EXHIBIT A
Proposed *Code Amendment, Redline*

PMC Chapter 18.08 (Definitions)
18.08.~~475~~ ~~016~~ ~~Second~~ Accessory dwelling units.
"~~Second~~ Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot as the one-family dwelling is situated. An ~~second~~ accessory dwelling unit also includes the following:

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

B. A manufactured home, as defined in Section 18007 of the California Health and Safety Code. (Ord. 1885 § 2, 2003; Ord. 1812, 2000; Ord. 1690 § 1, 1996).

18.08.268 Junior accessory dwelling units.
"Junior accessory dwelling unit" means an area not exceeding 500 square feet in size that is entirely contained within the space of an existing detached residential dwelling unit. It shall include its own separate interior and exterior entrances, sink, cooking appliance, counter surface, and storage cabinets that meet minimum building code standards. It shall not have gas or 220v circuits. The junior accessory unit may share a bathroom with the existing residential dwelling unit or may have its own bathroom.

Chapter 18.106 (~~Second~~ Accessory and junior accessory dwelling Units)
Sections:

18.106.010 Purpose.
~~Second units~~Accessory and junior accessary dwelling units are a valuable form of housing in the city. These units meet the city's general plan housing policies related to: attaining a variety of housing types; providing housing stock to lower income households; including lower income housing units within market rate housing projects; providing alternative, nontraditional means suited to the community to fill lower and moderate income housing needs; meeting the city's share of regional housing needs; providing a means to assist homeowners in financing the acquisition of a home; and providing security to homeowners living alone.

The further purpose of this chapter is to comply with the requirements of ~~Assembly Bill 1866 (2002) codified in California Government Code Section 65852.2~~State law. To

do so, this chapter identifies those zoning districts where an ~~second~~ accessory dwelling unit or junior accessory dwelling unit meeting enumerated standards to ensure neighborhood compatibility is a permitted use in that district.

18.106.020 Use requirements.

A. ~~A second a~~Accessory dwelling units and junior accessory dwelling units ~~is a~~are permitted uses in the R-1 one-family residential district, RM multi-family residential district, planned unit developments zoned for residential uses and A agricultural district, if the original unit is a legal single-family dwelling unit and the ~~second~~ accessory dwelling unit meets all of the standards set forth in Section 18.106.060 of this chapter and the applicable site standards in Section 18.106.040 of this chapter for attached ~~second~~ accessory dwelling units and in Section 18.106.050 of this chapter for detached ~~second~~ accessory dwelling units or Section 18.106.070 of this chapter for junior accessory dwelling units. A public hearing for design review purposes only shall be held if required by Chapter 18.20 of this title.

B. The application for an ~~second~~ accessory dwelling or junior accessory dwelling unit shall be submitted to the planning division prior to the application for a building permit to the building division and shall include:

1. Plot plan (drawn to scale) showing the dimensions of the lot on which the ~~second~~ accessory dwelling or junior accessory dwelling unit will be located; the location and dimensioned setbacks of all existing and proposed structures on the proposed site; all easements; building envelopes; and parking for the project site.

2. Floor plans of the entire structure with each room dimensioned and the resulting floor area calculated. The use of each room shall be identified.

~~3. Deed restriction completed as required, signed and ready for recordation.~~

C. When the site development regulations of this chapter (e.g., height, setback, size of the ~~second~~ accessory dwelling or junior accessory unit) conflict with specific regulations in a planned unit development or specific plan for second units (not simply regulations for general class I accessory structures), the planned unit development and specific plan shall control.

18.106.030 Density and growth management program.

A. An ~~second~~ accessory dwelling or junior accessory dwelling unit shall not be considered in applying the growth management program in Chapter 17.36 of this code.

B. An ~~second~~ accessory dwelling or junior accessory dwelling unit is not considered to increase the density of the lot upon which it is located.

18.106.040 Standards for attached ~~second~~ accessory dwelling units—Height limitations, setbacks, open space, and other regulations.

Attached ~~second~~ accessory dwelling units shall meet the requirements in Section 18.106.060 of this chapter and the following requirements:

A. Attached ~~second~~ accessory dwelling units shall be subject to the maximum height, and the minimum front, rear, and side yard requirements of the main structure.

B. The gross floor area of an attached ~~second~~ accessory dwelling unit greater than a 150 square foot efficiency unit shall not exceed ~~30~~ 50 percent of the gross floor area of the existing main dwelling unit, with a maximum increase in floor area of 1,200 square feet. In this instance, the gross floor area of the existing main dwelling unit is the size of the unit prior to the ~~second~~accessory dwelling unit addition/conversion.

C. Except as modified by this chapter, all other regulations embodied in the zoning of the property for main dwellings shall apply to the development of attached ~~second~~ accessory dwelling units.

18.106.050 Standards for detached ~~second~~ accessory dwelling units—Height limitations, setbacks, open space, and other regulations.

Detached ~~second~~ accessory dwelling units shall meet the requirements in Section 18.106.060 of this chapter and the following requirements:

A. Detached ~~second~~accessory dwelling units shall not exceed 15 feet in height and shall be limited to one-story structures, except that a detached ~~second~~ accessory unit may be constructed above a detached garage, provided the garage meets the minimum setback requirements of the site's zoning district and the accessory dwelling unit is not less than 5 feet from the side and rear property lines~~for detached second units~~. ~~Second~~ Accessory dwelling units constructed above a detached garage shall not exceed 25 feet in height in the R-1 district and the RM district, and shall not exceed 30 feet in the A district. Height is measured from the lowest grade adjacent to the structure to the highest ridge or top of the structure.

B. No setbacks are required for a legal, existing garage converted to an accessory dwelling unit. All other ~~D~~detached ~~second~~ accessory dwelling units shall be subject to the following minimum setback requirements:

Zoning District	Side Yard Setback	Rear Yard Setback
One-family residential lots in the R-1-40,000 district and in planned unit developments which follow the site development standards of the R-1-	20 feet	20 feet

40,000 district		
All other lots	5 feet[1]	10 feet

[1] Side yard setback shall be a minimum of 10 feet on the street side of a corner lot.

C. The gross floor area of a detached second unit shall not exceed 1,200 square feet.

D. Except as modified by this chapter, all other regulations embodied in the zoning of the property for class I accessory structures shall apply to the development of detached ~~second~~ accessory dwelling units on one-family residential lots.

18.106.060 Required standards for all ~~second~~ accessory dwelling units.

All ~~second~~ accessory dwelling units shall meet the following standards:

A. Only one other residential unit shall be permitted on a lot with an ~~second~~ accessory dwelling unit and one of the residential units shall be owner occupied. The resident owner shall be a signatory to any lease for the rented unit and shall be the applicant for any permit issued under this chapter.

B. The ~~second~~ accessory dwelling unit shall not be sold or held under a different legal ownership than the primary residence; nor shall the lot containing the ~~second~~accessory dwelling unit be subdivided.

C. The following parking standards shall apply to accessory dwelling units~~.~~:

1. One additional off-street parking space on the lot shall be made continuously available to the occupants of the ~~second~~ accessory dwelling unit. Required parking may be:

    a. provided as tandem; or
    b. located in setbacks, but not in the front yard setback unless on the driveway.

2. Parking for an accessory dwelling unit shall not be required if the accessory dwelling unit is:

    a. located within a one-half mile of public transit.

    b. located within an architecturally and historically significant historic district.

    c. located in part of an existing primary residence or an existing accessory structure.

d. located in an area requiring on-street parking permits, but not offered to the occupant of the accessory dwelling unit; or

e. located within one block of a car share vehicle.

3. Parking shall not be required if the city finds that parking is not feasible due to site topography or would create fire or life-safety conditions.

4. When code-required parking for the primary residence's garage, carport or covered parking is eliminated in conjunction with the construction or conversation of an accessory dwelling unit, the replacement space(s) shall be located on the same lot as the primary and accessory dwelling unit. With the approval of the community development director or his/her designee, the parking may be configured in a flexible manner so as not to burden the creation of the accessory dwelling unit. The location and configuration of parking is subject to the review and approval of the director of community development, and may be located and configured in such a manner to facilitate the accessory dwelling unit.

D. The square footage of the primary residence and ADU combined cannot exceed the maximum floor area ratio requirement for the lot.

E. The ~~second~~ accessory dwelling unit shall have access to at least 80 square feet of open space on the lot.

F. The resident owner shall install address signs that are clearly visible from the street during both daytime and evening hours and which plainly indicate that two separate units exist on the lot, as required by the fire marshal. The resident owner shall obtain the new street address for the ~~second~~ accessory dwelling unit from the ~~planning division~~engineering department.

G. Adequate roadways, public utilities and services shall be available to serve the ~~second~~ accessory dwelling unit. Accessory dwelling units shall not be considered new residential uses for the purposes of calculating connection fees or capacity charges for sewer and water. Installation of a separate direct connection between an accessory dwelling unit contained within an existing structure and the utility shall not be required. Accessory dwelling units not within an existing structure~~,~~ shall be required to install a new or separate utility connection and be charged a connection fee and/or capacity charge. These charges shall be proportionate to the burden imposed by the accessory dwelling unit on the water or sewer system based upon either its size or number of plumbing fixtures as determined by the city.

H. The owner of the lot on which an ~~second~~ accessory dwelling unit is located shall participate in the city's monitoring program to determine rent levels of the ~~second~~ accessory dwelling units being rented.

I. The ~~second~~ accessory dwelling unit shall not create an adverse impact on any real property ~~be located on property~~ that is listed in the California Register of Historical Places.

J. The ~~second~~ accessory dwelling unit shall comply with other zoning and building requirements generally applicable to residential construction in the applicable zone where the property is located.

K. A restrictive covenant shall be recorded against the lot containing the ~~second~~ accessory dwelling unit with the Alameda County recorder's office prior to the issuance of a building permit from the building division stating that:

> The property contains an approved ~~second~~ accessory dwelling unit pursuant to Chapter 18.106 of the Pleasanton Municipal Code and is subject to the restrictions and regulations set forth in that Chapter. These restrictions and regulations generally address subdivision and development prohibitions, owner occupancy and lease requirements, limitations on the size of the ~~second~~ accessory dwelling unit, parking requirements, and participation in the city's monitoring program to determine rent levels of the ~~second~~accessory dwelling units being rented. Current restrictions and regulations may be obtained from the city of Pleasanton planning division. These restrictions and regulations shall be binding upon any successor in ownership of the property.

18.106.070 Required standards for all junior accessory dwelling units.

All junior accessory dwelling units shall meet the following standards:

A. The junior accessory dwelling unit shall be located entirely within the existing structure of the detached single-family residence and shall have its own separate interior and exterior entrances.

B. The junior accessory dwelling unit shall not exceed 500 square feet in area. The square footage of the primary residence and ADU combined cannot exceed the maximum floor area ratio requirement for the lot.

C. The junior accessory dwelling unit shall include an efficiency kitchen which includes a sink, cooking appliance, counter surface, and storage cabinets that meet minimum building code standards. Gas and 220v circuits shall not be allowed. The junior accessory dwelling unit may share a bathroom with the primary residence or may have its own bathroom.

D. Parking shall not be required for a junior accessory dwelling unit. When code-required parking for the primary residence's garage is eliminated and/or modified, in conjunction with the creation of a junior accessory dwelling unit, the replacement space(s) shall be located on the same lot as the primary unit. With the approval of

the community development director or his/her designee, the parking may be configured in a flexible manner so as not to burden the creation of the junior accessory dwelling unit. The location and configuration of the replacement parking is subject to the review and approval of the director of community development, and may be located and configured in such a manner to facilitate the junior accessory dwelling unit.

E. Additional water, sewer and power connection fees shall not be required.

F. Only one other residential unit shall be permitted on a lot with a junior accessory dwelling unit and one of the residential units shall be owner occupied. The resident owner shall be a signatory to any lease for the rented unit and shall be the applicant for any permit issued under this chapter.

G. The junior accessory dwelling unit shall not be sold or held under a different legal ownership than the primary residence, nor shall the lot containing the junior dwelling unit be subdivided.

H. The resident owner shall install address signs that are clearly visible form the street during both daytime and evening hours and which plainly indicate that two separate units exist on the lot, as required by the fire marshal. The resident owner shall obtain the new street address for the junior accessory dwelling unit form the engineering department.

I. Except as modified by this chapter, all other regulations embodied in the zoning of the property for main dwellings shall apply to the development of junior accessory units.

J. The owner of the lot on which the junior accessory dwelling unit is located shall participate in the City's monitoring program to determine rent levels of the junior accessory dwelling unit being rented.

K. The junior accessory dwelling unit shall comply with the other zoning and building requirements generally applicable to residential construction in the applicable zone where the property is located.

L. A restrictive covenant shall be recorded against the lot containing the junior accessory dwelling unit with the Alameda County recorder's office prior to the issuance of a building permit form the building division stating that:

> The property contains an approved junior accessory dwelling unit pursuant to Chapter 18.106 of the Pleasanton Municipal Code and is subject to the restrictions and regulations set forth in that Chapter. These restrictions and regulations generally address subdivision and development prohibitions, owner occupancy and lease requirements, limitations on the size of the junior accessory dwelling unit, parking requirements, and participation in the city's monitoring program to determine rent levels of the junior accessory dwelling

unit being rented. Current restrictions and regulations may be obtained from the city of Pleasanton planning division. These restrictions and regulations shall be binding upon any successor in ownership of the property.

15.08.470 Auxiliary (~~secondary~~accessory dwelling) unit.
"Auxiliary (~~secondary~~accessory dwelling) unit" means any dwelling unit added to a lot of a single-family dwelling unit as defined in Government Code Section 65852.2, as may be amended or as provided in city of Pleasanton local ordinances. Also referred to as "in-law unit," "au pair unit," "granny unit," "auxiliary dwelling unit," "guest unit," or "second unit." (Ord. 1895 § 1, 2003; Ord. 1203 § 3, 1983; prior code § 2-15.01.44.5)

17.36.040 Exemptions.
This chapter shall not be applicable to the following categories of residential units:

A. ~~Second~~ Accessory dwelling or junior accessory dwelling units approved in accordance with city zoning regulations.

17.46.040 Formula for dedication of land.

B. The formula for determining acreage to be dedicated is as follows:

Dwelling Type	Assumed Density	Standard: Acres/DUs
Single-family	2.87 persons/DU	0.01435 acres/DU
Multi-family	2.30 persons/DU	0.01150 acres/DU

1. For purposes of this subsection, the following definitions shall apply:
   a. "Single-family dwelling unit" shall mean:
      (1) A dwelling unit occupying a separate, legal lot or parcel (example: a detached single-family home or paired or attached single-family home);

      (2) A primary dwelling unit located on the same site as an accessory dwelling ~~second~~ unit whether the accessory dwelling ~~second~~ unit is detached or attached to the primary unit, but an accessory dwelling ~~second~~ unit meeting the requirements in Chapter 18.106 of this code is not considered a single-family dwelling unit;

      (3) A dwelling unit which is part of a structure containing no more than two dwelling units where both dwelling units are located on the same parcel of land (examples: duplexes, duets).

17.46.120 Exemptions.

C. The provisions of this chapter do not apply to an accessory dwelling or junior accessory dwelling ~~second~~ units meeting the requirements in Chapter 18.106 of this code.

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3.26.020 Terms and definitions.
For the purposes of this chapter, the following terms shall have the meanings indicated in this section:

H. "Land use category" means any of the following specified land uses:

1. Residential:

a. Single-family detached;

b. Single-family attached (no more than two units);

c. Multi-family (three or more units);

d. ~~Second~~ Accessory dwelling or junior dwelling unit.

2. Office.

18.28.030 Permitted uses.
The following uses shall be permitted in the A district:

A. One-family dwellings and accessory dwelling or junior accessory dwelling ~~second~~ units. Not more than one dwelling unit and an accessory dwelling unit or junior accessory dwelling ~~second~~ unit, shall be permitted on each site;

18.32.030 Permitted uses.
The following uses shall be permitted in the R-1 districts:

H. ~~Second~~ Accessory dwelling or junior accessory dwelling units meeting the requirements in Chapter 18.106 of this title.

Table 18.84.010
SITE DEVELOPMENT STANDARDS FOR ZONING DISTRICTS IN PLEASANTON

ZONING DISTRICT	MINIMUM LOT SIZE			MINIMUM YARDS			SITE AREA PER DWELLING UNIT	GROUP USABLE OPEN SPACE PER DWELLING UNIT *18.84.170*`	BASIC FLOOR AREA LIMIT (% OF SITE AREA)	MAXIMUM HEIGHT OF MAIN STRUCTURE *18.84.140*	CLASS 1 ACCESSORY STRUCTURES *18.84.160*		
	Area	Width *18.84.050*	Depth	Front *18.84.080*	One Side/ Both Sides *18.84.090*	Rear *18.84.090*					Maximum Height *18.84.140*	Minimum Distance to Side Lot Line	Minimum Distance to Rear Lot Line
A	5 acre	300 ft	---	30 ft	30 ft; 100 ft	50 ft	---	---	---	30 ft	30 ft	30 ft	30 ft
R-1-40,000	40,000 sq ft *18.84.040*	150 ft	150 ft *18.84.060*	30 ft	5 ft; 50 ft	30 ft	40,000 sq ft	---	25%	30 ft	15 ft**	20 ft	20 ft
R-1-	20,000 sq	100 ft	125 ft	25 ft	5 ft; 30 ft	25 ft	20,000 sq ft	---	30%	30 ft	15 ft**	3 ft	5 ft

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ZONING DISTRICT	MINIMUM LOT SIZE			MINIMUM YARDS			SITE AREA PER DWELLING UNIT	GROUP USABLE OPEN SPACE PER DWELLING UNIT *18.84.170*`	BASIC FLOOR AREA LIMIT (% OF SITE AREA)	MAXIMUM HEIGHT OF MAIN STRUCTURE *18.84.140*	CLASS 1 ACCESSORY STRUCTURES *18.84.160*		
	Area	Width *18.84.050*	Depth	Front *18.84.080*	One Side/ Both Sides *18.84.090*	Rear *18.84.090*					Maximum Height *18.84.140*	Minimum Distance to Side Lot Line	Minimum Distance to Rear Lot Line
20,000	ft *18.84.040*		*18.84.060*										
R-1-10,000	10,000 sq ft *18.84.040*	80 ft	100 ft *18.84.060*	23 ft	5 ft; 20 ft	20 ft	10,000 sq ft	---	40%	30 ft	15 ft**	3 ft	5 ft
R-1-8,500	8,500 sq ft *18.84.040*	75 ft	100 ft *18.84.060*	23 ft	5 ft; 15 ft	20 ft	8,500 sq ft	---	40%	30 ft	15 ft**	3 ft	5 ft
R-1-7,500	7,500 sq ft *18.84.040*	70 ft	100 ft *18.84.060*	23 ft	5 ft; 14 ft	20 ft	7,500 sq ft	---	40%	30 ft	15 ft**	3 ft	5 ft
R-1-6,500	6,500 sq ft *18.84.040*	65 ft	100 ft *18.84.060*	23 ft	5 ft; 12 ft	20 ft	6,500 sq ft	---	40%	30 ft	15 ft**	3 ft	5 ft
RM-4,000	8,000 sq ft	70 ft	100 ft *18.84.060*	20 ft	7 ft; 16 ft	30 ft	4,000 sq ft *18.84.030(E)*	---	40%	30 ft	15 ft**	3 ft	3 ft
RM-2,500	7,500 sq ft	70 ft	100 ft *18.84.060*	20 ft	8 ft; 20 ft	30 ft	2,500 sq ft *18.84.030(E)*	400 sq ft	50%	30 ft	15 ft**	3 ft	3 ft
RM-2,000	10,000 sq ft	80 ft	100 ft *18.84.060*	20 ft	8 ft; 20 ft	30 ft	2,000 sq ft *18.84.030(E)*	350 sq ft	50%	40 ft	15 ft**	3 ft	3 ft
RM-1,500	10,500 sq ft	80 ft	100 ft *18.84.060*	20 ft	8 ft; 20 ft	30 ft	1,500 sq ft *18.36.060* *18.84.030(E)*	300 sq ft	50%	40 ft	15 ft**	3 ft	3 ft
O	10,000 sq ft	80 ft	100 ft	20 ft	10 ft; 20 ft	10 ft	Dwellings not permitted		30%	30 ft	15 ft	3 ft	3 ft
C-N	3 acre min. 5 acre max.	300 ft	300 ft	20 ft	20 ft; 40 ft	10 ft	Dwellings not permitted		30%	30 ft	15 ft	20 ft	10 ft
C-C	---	---	---	*18.84.130*	*18.84.130*	---	1,000 sq ft *18.44.090* *18.84.030E*	150 sq ft	300%	40 ft *18.84.150*	40 ft *18.84.150*	---	---
C-R	*18.44.080A*			*18.44.080A*			Dwellings not permitted		*18.44.080A*		*18.44.080A*		
C-S	10,000 sq ft	80 ft	100 ft	10 ft	---	10 ft	Dwellings not permitted		100%	40 ft	40 ft	---	10 ft
C-F	30,000 sq ft	100 ft	130 ft	20 ft	20 ft; 40 ft	10 ft	Dwellings not permitted		40%	40 ft	40 ft	20 ft	10 ft
C-A	10 acre	300 ft	300 ft	20 ft	20 ft; 40 ft	10 ft	Dwellings not permitted		40%	40 ft	40 ft	20 ft	10 ft

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ZONING DISTRICT	MINIMUM LOT SIZE			MINIMUM YARDS			SITE AREA PER DWELLING UNIT	GROUP USABLE OPEN SPACE PER DWELLING UNIT *18.84.170*`	BASIC FLOOR AREA LIMIT (% OF SITE AREA)	MAXIMUM HEIGHT OF MAIN STRUCTURE *18.84.140*	CLASS 1 ACCESSORY STRUCTURES *18.84.160*		
	Area	Width *18.84.050*	Depth	Front *18.84.080*	One Side/ Both Sides *18.84.090*	Rear *18.84.090*					Maximum Height *18.84.140*	Minimum Distance to Side Lot Line	Minimum Distance to Rear Lot Line
I-P	20,000 sq ft	140 ft	140 ft	25 ft	20 ft; 40 ft	15 ft	Dwellings not permitted		50 %	40 ft	40 ft	20 ft	25 ft
1-G 20,000	20,000 sq ft	100 ft	150 ft	25 ft	10 ft; 20 ft	15 ft	Dwellings not permitted		100%	40 ft	40 ft	10 ft	25 ft
I-G 40,000	40,000 sq ft	150 ft	300 ft	25 ft	10 ft; 20 ft	15 ft				*18.84.150*	*18.84.150*	10 ft	25 ft
I-G 3 acre	3 acre	200 ft	300 ft	25 ft	20 ft; 40 ft	50 ft						20 ft	50 ft
Q	50 acre	---	---	100 ft	100 ft; 200 ft	100 ft	---	---	---	40 ft	40 ft	100 ft *18.52.060—18.52.100*	100 ft
				18.52.060—18.52.100						*18.84.150*	*18.84.150*		
P	*18.56.020(A)*												
S	*18.60.060*												
RO	*18.64*												
PUD	*18.84.020*												
CO	*18.72*												
CAO	*18.80**												
NOTE: For further information, refer to the applicable sections of the Pleasanton Municipal Code (Shown in italics)													
* The standards of the Core Area Overlay (CAO) District apply to residential development in the downtown area.													
** In the R-1 and RM districts, ~~second~~ accessory dwelling units constructed above a detached garage may exceed 15 feet in height and shall not exceed 25 feet in height as measured from the lowest grade adjacent to the structure to the highest ridge or top of the structure.													

18.84.160 Accessory structures—Location and yards.

F. ~~Second~~ Accessory dwelling units shall comply with the regulations in Chapter 18.106 of this title.

18.88.030 Schedule of off-street parking space requirements.

A. Dwellings and Lodgings.

1. Single-family dwelling units shall have at least two parking spaces. ~~Second~~ Accessory dwelling units shall adhere to ~~have at least one covered or uncovered parking space which shall not be located in the required front or street side yard and shall not be a tandem space~~the parking requirements in Section 18.106.

California LEGISLATIVE INFORMATION

SB-1069 Land use: zoning. (2015-2016)

SECTION 1. Section 65582.1 of the Government Code is amended to read:

65582.1. The Legislature finds and declares that it has provided reforms and incentives to facilitate and expedite the construction of affordable housing. Those reforms and incentives can be found in the following provisions:

(a) Housing element law (Article 10.6 (commencing with Section 65580) of Chapter 3).

(b) Extension of statute of limitations in actions challenging the housing element and brought in support of affordable housing (subdivision (d) of Section 65009).

(c) Restrictions on disapproval of housing developments (Section 65589.5).

(d) Priority for affordable housing in the allocation of water and sewer hookups (Section 65589.7).

(e) Least cost zoning law (Section 65913.1).

(f) Density bonus law (Section 65915).

(g) ~~Second~~ *Accessory* dwelling units (Sections 65852.150 and 65852.2).

(h) By-right housing, in which certain multifamily housing are designated a permitted use (Section 65589.4).

(i) No-net-loss-in zoning density law limiting downzonings and density reductions (Section 65863).

(j) Requiring persons who sue to halt affordable housing to pay attorney fees (Section 65914) or post a bond (Section 529.2 of the Code of Civil Procedure).

(k) Reduced time for action on affordable housing applications under the approval of development permits process (Article 5 (commencing with Section 65950) of Chapter 4.5).

(l) Limiting moratoriums on multifamily housing (Section 65858).

(m) Prohibiting discrimination against affordable housing (Section 65008).

(n) California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3).

(o) Community redevelopment law (Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code, and in particular Sections 33334.2 and 33413).

SEC. 2. Section 65583.1 of the Government Code is amended to read:

65583.1. (a) The Department of Housing and Community Development, in evaluating a proposed or adopted housing element for substantial compliance with this article, may allow a city or county to identify adequate sites, as required pursuant to Section 65583, by a variety of methods, including, but not limited to, redesignation of property to a more intense land use category and increasing the density allowed within one or more categories. The department may also allow a city or county to identify sites for ~~second~~ *accessory dwelling* units based on the number of ~~second~~ *accessory dwelling* units developed in the prior housing element planning period whether or not the units are permitted by right, the need for these units in the community, the resources or incentives available for their development, and any other relevant factors, as determined by the department. Nothing in this section reduces the responsibility of a city or county to identify, by income category, the total number of sites for residential development as required by this article.

(b) Sites that contain permanent housing units located on a military base undergoing closure or conversion as a result of action pursuant to the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526), the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510), or any subsequent act requiring the closure or conversion of a military base may be identified as an adequate site if the housing element demonstrates that the housing units will be available for occupancy by households within the planning

period of the element. No sites containing housing units scheduled or planned for demolition or conversion to nonresidential uses shall qualify as an adequate site.

Any city, city and county, or county using this subdivision shall address the progress in meeting this section in the reports provided pursuant to paragraph (1) of subdivision (b) of Section 65400.

(c) (1) The Department of Housing and Community Development may allow a city or county to substitute the provision of units for up to 25 percent of the community's obligation to identify adequate sites for any income category in its housing element pursuant to paragraph (1) of subdivision (c) of Section 65583 where the community includes in its housing element a program committing the local government to provide units in that income category within the city or county that will be made available through the provision of committed assistance during the planning period covered by the element to low- and very low income households at affordable housing costs or affordable rents, as defined in Sections 50052.5 and 50053 of the Health and Safety Code, and which meet the requirements of paragraph (2). Except as otherwise provided in this subdivision, the community may substitute one dwelling unit for one dwelling unit site in the applicable income category. The program shall do all of the following:

(A) Identify the specific, existing sources of committed assistance and dedicate a specific portion of the funds from those sources to the provision of housing pursuant to this subdivision.

(B) Indicate the number of units that will be provided to both low- and very low income households and demonstrate that the amount of dedicated funds is sufficient to develop the units at affordable housing costs or affordable rents.

(C) Demonstrate that the units meet the requirements of paragraph (2).

(2) Only units that comply with subparagraph (A), (B), or (C) qualify for inclusion in the housing element program described in paragraph (1), as follows:

(A) Units that are to be substantially rehabilitated with committed assistance from the city or county and constitute a net increase in the community's stock of housing affordable to low- and very low income households. For purposes of this subparagraph, a unit is not eligible to be "substantially rehabilitated" unless all of the following requirements are met:

(i) At the time the unit is identified for substantial rehabilitation, (I) the local government has determined that the unit is at imminent risk of loss to the housing stock, (II) the local government has committed to provide relocation assistance pursuant to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 to any occupants temporarily or permanently displaced by the rehabilitation or code enforcement activity, or the relocation is otherwise provided prior to displacement either as a condition of receivership, or provided by the property owner or the local government pursuant to Article 2.5 (commencing with Section 17975) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code, or as otherwise provided by local ordinance; provided the assistance includes not less than the equivalent of four months' rent and moving expenses and comparable replacement housing consistent with the moving expenses and comparable replacement housing required pursuant to Section 7260, (III) the local government requires that any displaced occupants will have the right to reoccupy the rehabilitated units, and (IV) the unit has been found by the local government or a court to be unfit for human habitation due to the existence of at least four violations of the conditions listed in subdivisions (a) to (g), inclusive, of Section 17995.3 of the Health and Safety Code.

(ii) The rehabilitated unit will have long-term affordability covenants and restrictions that require the unit to be available to, and occupied by, persons or families of low- or very low income at affordable housing costs for at least 20 years or the time period required by any applicable federal or state law or regulation.

(iii) Prior to initial occupancy after rehabilitation, the local code enforcement agency shall issue a certificate of occupancy indicating compliance with all applicable state and local building code and health and safety code requirements.

(B) Units that are located either on foreclosed property or in a multifamily rental or ownership housing complex of three or more units, are converted with committed assistance from the city or county from nonaffordable to affordable by acquisition of the unit or the purchase of affordability covenants and restrictions for the unit, are not acquired by eminent domain, and constitute a net increase in the community's stock of housing affordable to low- and very low income households. For purposes of this subparagraph, a unit is not converted by acquisition or the purchase of affordability covenants unless all of the following occur:

(i) The unit is made available for rent at a cost affordable to low- or very low income households.

(ii) At the time the unit is identified for acquisition, the unit is not available at an affordable housing cost to either of the following:

(I) Low-income households, if the unit will be made affordable to low-income households.

(II) Very low income households, if the unit will be made affordable to very low income households.

(iii) At the time the unit is identified for acquisition the unit is not occupied by low- or very low income households or if the acquired unit is occupied, the local government has committed to provide relocation assistance prior to displacement, if any, pursuant to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 to any occupants displaced by the conversion, or the relocation is otherwise provided prior to displacement; provided the assistance includes not less than the equivalent of four months' rent and moving expenses and comparable replacement housing consistent with the moving expenses and comparable replacement housing required pursuant to Section 7260.

(iv) The unit is in decent, safe, and sanitary condition at the time of occupancy.

(v) The unit has long-term affordability covenants and restrictions that require the unit to be affordable to persons of low- or very low income for not less than 55 years.

(vi) For units located in multifamily ownership housing complexes with three or more units, or on or after January 1, 2015, on foreclosed properties, at least an equal number of new-construction multifamily rental units affordable to lower income households have been constructed in the city or county within the same planning period as the number of ownership units to be converted.

(C) Units that will be preserved at affordable housing costs to persons or families of low- or very low incomes with committed assistance from the city or county by acquisition of the unit or the purchase of affordability covenants for the unit. For purposes of this subparagraph, a unit shall not be deemed preserved unless all of the following occur:

(i) The unit has long-term affordability covenants and restrictions that require the unit to be affordable to, and reserved for occupancy by, persons of the same or lower income group as the current occupants for a period of at least 40 years.

(ii) The unit is within an "assisted housing development," as defined in paragraph (3) of subdivision (a) of Section 65863.10.

(iii) The city or county finds, after a public hearing, that the unit is eligible, and is reasonably expected, to change from housing affordable to low- and very low income households to any other use during the next five years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use.

(iv) The unit is in decent, safe, and sanitary condition at the time of occupancy.

(v) At the time the unit is identified for preservation it is available at affordable cost to persons or families of low- or very low income.

(3) This subdivision does not apply to any city or county that, during the current or immediately prior planning period, as defined by Section 65588, has not met any of its share of the regional need for affordable housing, as defined in Section 65584, for low- and very low income households. A city or county shall document for any housing unit that a building permit has been issued and all development and permit fees have been paid or the unit is eligible to be lawfully occupied.

(4) For purposes of this subdivision, "committed assistance" means that the city or county enters into a legally enforceable agreement during the period from the beginning of the projection period until the end of the second year of the planning period that obligates sufficient available funds to provide the assistance necessary to make the identified units affordable and that requires that the units be made available for occupancy within two years of the execution of the agreement. "Committed assistance" does not include tenant-based rental assistance.

(5) For purposes of this subdivision, "net increase" includes only housing units provided committed assistance pursuant to subparagraph (A) or (B) of paragraph (2) in the current planning period, as defined in Section 65588, that were not provided committed assistance in the immediately prior planning period.

(6) For purposes of this subdivision, "the time the unit is identified" means the earliest time when any city or county agent, acting on behalf of a public entity, has proposed in writing or has proposed orally or in writing to the property owner, that the unit be considered for substantial rehabilitation, acquisition, or preservation.

(7) In the third year of the planning period, as defined by Section 65588, in the report required pursuant to Section 65400, each city or county that has included in its housing element a program to provide units pursuant to subparagraph (A), (B), or (C) of paragraph (2) shall report in writing to the legislative body, and to the department within 30 days of making its report to the legislative body, on its progress in providing units pursuant to this subdivision. The report shall identify the specific units for which committed assistance has been provided or which have been made available to low- and very low income households, and it shall adequately document how each unit complies with this subdivision. If, by July 1 of the third year of the planning period, the city or county has not entered into an enforceable agreement of committed assistance for all units specified in the programs adopted pursuant to subparagraph (A), (B), or (C) of paragraph (2), the city or county shall, not later than July 1 of the fourth year of the planning period, adopt an amended housing element in accordance with Section 65585, identifying additional adequate sites pursuant to paragraph (1) of subdivision (c) of Section 65583 sufficient to accommodate the number of units for which committed assistance was not provided. If a city or county does not amend its housing element to identify adequate sites to address any shortfall, or fails to complete the rehabilitation, acquisition, purchase of affordability covenants, or the preservation of any housing unit within two years after committed assistance was provided to that unit, it shall be prohibited from identifying units pursuant to subparagraph (A), (B), or (C) of paragraph (2) in the housing element that it adopts for the next planning period, as defined in Section 65588, above the number of units actually provided or preserved due to committed assistance.

(d) A city or county may reduce its share of the regional housing need by the number of units built between the start of the projection period and the deadline for adoption of the housing element. If the city or county reduces its share pursuant to this subdivision, the city or county shall include in the housing element a description of the methodology for assigning those housing units to an income category based on actual or projected sales price, rent levels, or other mechanisms establishing affordability.

SEC. 3. Section 65589.4 of the Government Code is amended to read:

65589.4. (a) An attached housing development shall be a permitted use not subject to a conditional use permit on any parcel zoned for an attached housing development if local law so provides or if it satisfies the requirements of subdivision (b) and either of the following:

(1) The attached housing development satisfies the criteria of Section 21159.22, 21159.23, or 21159.24 of the Public Resources Code.

(2) The attached housing development meets all of the following criteria:

(A) The attached housing development is subject to a discretionary decision other than a conditional use permit and a negative declaration or mitigated negative declaration has been adopted for the attached housing development under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code). If no public hearing is held with respect to the discretionary decision, then the negative declaration or mitigated negative declaration for the attached housing development may be adopted only after a public hearing to receive comments on the negative declaration or mitigated negative declaration.

(B) The attached housing development is consistent with both the jurisdiction's zoning ordinance and general plan as it existed on the date the application was deemed complete, except that an attached housing development shall not be deemed to be inconsistent with the zoning designation for the site if that zoning designation is inconsistent with the general plan only because the attached housing development site has not been rezoned to conform with the most recent adopted general plan.

(C) The attached housing development is located in an area that is covered by one of the following documents that has been adopted by the jurisdiction within five years of the date the application for the attached housing development was deemed complete:

(i) A general plan.

(ii) A revision or update to the general plan that includes at least the land use and circulation elements.

(iii) An applicable community plan.

(iv) An applicable specific plan.

(D) The attached housing development consists of not more than 100 residential units with a minimum density of not less than 12 units per acre or a minimum density of not less than eight units per acre if the attached housing development consists of four or fewer units.

(E) The attached housing development is located in an urbanized area as defined in Section 21071 of the Public Resources Code or within a census-defined place with a population density of at least 5,000 persons per square mile or, if the attached housing development consists of 50 or fewer units, within an incorporated city with a population density of at least 2,500 persons per square mile and a total population of at least 25,000 persons.

(F) The attached housing development is located on an infill site as defined in Section 21061.0.5 of the Public Resources Code.

(b) At least 10 percent of the units of the attached housing development shall be available at affordable housing cost to very low income households, as defined in Section 50105 of the Health and Safety Code, or at least 20 percent of the units of the attached housing development shall be available at affordable housing cost to lower income households, as defined in Section 50079.5 of the Health and Safety Code, or at least 50 percent of the units of the attached housing development available at affordable housing cost to moderate-income households, consistent with Section 50052.5 of the Health and Safety Code. The developer of the attached housing development shall provide sufficient legal commitments to the local agency to ensure the continued availability and use of the housing units for very low, low-, or moderate-income households for a period of at least 30 years.

(c) Nothing in this section shall prohibit a local agency from applying design and site review standards in existence on the date the application was deemed complete.

(d) The provisions of this section are independent of any obligation of a jurisdiction pursuant to subdivision (c) of Section 65583 to identify multifamily sites developable by right.

(e) This section does not apply to the issuance of coastal development permits pursuant to the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code).

(f) This section does not relieve a public agency from complying with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) or relieve an applicant or public agency from complying with the Subdivision Map Act (Division 2 (commencing with Section 66473)).

(g) This section is applicable to all cities and counties, including charter cities, because the Legislature finds that the lack of affordable housing is of vital statewide importance, and thus a matter of statewide concern.

(h) For purposes of this section, "attached housing development" means a newly constructed or substantially rehabilitated structure containing two or more dwelling units and consisting only of residential units, but does not include ~~a second~~ *an accessory dwelling* unit, as defined by paragraph (4) of subdivision ~~(h)~~ *(j)* of Section 65852.2, or the conversion of an existing structure to condominiums.

SEC. 4. Section 65852.150 of the Government Code is amended to read:

65852.150. *(a) The Legislature finds and declares all of the following:*

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

~~The~~ *(2)* ~~Legislature finds and declares that second units are a valuable form of housing in California. Second units~~ *Accessory dwelling units* provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods. ~~Homeowners who create second units benefit from added income, and an increased sense of security.~~

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

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

(5) California faces a severe housing crisis.

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

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

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

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

SEC. 5. Section 65852.2 of the Government Code is amended to read:

65852.2. (a) (1) ~~Any~~ *A* local agency may, by ordinance, provide for the creation of ~~second~~ *accessory dwelling* units in single-family and multifamily residential zones. The ordinance ~~may~~ *shall* do ~~any~~ *all* of the following:

(A) Designate areas within the jurisdiction of the local agency where ~~second~~ *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 ~~second~~ *accessory dwelling* units on traffic ~~flow.~~ *flow and public safety.*

(B) Impose standards on ~~second~~ *accessory dwelling* units that include, but are not limited to, parking, height, setback, lot coverage, 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.

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

(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 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. Nothing in this paragraph may be construed to require a local government to adopt or amend an ordinance for the creation of second units.~~ *permits, within 120 days of submittal of a complete building permit application.* 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 ~~second~~ *accessory dwelling* units.

(b) (1) When a local agency ~~which~~ *that* has not adopted an ordinance governing ~~second~~ *accessory dwelling* units in accordance with subdivision (a) ~~or (c)~~ receives its first application on or after July 1, 1983, for a permit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to this subdivision unless it adopts an ordinance in accordance with subdivision (a) ~~or (c)~~ within 120 days after receiving the application. Notwithstanding Section 65901 or 65906, every local agency shall ~~grant a variance or special use permit for~~ *ministerially approve* the creation of ~~a second~~ *an accessory dwelling* unit if the ~~second~~ *accessory dwelling* unit complies with all of the following:

(A) The unit is not intended for sale *separate from the primary residence* and may be rented.

(B) The lot is zoned for single-family or multifamily use.

(C) The lot contains an existing single-family dwelling.

(D) The ~~second~~ *accessory dwelling* unit is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(E) The increased floor area of an attached ~~second~~ *accessory dwelling* unit shall not exceed ~~30~~ *50* percent of the existing living ~~area.~~ *area, with a maximum increase in floor area of 1,200 square feet.*

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

(G) Requirements relating to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located.

(H) Local building code requirements ~~which~~ *that* apply to detached dwellings, as appropriate.

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

(2) 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.

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

(4) ~~No changes in zoning ordinances or other ordinances or any changes in the general plan shall be required to implement this subdivision. Any~~ *A* local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of ~~second~~ *accessory dwelling* units if these provisions are consistent with the limitations of this subdivision.

(5) ~~A second unit which conforms to the requirements of~~ *An accessory dwelling unit that conforms to* this subdivision 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 ~~which~~ *that* is consistent with the existing general plan and zoning designations for the lot. The ~~second~~ *accessory dwelling* units shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

~~(c) No local agency shall adopt an ordinance which totally precludes second units within single-family or multifamily zoned areas unless the ordinance contains findings acknowledging that the ordinance may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing second units within single-family and multifamily zoned areas justify adopting the ordinance.~~

~~(d)~~ *(c)* A local agency may establish minimum and maximum unit size requirements for both attached and detached ~~second~~ *accessory dwelling* units. No minimum or maximum size for ~~a second~~ *an accessory dwelling* unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings ~~which~~ *that* does not *otherwise* 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.*

~~(e)~~ *(d)* Parking requirements for ~~second~~ *accessory dwelling* units shall not exceed one parking space per unit or per bedroom. ~~Additional parking~~ *These spaces* may be ~~required provided that a finding is made that the additional parking requirements are directly related to the use of the second unit and are consistent with existing neighborhood standards applicable to existing dwellings.~~ *provided as tandem parking on an existing driveway.* Off-street 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, or that it is not permitted anywhere else in the jurisdiction.~~ *conditions. This subdivision shall not apply to a unit that is described in subdivision (e).*

(e) 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 existing primary residence or an existing 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.

(f) Notwithstanding subdivisions (a) to (e), inclusive, a local agency shall ministerially approve an application for a building permit to create within a single-family residential zone 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, 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.

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

(2) Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (f), a local agency 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.

(B) For an accessory dwelling unit that is not described in subdivision (f), a local agency 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)~~ *(h)* This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of ~~second~~ *accessory dwelling* units.

~~(h)~~ *(i)* Local agencies shall submit a copy of the ordinances adopted pursuant to subdivision (a) ~~or (c)~~ to the Department of Housing and Community Development within 60 days after adoption.

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

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

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

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

~~(j)~~ *(k)* 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 (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 ~~second~~ *accessory dwelling* units.

SEC. 5.5. Section 65852.2 of the Government Code is amended to read:

65852.2. (a) (1) ~~Any~~ *A* local agency may, by ordinance, provide for the creation of ~~second~~ *accessory dwelling* units in single-family and multifamily residential zones. The ordinance ~~may~~ *shall* do ~~any~~ *all* of the following:

(A) Designate areas within the jurisdiction of the local agency where ~~second~~ *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 ~~second~~ *accessory dwelling* units on traffic ~~flow.~~ *flow and public safety.*

(B) *(i)* Impose standards on ~~second~~ *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.

(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 ~~second~~ *accessory dwelling* units do not exceed the allowable density for the lot upon which the ~~second~~ *accessory dwelling* unit is located, and that ~~second~~ *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 is not intended for sale separate from the primary residence and may be rented.

(ii) The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.

(iii) The accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(iv) The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.

(v) The total 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 that is converted to a accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

(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. These spaces may be provided as tandem parking on an existing 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, or that it is not permitted anywhere else in the jurisdiction.

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

(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 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. Nothing in this paragraph may be construed to require a local government to adopt or amend an ordinance for the creation of second units.~~ *permits, within 120 days after receiving the application.* 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 ~~second units.~~ *an accessory dwelling unit.*

~~(b)~~ *(4)* ~~(1)~~ *An* ~~When~~ *existing ordinance governing the creation of an accessory dwelling unit by* a local agency ~~which has not adopted an ordinance governing second units in accordance with subdivision (a) or (c) receives its first application on or after July 1, 1983, for a permit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to this subdivision unless~~ it *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 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 ~~in accordance with subdivision (a) or (c) within 120 days after receiving the application. Notwithstanding Section 65901 or 65906, every local agency shall grant a variance or special use permit for the creation of a second unit if the second unit complies with all of the following:~~ *that complies with this section.*

~~(A) The unit is not intended for sale and may be rented.~~

~~(B) The lot is zoned for single-family or multifamily use.~~

~~(C) The lot contains an existing single-family dwelling.~~

~~(D) The second unit is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.~~

~~(E) The increased floor area of an attached second unit shall not exceed 30 percent of the existing living area.~~

~~(F) The total area of floorspace for a detached second unit shall not exceed 1,200 square feet.~~

~~(G) Requirements relating to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located.~~

~~(H) Local building code requirements which apply to detached dwellings, as appropriate.~~

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

~~(2)~~ *(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.

~~(3)~~ *(6)* This subdivision establishes the maximum standards that local agencies shall use to evaluate ~~proposed second units on lots~~ *a proposed accessory dwelling unit on a lot* zoned for residential use ~~which contain~~ *that contains* an existing single-family dwelling. No additional standards, other than those provided in this ~~subdivision or subdivision (a),~~ *subdivision,* shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an ~~owner-occupant.~~ *owner-occupant or that the property be used for rentals of terms longer than 30 days.*

~~(4)~~ *(7)* ~~No changes in zoning ordinances or other ordinances or any changes in the general plan shall be required to implement this subdivision. Any~~ *A* local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of ~~second units~~ *an accessory dwelling unit* if these provisions are consistent with the limitations of this subdivision.

~~(5)~~ *(8)* ~~A second unit which conforms to the requirements of~~ *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 ~~which~~ *that* is consistent with the existing general plan and zoning designations for the lot. The ~~second units~~ *accessory dwelling unit* shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

~~(c)~~ *(b)* ~~No~~ *When a* local agency ~~shall adopt an ordinance which totally precludes second units within single-family or multifamily zoned areas unless the ordinance contains findings acknowledging that the ordinance may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing second units within single-family and multifamily zoned areas justify adopting the ordinance.~~ *that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives its first application on or after July 1, 1983, for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.*

~~(d)~~ *(c)* A local agency may establish minimum and maximum unit size requirements for both attached and detached ~~second~~ *accessory dwelling* units. No minimum or maximum size for ~~a second~~ *an accessory dwelling* unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings ~~which~~ *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.*

(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 existing primary residence or an existing 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) ~~Parking requirements for second units shall not exceed one parking space per unit or per bedroom. Additional parking may be required provided that a finding is made that the additional parking requirements are directly related to the use of the second unit and are consistent with existing neighborhood standards applicable to existing dwellings. Off-street 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, or that it is not permitted anywhere else in the jurisdiction.~~ *Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a single-family residential zone 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, 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.*

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

(2) Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (e), a local agency 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.

(B) For an accessory dwelling unit that is not described in subdivision (e), a local agency 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 ~~second units.~~ *an accessory dwelling unit.*

(h) Local agencies shall submit a copy of the ~~ordinances~~ *ordinance* adopted pursuant to subdivision (a) ~~or (c)~~ to the Department of Housing and Community Development within 60 days after adoption.

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

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

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

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

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

(j) 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 (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 ~~second~~ *accessory dwelling* units.

SEC. 6. Section 66412.2 of the Government Code is amended to read:

66412.2. This division shall not apply to the construction, financing, or leasing of dwelling units pursuant to Section 65852.1 or ~~second~~ *accessory dwelling* units pursuant to Section 65852.2, but this division shall be applicable to the sale or transfer, but not leasing, of those units.

***SEC. 7.** Section 5.5 of this bill incorporates amendments to Section 65852.2 of the Government Code proposed by both this bill and Assembly Bill 2299. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2017, (2) each bill amends Section 65852.2 of the Government Code, and (3) this bill is enacted after Assembly Bill 2299, in which case Section 5 of this bill shall not become operative.*

***SEC. 8.** No reimbursement is required by this act pursuant to Section 6 of Article XIIIB 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.*