ORIENTED BUSINESSES

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19.240.040 - Minimum proximity requirements.

A. Adult-oriented businesses shall only be established, located, or operated in the I (Industrial) Zone and only when within the ascribed distances of the certain specified land uses or zones set forth here. These distances shall be measured from the closest point upon the outside walls of the building or building lease space containing the adult-oriented business to the nearest point upon the outside walls or property lines of the building or property of concern.

1. The business shall not be located within 600 feet of any other adult-oriented business.
2. The business shall not be located within 1,000 feet of a historic district.
3. The business shall not be located within 600 feet of any residential dwelling unit, residential zone or homeless shelter.
4. The business shall not be located within 1,000 feet of any school, religious assembly, ~~or~~ family day care home or day care~~/~~ center.

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Chapter 19.340 - MANUFACTURED DWELLINGS

19.340.010 - Purpose.

The purpose of regulating manufactured dwellings is to ensure compatibility of such dwellings with surrounding uses and properties and to avoid any impacts associated with such dwellings.

(Ord. 7331 §46, 2016; Ord. 6966 §1, 2007)

19.340.020 - Applicability and permit requirements.

Manufactured dwellings, as defined in Article X (Definitions), are permitted in any zone where a single-family residence is permitted pursuant to Government Code 65852.3 - Local Manufactured Homes Zoning and in any Multi-Family zone as part of a tiny home (foundation) Community. The manufactured dwelling must be certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Secs. 5401 et. seq.) and placed on a foundation system.

(Ord. 7331 §46, 2016; Ord. 6966 §1, 2007)

19.340.030 - Development standards.

In addition to the~~The~~ standards set forth in Article V, Base Zones and Related Use and Development Provisions that shall apply, ~~shall apply to manufactured dwellings in addition to the following. A.~~ bBuilding elevations shall be submitted for review and approval by the ~~Development Review Committee~~Community & Economic Development Director ~~depicting~~ showing the roof overhang, roofing material and siding material.

(Ord. 7331 §46, 2016; Ord. 6966 §1, 2007)

19.340.040 - Site, location, operation and development standards for the sales of manufactured dwellings.

A. The site shall be located on and have access to an arterial street as identified on the City's Master Plan of Roadways in the General Plan.

B. All buildings shall be located at least 20 feet from any property line.

C. A dedicated model home sales office shall be provided on the property.

D. Parking for the office component shall be provided in accordance with Chapter 19.580 of the Zoning Code.

E. Exterior lighting shall be provided in accordance with Chapter 19.556 of the Zoning Code.

F. All provisions contained in Chapter 19.505 (Outdoor Display and Sales) shall apply to the sales of Manufactured Dwellings.

G. No outdoor telephone bell or paging system shall be used.

(Ord. 7331 §46, 2016)

19.340.050 - Modifications.

Modifications to the above site location, operation and development standards may be considered in conjunction with the required Conditional Use Permit.

(Ord. 7331 §46, 2016)

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Chapter 19.350 - PAROLEE/PROBATIONER HOME

19.350.040 - Site location, operation and development standards.

The standards set forth in Article V, Base Zones and Related Use and Development Provisions shall apply unless otherwise specified here.

A. Site location standards.

1. The use shall be compatible with neighboring uses.
2. Establishment of the facility shall not result in harm to the health, safety or general welfare of the surrounding neighborhood and substantial adverse impacts on adjoining properties or land uses will not result.
3. The facility shall be located along or near a major arterial with ready access to public transportation.
4. The facility shall be accessible to necessary support services.
5. To avoid over-concentration of parolee/probationer, there shall be a 5,000-foot separation requirement between parolee/probationer homes as measured from the nearest outside building walls between the subject use and the nearest property line of any other parolee/probationer housing site.
6. A parolee/probationer home shall not be located within 1,000 feet of any other group housing, assisted living facility, a public or private school (kindergarten through twelfth grade), university, college, student housing, senior housing, family day care home, day care ~~and~~ center, public park, library, business licensed for on- or off-site sales of alcoholic

beverages, or emergency shelter as defined in Article X (Definitions) and as measured from any point on the outside walls of the parolee/probationer home to the nearest property line of the noted use.

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Chapter 19.405 - TATTOO AND BODY PIERCING PARLORS

19.405.030 - Site location, operation and development standards.

The standards set forth in Article V, Base Zones and Related Use and Development Provisions, shall apply to tattoo and body piercing parlors unless otherwise specified here.

A. The business shall not be located within 1,000 feet of any other tattoo and/or body piercing parlor as measured from any point from the outer boundaries of the building lease space containing the business to the nearest property line of the site containing the existing tattoo and/or body piercing parlor.

A. The business shall not be located within 500 feet of any adult-oriented business as measured from any point from the outer boundaries of the building lease space containing the business to the nearest property line of the site containing the existing adult-oriented business.

B. The business shall not be located within 500 feet of any business selling alcoholic beverages, as measured from any point from the outer boundaries of the building lease space containing the business to the nearest property line of the site containing the existing business selling alcoholic beverages.

C. The business shall not be located within 100 feet of any existing residential zone as measured from any point between the outer boundaries of the building lease space containing the business and the nearest property line of a residentially zoned property

D. The business shall not be located within 600 feet of a school, park, ~~or~~ day care center or ~~/family~~ family day care home as measured from any point between the outer boundaries of the lease space containing the business to the nearest property line of the school, park, ~~or~~ day care center or ~~/~~family day care home.

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Chapter 19.442 - ACCESSORY DWELLING UNITS (ADU) AND JUNIOR ACCESSORY DWELLING UNITS (JADU)

19.442.010 - Purpose.

The State of California has identified accessory dwelling units (ADU) and junior accessory dwelling units (JADU) as ~~a~~ valuable forms of housing ~~in California~~. The City recognizes the importance of providing housing and balancing that with an attractive living environment for all residents. The availability of ~~accessory dwelling units~~ADUs and JADUs contributes to local housing and ~~, to~~ the community's housing stock~~, and are a~~ while providing residential uses consistent with the General Plan and Zoning Code. The purpose of this Chapter is to ensure compliance with California Government Code Section 65852.2 and minimize impacts to surrounding uses and properties.

(Ord. 7457 § 1(Exh. A), 2019; Ord. 7408 §1, 2018)

19.442.020 - Applicability and permit requirements.

ADUs and JADUs, as defined in Article X (Definitions), are permitted in all residential zones, including all multi-family and mixed-use zones that include an existing or proposed dwelling. ~~as set forth in Article V, Base Zones and Related Use and Development Provisions, subject to the requirements contained in this chapter.~~

(Ord. 7457 § 1(Exh. A), 2019; Ord. 7408 §1, 2018)

19.442.030 - ~~Site location, operation and development standards~~Requirements.

An application for an ADU or JADU shall demonstrate compliance with all the standards and limitations set forth in this section, to the satisfaction of the Community & Economic Development Director or his/her designee.

A. General.

~~For ADUs or JADUs, only a building permit shall be required when located on a lot with an existing primary dwelling.~~

1. ADUs and JADUs shall comply with State and local building code requirements for dwellings.

2. ADUs and JADUs in an historic district shall comply with California Government Code Section 65852.2 and Title 20 of the Riverside Municipal Code.

~~ADUs and JADUs are not required to provide fire sprinklers if fire sprinklers are not required for the primary residence.~~

3. ADUs and JADUs, when rented, must be used for rentals of terms longer than 30 days.

~~1.~~4. No actions to correct zoning nonconformities~~,~~ related to physical improvements~~,~~ are required for ADUs.

5. ~~Lot Size.~~ There shall be no minimum lot size requirement to establish an ADU or JADU.

6. ~~Lot Coverage.~~ The floor area of an ADU or JADU shall not be counted when calculating lot coverage.

7. ADUs may not be sold or otherwise conveyed separate from the primary residence with the exception of a primary dwelling and ~~the~~ ADU developed by an IRS recognized 501(c)(3) housing ~~-~~related nonprofit or a faith-based organization, working with the Housing Authority, whose mission is to provide units to low-income households.

8. For JADUs, a deed restriction shall be recorded, to run with the land, to prohibit the sale of the JADU separate from the sale of the primary dwelling and restrict its size as identified in 19.442.030 (F).

9. ADUs and JADUs are exempt from all provisions of Chapter 19.219 – Residential Protection Overlay Zone including any application to a primary dwelling, the dwelling area, number of bedrooms or other characteristics.

B. Location.

1. An ADU or JADU shall be located on the same lot as the proposed or existing primary dwelling.

2. An ADU or JADU must have independent exterior access separate from the proposed or existing ~~existing residence~~primary dwelling.

3. An ADU may be either attached, located within the living area of the proposed or existing

primary dwelling, or detached from the proposed or existing primary dwelling.

4. A JADU shall be constructed and located within the walls of the proposed or existing primary dwelling, not including the garage, and include:

2. Approval for legal, existing structures.

b.a. Unless the ADU is within the existing single-family residence or an existing legal accessory structure, ADU's are prohibited in the RR, RA-5 and RC zones. Only a building permit shall be required . Cooking facilities with appliances, and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.

b. Separate sanitation facilities or shared sanitation facilities with the existing structure.

0. for an ADU when all of the following applies:

0. The property is located in a single-family residential zone;

0. The ADU is contained within the existing space of a structure that has not been constructed or altered within the preceding six months;

0. An ADU in an existing structure that does not meet the criteria of Section 19.442.030.A.2 shall be subject to Section 19.442.030.B.

F. *Specific ADU* requirements. ADUs that do not meet the criteria of Section 19.442.030.A shall comply with the following:

0. Location.

. The ADU may be either attached or located within the living area of the proposed or existing primary dwelling, or detached from the proposed or existing primary dwelling.

. The ADU shall be located on the same lot as the proposed or existing primary dwelling.

0. The maximum lot coverage shall be the same as the underlying zone.

C. Setbacks.

1. For ADUs, setbacks shall comply with California Government Code Section 65852.2 as amended from time to time.

2. For any existing structure, attached or detached, converted to an ADU, no setback requirements shall apply.

1.3. The side and rear setbacks for an ADU must be sufficient for fire and safety.

D. of UnitsUnit Size.

1. Theexisting primary dwelling may be expanded to accommodate for the JADU or ADU.If there is an existing primary dwelling on the lot, tThe total floor space of an attached ADU shall not exceed 50 percent of the existing primary dwelling living area or 1,200 square feet, whichever is less.

2. The total floor space of any detached ADU shall not exceed 1,200 square feet.

3. JADUs shall be no more than 500 square feet in size.

E. Number of Units.

1. Single-family—. The number of dwellings permitted on a single lot in any single-family residential zone shall be limited to the primary dwelling, and one ADU and one JADU. , neither of which is required to be owner-occupied.

2. Multi-family

a. Existing Structures

i. At least one (1) ADU, but no more than 25% of the existing number of multi-family dwellings, shall be permitted within existing structures on lots with multi-family dwelling structures.~~.~~

ii. ADUs can include conversion of storage rooms, boiler rooms, passageways, attics, basements or garages provided the ADU complies with building standards for dwellings.

b. New Structures. No more than two new detached (2) ADUs shall be permitted on a lot that has an existing multi-family dwelling.

~~. ADUs that are contained within the existing space of, or attached to a single-family dwelling shall meet the minimum building setbacks of the underlying zone for a primary dwelling.~~

~~. Detached ADUs shall meet the minimum front yard building setback requirement of the underlying zone, and have a minimum five-foot side and rear yard building setback.~~

~~. No additional setback is required for an existing garage that is converted, in whole or in part, to an ADU. ADUs constructed above an existing garage, are allowed with a minimum five-foot side and rear yard setback.~~

F. Owner Occupancy.

a. On a single lot with a primary dwelling and ADU, neither is required to be owner-occupied.

b. On a single lot, one JADU is allowed if the primary dwelling or JADU is owner-occupied which shall be recorded with the deed restriction.

~~N.~~G. Height.~~ -~~ All ADUs shall comply with the height restrictions of the underlying zone. ~~zone with the exception of stand-alone detached ADUs, which shall be limited to a single-story and no more than 20 feet in height.~~

~~0. —~~

~~P. JADUs shall be~~Universal requirements. ~~All ADUs shall comply with the following requirements:~~

~~Q. The number of dwellings permitted on a single lot in any single-family residential zone shall be limited to two that may include, the primary dwelling and either an ADU, or an Accessory Living Quarter.~~

H. Parking.

1. ~~-~~No parking shall be required for an ADU or JADU.

~~1.~~2. No replacement parking shall be required for the primary dwelling if a garage, carport or covered parking is converted to an ADU.~~shall be required as specified in Chapter 19.580 Parking and Loading, Table 19.580.060.~~

~~0. ADUs shall comply with local building code requirements.~~

~~0. ADUs are not required to provide fire sprinklers if fire sprinklers are not required for the primary residence.~~

~~0. An ADU shall only be permitted on a lot conforming to the minimum lot size requirements~~

~~for single-family dwellings of the underlying zone.~~

~~U. Dwelling size.~~

~~0. The total floor space of an attached ADU shall not exceed 50 percent of the primary dwelling living area, or 1,200 square feet, whichever is less.~~

~~0. The total floor space of a detached ADU shall not exceed 1,200 square feet.~~

~~X.~~I. Utilities.

1. ADUs shall not be considered a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service unless the ADU is constructed with a new single-family dwelling.
2. A new or separate utility connection, connection fee, or capacity charge shall not be required by the utility provider for an ADU ~~described in Section 19.442.030.A~~located within the existing primary dwelling unit.
3. A new or separate utility connection, connection fee, or capacity charge shall not be required by the utility provider for an ADU ~~A new or separate utility connection, connection fee, or capacity charge may be required for an ADU~~unless the ADU is constructed with a new single-family dwelling. ~~not described in Section 19.442.030.A.~~
4. For new ADUs on a lot with an existing primary dwelling unit, ~~The~~the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed ADU, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. ~~The fee shall not exceed the reasonable cost of providing this service.~~
5. ADUs served by a private sewage system shall comply County Health Department requirements, as applicable.

J. Impact Fees

1. For ADUs under 750 square feet, no City impact fees shall apply.
2. For ADUs over 750 square feet, impact fees shall be charged proportionately in relation to the square footage of the primary dwelling unit.

~~Y. .Occupancy.~~

~~Either the primary single-family dwelling or the accessory dwelling unit, is required to be occupied by the owner of the property.~~

~~The ADU may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.~~

~~If the primary dwelling or ADU is not owner occupied for any period longer than 90 days, one of the two dwellings is required to be converted to an accessory living quarters or a guest house, and kitchen facilities shall be removed in accordance with this title.~~

~~A covenant shall be recorded against the property with the Riverside County Recorder's Office, subject to approval of the Planning Division and City Attorney's Office, to restrict the property with the requirements of this section prior to issuance of a building permit for the ADU. The covenant shall be binding upon any successor in ownership of the property.~~

~~Y. Owner occupancy exemption.~~

~~The single-*family* residence and ADU may be rented concurrently, without owner occupancy, provided:~~

The Housing Authority of the City of Riverside (Housing Authority), owns the property; or

An IRS recognized 501(c)(3) housing related nonprofit or a faith-based organization, working with the Housing Authority, owns the property or is under contract with the property owner to manage a unit or units.

The property must be located in the R-1, R-3, R-4 or MU zone.

The development standards of this chapter shall apply.

The occupancy and property management agreement shall become null and void if the property is sold.

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Chapter 19.470 - DAY CARE HOMES—FAMILY

19.470.010 - Purpose.

The intent of this chapter is to implement the California Health and Safety Code provisions regarding day care homes, both large family and small family. The purposes of establishing day care home regulations are to:

Recognize that affordable, quality, licensed childcare is critical to both the well-being of children and parents as well as the economic vitality of the City;

Provide a comprehensive set of guidelines to ensure a safe child care environment and to maintain compatibility between childcare facilities and surrounding land uses;

Ensure that the needs of children for adequate care are balanced with the rights of property owners;

Facilitate the establishment of childcare facilities as a permitted use within certain zones;

Enhance provider awareness of City requirements; and

To ensure compatibility of such uses with surrounding uses and properties and to avoid any impacts associated with such uses.

(Ord. 7331 §73, 2016; Ord. 6966 §1, 2007)

19.470.020 - Applicability and permit requirements.

Day care homes, as defined in Article X (Definitions), are permitted as set forth in Article V, Base Zones and Related Uses and Development Provisions subject to the requirements contained in this chapter.

(Ord. 7331 §73, 2016; Ord. 6966 §1, 2007)

19.470.030 - Site location, operation and development standards.

The standards set forth in Article V, Base Zones and Related Use and Development Provisions, shall apply to day care homes - large family, unless otherwise specified here.

Site location standards.

Properties used for day care homes - large family shall not be located closer than 300 feet from any other day care home - large family as measured from any point upon the outside walls of the residence containing the business and the nearest property line of the residential property operating another day care home - large family.

~~Operation and development standards.~~

~~The day care home-large family must be the residence of the provider.~~

~~The day care home-large family use must be clearly incidental and secondary to the use of the property for residential purposes.~~

~~Hours of operation shall be less than 24 hours per day.~~

~~The day care home-large family shall comply with all Municipal and State laws and regulations regarding single family residences and day care homes - large family.~~

~~Noise will be maintained in compliance with Title 7 (Noise Control) of the Municipal Code.~~

~~The provider shall comply with all applicable regulations of the City's Fire Department regarding health and safety requirements as they relate to family day care homes and shall contain a fire extinguisher and smoke detector device that meet standards established by the State Fire Marshal (California Health and Safety Code Section 1597.45 d and Section 1597.46 d).~~

~~All State of California licensing standards shall be met. The provider shall keep all State licenses or permits valid and current.~~

~~The applicant for a day care home-large family permit shall provide evidence of payment of the City Business Tax.~~

~~The day care home-large family shall be maintained to retain the appearance of a home consistent with the general character of the neighborhood.~~

~~Residences fronting on, or taking access from, a four-lane street (as shown on the General Plan Figure CCM-4 - Master Plan of Roadways) shall provide at least one paved drop-off/pick-up area designed with on-site parking and maneuvering area to allow vehicles to drop-off/pick-up children and exit the site without backing out onto a four-lane street per Planning Division and Public Works Department approval.~~

~~For residences not fronting on, or taking access from a four-lane street, drop-off/pick-up of children from vehicles shall only be permitted on the driveway, approved parking area or directly in front of the residence. The drop-off/pick-up area shall be conveniently located in an area providing safe access to the home and not in conflict with adjoining residences.~~

~~The day care home - large family shall provide at least one off-street parking space per employee of driving age not living in the home. The residential driveway approach is acceptable for this parking requirement if the parking space will not conflict with any required child drop-off/pick-up area, and does not block the public sidewalk or right-of-way.~~

~~An outdoor play area that satisfies the requirements of the State Community Care Licensing Division shall be provided in compliance with the City's Zoning regulations.~~

~~(Ord. 7331 §73, 2016; Ord. 6966 §1, 2007)~~

~~19.470.040 - Modifications.~~

~~Modifications to site location standard A1 above may be considered in conjunction with the required day care permit-large family. No modifications to the operation and development standards above shall be allowed.~~

~~(Ord. 7331 §73, 2016; Ord. 6966 §1, 2007)~~

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Chapter 19.440 - ACCESSORY BUILDINGS AND STRUCTURES

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19.440.030 - Site location, operation and development standards.

These standards supplement the standards for the zone in which the accessory use is located. If an accessory structure is attached to the principal building, such structure shall comply with the development standards for the principal building.

A. No accessory structure shall be permitted unless a principal building exists and is occupied by the use intended.

B. Accessory structures shall not cover more than 35 percent of the required side or rear yard setback area.

C. Accessory structures shall be located a minimum of five feet from the principal building or the distance required by the Building Code, whichever is greater. Eave line separation from the principal building shall conform to the provisions of the Building Code. Accessory structures located less than five feet from the primary building shall be considered "attached" and must meet the setbacks of the underlying zone.

D. Garage and carport accessory structures with direct access from an alley shall be located a minimum of 25 feet from the opposite boundary line of the alley.

E. Accessory structures within residential zones shall comply with the following additional regulations.

1. Accessory structures shall be no closer to the front lot line than the front-most wall of the dwelling nearest the front lot line.
2. The interior side and rear yard setback shall be five feet for a single-story accessory structure.
3. The interior side and rear yard setback shall be the same as the respective underlying zone for two-story accessory structures or accessory structures exceeding 20 feet in height.
4. The street side yard setback for an accessory structure shall be the same as the street side setback of the underlying zone.
5. In the RR, RE and R-1 Zones, all metal accessory structures shall be limited to a maximum total floor area of 120 square feet; all other accessory structures shall be limited to a maximum floor area of 750 square feet. There is no size limit for accessory structures in the RC, RA-5, R-3 or R-4 Zones or any Zone when built in conjunction with a Planned Residential Development (i.e. clubhouse) or Conditional Use Permit (i.e. assemblies of people - non entertainment or assisted living).
6. Any accessory structure over five feet in height, excluding proposed accessory dwelling units which shall comply with requirements set forth in Chapter 19.440, shall be set back at least five feet from side and rear property lines.
7. Single-story accessory structures shall not exceed 20 feet in overall height and two-story accessory structures shall not exceed 30 feet in overall height.

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ARTICLE VIII - SITE PLANNING AND GENERAL DEVELOPMENT PROVISIONS

Chapter 19.580 - PARKING AND LOADING

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19.580.060 - Parking requirements.

A. *Minimum parking requirements.* The number of off-street parking spaces required by Table 19.580.060 (Required Spaces) shall be considered the minimum necessary for each use, unless off-street parking reductions are permitted pursuant to provisions herein. In conjunction with a conditional use, site plan review or planned residential development permit, the designated Approving or Appeal Authority may increase these parking requirements if it is determined that they are inadequate for a specific project.

B. *Uses not listed.* The number of parking spaces required for uses not specifically listed in Table 19.580.060 (Required Spaces) shall be determined by the Community & Economic Development Director or his/her designee based on common functional, product or compatibility characteristics and activities. Such determination is considered a formal interpretation of this title and shall be decided and recorded as such pursuant to Chapter 19.060 (Interpretation of Code).

C. *Mixed use complexes and parking credits.* In the case of shared parking facilities within a complex, the development shall provide the sum of parking spaces required for each separate use. However, if there are multiple uses in a complex with different operating characteristics, such as daytime office and nighttime commercial entertainment-oriented uses, the Community & Economic Development Director or his/her designee may grant a mixed use parking credit to reduce the total number of required spaces by up to a maximum of 15 percent of the total required spaces. Another factor in favor of granting a credit is proximity to a transit stop. The following requirements apply to granting of a mixed-use parking credit:

   1. The applicant shall provide a parking analysis specifying the proposed mix of uses and the operating characteristics of each type use; including hours of operation and individual parking requirements. The analysis shall provide adequate justification for granting the credit.

   2. A covenant shall be recorded on the property limiting the mix of uses to those identified in the original parking analysis, including a mix with similar operating characteristics.

D. *Required spaces.* Table 19.580.060 (Required Spaces) below sets forth minimum off-street parking requirements for number of spaces. Except as otherwise specifically stated, the following rules apply to this table.

   1. "Square feet" (sq. ft.) means "gross square feet" and refers to total building gross floor area unless otherwise specified, not including areas used for off-street parking or loading spaces.

   2. Where parking spaces are required based on a per-employee ratio, this shall mean the total number of employees on the largest working shift.

   3. Where the number of seats is listed to determine required parking, seats shall be construed to be fixed seats. Where fixed seats provided are either benches or bleachers, each 24 linear inches of the bench or bleacher shall be considered a seat.

4. When the calculation of the required number of off-street parking spaces results in a fraction of a space, the total number of spaces shall be rounded up to the nearest whole number.
5. In addition to the requirements in Table 19.580.060 (Required Spaces), spaces shall be provided for trucks and other vehicles used in the business, of a number and size adequate to accommodate the maximum number of types of trucks and/or vehicles to be parked on the site at any one time.
6. Where maximum distance is specified from the lot, the distance shall be the walking distance measured from the nearest point of the parking facility to the nearest point of the building or area that such facility is required to serve.
7. Unless otherwise stated, the required parking shall be located on the same lot or within the same complex as the use.

Table 19.580.060

Required Spaces

Use	Number of Spaces Required
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. . .	
Dwelling: a. Single-family dwelling b. Multiple-family dwelling c. Studio Unit/Tiny Home (Foundation) d. Accessory Dwelling Unit and Junior Accessory Dwelling Unit	 a. 2 spaces within a private garage/dwelling unit b. 1.5 spaces/dwelling unit with 1 bedroom plus 2 spaces/dwelling unit with 2 or more bedrooms (1) c.1 space/dwelling unit d. No replacement parking is required when a garage, carport or covered parking is demolished. No parking is required for the ADU or JADU. ~~d. 1) When a garage, carport or covered parking is demolished or converted to an ADU, replacement parking for the primary dwelling shall be required.~~ ~~2) No parking is required for the ADU.~~
Day Care Facilities (more than six people) not including family day care homes: a. Children (day care centers, preschools, infant centers) b. Adult (not in a group home)	 1 space/employee plus 1 space/facility vehicle plus 1 space/10 persons at facility capacity. (10)
. . .	
F	
~~***Family Day Care Homes:***~~ ~~a. Small Family Day Care Home~~ ~~b. Large Family Day Care Home~~	~~a. No requirement beyond standard single-family use~~ ~~b. 1 space for the single-family dwelling plus 1 space/employee not residing in the home and a drop-off/pick-up space(4)~~
. . .	
Table 19.580.060 Notes: 1. See Section 19.580.070 B (Multiple Family Dwellings) for additional requirements. For the purpose of calculating parking requirements for multiple family dwellings, dens, studies, Studio Unit(s), or other similar rooms that may be used as bedrooms shall be considered bedrooms.	

2. For senior housing projects, 50 percent of the required spaces shall be covered either in a garage or carport.
3. For the purposes of parking requirements, this category includes corporation yards, machine shops, tin shops, welding shops, manufacturing, processing, packaging, treatment, fabrication, woodworking shops, cabinet shops, and carpenter shops and uses with similar circulation and parking characteristics.
4. Required parking spaces may be in tandem, and the driveway may be used for the required drop-off and pick-up space.
5. Parking ratio to be determined by the designated Approving or Appeal Authority in conjunction with required land use or development permits, based on the impacts of the particular proposal and similar uses in this table.
6. Excluding lath and green houses.
7. Includes barber shops, beauty salons/spas, massage, tanning, tailors, dry cleaning, self-service laundry, travel agencies, electrolysis, acupuncture/acupressure, and tattoo parlors.
8. For the purposes of parking requirements, this category includes antique shops, gun shops, pawn shops, pet stores, and second-hand stores.
9. Additional parking for assembly rooms or stadiums is not required.
10. Parking may be provided on the same or adjoining lot.
11. Parking may be provided on the same lot or within 100 feet of the subject site.
12. Parking may be provided on the same lot or within 150 feet of the subject site.
13. Parking may be provided on the same lot or within 300 feet of the subject site.
14. The pump islands are not counted as parking stalls.
15. A reduction in the number of required parking spaces may be permitted subject to a parking study and a shared parking arrangement.
16. Where strict adherence to any parking standards would significantly compromise the historic integrity of a property, the Development Review Committee may consider variances that would help mitigate such negative impacts, including consideration of tandem parking, allowances for on-street parking, alternatives to planter curbing, wheel stops, painted striping, and asphalt or concrete surfacing materials.
17. Parking shall be provided in accordance with Chapter 19.545.060 (Parking Standards Incentive). A parking analysis may be provided to justify modifications from those standards. The parking analysis shall identify the parking needs to address the operating hours and characteristics of the operations to provide for adequate parking at all times.

(Ord. 7487 § 15(Exh. E), 11-5-2019; Ord. 7457 § 1(Exh. A), 2019; Ord. 7408 §1, 2018; Ord. 7331 §94, 2016; Ord. 7235 §11, 2013; Ord. 7109 §11, 2010; Ord. 6966 §1, 2007)

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ARTICLE IX. - LAND USE DEVELOPMENT PERMIT EQUIREMENTS/PROCEDURES

Chapter 19.640 - GENERAL PERMIT PROVISIONS

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19.640.040 - Discretionary permits and actions.

A. Definition. Discretionary permits or actions apply to projects that require the exercise of judgment or deliberation when the Approving or Appeal Authority decides to approve or disapprove a particular activity, as distinguished from situations where the City public official, Board, Commission or Council merely has to determine whether there has been conformity with applicable statutes, ordinances or regulations.

B. Administrative discretionary permits and actions not requiring a public hearing. The Community & Economic Development Director or the Development Review Committee have primary administrative authority over certain activities that require the determination of compliance with applicable zoning provisions and the application of judgment to a given set of facts. The following lists the various administrative permits and references Chapters of the Zoning Code for the respective actions:

1. Community & Economic Development Director:

    a. Interpretation of Code - Refer to Chapter 19.060.

    b. Temporary Use Permit - Refer to Chapter 19.740.

    c. Nonconforming Provisions - Refer to Chapter 19.080.

d. Effective Dates, Time Limits and Extensions - Refer to Chapter 19.690.

~~e. Day Care Permit - Large Family - Refer to Chapter 19.860.~~

~~f.~~e. Recycling Center Permit - Refer to Chapter 19.870.

~~g.~~f. Determination of substantial conformance and modification of previously approved conditions with equivalent language.

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Chapter 19.650 - APPROVING AND APPEAL AUTHORITY

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Table 19.650.020
Approving and Appeal Authority

R = Recommending Authority; F = Final Approving Authority (unless appealable); A = Appeal Authority; AR = Approving Authority as Community & Economic Development Director or Development Review Committee on Referral

Type of Permit or Action	Approving and Appeal Authority			
	Community & Economic Development Director	Development Review Committee (DRC)	City Planning Commission (12,14)	City Council (1,14)
Administrative				
~~Day Care Large Family Home - Permit~~	~~F (3)~~		~~AR~~	~~A/F~~
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~~Chapter 19.860 - DAY CARE PERMIT—LARGE FAMILY~~

~~19.860.010 - Purpose.~~

~~The purpose of this chapter is to provide a procedure to permit large family day care permits.~~

~~(Ord. 7331 §122, 2016; Ord. 6966 §1, 2007)~~

~~19.860.020 - Procedures.~~

~~The following procedures apply to applications for a large family Day Care Permit:~~

~~Application. Large family day care home providers shall make written applications to the Community & Economic Development Director or their designee, including all material deemed necessary to demonstrate compliance with the provisions for these uses in Chapter 19.470 (Day Care Homes - Family).~~

~~Public notice. The City shall provide written notice to property owners and within 100 feet as measured between property lines of the request for a permit no less than ten days prior to issuance of a permit.~~

~~Approval. Within 15 working days of the receipt of a complete application, the Community & Economic Development Director or their designee shall grant the permit if all requirements of Chapter 19.470 (Day Care Homes - Family) are met. A large family day care permit may not be administratively denied by the Zoning Administrator if all standards are met. If all standards are not met the Community & Economic Development Director or their designee may approve (in full or in part), conditionally approve (in full or in part), modify or deny (in full or in part) the application.~~

~~Public hearing. Prior to permit issuance an applicant or the affected person (s) may request a hearing before the Planning Commission. Only the applicant and those persons previously so requesting, will be notified of the public hearing. At least ten days in advance, notice of the hearing shall be given. Based on the evidence and testimony at the hearing, the Planning Commission may approve, conditionally approve or deny the permit.~~

~~E. Appeal of Planning Commission decision. Any person may appeal the decision of the Zoning Administrator or Planning Commission to the City Council. The appeal shall be noticed in the same manner as the Planning Commission hearing.~~

~~(Ord. 7331 §122, 2016; Ord. 6966 §1, 2007)~~

Chapter 19.710 - DESIGN REVIEW

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19.710.020 - Applicability.

A. The design review procedures set forth in this chapter shall apply to the following:

1. All new buildings, structures and signs, and enlargements of existing buildings, structures and signs in the RC - Residential Conservation, Commercial and Office, Mixed-Use, Industrial and Downtown Specific Plan Zones, except as exempted in B and C below.

2. Any project reviewed and approved via the conditional use, planned residential development permit or site plan review permit processes.

~~2. Establishment of any manufactured dwelling on the lot. The Design Review process shall apply only to the approval of foundation, roof material, roof pitch, roof overhang, siding material and any structures attached to the dwelling.~~

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Chapter 19.780 - PLANNED RESIDENTIAL DEVELOPMENT PERMIT

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19.780.040 - Permitted uses.

A. Single-family dwellings attached or detached.

B. Tiny home (foundation) in a tiny home community, except in the RC Zone.

C. Related recreation and community facilities for the use of residents of the development and their guests.

D. Natural open spaces.

E. Golf courses.

F. Multipurpose trails.

G. Other uses as may be permitted as part of the planned residential development.

H. In the single-family residential base zones, uses required by State law to be permitted in conjunction with a single-family residential use.

(Ord. 7408 §1, 2018; Ord. 7331 §113, 2016; Ord. 7027 §4, 2009; Ord. 6966 §1, 2007)

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ARTICLE X: - DEFINITIONS

Chapter 19.910 – DEFINITIONS

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19.910.050 - "D" Definitions.

~~*Day care home, family* means a home that regularly provides care, protection and supervision for 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while parents or guardians are away, and is either a large family day care home or a small family day care home (see California Health and Safety Code Section 1596.78 a).~~

~~*Day care home, large family* means a home that provides family day care for seven to 12 children, inclusive, including children under the age of ten years who reside at the home and can go up to 14 children if all of the following conditions are met:~~

~~(1) At least one child is enrolled in and attending kindergarten or elementary school and a second child is at least six years of age.~~

~~(2) No more than three infants are cared for during any time when more than 12 children are being cared for.~~

~~(3) The licensee notifies a parent that the facility is caring for two additional school-age children and that there may be up to 13 or 14 children in the home at one time.~~

~~(4) The licensee obtains the written consent of the property owner when the family day care home is operated on property that is leased or rented (see California Health and Safety Code Section 1596.78 b and Section 1597.465).~~

~~*Day care home, small family* means a home that provides family day care for up to six children, including children under the age of ten years who reside at the home and can go up to eight children in all of the following conditions are met:~~

~~(1) At least one child is enrolled in and attending kindergarten or elementary school and a second child is at least six years of age.~~

~~(2) No more than two infants are cared for during any time when more than six children are cared for.~~

~~(3) The licensee notifies each parent that the facility is caring for two additional school-age children and that there may be up to seven or eight children in the home at one time.~~

~~(4) The licensees obtain the written consent of the property owner when the family day care home is operated on property that is leased or rented (see California Health and Safety Code Section 1596.78 c and Section 1597.44).~~

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Dwelling unit means two or more rooms in a dwelling designed for or occupied by one family for living or sleeping purposes and having only one kitchen. See definition in the General Plan.

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

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

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

~~means an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. An accessory dwelling unit may be located wholly within a primary single-family residential dwelling. An accessory dwelling unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel where a permitted primary single-family dwelling is situated. An accessory dwelling unit also includes the following:~~

~~An efficiency unit as defined in Section 17958.1 of the Health and Safety Code.~~

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

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Dwelling ~~U~~unit, ~~J~~junior ~~A~~accessory means a unit contained entirely within an existing a single-family structure.

Dwelling unit, manufactured means a ~~mobile home or~~ manufactured house ~~constructed in full compliance with the National Mobile Home construction and Safety Standards Act~~ intended for occupancy by a single family installed on a permanent foundation in conformance with applicable Zoning regulations.

Dwelling unit, mobile. See Mobile Home.

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19.910.070 - "F" Definitions

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Family ~~Dd~~day ~~Cc~~are home means a facility that regularly provides care, protection, and supervision for 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family daycare home or a small family daycare home as defined in Section 1596.78 of the Health and Safety Code as may be amended from time to time.

(1) "Large family daycare home" means a facility that provides care, protection, and supervision for 7 to 14 children, inclusive, including children under 10 years of age who reside at the home.

(2) "Small family daycare home" means a facility that provides care, protection, and supervision for eight or fewer children, including children under 10 years of age who reside at the home.

(3) Family day care homes include detached single-family dwellings, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered multifamily dwelling in which the underlying zoning allows for residential uses where the daycare provider resides and includes a dwelling or a dwelling unit that is rented, leased, or owned.

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19.910.140 - "M" Definitions.

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Mobile home means a State licensed or registered moveable or transportable vehicle, other than a motor vehicle, designed as a permanent structure ~~of not less than 250 square feet in area~~ intended for occupancy by one family, and having no foundation other than jacks, piers, wheels or skirtings in accordance with applicable standards and meeting the requirements of the California Department of Housing and Community Development. ~~See definition in the General Plan.~~

Mobile home, building line means a line parallel with the front mobile home space line or access drive and distance therefrom the depth of the required front yard.

Mobile home~~,~~ park means a lot or contiguous group of lots intended for residential use where residence is in mobile homes exclusively or where ownership is by condominium association, in lieu of mobile homes, said development is occupied exclusively by factory-built dwellings approved by the State of California and established on permanent foundations.

Mobile home, space means a plot of ground within a mobile home park abutting one or more access drives, designed for the accommodation of one mobile home.

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19.910.200 - "S" Definitions.

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School means any institution of learning for minors, whether public or private, offering instruction in those courses of study required by the California Education Code and maintained pursuant to standards set by the State Board of Education. This definition includes a kindergarten, elementary school, middle or junior high school, senior high school, or any special

institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, or university. This definition does not include any day care center or family day care home, regardless of size (see separate definitions for all day care facilities).

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19.910.210 - "T" Definitions.

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Tiny home community means a group of tiny homes, constructed either on a chassis or on a foundation~~typically smaller than 1,200 square feet per unit~~, that are arranged in common relationship to one another, usually surrounding a shared ~~landscaped~~ common open space area. ~~Also known as a "pocket neighborhood."~~

Tiny home (~~C~~chassis). See mobile home. ~~means a structure constructed on a chassis, intended for separate, independent living quarters that meets all of the following conditions:~~

~~The unit cannot (and is designed not to) move under its own power. When sited on a parcel the wheels and undercarriage shall be skirted;~~

~~No larger than allowed by California State Law for movement on public highways;~~

~~Has at least 100 square feet of first floor interior living space;~~

~~4. Is a self-contained unit which includes basic functional areas that support normal daily routines such as cooking, sleeping, and toiletry;~~

~~5. Is designed and built to look like a conventional building structure;~~

~~6. Shall be licensed and registered with the California Department of Motor Vehicles and meet the American National Standards Institute 119.5 or National Fire Protection Association 1192 requirements;~~

~~7. Served by underground utilities; and~~

~~8. A tiny home is not a recreational vehicle as defined in the Zoning Code.~~

Tiny ~~H~~home (~~F~~foundation) means a ~~home~~dwelling unit that is ~~either manufactured~~factory or site-built ~~construction~~ on a permanent foundation in accordance with applicable codes, laws and standards.

Townhouse means a dwelling unit occupying its own lot, but which is physically attached to at least one other dwelling unit. See definition in the General Plan.

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Accessory Dwelling Units/Junior Accessory Dwelling Units
Family Day Care Homes
Tiny Homes
P20-0068 – Zoning Code Amendment

Community & Economic Development Department

Planning Commission
Agenda Item: 5
March 5, 2020

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OVERVIEW

New legislation related to housing affordability and opportunity affects local residential land use regulation:

- Assembly Bills 68 and 881: Accessory Dwelling Units
- Senate Bill 234: Family Day Care Homes

A PART Accessory Dwelling Units and Junior Accessory Dwelling Units

B PART Family Day Care Homes

C PART Tiny Homes and Tiny Home Communities

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PART A:
Accessory Dwelling Units
and Junior Accessory Dwelling Units

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PART A: BACKGROUND

ADUs and JADUs: Opportunity to create low-impact, low-cost infill housing in established neighborhoods

- **December 2017:** City Council approves Housing Element Implementation Program (compliance with AB 2299 and SB 1069)
- State adopted additional ADU laws (SB 229 and AB 494)
- **February 2019:** City Council approved amendments to the ADU regulations to comply with State law
- **October 2019:** State amended laws to eliminate barriers to constructing ADUs and JADUs

Image Credit: maxable.com

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PART A: PROPOSED AMENDMENT

Photo Credit: Lina Menard, accessorydwellings.org, Evelyn Brom and AARP

Proposed amendments to the Zoning Code:

- **Chapter 19.442** – Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU)
- **Table 19.150.020.B** – Incidental Land Uses
- **Chapter 19.080** – Nonconformities
- **Section 19.580.050** – Parking Requirements
- **Chapter 19.910** – Definitions

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PART A: PROPOSED AMENDMENT

Chapter 19.442 – Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU)

- **General Requirements**
  1. Minimum rental term of 30 days
  2. No requirement to correct zoning nonconformity or minimum lot size
  3. May not be sold separately, except by housing non-profits
  4. Exempt from lot coverage calculation and Residential Protection Overlay Zone
- **Location**
  1. ADUs: detached, attached, or contained within a primary dwelling
  2. JADUs contained within the primary dwelling

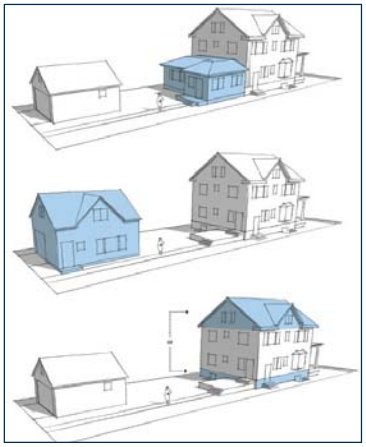

Image Credit: City of St. Paul, Minnesota

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PART A: PROPOSED AMENDMENT

Chapter 19.442 (continued)

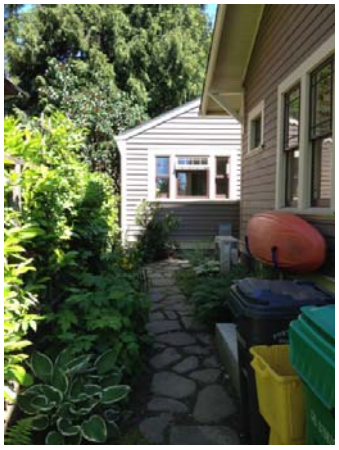

Photo Credit: Lina Menard, accessorydwellings.org

- **Setbacks**
  1. No setback requirements for existing structures
  2. 4-foot side and rear yard setbacks for new
- **Unit Size**
  1. Attached ADU – 50% of the existing primary dwelling up to 1,200 square feet
  2. Detached ADU - 1,200 square feet
  3. JADUs - 500 square feet

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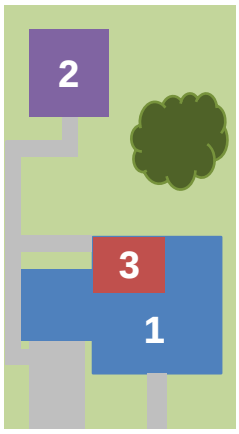
PART A: PROPOSED AMENDMENT

Chapter 19.442 (continued)

- **Number of Units**
  1. Single Family – one ADU and one JADU
  2. Multi-family, existing structures – At least one (1) ADU, no more than 25% of the existing number
  3. Multi-family, new structures – No more than two new detached (2) ADUs
- **Owner Occupancy**
  1. No owner occupancy requirement for ADU
  2. Owner-occupancy of primary dwelling or JADU



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PART A: PROPOSED AMENDMENT

Chapter 19.442 (continued)

- **Building Height**

  Per Underlying Zone

- **Parking**

  1. No parking is required for an ADU or JADU.
  2. No replacement parking if garage, carport or covered parking is converted.

- **Other Changes**

  1. Utilities: Clarifies when new utility connections and associated fees apply to ADUs
  2. Impact Fees: No impact fees assessed for ADUs under 750 square feet

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PART A: PROPOSED AMENDMENT

Table 19.150.020.B – Incidental Land Uses Table

Image Credit: LA-Más

- Allow ADUs in all residential zones including and mixed-use zones
- ADUs allowed on lots developed with single- or multi-family units
- JADUs allowed within the walls of an existing or proposed primary dwelling

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PART A: PROPOSED AMENDMENT

Section 19.080.070 – Modification or expansion of nonconforming structures

- Exclude ADUs and JADUs from required finding of no increase in dwelling units

Section 19.580.050 – Parking Requirements

- **Update to reflect:**
  1. No replacement parking be required when a garage, carport or covered parking demolished
  2. No parking would be required for the ADU or JADU

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PART A: PROPOSED AMENDMENT

Chapter 19.910 - Definitions

- *Dwelling Unit, Accessory* means an attached or a detached residential dwelling unit which 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, as defined in Section 17958.1 of the Health and Safety Code; or
  2. A manufactured home, as defined in Section 18007 of the Health and Safety Code.
- *Dwelling Unit, Junior Accessory* means a unit contained entirely within an existing a single-family structure.

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PART B:
Family Day Care Homes

PART B: BACKGROUND

Keeping Kids Close to Home Act

- Family Day Care Homes (up to 14 children) licensed and regulated by California Department of Social Services
- **September 2019:** SB 234 ("Keeping Kids Close to Home Act") signed into law
- **January 2020:** Local jurisdictions must treat family day care homes for up to 14 children as any other residential use. Also:
  1. Prohibits covenants, deed restrictions, CC&Rs from restricting family day care homes
  2. Prohibits local jurisdictions from requiring business license or tax
  3. Instructs State Fire Marshal to issue annual fire safety guidance for family day care operators

CDSS
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

PART A: PROPOSED AMENDMENT

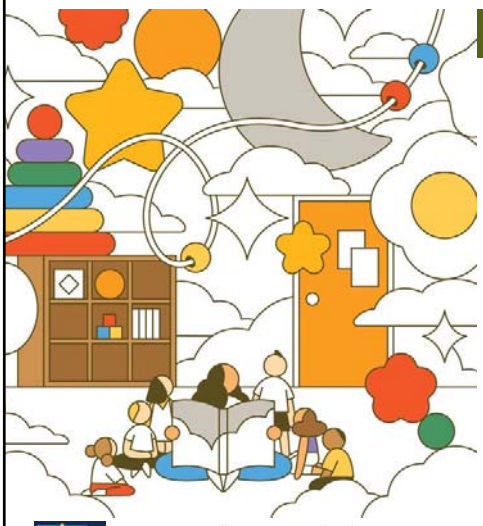

Image Credit: Rose Wong/NYTimes

Proposed amendments to the Zoning Code:

- **Chapter 19.100** – Residential Zones
- **Chapter 19.150** – Base Zones Permitted Land Uses;
- **Chapters 19.240, 19.350 and 19.405**;
- **Chapter 19.470** – Day Care Homes – Family;
- **Chapter 19.580** – Parking and Loading;
- **Chapter 19.640** – General Permit Provisions;
- **Chapter 19.650** – Approving and Appeal Authority;
- **Chapter 19.860** – Day Care Permit – Large Family; and
- **Chapter 19.910** – Definitions.

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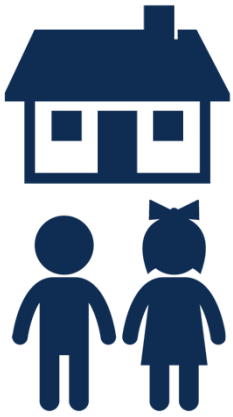
PART B: PROPOSED AMENDMENT

Chapter 19.100 – Residential Zones and Chapter 19.150 – Base Zones Permitted Land Uses

- Remove "small and large day care homes" from permitted uses listed for RA-5 and RC Zones
- Remove "small and large day care homes" from Permitted Uses Table, Incidental Uses Table, Temporary Uses Table and all footnotes
- Family day care homes are permitted anywhere residential dwellings are permitted
- "Day care center" still listed as conditionally permitted use in commercial zones



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PART B: PROPOSED AMENDMENT

Chapters 19.240, 19.350 and 19.405

- Chapters updated to reference term "family day care home":
  1. **Chapter 19.240** – Adult-Oriented Businesses
  2. **Chapter 19.350** – Parolee/Probationer Home
  3. **Chapter 19.405** – Tattoo and Body Piercing Parlors
- No change to existing distance separation requirement

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PART B: PROPOSED AMENDMENT

Chapter 19.470 – Day Care Homes – Family

- Chapter deleted in entirety – day care homes are regulated as residential uses in zones where residential uses are allowed.

Chapter 19.580 – Parking and Loading

- Table 19.580.060 (Required Parking) updated to clarify that Day Care Facilities do not include family day care homes

Chapter 19.640 – General Permit Provisions

- Day Care Permit is deleted from Section 19.640.040 – Discretionary permits and actions

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PART B: PROPOSED AMENDMENT

Chapter 19.650 – Approving and Appeal Authority

- Large Family Home Day Care removed as a use approved by the Community & Economic Development Director.

Chapter 19.860 – Day Care Permit – Large Family

- Chapter deleted in its entirety as the City can no longer require any type of permit for a family day care home.

Photo Credit: neighborschools.com

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PART B: PROPOSED AMENDMENT

Chapter 19.910 – Definitions

- **Section 19.910.050** – "D" Definitions:
  "Day Care Home, Family," "Day Care Home, large family" and "Day Care Home, small family" are deleted
- **Section 19.910.070** – "F" Definitions
  Added a definition for "Family Day Care home" with subsections for "Large family day care home" (7-14 children), "Small family day care home" (8 or fewer children) based on California Health and Safety Code

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PART C:
Tiny Homes and Tiny Home Communities

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PART C: BACKGROUND

Tiny Homes and Tiny Home Communities

- Tiny Homes narrowly defined and allowed in limited circumstances under current Zoning Code
- **December 2017:** City Council approves Housing Element Implementation, but asks for more information on tiny homes and tiny home communities
- **March 2019:** Council receives update and requests visual examples, pilot/demonstrations and proof-of-concept
- Tiny homes provide an opportunity to increase the City's affordable housing options

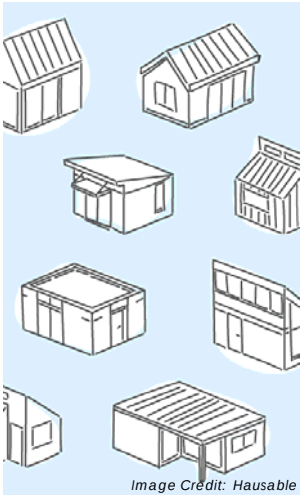

Image Credit: Hausable

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PART C: PROPOSED AMENDMENT

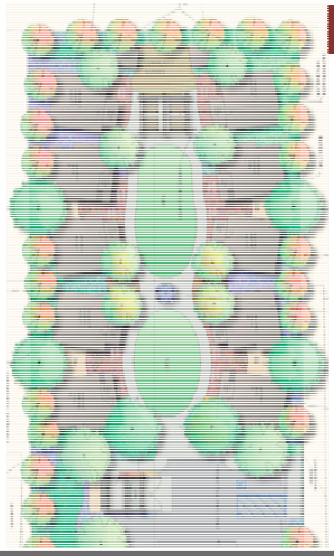

Image Credit: Habitat for Humanity

Proposed amendments to the Zoning Code:

- **Chapter 19.100** - Residential Zones;
- **Chapter 19.150** – Base Zones Permitted Land Uses;
- **Chapter 19.210** – Mobile Home Park Overlay Zone (MH);
- **Chapter 19.340** – Manufactured Dwellings;
- **Chapter 19.580** – Parking and Loading;
- **Chapter 19.710** – Design Review;
- **Chapter 19.780** – Planned Residential Development Permit; and
- **Chapter 19.910** – Definitions.

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PART C: PROPOSED AMENDMENT

Chapter 19.100 – Residential Zones

- **Section 19.100.010** – Purpose:
  1. Clarified that multi-family dwellings may be in attached or detached buildings on the same lot
  2. Tiny home communities (foundation) allowed in multi-family zones
- **Section 19.100.070** – Additional regulations for the R-3 and R-4 Zones
  1. Minimum distance between buildings 5 feet – tiny home communities only
  2. Minimum unit size per California Residential Building Code

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PART C: PROPOSED AMENDMENT

Chapter 19.150 – Base Zones and Permitted Land Uses

- **Table 19.150.020.A – Permitted Uses**
  1. Allow manufactured dwellings in R-3 and R-4 Zones
  2. Add "Tiny home community (foundation)" as permitted use in R-3 and R-4 Zones
- **Table 19.150.020.B** – Incidental Uses

  Reference to additional standards for tiny home communities added

Image Credit: The Daily Californian/University of San Francisco

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PART C: PROPOSED AMENDMENT

Chapter 19.210 – Mobile Home Park Overlay Zone (MH)

Image Credit: Edmonton Journal/Homes for Heroes Foundation

- **Section 19.210.020** – Applicability

  MH Overlay allowed in any single-family zone (RR, RE, R1)
- **Section 19.210.040** – Development Standards

  Add Tiny Home Communities (chassis)
  A. Establish maximum density of 20 units/acre
  B. Set minimum site area to match underlying zone
  C. Set maximum tiny home size of 400 square feet

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PART C: PROPOSED AMENDMENT

Chapter 19.340 – Manufactured Dwellings

- **Section 19.340.020** – Applicability and Permit Requirements:

  Clarify that manufactured dwellings and tiny homes on chassis permitted in multi-family zones

- **Section 19.340.030** – Development Standards

  CEDD Director approval for manufactured dwelling design in lieu of formal Design Review

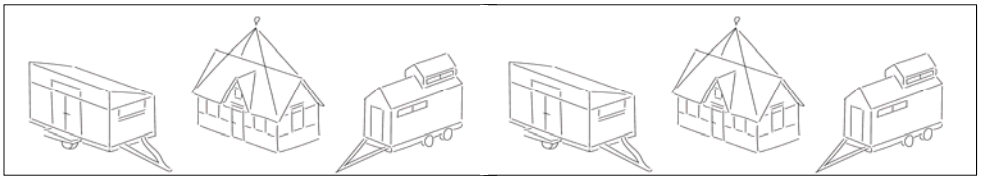

Image Credit: Hausable

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PART C: PROPOSED AMENDMENT

Chapter 19.580 – Parking and Loading

- **Table 19.580.060** – Required Parking

  One space required per unit for tiny homes

Chapter 19.710 – Design Review

- **Section 19.710.020** – Applicability

  Remove Design Review requirement for manufactured dwellings

Chapter 19.780 – Planned Residential Development Permit (PRD)

- **Section 19.780.040** – Permitted Uses

  Allow Tiny Home Communities (foundation) with PRD permit, except in RC Zone

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PART C: PROPOSED AMENDMENT

Chapter 19.910 – Definitions

- **Section 19.910.050** – "D" Definitions:

  "Dwelling unit, manufactured" updated to clarify definition does not include mobile homes (defined separately)

- **Section 19.910. 210** – "T" Definitions

  1. "Tiny home community" amended to include tiny homes on chassis and foundations
  2. "Tiny home" definition bifurcated:

     A. "Tiny home (foundation)" – a site-built or factory-built dwelling unit on permanent foundation, per Building Code standards

     B. "Tiny home (chassis)" – refers to "Mobile home" definition

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RECOMMENDATIONS

That the Planning Commission recommend the City Council:

1. Determine that Planning Case P20-0068 (Zoning Code Amendment) is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15282(h) of the CEQA Guidelines as amendments to the Municipal Code to implement Sections 65852.1 and 65852.2 of the California Government Code are statutorily exempt from the CEQA; and further determine that the project is exempt from CEQA per CEQA Guidelines Section 15061(b)(3), as it can be seen with certainty that the code amendment does not have the potential to cause a significant effect on the environment (General Rule); and
2. Approve Planning Case P20-0068 (Zoning Code Amendment) based on the findings attached to this staff report.

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Accessory Dwelling Units/Junior Accessory Dwelling Units
Family Day Care Homes
Tiny Homes
P20-0068 – Zoning Code Amendment

Community & Economic Development Department

Planning Commission
Agenda Item: 5
March 5, 2020

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