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AMENDED IN ASSEMBLY APRIL 3, 2019

AMENDED IN ASSEMBLY MARCH 27, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 68

Introduced by Assembly Member Ting
(Coauthors: Assembly Members ~~Gloria Gloria, Reyes, and Wicks~~)
(Coauthors: Senators Skinner and Wiener)

December 3, 2018

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

LEGISLATIVE COUNSEL'S DIGEST

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

(1) The Planning and Zoning Law authorizes a local agency to provide, by ordinance, for the creation of accessory dwelling units in single-family and multifamily residential zones and sets forth required ordinance standards, including, among others, lot coverage.

This bill would delete the provision authorizing the imposition of standards on lot coverage and would prohibit an ordinance from imposing requirements on minimum lot size.

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

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

date the local agency receives a completed ~~application~~. *application if there is an existing single-family or multifamily dwelling on the lot, and would authorize the permitting agency to delay acting on the permit application if the permit application is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, as specified.*

(3) Existing law prohibits the establishment by ordinance of minimum or maximum size for an accessory dwelling unit, or size based upon a percentage of the proposed or existing primary dwelling, if the limitations do not permit at least an efficiency unit to be constructed.

This bill would instead prohibit the imposition of those limitations if they do not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with 4-foot side and rear yard setbacks. This bill would additionally prohibit the imposition of limits on lot coverage, floor area ratio, open space, and minimum lot size if they prohibit the construction of an accessory dwelling unit meeting those specifications.

(4) Existing law requires ministerial approval of a *building* permit to create *within a zone for single-family use* one accessory dwelling unit ~~within a per single-family dwelling, lot~~, subject to specified conditions and requirements.

This bill would *instead* require ministerial approval of an application for a *building* permit *within a residential or mixed-use zone* to create one or more accessory dwelling units or junior accessory dwelling units ~~on a lot with a~~ *depending on, among other things, whether the proposed or existing structure on the lot is a single-family dwelling or multifamily dwelling*, subject to specified conditions and requirements.

(5) Existing law requires a local agency to submit its accessory dwelling unit ordinance to the Department of Housing and Community Development within 60 days after adoption and authorizes the department to review and comment on the ordinance.

This bill would instead authorize the department to submit written findings to a local agency as to whether the local ordinance complies with state law, would require the local agency to consider the department's findings and to amend its ordinance to comply with state law or adopt a resolution with specified findings. The bill would require the department to notify the Attorney General that the local agency is in violation of state law if the local agency does not amend its ordinance or adopt a resolution with specified findings.

(6) This bill would also prohibit a local agency from issuing a certificate of occupancy for an accessory dwelling unit before issuing a certificate of occupancy for the primary residence.

~~(7) Existing law authorizes a local agency to adopt an ordinance providing for the creation of junior accessory dwelling units in single-family residential zones, and requires a local agency to ministerially approve or deny an application for a junior accessory dwelling unit within 120 days of submission of the application.~~

~~This~~

~~(7) This bill would instead require a local agency to ministerially approve or deny an application for a junior accessory dwelling unit within 60 days from the date a local agency receives a completed application. The bill would require a local agency that has not adopted an ordinance for the creation of junior accessory dwelling units to apply the same standards established by this bill for local agencies with ordinances.~~

(8) This bill would make other conforming changes, including revising definitions and changes clarifying that the above-specified provisions regulating accessory dwelling units and junior accessory dwelling units also apply to the creation of accessory dwelling units and junior accessory dwelling units on proposed structures to be constructed.

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

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

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

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

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

3 65852.2. (a) (1) A local agency may, by ordinance, provide
4 for the creation of accessory dwelling units in areas zoned to allow
5 single-family or multifamily use. The ordinance shall do all of the
6 following:

7 (A) Designate areas within the jurisdiction of the local agency
8 where accessory dwelling units may be permitted. The designation

1 of areas may be based on criteria that may include, but are not
 2 limited to, the adequacy of water and sewer services and the impact
 3 of accessory dwelling units on traffic flow and public safety.

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

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

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

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

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

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

25 (iii) The accessory dwelling unit is attached or located within
 26 the living area of the proposed or existing primary dwelling,
 27 attached or located within an accessory structure, or detached from
 28 the proposed or existing primary dwelling and located on the same
 29 lot as the proposed or existing primary dwelling.

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

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

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

38 (vii) No setback shall be required for an existing living area or
 39 accessory structure or a structure constructed in the same location
 40 and to the same dimensions as an existing structure that is

1 converted to an accessory dwelling unit or to a portion of an
2 accessory dwelling unit, and a setback of no more than four feet
3 from the side and rear lot lines shall be required for an accessory
4 dwelling unit that is not converted from an existing structure or a
5 new structure constructed in the same location and to the same
6 dimensions as an existing structure.

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

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

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

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

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

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

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

29 (3) A permit application *to create an accessory dwelling unit*
30 *or a junior accessory dwelling unit* shall be considered ministerially
31 without discretionary review or a hearing, notwithstanding Section
32 65901 or 65906 or any local ordinance regulating the issuance of
33 variances or special use ~~permits~~, *permits*. *The permitting agency*
34 *shall act on the application to create an accessory dwelling unit*
35 *or a junior accessory dwelling unit* within 60 days from the date
36 the local agency receives a completed ~~application~~. *application if*
37 *there is an existing single-family or multifamily dwelling on the*
38 *lot. If the permit application to create an accessory dwelling unit*
39 *or a junior accessory dwelling unit is submitted with a permit*
40 *application to create a new single-family dwelling on the lot, the*

1 *permitting agency may delay acting on the permit application for*
2 *the accessory dwelling unit or the junior accessory dwelling unit*
3 *until the permitting agency acts on the permit application to create*
4 *the new single-family dwelling, but the application to create the*
5 *accessory dwelling unit or junior accessory dwelling unit shall be*
6 *considered without discretionary review or hearing. If the applicant*
7 *requests a delay, the 60-day time period shall be tolled for the*
8 *period of the delay. A local agency may charge a fee to reimburse*
9 *it for costs that it incurs as a result of amendments to this paragraph*
10 *enacted during the 2001–02 Regular Session of the Legislature,*
11 *including the costs of adopting or amending any ordinance that*
12 *provides for the creation of an accessory dwelling unit.*

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

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

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

38 (7) A local agency may amend its zoning ordinance or general
39 plan to incorporate the policies, procedures, or other provisions

1 applicable to the creation of an accessory dwelling unit if these
2 provisions are consistent with the limitations of this subdivision.

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

11 (b) When a local agency that has not adopted an ordinance
12 governing accessory dwelling units in accordance with subdivision
13 (a) receives an application for a permit to create an accessory
14 dwelling unit pursuant to this subdivision, the local agency shall
15 approve or disapprove the application ministerially without
16 discretionary review pursuant to subdivision ~~(a) within 60 days~~
17 ~~from the date the local agency receives a completed application.~~

18 *(a). The permitting agency shall act on the application to create*
19 *an accessory dwelling unit or a junior accessory dwelling unit*
20 *within 60 days from the date the local agency receives a completed*
21 *application if there is an existing single-family or multifamily*
22 *dwelling on the lot. If the permit application to create an accessory*
23 *dwelling unit or a junior accessory dwelling unit is submitted with*
24 *a permit application to create a new single-family dwelling on the*
25 *lot, the permitting agency may delay acting on the permit*
26 *application for the accessory dwelling unit or the junior accessory*
27 *dwelling unit until the permitting agency acts on the permit*
28 *application to create the new single-family dwelling, but the*
29 *application to create the accessory dwelling unit or junior*
30 *accessory dwelling unit shall still be considered ministerially*
31 *without discretionary review or a hearing. If the applicant requests*
32 *a delay, the 60-day time period shall be tolled for the period of*
33 *the delay.*

34 (c) A local agency may establish minimum and maximum unit
35 size requirements for both attached and detached accessory
36 dwelling units. No minimum or maximum size for an accessory
37 dwelling unit, or size based upon a percentage of the proposed or
38 existing primary dwelling, or limits on lot coverage, floor area
39 ratio, open space, and minimum lot size, shall be established by
40 ordinance for either attached or detached dwellings that does not

1 permit at least an 800 square foot accessory dwelling unit that is
2 at least 16 feet in height with four-foot side and rear yard setbacks
3 to be constructed in compliance with all other local development
4 standards. Accessory dwelling units shall not be required to provide
5 fire sprinklers if they are not required for the primary residence.

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

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

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

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

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

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

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

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

28 (i) The accessory dwelling unit or junior accessory dwelling
29 unit is ~~substantially~~ within the proposed or existing space of a
30 single-family dwelling or accessory ~~structure, including, but not~~
31 ~~limited to, remodeling or reconstruction of an existing space with~~
32 *substantially structure and may include an expansion of not more*
33 *than 150 square feet beyond the same physical dimensions as the*
34 *existing accessory structure. An expansion beyond the physical*
35 *dimensions of the existing accessory structure shall be limited to*
36 *accommodating ingress and egress.*

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

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

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

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

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

11 (ii) A height limitation of 16 feet.

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

17 (ii) *A local agency shall allow at least one accessory dwelling
18 unit within an existing multifamily dwelling and may allow up to
19 25 percent of the existing multifamily dwelling units.*

20 (D) Not more than two accessory dwelling units that are located
21 on a lot that has an existing multifamily dwelling, but are detached
22 from that multifamily dwelling and are subject to a height limit of
23 16 feet and four-foot rear yard and side setbacks.

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

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

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

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

37 (6) *A local agency may require, as part of the application for
38 a permit to create an accessory dwelling unit connected to an
39 onsite water treatment system, a percolation test completed within*

1 *the last five years, or, if the percolation test has been recertified,*
2 *within the last 10 years.*

3 ~~(6)~~

4 (7) Subparagraphs (C) and (D) of paragraph (1) shall not apply
5 to a local agency that has adopted an ordinance by July 1, 2018,
6 providing for the approval of accessory dwelling units in
7 multifamily dwelling structures.

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

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

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

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

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

1 (h) (1) A local agency shall submit a copy of the ordinance
2 adopted pursuant to subdivision (a) to the Department of Housing
3 and Community Development within 60 days after adoption.

4 (2) (A) The department may submit written findings to the local
5 agency as to whether the ordinance complies with this section. If
6 the department finds that the ordinance does not comply with this
7 section, it shall notify the local agency that it is in violation of this
8 section and shall provide the local agency a reasonable time, no
9 longer than 30 days, to respond to the findings before taking any
10 other action authorized by this section.

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

14 (i) Amend its ordinance to comply with this section.

15 (ii) Adopt a resolution with findings explaining the reason the
16 ordinance complies with this section and addressing the
17 department's findings.

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

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

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

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

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

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

1 (2) “Accessory structure” means an existing, fixed structure,
 2 including, but not limited to, a garage, studio, pool house, or other
 3 similar structure.

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

7 (4) “Local agency” means a city, county, or city and county,
 8 whether general law or chartered.

9 (5) “Nonconforming zoning condition” means a physical
 10 improvement on a property that does not conform with current
 11 zoning standards.

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

15 (7) *“Proposed dwelling” means a dwelling that is the subject*
 16 *of a permit application and that meets the requirements for*
 17 *permitting.*

18 ~~(7)~~

19 (8) “Tandem parking” means that two or more automobiles are
 20 parked on a driveway or in any other location on a lot, lined up
 21 behind one another.

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

25 (k) Nothing in this section shall be construed to supersede or in
 26 any way alter or lessen the effect or application of the California
 27 Coastal Act of 1976 (Division 20 (commencing with Section
 28 30000) of the Public Resources Code), except that the local
 29 government shall not be required to hold public hearings for coastal
 30 development permit applications for accessory dwelling units.

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

33 65852.22. (a) Notwithstanding Section 65852.2, a local agency
 34 may, by ordinance, provide for the creation of junior accessory
 35 dwelling units in single-family residential zones. The ordinance
 36 may require a permit to be obtained for the creation of a junior
 37 accessory dwelling unit, and shall do all of the following:

38 (1) Limit the number of junior accessory dwelling units to one
 39 per residential lot zoned for single-family residences with a
 40 single-family residence built, or proposed to be built, on the lot.

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

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

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

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

16 (4) Require a permitted junior accessory dwelling unit to be
17 constructed within the walls of the proposed or existing
18 single-family residence.

19 (5) Require a permitted junior accessory dwelling to include a
20 separate entrance from the main entrance to the proposed or
21 existing single-family residence, with an interior entry to the main
22 living area. ~~A permitted junior accessory dwelling may include a
23 second interior doorway for sound attenuation. residence.~~

24 (6) Require the permitted junior accessory dwelling unit to
25 include an efficiency kitchen, which shall include all of the
26 following:

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

28 ~~(B)~~

29 ~~(A) A cooking facility with appliances that do not require
30 electrical service greater than 120 volts, or natural or propane gas.
31 appliances.~~

32 ~~(C)~~

33 (B) A food preparation counter and storage cabinets that are of
34 reasonable size in relation to the size of the junior accessory
35 dwelling unit.

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

38 (2) This subdivision shall not be interpreted to prohibit the
39 requirement of an inspection, including the imposition of a fee for

1 that inspection, to determine if the junior accessory dwelling unit
2 complies with applicable building standards.

3 (c) An application for a permit pursuant to this section shall,
4 notwithstanding Section 65901 or 65906 or any local ordinance
5 regulating the issuance of variances or special use permits, be
6 considered ministerially, without discretionary review or a hearing.
7 ~~A local agency shall issue a permit within 60 days from the date~~
8 ~~the local agency receives a completed application for a permit~~
9 ~~pursuant to this section.~~ *The permitting agency shall act on the*
10 *application to create a junior accessory dwelling unit within 60*
11 *days from the date the local agency receives a completed*
12 *application if there is an existing single-family dwelling on the lot.*
13 *If the permit application to create a junior accessory dwelling unit*
14 *is submitted with a permit application to create a new single-family*
15 *dwelling on the lot, the permitting agency may delay acting on the*
16 *permit application for the junior accessory dwelling unit until the*
17 *permitting agency acts on the permit application to create the new*
18 *single-family dwelling, but the application to create the junior*
19 *accessory dwelling unit shall still be considered ministerially*
20 *without discretionary review or a hearing. If the applicant requests*
21 *a delay, the 60-day time period shall be tolled for the period of*
22 *the delay.* A local agency may charge a fee to reimburse the local
23 agency for costs incurred in connection with the issuance of a
24 permit pursuant to this section.

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

35 (e) For purposes of providing service for water, sewer, or power,
36 including a connection fee, a junior accessory dwelling unit shall
37 not be considered a separate or new dwelling unit.

38 (f) This section shall not be construed to prohibit a local agency
39 from adopting an ordinance or regulation, related to parking or a
40 service or a connection fee for water, sewer, or power, that applies

1 to a single-family residence that contains a junior accessory
2 dwelling unit, so long as that ordinance or regulation applies
3 uniformly to all single-family residences regardless of whether the
4 single-family residence includes a junior accessory dwelling unit.

5 (g) If a local agency has not adopted a local ordinance pursuant
6 to this section, the local agency shall ministerially approve a permit
7 to construct a junior accessory dwelling unit that satisfies the
8 requirements set forth in subparagraph (A) of paragraph (1) of
9 subdivision (e) of Section 65852.2 and the requirements of this
10 section.

11 (h) For purposes of this section, the following terms have the
12 following meanings:

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

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

20 SEC. 3. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 a local agency or school district has the authority to levy service
23 charges, fees, or assessments sufficient to pay for the program or
24 level of service mandated by this act, within the meaning of Section
25 17556 of the Government Code.