

LEGISLATIVE DIGEST

[Planning, Business and Tax Regulations Codes - State-Mandated Accessory Dwelling Unit Program]

Ordinance amending the Planning Code and Business and Tax Regulations Code to modify the City's State-mandated Accessory Dwelling Unit ("ADU") approval process and conform to changes to State ADU law, including by removing any appeal to the Board of Appeals, and increasing size limits for certain detached, new construction ADUs on a lot containing a single-family dwelling; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

Existing Law

Planning Code Section 207.2 establishes a state-mandated, ministerial Accessory Dwelling Unit (ADU) approval process for ADUs that meet certain state law requirements. The State-mandated approval process is divided into two categories: (1) the "State ADU" program, under which property owners may obtain approval of a single ADU subject to a combination of local and state law development standards; and (2) the "Hybrid ADU" program, under which property owners may in some cases seek approval of multiple ADUs that are generally subject to minimal State development standards and a more restrictive set of local development standards. California Government Code Section 66323, subdivision (g) previously authorized the City to impose these more restrictive local development standards on Hybrid ADUs.

Business and Tax Regulations Code Sections 8 and 26 set forth specific procedures for appeal of permitting decisions involving state-mandated ADUs under Planning Code section 207.2.

Amendments to Current Law

California Assembly Bill 130, which modified state ADU law and took effect in June 2025, removed Section 66323, subdivision (g) from the California Government Code. Consistent with this recent amendment to state law, this ordinance would amend Planning Code Section 207.2 to rename the Hybrid ADU program as the "Streamlined ADU" program, and to subject Streamlined ADUs to less restrictive local development standards. These less restrictive local development standards would include increased size limits for certain detached, new construction Streamlined ADUs on a lot containing a single-family dwelling.

This ordinance would also comply with State ADU law by amending Planning Code Section 207.2 and Business and Tax Regulations Code Sections 8 and 26 to remove any appeal of permitting decisions involving state-mandated ADUs under Planning Code section 207.2.

Background Information

This legislation includes amendments required by Assembly Bill 130, which modified state ADU law and took effect in June 2025.

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