MEETING: December 4, 2018

TO: The Board of Supervisors

FROM: Sarah Williams, Planning Director

RE: Housing Programs

RECOMMENDATION AND JUSTIFICATION: Discussion and Direction to Staff Regarding Housing Programs in Mariposa County. This item is scheduled to provide the Board of Supervisors and public with an opportunity to establish priorities to address housing issues in accordance with recent state legislation, the General Plan Housing Element, the Housing Strategic Implementation Program and new local issues.

See the attached memorandum, for detailed information.

It is intended that current staff will work on directed code amendment items.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

10/25/2016: Board of Supervisors adopted Resolution 2016-565 approving the 2014-2019 Housing Element (subsequently certified by the state Housing and Community Development Department on November 29, 2016)

6/19/18: Board of Supervisors adopted Resolution 2018-292 approving the Comprehensive Housing Program Implementation Study

11/20/18: Board of Supervisors adopted a Resolution approving a Housing Coordinator position

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Alternatives: The Board could identify additional items.

Negative action or not providing direction would result in staff identifying priorities for action, based on existing adopted policy documents and state law. New local issues would not be addressed.
Agenda Item - No Resolution Requested

ATTACHMENTS:
1 180918 BOS - Housing Programs Memo (DOC)
2 161212 ADU Memorandum from HCD.docx (PDF)
3 180529 HCD Accessory-Dwelling-Unit-Legislation (PDF)
4 160509 HCD Informational Bulletin(PDF)
5 Discussion Table(DOCX)
MEMORANDUM

Date: December 4, 2018
To: Board of Supervisors
From: Sarah Williams, Director
Topic: Discussion and Direction to Staff regarding Housing Programs in Mariposa County

SUMMARY

Mariposa Planning scheduled this discussion and direction session with the Board of Supervisors regarding options to implement Housing Programs in the County. The purpose of this item is to provide the Board and public with an opportunity to assist staff with establishing code amendment priorities to address housing issues in accordance with recent state legislation, provisions of the General Plan Housing Element, the Housing Strategic Implementation Program and recent local issues.

The state of California has placed a high priority on addressing the housing crisis throughout the state, including providing local flexibility in the establishment of housing for all income levels. The state Department of Housing and Community Development (HCD) has also circulated informational bulletins that clarify items such as construction standards for “tiny homes” and analysis of recent state law governing the establishment of accessory dwelling units in general.

This memo provides a list of action items, some of which are already identified in adopted county documents and some of which are new. The Board may direct staff to initiate implementation of all of the items or just some of them. The Board may also prioritize items in order of importance.

The items shown below are in no particular order with respect to priority or importance.
This memorandum contains a brief description of the following items:

Item One:
   Accessory Dwelling Units.................................................................Page 3

Item Two:
   Single Room Occupancy (SRO) units................................................Page 6

Item Three:
   Kitchen Definition............................................................................Page 7

Item Four:
   Tiny Homes........................................................................................Page 9

Item Five:
   Junior Accessory Dwelling Units (JADUs).........................................Page 11

Item Six:
   Allowance for Extended Stay RV Parks..............................................Page 12

Item Seven:
   Areas for Extended Stay RV Parks....................................................Page 13

Item Eight:
   Employee Housing............................................................................Page 14

Item Nine:
   “Pre-Approved” Building Permit Plans for Tiny Homes .......................Page 15

Item Ten:
   High Density Housing......................................................................Page 16

Item Eleven:
   Density Bonus Provisions.................................................................Page 17

Item Twelve:
   Housing Element Update....................................................................Page 18
ITEM ONE: Amend Code to include Recent State Law provisions for Accessory Dwelling Units

This item is required by recent State Law. Until County Code is amended, staff would implement adopted state law.

Legislation, specifically Senate Bill 229 and Assembly Bill 494, relating to the creation of accessory dwelling units (ADU), went into effect on January 1, 2018. The legislation amended Section 65852.2 of state Government Code. The new text is designed to further address barriers to the development of ADUs. The legislation addresses the following, among other items:

- Clarifies an ADU can be created through the conversion of a garage, carport or covered parking structure.
- Reduces setbacks for such units in certain prescribed situations, including for garage conversions and for units above garages.
- Requires special districts and water corporations to charge a proportional fee scale based upon the ADUs size or its number of plumbing fixtures.
- Reduces the maximum number of parking spaces for an ADU to one space.
- Allows replacement parking spaces to be located in any configuration, as a result of a parking structure conversion to an ADU.
- Authorizes the state HCD to review and comment on ADU ordinances.
- Defines the term “tandem parking” to mean two or more automobiles.
- Establishes that ADUs are not required to provide fire sprinklers, if they were not required for the primary residence.
- Generally sets a maximum 1,200 square foot limitation on ADU units if they are not sprinklered.

The legislation allows local agencies to provide for the creation of accessory dwelling units by ordinance. Should a local government provide for such units it must address all of the amendments to state code. See the two attachments for additional information from HCD regarding ADUs.

Mariposa County’s zoning ordinance does not specifically contain an “accessory dwelling unit” section. However, Section 17.108.150, Supplementary Standards, addresses “secondary residences.” Area Plans also contain provisions for secondary residences, or “guest houses.”

In general, Mariposa County already allows secondary residences or guest houses in all zones where residential uses are allowed, except in Wawona (where limits were established through the town plan adoption process, based on environmental constraints). Mariposa County’s provisions for secondary residences do not limit occupancy in a secondary residence, and do not limit size (except in the Town of Mariposa’s Single Family Residential 9000 square foot zone, where the size of a secondary residence is limited to 800 square feet).
Additionally, Mariposa County currently allows both the primary and secondary residential units on a parcel of land to be used for transient occupancy (vacation rental) purposes.

To incorporate the provisions of SB 229 and AB 494 into the countywide zoning code and the land use regulations in Area Plans will require amendments to Title 17 (new definition for ADU with new standards), Mariposa Town Plan, Coulterville Town Plan, Fish Camp TPA Specific Plan, and a minor amendment to Title 15 (Buildings and Construction.)

The provision for ADUs in county code may be incorporated into existing secondary residence or guest house text or it may be separate and distinct from these existing sections. It will be important to distinguish between the two terms, as long as flexibility is provided at the state level, for additional housing development.

The clear purpose of Section 65852.2 of the Government Code is to allow local jurisdictions to enact ADU ordinances for the purposes of month-to-month rental, to help address the housing crisis. An ADU, by definition in state code, is a “residential” use. A unit meeting the state standards for an ADU is not for commercial purposes, such as a vacation rental. ADU standards, such as those for reduced parking and setback requirements and conversion of a garage to an ADU, are not conducive to the establishment of a vacation rental as required by code. (A secondary residence as defined in county code can be used as a vacation rental providing it meets all the standards of code.)

The fact that ADUs are designed specifically for residential and not commercial use can be built into the statement of purpose in an eventual ordinance. A sampling of other counties in California that have implemented ADU ordinances in conformance with state code section 65852.2 have included such language in their ordinances. For instance, the “Purpose” section in Nevada County’s ADU ordinance states:

“To maintain the social fabric of families and to improve affordable housing opportunities for the County’s workforce, family members, students, senior citizens, in-home health providers, the disabled, and others at below market prices in existing neighborhoods in Nevada County.”

The “Purpose” section in Calaveras County’s ordinance states:

“The purpose of an accessory dwelling is to provide opportunities for affordable housing, accommodations for family members, students, the elderly, in-home health care providers, the disabled, and others, and to implement Section 65852.2 of the California Government Code.”

It should be reiterated that only two residences are allowed on a parcel in the county. Should the county adopt an ADU ordinance, a property owner could not have both an ADU and a secondary residence on their parcel. They would be required to make a choice as to the option they desire for their property. To allow for more than two residences on a parcel would require an amendment to the Mariposa County General Plan.

It should be noted that allowing accessory dwelling units in compliance with state code will require additional monitoring and tracking by the Planning Department to ensure
compliance with the county’s General Plan and zoning code language relating to use and density. This monitoring would be related to potential future use of ADUs for transient occupancy facility purposes.

The amendments could include provisions for the installation of a park trailer and tiny home as a secondary residence should the Board desire to allow for them as described in Item 4 below.
ITEM TWO: Make Single Room Occupancy units a permitted use in appropriate zones within Mariposa County

This item is required by the County’s adopted Housing Element.

The Mariposa County General Plan Housing Element 2014-2019 includes the following, within Section 8.6.04 Housing Objectives and Programs

Objective Eight: Facilitate Emergency Housing.

The County shall facilitate emergency shelter for persons in need of housing on a short term, emergency basis.

Program 8.3 Adopt, as necessary, amendments to the zoning ordinance to clarify allowances of residential and institutional uses related to the Single Room Occupancy housing.

The Mariposa County Zoning Ordinance definition of “Hotel” includes a description of uses that include the concept of Single Room Occupancy (SRO). The Mariposa County Zoning Ordinance was amended in 2016 to include a definition of Single Room Occupancy (Section 17.148.010; Ordinance No. 1116). Mariposa County will incorporate regulations which specify allowances for this land use and include standards for the design and location of SROs within Town Planning Areas. While Mariposa County Code does not have specific residential uses called Single Room Occupancy, the code provides for a wide variety of housing types that serve these needs including, but not limited to, multi-family residential, single-family residential, and boardinghouses or lodging houses. The County will amend the code to clarify the allowances of Single Room Occupancy housing.

Single room occupancy (SRO) is defined in Mariposa County Code as:

"...a dwelling within a hotel or motel that consists of one or two rooms and contains no sanitary facilities or food preparation facilities, or contains either, or contains both types of facilities. Single room occupancy could include an efficiency dwelling unit or a congregate residence as defined in the California Building Code."

Although the term is defined in County Code, there are no zones within which a single room occupancy (if it didn’t comply with definition of dwelling unit) is authorized as a permitted use. In fact, SROs are being discussed now, as a potential emergency housing type.

This item would result in a code amendment, to make single room occupancy facilities (if not dwelling units) permitted uses in appropriate commercial or higher density residential zones.
ITEM THREE: Discuss Kitchen Definition and Provide Interpretation

This item is a new local issue, not addressed by adopted policy and regulatory documents.

County Code Chapter 17.148 defines “ Dwelling Unit” as:

"...a room or group of rooms, including sleeping, eating, cooking, and sanitation facilities, but not more than one kitchen, which constitutes an independent housekeeping unit, occupied or intended for occupancy by one household. Dwelling unit does not include a recreational vehicle."

County Code Chapter 17.148 defines “Kitchen” as:

"...an area with appliances or other facilities for the preparation or preservation of food that includes a gas or electric range, oven or stovetop. A kitchen does not include wet bars or specialized home canning or preserving facilities."

Recently staff addressed the question of what constitutes a kitchen, while reviewing a building permit for a studio apartment, the intended future use of which was for a vacation rental. Based on County Code, to qualify as a vacation rental in the future, the studio apartment would have to be a “dwelling unit”, which, by definition, requires a “kitchen”.

The building permit plans for the studio apartment only showed a wet bar, which is specifically excluded in code, from the definition of kitchen.

Following discussions with the property owner, the applicant modified the permit plans to include a plug-in two burner induction cooktop (countertop burner). Based on a literal reading of code, staff determined this qualified as a “stovetop”, enabling the studio apartment permit to be issued and the facility to qualify for a vacation rental in the future. The studio apartment would be the second dwelling unit on the subject property. If the plug-in two burner induction cooktop was removed, the facility would no longer comply with the definition of dwelling unit (it wouldn’t have all facilities required for a kitchen).

This item is identified as necessary for interpretation, for a few reasons.

One: Staff would not consider a hotplate or microwave oven to meet that portion of the kitchen definition for “facilities for the preparation or preservation of food”.

A vacation rental is allowed in residential zones in dwelling units; development standards are established to limit impacts of this use. The intent of the code provisions is to ensure that a vacation rental use be compatible with residential uses. If a rental unit does not have a kitchen facility, it is possible that traffic to and from the unit would increase, as occupants would have to leave the premises for meals. The rental unit would then be similar to a hotel or motel unit.
Two: This is essentially a question of whether or not a SRO unit (see discussion in Item 2 above) would be appropriate in a rural residential area. A SRO would be appropriate in a commercial or higher density residential unit, but may create issues if developed beyond current allowed density in rural residential area. A SRO is a residential facility that does not mandate full kitchen improvements.

Is it the intent of the definition of kitchen to allow non-permanent food preparation facilities such as a plug-in cooktop to qualify as meeting the requirements for preparation of food? Obviously, all other requirements such as a sink and refrigerator would be required.

Should all of the cooking facilities be a more permanent installation (gas lines, hood, etc.)?

Any direction should consider the potential negative consequences of allowing non-permanent cooking facilities to meet the definition of a kitchen.

Staff notes that, in situations where more than one kitchen has been provided in a residential structure, the structure is typically designed and used for separate occupancy purposes (two dwelling unit, two vacation rentals, etc.).
ITEM FOUR: Amend County Code to include Provisions for Tiny Homes that are not manufactured homes, factory-built housing or California Residential Code or Building Code homes.

This item is a new local issue, not specifically addressed by adopted local policy and regulatory documents.

Tiny homes are not clearly and specifically defined in either state government or construction codes. A “tiny home” can be a number of varying residential or recreational units depending upon the construction standard used.

An informational bulletin regarding tiny homes prepared by HCD and distributed to city and county officials in 2016 (and included in the agenda packet for this item) states that in order to be occupied, a tiny home must comply with the standards of, and be approved as one of the following types of structures:

1) a HUD-Code manufactured home,
2) California Residential Code or California Building Code home,
3) factory-built housing,
4) recreational vehicle (RV),
5) park trailer, or
6) camping cabin.

Manufactured homes and factory-built housing are allowed in Mariposa County as residential dwelling units providing they meet all required construction standards. Camping cabins, special relocatable hard sided structures with floor areas of less than 400 square feet and without plumbing, are only allowed in Mariposa County in an RV park.

Manufactured homes, California Code homes, and factory-built housing (items 1, 2, and 3 above) are all dwelling units which mandate a building permit be issued by County Building, for their setup and use.

An RV, park trailer or camping cabin are typically permitted only in a Special Occupancy Park (such as an RV park or campground, or a mobile home park). Permits for their set up are issued by California Housing and Community Development (HCD).

Of pertinence to this discussion is whether park trailers could be considered a residential structure that could be occupied on a more permanent basis in Mariposa County. Park trailers are structures of 400 square feet or less in gross floor area when set up and built on a single chassis. They may not exceed 14 feet in width at the maximum horizontal projection. They are considered a type of recreational vehicle, according to HCD. HCD states that park trailers are designed as temporary living quarters for recreational or seasonal use only, and not as a year-round or permanent dwelling. Unless otherwise allowed by a local ordinance, park trailers generally may be occupied only in mobile home parks or special occupancy parks. This item would pursue a code amendment to allow the occupancy of park trailers outside of the confines of a designated special occupancy park.
The issue of placement of a park trailer on a residential lot for use as a more permanent dwelling is being reviewed by Planning staff. Prompting this investigation was a confidential complaint regarding property owners who installed a park trailer on their property and use it as a permanent residence. There are currently no county code provisions which expressly allow this, or regulate necessary connections of the trailer to a septic system, well or power facilities.

The city of Fresno was the first local jurisdiction in the nation to adopt an ordinance allowing the use of tiny homes on wheels as permanent dwellings. The ordinance went into effect in 2016. The city of San Luis Obispo is currently developing a similar ordinance, based on the City of Ojai’s ordinance, allowing park trailers to be installed as an ADU.

Should the Board desire to pursue such an ordinance, staff will review the city of Fresno’s ordinance and, if in effect at the time, the cities of San Luis Obispo and Ojai, to determine how those ordinances were written to be in compliance with state code language relating to such units.

NOTE: As a result of the housing crisis in Mariposa County, code compliance activities are identifying significantly more people living in RVs on rural properties. This is not currently allowed, unless there is an active single family residential building permit on the property (the permit is for a stick built home) OR the residents are victims of the recent Detwiler Fire disaster. Permits are required for either case.
ITEM FIVE: Amend County Code to include provisions for Junior Accessory Dwelling Units (JADUs)

This item is optional by recent State Law.

Assembly Bill 2406, which added Section 65852.22 to the state Government Code, took effect in September of 2016. This was considered to be “urgency” legislation. The statute is designed to provide expanded housing opportunities in California jurisdictions. The new code chapter states:

“In order to allow local jurisdictions the ability to promulgate ordinances that create secure income for homeowners and secure housing for renters, at the earliest possible time, it is necessary for this act to take effect immediately.”

It is not the intent of the legislation to allow such units to be used for overnight accommodations. Jurisdictions in California have implemented JADU ordinances and have addressed the issue of the intended use of such units. The city of Novato’s ordinance states:

“The junior accessory dwelling unit may not be rented for a period less than 30 consecutive calendar days.”

The legislation authorizes (but does not mandate) a local agency to adopt an ordinance allowing second units in single-family residential areas to be called “junior accessory dwelling units” (JADU). A JADU is defined as a unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

The legislation provides construction standards for such units; the requirement that deed restrictions be filed for parcels containing such units that shall run with the land; a requirement that no additional parking is required for such units; a limit to one such unit per residential lot; prohibition on selling the unit separately; occupancy requirements; etc.

The legislation states that for the purposes of providing service for water, sewer, or power, including a connection fee, and for the purposes of any fire or life protection ordinance or regulation, a JADU shall not be considered a separate or new dwelling unit. However, the legislation does not address the issue of whether such a unit can be considered a separate dwelling unit for the purposes of consistency with local density and zoning standards. This is of importance in Mariposa County because the General Plan allows only a density of two residences per par parcel.

If so directed by the Board, Planning will research how other jurisdictions have written their ordinances and develop a draft ordinance for Board initiation. If a JADU did not contain a kitchen, it would not be a dwelling unit, counted toward the parcel’s allowed density.
ITEM SIX: Amend County Code to Allow the Use of RVs/park trailers located within RV Parks for Month-to-Month rentals (Extended Stay RV Parks)

This item is addressed by the County’s adopted Housing Element.

Consideration of ordinance language allowing units within special occupancy parks to be occupied on a longer term (month to month, or longer) basis would be in an effort to expand housing opportunities in the county.

In the Mariposa County General Plan Housing Element 2014—2019, Section 8.6.04 establishes Housing Objectives and Programs. Objective Two from this section is “Providing Affordable Housing”. Program 2.7 under this objective reads:

_In an effort to address temporary seasonal housing within the County, the County will review its Zoning Ordinance and, if necessary, process an amendment to the Zoning Ordinance to define the limits of stay and development standards within existing and new Recreational Vehicle (RV) parks within the County. These extended stay RV parks would be reviewed as high density residential uses._

A precedent for such use in Mariposa County was established in 2001 when the Planning Commission approved an amendment to the conditions of approval for the Coulterville RV Park, which was approved under Conditional Use Permit No. 215. The project proponent requested an exemption to the length of stay restrictions for the project pursuant to the provisions of the state Health and Safety Code that was in effect at the time. The Planning Commission was able to make the necessary findings to allow the loosening of length of stay requirements and amended the applicable condition of approval to read:

_“Permanent occupancy shall be allowed within the park in any space which has full hookups including water, sewer and electricity. Permanent occupancy shall be defined as occupancy of any space or spaces within the park for a term of 30 or more consecutive days. The permanent spaces shall be managed and operated as a Senior Facility (55 years of age and older).”_

Other jurisdictions have codified length of stay requirements for units within RV parks. The city of Gilroy limits the stay of visitors at any such facility to no more than sixty (60) days during any one hundred twenty (120) day period.

The action taken on amended conditions for CUP 215 did not place a limit on length of stay.

Should the Board desire to pursue such an ordinance, staff will review ordinances from other jurisdictions to determine how those ordinances were written to be in compliance with state code language relating to such units.
ITEM SEVEN: Amend County Code and Town Plans to Expand the zones in which Extended Stay RV Parks can be permitted or conditionally permitted

This item is addressed by the County’s adopted Housing Element.

This item is related to Item Six. Should there be a desire to allow the use of units within RV parks for long-term rentals, it may be prudent to consider an expansion of the zones within the county where RV parks (extended stay RV parks) are allowed. The intent of allowing extended stay RV Parks would be to provide an alternative type of affordable or workforce housing.

Currently, areas in the county where RV parks can be located are limited to commercial zones:

- RV parks are a permitted use in the countywide Resort Commercial zone, through the CIM Plan process.
- RV parks could currently be a conditional use in the General Commercial zone in the town of Mariposa (as a tourist service facility involving outside activity/storage areas)
- RV parks could be proposed within a Planned Unit Development Overlay (PUD Overlay) in the town of Mariposa
- RV parks are currently a conditional use in Fish Camp’s Resort Commercial Land Use Classification.

Potential options may be to allow extended-stay RV parks as a high density residential use in the community of Mariposa or Coulterville. Currently, mobile home parks are conditional uses in Mariposa’s multi-family residential zone. The use is not specifically identified in the Coulterville Town Plan.
ITEM EIGHT: Amend County Code to expand the definition of and allowances for Employee Housing

This item is a new local issue, not specifically addressed by adopted policy and regulatory documents.

County Code (1988 amendment) includes the following definition for Employee Housing:

Employee housing: Residence, dwelling units or boarding house for workers employed on land owned by the owner of the property on which the housing is located.

The definition could be expanded, to allow for alternative designs, such as co-housing or housing with communal facilities (facilities would have less personal space and more shared space than conventional housing).

County Code has few zones within which Employee Housing is identified as a conditional use, including the General Forest Zone and the Mountain Preserve Zone. The Agriculture Exclusive Zone identifies Employee Housing as a Permitted use.

This item could amend County Code to expand the zones (and areas) where employee housing could be developed, and eliminate the need for a Conditional Use Permit. An objective of this item could be to allow employee housing to be developed on larger parcels, based on the density allowed if the parcel were subdivided. Development or performance type standards could be included to address potential issues and impacts associated with employee housing.

No (high density) employee housing has been developed since 1988 based on these current county code provisions. Staff is aware of employers who lease existing single family residences for their employees, in areas near their work.
ITEM NINE: Establish Program for County to provide “Pre-Approved” Building Permit Plans for Tiny Homes that comply with California Residential Code or Building Code homes.

This item is a new local issue, not addressed by adopted policy and regulatory documents.

The City of Clovis implemented a program where three pre-approved plans are available to property owners for their use, at no cost. The plans are for tiny homes which comply with California Residential Codes and California Building Codes, and include:

- Plan 1 – 397 square foot 1 bedroom-1 bath plan (with alternative studio design option)
- Plan 2 – 378 square foot 1 bedroom-1 bath plan (with alternative studio design option)
- Plan 3 – 497 square foot 1 bedroom-1 bath plan for unit above 2 car garage (with alternative studio design option)

If pursued, the County would need to work with and pay for, a design professional of record, to develop the plans. These tiny homes could be built on any legal parcel in the county, as long as density standards were met. The plans listed above are those developed and available in Clovis; if this option is pursued, Mariposa County would need to determine appropriate design options and sizes for local residents.

The program would reduce the costs associated with building a home in the county, by eliminating the need to obtain and pay for plans, and potentially eliminating the need to pay “plan check” costs for a building permit.
ITEM TEN: Modify County Code and County Zoning Maps, to Ease Process for and Expand Areas for Development of High Density Housing

This item is a new local issue, not specifically addressed by adopted policy and regulatory documents.

This item, if directed, could be used for any or all of the following:

- Eliminate Conditional Use Permit requirement for housing (residential uses) in the General Commercial Zone of the Mariposa Town Planning Area. The Conditional Use Permit requirement was established by the Board of Supervisors, in the 1990s, to ensure that prime commercial land was not developed for housing.

- Identify more land in either the Mariposa or Coulterville Town Planning Areas, which is currently served by community sewer and water services (and where capacity is available), for high density housing land uses (necessitates rezoning lands to Multi-Family Residential land use/zone)

- Reduce the minimum parcel size for single family residential zones in either the Mariposa or Coulterville Town Planning Areas from 9,000 square feet to 6,000 square feet.

- Modify density determinations, to allow more flexibility in multi-family residential zones such that smaller units (studio apartment or one-bedroom dwellings) are not counted as a full “unit”.
ITEM ELEVEN: Modify County Code to make Density Bonus provisions in County Code Sections 17.108.100 and 17.339.020 consistent with Government Code

This item is required by recent State Law.

The State mandated density bonus requirements established by CA Government Code Section 65915-65918 are significantly different from the density bonus provisions currently provided in Title 17. Current code provides a simple 25% density bonus for projects with low-income housing. State law is now much more complex, with a sliding density bonus scale based upon the percentage of very-low, low and moderate income housing, in addition to density bonuses for senior housing and if land is donated to the County. The State law also requires that the County ensure continued affordability of the very-low, low and moderate income housing for 30 years. State law also requires that the county enforce an equity sharing agreement upon resale of the properties.

This amendment would likely be fairly complex, and take some time to develop. This may be lower priority, as state mandates would supersede current code to any project proponent seeking a density bonus for very-low to moderate income housing.
ITEM TWELVE: Commence General Plan Housing Element 2019-2024 Update

This item is required by recent State Law.

State Planning and Zoning Law requires local jurisdictions to prepare and adopt a comprehensive, long term general plan for the physical development of the county. State law requires certain elements be contained in an adopted General Plan, including a Housing Element. The Housing Element is the only element which has mandated five year adoption cycles.


Planning is requesting discussion and direction regarding this requirement, as monies were not specifically budgeted for this update during the FY 18/19 budget process. Planning does have a professional services budget, however that money was targeted for commencement of an update to the zoning ordinance. Prior Housing Element consultant work was partially funded by Human Services.

This discussion is important, as a current Housing Element is an eligibility requirement for certain funding sources, including CDBG (Community Development Block Grant) funds. CDBG funds have been identified by Human Services, as a funding source for future necessary housing programs.
Accessory Dwelling Unit Memorandum

December 2016
# Table of Contents

Understanding ADUs and Their Importance .................................................................................. 1
Summary of Recent Changes to Accessory Dwelling Unit Laws .................................................. 3
Frequently Asked Questions: Accessory Dwelling Units ................................................................. 7

<table>
<thead>
<tr>
<th>Question</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Should an Ordinance Encourage the Development of ADUs?</td>
<td>7</td>
</tr>
<tr>
<td>Are Existing Ordinances Null and Void?</td>
<td>7</td>
</tr>
<tr>
<td>Are Local Governments Required to Adopt an Ordinance?</td>
<td>8</td>
</tr>
<tr>
<td>Can a Local Government Preclude ADUs?</td>
<td>8</td>
</tr>
<tr>
<td>Can a Local Government Apply Development Standards and Designate Areas?</td>
<td>8</td>
</tr>
<tr>
<td>Can a Local Government Adopt Less Restrictive Requirements?</td>
<td>9</td>
</tr>
<tr>
<td>Can Local Governments Establish Minimum and Maximum Unit Sizes?</td>
<td>9</td>
</tr>
<tr>
<td>Can ADUs Exceed General Plan and Zoning Densities?</td>
<td>9</td>
</tr>
<tr>
<td>How Are Fees Charged to ADUs?</td>
<td>11</td>
</tr>
<tr>
<td>What Utility Fee Requirements Apply to ADUs?</td>
<td>11</td>
</tr>
<tr>
<td>What Utility Fee Requirements Apply to Non-City and County Service Districts?</td>
<td>11</td>
</tr>
<tr>
<td>Do Utility Fee Requirements Apply to ADUs within Existing Space?</td>
<td>11</td>
</tr>
<tr>
<td>Does “Public Transit” Include within One-half Mile of a Bus Stop and Train Station?</td>
<td>11</td>
</tr>
<tr>
<td>Can Parking Be Required Where a Car Share is Available?</td>
<td>12</td>
</tr>
<tr>
<td>Is Off Street Parking Permitted in Setback Areas or through Tandem Parking?</td>
<td>12</td>
</tr>
<tr>
<td>Is Covered Parking Required?</td>
<td>12</td>
</tr>
<tr>
<td>Is Replacement Parking Required When the Parking Area for the Primary Structure is Used for an ADU?</td>
<td>12</td>
</tr>
<tr>
<td>Are Setbacks Required When an Existing Garage is Converted to an ADU?</td>
<td>12</td>
</tr>
<tr>
<td>Are ADUs Permitted in Existing Residence and Accessory Space?</td>
<td>13</td>
</tr>
<tr>
<td>Are Owner Occupants Required?</td>
<td>13</td>
</tr>
<tr>
<td>Are Fire Sprinklers Required for ADUs?</td>
<td>13</td>
</tr>
<tr>
<td>Is Manufactured Housing Permitted as an ADU?</td>
<td>14</td>
</tr>
<tr>
<td>Can an Efficiency Unit Be Smaller than 220 Square Feet?</td>
<td>14</td>
</tr>
<tr>
<td>Does ADU Law Apply to Charter Cities and Counties?</td>
<td>14</td>
</tr>
<tr>
<td>Do ADUs Count toward the Regional Housing Need Allocation?</td>
<td>14</td>
</tr>
<tr>
<td>Must Ordinances Be Submitted to the Department of Housing and Community Development?</td>
<td>15</td>
</tr>
</tbody>
</table>
Frequently Asked Questions: Junior Accessory Dwelling Units .......................................................... 16

Is There a Difference between ADU and JADU? ............................................................................. 16
Why Adopt a JADU Ordinance? ........................................................................................................ 17
Can JADUs Count towards The RHNA? ......................................................................................... 17
Can the JADU Be Sold Independent of the Primary Dwelling? ..................................................... 17
Are JADUs Subject to Connection and Capacity Fees? ................................................................... 17
Are There Requirements for Fire Separation and Fire Sprinklers? .................................................. 18

Resources ........................................................................................................................................... 19

Attachment 1: Statutory Changes (Strikeout/Underline) ................................................................. 19
Attachment 2: Sample ADU Ordinance .......................................................................................... 26
Attachment 3: Sample JADU Ordinance ......................................................................................... 29
Attachment 4: State Standards Checklist ....................................................................................... 32
Attachment 5: Bibliography ............................................................................................................ 33
Understanding Accessory Dwelling Units and Their Importance

California’s housing production is not keeping pace with demand. In the last decade less than half of the needed housing was built. This lack of housing is impacting affordability with average housing costs in California exceeding the rest of the nation. As affordability becomes more problematic, people drive longer distances between a home that is affordable and where they work, or double up to share space, both of which reduces quality of life and produces negative environmental impacts.

Beyond traditional market-rate construction and government subsidized production and preservation there are alternative housing models and emerging trends that can contribute to addressing home supply and affordability in California.

One such example gaining popularity are Accessory Dwelling Units (ADUs) (also referred to as second units, in-law units, or granny flats).

What is an ADU

An ADU is a secondary dwelling unit with complete independent living facilities for one or more persons and generally takes three forms:

- **Detached**: The unit is separated from the primary structure
- **Attached**: The unit is attached to the primary structure
- **Repurposed Existing Space**: Space (e.g., master bedroom) within the primary residence is converted into an independent living unit
- **Junior Accessory Dwelling Units**: Similar to repurposed space with various streamlining measures

ADUs offer benefits that address common development barriers such as affordability and environmental quality. ADUs are an affordable type of home to construct in California because they do not require paying for land, major new infrastructure, structured parking, or elevators. ADUs are built with cost-effective one- or two-story wood frame construction, which is significantly less costly than homes in new multifamily infill buildings. ADUs can provide as much living space as the new apartments and condominiums being built in new infill buildings and serve very well for couples, small families, friends, young people, and seniors.

ADUs are a different form of housing that can help California meet its diverse housing needs. Young professionals and students desire to live in areas close to jobs, amenities, and schools. The problem with high-opportunity areas is that space is limited. There is a shortage of affordable units and the units that are available can be out of reach for many people. To address the needs of individuals or small families seeking living quarters in high opportunity areas, homeowners can construct an ADU on their lot or convert an underutilized part of their home like a garage.
into a junior ADU. This flexibility benefits not just people renting the space, but the homeowner as well, who can receive an extra monthly rent income.

ADUs give homeowners the flexibility to share independent living areas with family members and others, allowing seniors to age in place as they require more care and helping extended families to be near one another while maintaining privacy.

Relaxed regulations and the cost to build an ADU make it a very feasible affordable housing option. A UC Berkeley study noted that one unit of affordable housing in the Bay Area costs about $500,000 to develop whereas an ADU can range anywhere up to $200,000 on the expensive end in high housing cost areas.

ADUs are a critical form of infill-development that can be affordable and offer important housing choices within existing neighborhoods. ADUs are a powerful type of housing unit because they allow for different uses, and serve different populations ranging from students and young professionals to young families, people with disabilities and senior citizens. By design, ADUs are more affordable and can provide additional income to homeowners. Local governments can encourage the development of ADUs and improve access to jobs, education and services for many Californians.
The California legislature found and declared that, among other things, allowing accessory dwelling units (ADUs) in single family and multifamily zones provides additional rental housing and are an essential component in addressing housing needs in California. Over the years, ADU law has been revised to improve its effectiveness such as recent changes in 2003 to require ministerial approval. In 2017, changes to ADU laws will further reduce barriers, better streamline approval and expand capacity to accommodate the development of ADUs.

ADUs are a unique opportunity to address a variety of housing needs and provide affordable housing options for family members, friends, students, the elderly, in-home health care providers, the disabled, and others. Further, ADUs offer an opportunity to maximize and integrate housing choices within existing neighborhoods.

Within this context, the Department has prepared this guidance to assist local governments in encouraging the development of ADUs. Please see Attachment 1 for the complete statutory changes. The following is a brief summary of the changes for each bill.

**SB 1069 (Wieckowski)**

S.B. 1069 (Chapter 720, Statutes of 2016) made several changes to address barriers to the development of ADUs and expanded capacity for their development. The following is a brief summary of provisions that go into effect January 1, 2017.

**Parking**

SB 1069 reduces parking requirements to one space per bedroom or unit. The legislation authorizes off street parking to be tandem or in setback areas unless specific findings such as fire and life safety conditions are made. SB 1069 also prohibits parking requirements if the ADU meets any of the following:

- Is within a half mile from public transit.
- Is within an architecturally and historically significant historic district.
- Is part of an existing primary residence or an existing accessory structure.
- Is in an area where on-street parking permits are required, but not offered to the occupant of the ADU.
- Is located within one block of a car share area.
Fees
SB 1069 provides that ADUs shall not be considered new residential uses for the purpose of calculating utility connection fees or capacity charges, including water and sewer service. The bill prohibits a local agency from requiring an ADU applicant to install a new or separate utility connection or impose a related connection fee or capacity charge for ADUs that are contained within an existing residence or accessory structure. For attached and detached ADUs, this fee or charge must be proportionate to the burden of the unit on the water or sewer system and may not exceed the reasonable cost of providing the service.

Fire Requirements
SB 1069 provides that fire sprinklers shall not be required in an accessory unit if they are not required in the primary residence.

ADUs within Existing Space
Local governments must ministerially approve an application to create within a single family residential zone one ADU per single family lot if the unit is:

- contained within an existing residence or accessory structure.
- has independent exterior access from the existing residence.
- has side and rear setbacks that are sufficient for fire safety.

These provisions apply within all single family residential zones and ADUs within existing space must be allowed in all of these zones. No additional parking or other development standards can be applied except for building code requirements.

No Total Prohibition
SB 1069 prohibits a local government from adopting an ordinance that precludes ADUs.

AB 2299 (Bloom)
Generally, AB 2299 (Chapter 735, Statutes of 2016) requires a local government (beginning January 1, 2017) to ministerially approve ADUs if the unit complies with certain parking requirements, the maximum allowable size of an attached ADU, and setback requirements, as follows:

- The unit is not intended for sale separate from the primary residence and may be rented.
- The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.
- The unit is either attached to an existing dwelling or located within the living area of the existing dwelling or detached and on the same lot.
- The increased floor area of the unit does not exceed 50% of the existing living area, with a maximum increase in floor area of 1,200 square feet.
- The total area of floorspace for a detached accessory dwelling unit does not exceed 1,200 square feet.
- No passageway can be required.
- No setback can be required from an existing garage that is converted to an ADU.
• Compliance with local building code requirements.
• Approval by the local health officer where private sewage disposal system is being used.

Impact on Existing Accessory Dwelling Unit Ordinances
AB 2299 provides that any existing ADU ordinance that does not meet the bill’s requirements is null and void upon the date the bill becomes effective. In such cases, a jurisdiction must approve accessory dwelling units based on Government Code Section 65852.2 until the jurisdiction adopts a compliant ordinance.

AB 2406 (Thurmond)
AB 2406 (Chapter 755, Statutes of 2016) creates more flexibility for housing options by authorizing local governments to permit junior accessory dwelling units (JADU) through an ordinance. The bill defines JADUs to be a unit that cannot exceed 500 square feet and must be completely contained within the space of an existing residential structure. In addition, the bill requires specified components for a local JADU ordinance. Adoption of a JADU ordinance is optional.

Required Components
The ordinance authorized by AB 2406 must include the following requirements:
• Limit to one JADU per residential lot zoned for single-family residences with a single-family residence already built on the lot.
• The single-family residence in which the JADU is created or JADU must be occupied by the owner of the residence.
• The owner must record a deed restriction stating that the JADU cannot be sold separately from the single-family residence and restricting the JADU to the size limitations and other requirements of the JADU ordinance.
• The JADU must be located entirely within the existing structure of the single-family residence and JADU have its own separate entrance.
• The JADU must include an efficiency kitchen which includes a sink, cooking appliance, counter surface, and storage cabinets that meet minimum building code standards. No gas or 220V circuits are allowed.
• The JADU may share a bath with the primary residence or have its own bath.

Prohibited Components
This bill prohibits a local JADU ordinance from requiring:
• Additional parking as a condition to grant a permit.
• Applying additional water, sewer and power connection fees. No connections are needed as these utilities have already been accounted for in the original permit for the home.
Fire Safety Requirements

AB 2406 clarifies that a JADU is to be considered part of the single-family residence for the purposes of fire and life protections ordinances and regulations, such as sprinklers and smoke detectors. The bill also requires life and protection ordinances that affect single-family residences to be applied uniformly to all single-family residences, regardless of the presence of a JADU.

JADUs and the RHNA

As part of the housing element portion of their general plan, local governments are required to identify sites with appropriate zoning that will accommodate projected housing needs in their regional housing need allocation (RHNA) and report on their progress pursuant to Government Code Section 65400. To credit a JADU toward the RHNA, HCD and the Department of Finance (DOF) utilize the census definition of a housing unit which is fairly flexible. Local government count units as part of reporting to DOF. JADUs meet these definitions and this bill would allow cities and counties to earn credit toward meeting their RHNA allocations by permitting residents to create less costly accessory units. See additional discussion under JADU frequently asked questions.
Frequently Asked Questions:
Accessory Dwelling Units

Should an Ordinance Encourage the Development of ADUs?
Yes, ADU law and recent changes intend to address barriers, streamline approval and expand potential capacity for ADUs recognizing their unique importance in addressing California’s housing needs. The preparation, adoption, amendment and implementation of local ADU ordinances must be carried out consistent with Government Code Section 65852.150:

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

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

(2) 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.

(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 an accessory dwelling unit ordinance adopted by a local agency has the effect of providing for the creation of accessory dwelling units and that provisions in this ordinance relating to matters including unit size, parking, fees, and other requirements, are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create accessory dwelling units in zones in which they are authorized by local ordinance.
Are Existing Ordinances Null and Void?

Yes, any local ordinance adopted prior to January 1, 2017 that is not in compliance with the changes to ADU law will be null and void. Until an ordinance is adopted, local governments must apply “state standards” (See Attachment 4 for State Standards checklist). In the absence of a local ordinance complying with ADU law, local review must be limited to “state standards” and cannot include additional requirements such as those in an existing ordinance.

Are Local Governments Required to Adopt an Ordinance?

No, a local government is not required to adopt an ordinance. ADUs built within a jurisdiction that lacks a local ordinance must comply with state standards (See Attachment 4). Adopting an ordinance can occur through different forms such as a new ordinance, amendment to an existing ordinance, separate section or special regulations within the zoning code or integrated into the zoning code by district. However, the ordinance should be established legislatively through a public process and meeting and not through internal administrative actions such as memos or zoning interpretations.

Can a Local Government Preclude ADUs?

No local government cannot preclude ADUs.

Can a Local Government Apply Development Standards and Designate Areas?

Yes, local governments may apply development standards and may designate where ADUs are permitted (GC Sections 65852.2(a)(1)(A) and (B)). However, ADUs within existing structures must be allowed in all single family residential zones.

For ADUs that require an addition or a new accessory structure, development standards such as parking, height, lot coverage, lot size and maximum unit size can be established with certain limitations. ADUs can be avoided or allowed through an ancillary and separate discretionary process in areas with health and safety risks such as high fire hazard areas. However, standards and allowable areas must not be designed or applied in a manner that burdens the development of ADUs and should maximize the potential for ADU development. Designating areas where ADUs are allowed should be approached primarily on health and safety issues including water, sewer, traffic flow and public safety. Utilizing approaches such as restrictive overlays, limiting ADUs to larger lot sizes, burdensome lot coverage and setbacks and particularly concentration or distance requirements (e.g., no less than 500 feet between ADUs) may unreasonably restrict the ability of the homeowners to create ADUs, contrary to the intent of the Legislature.
Can a Local Government Adopt Less Restrictive Requirements?

Yes, ADU law is a minimum requirement and its purpose is to encourage the development of ADUs. Local governments can take a variety of actions beyond the statute that promote ADUs such as reductions in fees, less restrictive parking or unit sizes or amending general plan policies.

Santa Cruz has confronted a shortage of housing for many years, considering its growth in population from incoming students at UC Santa Cruz and its proximity to Silicon Valley. The city promoted the development of ADUs as critical infill-housing opportunity through various strategies such as creating a manual to promote ADUs. The manual showcases prototypes of ADUs and outlines city zoning laws and requirements to make it more convenient for homeowners to get information. The City found that homeowners will take time to develop an ADU only if information is easy to find, the process is simple, and there is sufficient guidance on what options they have in regards to design and planning.

The city set the minimum lot size requirement at 4,500 sq. ft. to develop an ADU in order to encourage more homes to build an ADU. This allowed for a majority of single-family homes in Santa Cruz to develop an ADU. For more information, see [http://www.cityofsantacruz.com/departments/planning-and-community-development/programs/accessory-dwelling-unit-development-program](http://www.cityofsantacruz.com/departments/planning-and-community-development/programs/accessory-dwelling-unit-development-program).

Can Local Governments Establish Minimum and Maximum Unit Sizes?

Yes, a local government may establish minimum and maximum unit sizes (GC Section 65852.2(c)). However, like all development standards (e.g., height, lot coverage, lot size), unit sizes should not burden the development of ADUs. For example, setting a minimum unit size that substantially increases costs or a maximum unit size that unreasonably restricts opportunities would be inconsistent with the intent of the statute. Typical maximum unit sizes range from 800 square feet to 1,200 square feet. Minimum unit size must at least allow for an efficiency unit as defined in Health and Safety Code Section 17958.1.

ADU law requires local government approval if meeting various requirements (GC Section 65852.2(a)(1)(D)), including unit size requirements. Specifically, attached ADUs shall not exceed 50 percent of the existing living area or 1,200 square feet and detached ADUs shall not exceed 1,200 square feet. A local government may choose a maximum unit size less than 1,200 square feet as long as the requirement is not burdensome on the creation of ADUs.

Can ADUs Exceed General Plan and Zoning Densities?

Requiring large minimum lot sizes and not allowing smaller lot sizes for ADUs can severely restrict their potential development. For example, large minimum lot sizes for ADUs may constrict capacity throughout most of the community. Minimum lot sizes cannot be applied to ADUs within existing structures and could be considered relative to health and safety concerns such as areas on septic systems. While larger lot sizes might be targeted for various reasons such as ease of compatibility, many tools are available (e.g., maximum unit size, maximum lot coverage, minimum setbacks, architectural and landscape requirements) that allows ADUs to fit well within the built environment.
An ADU is an accessory use for the purposes of calculating allowable density under the general plan and zoning. For example, if a zoning district allows one unit per 7,500 square feet, then an ADU would not be counted as an additional unit. Minimum lot sizes must not be doubled (e.g., 15,000 square feet) to account for an ADU. Further, local governments could elect to allow more than one ADU on a lot.

New developments can increase the total number of affordable units in their project plans by integrating ADUs. Aside from increasing the total number of affordable units, integrating ADUs also promotes housing choices within a development. One such example is the Cannery project in Davis, CA. The Cannery project includes 547 residential units with up to 60 integrated ADUs. ADUs within the Cannery blend in with surrounding architecture, maintaining compatibility with neighborhoods and enhancing community character. ADUs are constructed at the same time as the primary single-family unit to ensure the affordable rental unit is available in the housing supply concurrent with the availability of market rate housing.
How Are Fees Charged to ADUs?

All impact fees, including water, sewer, park and traffic fees must be charged in accordance with the Fee Mitigation Act, which requires fees to be proportional to the actual impact (e.g., significantly less than a single family home).

Fees on ADUs, must proportionately account for impact on services based on the size of the ADU or number of plumbing fixtures. For example, a 700 square foot new ADU with one bathroom that results in less landscaping should be charged much less than a 2,000 square foot home with three bathrooms and an entirely new landscaped parcel which must be irrigated. Fees for ADUs should be significantly less and should account for a lesser impact such as lower sewer or traffic impacts.

What Utility Fee Requirements Apply to ADUs?

Cities and counties cannot consider ADUs as new residential uses when calculating connection fees and capacity charges.

Where ADUs are being created within an existing structure (primary or accessory), the city or county cannot require a new or separate utility connections for the ADU and cannot charge any connection fee or capacity charge.

For other ADUs, a local agency may require separate utility connections between the primary dwelling and the ADU, but any connection fee or capacity charge must be proportionate to the impact of the ADU based on either its size or the number of plumbing fixtures.

What Utility Fee Requirements Apply to Non-City and County Service Districts?

All local agencies must charge impact fees in accordance with the Mitigation Fee Act (commencing with Government Code Section 66000), including in particular Section 66013, which requires the connection fees and capacity charges to be proportionate to the burden posed by the ADU. Special districts and non-city and county service districts must account for the lesser impact related to an ADU and should base fees on unit size or number of plumbing fixtures. Providers should consider a proportionate or sliding scale fee structures that address the smaller size and lesser impact of ADUs (e.g., fees per square foot or fees per fixture). Fee waivers or deferrals could be considered to better promote the development of ADUs.

Do Utility Fee Requirements Apply to ADUs within Existing Space?

No, where ADUs are being created within an existing structure (primary or accessory), new or separate utility connections and fees (connection and capacity) must not be required.

Does “Public Transit” Include within One-half Mile of a Bus Stop and Train Station?

Yes, “public transit” may include a bus stop, train station and paratransit if appropriate for the applicant. “Public transit” includes areas where transit is available and can be considered regardless of tighter headways (e.g., 15 minute intervals). Local governments could consider a broader definition of “public transit” such as distance to a bus route.
Can Parking Be Required Where a Car Share Is Available?

No, ADU law does not allow parking to be required when there is a car share located within a block of the ADU. A car share location includes a designated pick up and drop off location. Local governments can measure a block from a pick up and drop off location and can decide to adopt broader distance requirements such as two to three blocks.

Is Off Street Parking Permitted in Setback Areas or through Tandem Parking?

Yes, ADU law deliberately reduces parking requirements. Local governments may make specific findings that tandem parking and parking in setbacks are infeasible based on specific site, regional topographical or fire and life safety conditions or that tandem parking or parking in setbacks is not permitted anywhere else in the jurisdiction. However, these determinations should be applied in a manner that does not unnecessarily restrict the creation of ADUs.

Local governments must provide reasonable accommodation to persons with disabilities to promote equal access housing and comply with fair housing laws and housing element law. The reasonable accommodation procedure must provide exception to zoning and land use regulations which includes an ADU ordinance. Potential exceptions are not limited and may include development standards such as setbacks and parking requirements and permitted uses that further the housing opportunities of individuals with disabilities.

Is Covered Parking Required?

No, off street parking must be permitted through tandem parking on an existing driveway, unless specific findings are made.

Is Replacement Parking Required When the Parking Area for the Primary Structure Is Used for an ADU?

Yes, but only if the local government requires off-street parking to be replaced in which case flexible arrangements such as tandem, including existing driveways and uncovered parking are allowed. Local governments have an opportunity to be flexible and promote ADUs that are being created on existing parking space and can consider not requiring replacement parking.

Are Setbacks Required When an Existing Garage Is Converted to an ADU?

No, setbacks must not be required when a garage is converted or when existing space (e.g., game room or office) above a garage is converted. Rear and side yard setbacks of no more than five feet are required when new space is added above a garage for an ADU. In this case, the setbacks only apply to the added space above the garage, not the existing garage and the ADU can be constructed wholly or partly above the garage, including extending beyond the garage walls.

Also, when a garage, carport or covered parking structure is demolished or where the parking area ceases to exist so an ADU can be created, the replacement parking must be allowed in any “configuration” on the lot, “…including,
but not limited to, covered spaces, uncovered spaces, or tandem spaces, or..." Configuration can be applied in a flexible manner to not burden the creation of ADUs. For example, spatial configurations like tandem on existing driveways in setback areas or not requiring excessive distances from the street would be appropriate.

**Are ADUs Permitted in Existing Residence or Accessory Space?**

Yes, ADUs located in single family residential zones and existing space of a single family residence or accessory structure must be approved regardless of zoning standards (Section 65852.2(a)(1)(B)) for ADUs, including locational requirements (Section 65852.2(a)(1)(A)), subject to usual non-appealable ministerial building permit requirements. For example, ADUs in existing space does not necessitate a zoning clearance and must not be limited to certain zones or areas or subject to height, lot size, lot coverage, unit size, architectural review, landscape or parking requirements. Simply, where a single family residence or accessory structure exists in any single family residential zone, so can an ADU. The purpose is to streamline and expand potential for ADUs where impact is minimal and the existing footprint is not being increased.

Zoning requirements are not a basis for denying a ministerial building permit for an ADU, including non-conforming lots or structures. The phrase, "...within the existing space" includes areas within a primary home or within an attached or detached accessory structure such as a garage, a carriage house, a pool house, a rear yard studio and similar enclosed structures.

**Are Owner Occupants Required?**

No, however, a local government can require an applicant to be an owner occupant. The owner may reside in the primary or accessory structure. Local governments can also require the ADU to not be used for short term rentals (terms lesser than 30 days). Both owner occupant use and prohibition on short term rentals can be required on the same property. Local agencies which impose this requirement should require recordation of a deed restriction regarding owner occupancy to comply with GC Section 27281.5

**Are Fire Sprinklers Required for ADUs?**

Depends, ADUs shall not be required to provide fire sprinklers if they are not or were not required of the primary residence. However, sprinklers can be required for an ADU if required in the primary structure. For example, if the primary residence has sprinklers as a result of an existing ordinance, then sprinklers could be required in the ADU. Alternative methods for fire protection could be provided.

If the ADU is detached from the main structure or new space above a detached garage, applicants can be encouraged to contact the local fire jurisdiction for information regarding fire sprinklers. Since ADUs are a unique opportunity to address a variety of housing needs and provide affordable housing options for family members, students, the elderly, in-home health care providers, the disabled, and others, the fire departments want to ensure the safety of these populations as well as the safety of those living in the primary structure. Fire Departments can help educate property owners on the benefits of sprinklers, potential resources and how they can be installed cost effectively. For example, insurance rates are typically 5 to 10 percent lower where the unit is sprinklered. Finally, other methods exist to provide additional fire protection. Some options may include additional exits, emergency escape and rescue openings, 1 hour or greater fire-rated assemblies, roofing materials and setbacks from property lines or other structures.
Is Manufactured Housing Permitted as an ADU?

Yes, an ADU is any residential dwelling unit with independent facilities and permanent provisions for living, sleeping, eating, cooking and sanitation. An ADU includes an efficiency unit (Health and Safety Code Section 17958.1) and a manufactured home (Health and Safety Code Section 18007).

Health and Safety Code Section 18007(a) “Manufactured home,” for the purposes of this part, means a structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. “Manufactured home” includes any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401, and following).

Can an Efficiency Unit Be Smaller than 220 Square Feet?

Yes, an efficiency unit for occupancy by no more than two persons, by statute (Health and Safety Code Section 17958.1), can have a minimum floor area of 150 square feet and can also have partial kitchen or bathroom facilities, as specified by ordinance or can have the same meaning specified in the Uniform Building Code, referenced in the Title 24 of the California Code of Regulations.

The 2015 International Residential Code adopted by reference into the 2016 California Residential Code (CRC) allows residential dwelling units to be built considerably smaller than an Efficiency Dwelling Unit (EDU). Prior to this code change an EDU was required to have a minimum floor area not less than 220 sq. ft unless modified by local ordinance in accordance with the California Health and Safety Code which could allow an EDU to be built no less than 150 sq. ft. For more information, see HCD’s Information Bulletin at [http://www.hcd.ca.gov/codes/manufactured-housing/docs/ib2016-06.pdf](http://www.hcd.ca.gov/codes/manufactured-housing/docs/ib2016-06.pdf).

Does ADU Law Apply to Charter Cities and Counties?

Yes. ADU law explicitly applies to “local agencies” which are defined as a city, county, or city and county whether general law or chartered (Section 65852.2(i)(2)).
Do ADUs Count toward the Regional Housing Need Allocation?
Yes, local governments may report ADUs as progress toward Regional Housing Need Allocation pursuant to Government Code Section 65400 based on the actual or anticipated affordability. See below frequently asked questions for JADUs for additional discussion.

Must ADU Ordinances Be Submitted to the Department of Housing and Community Development?
Yes, ADU ordinances must be submitted to the State Department of Housing and Community Development within 60 days after adoption, including amendments to existing ordinances. However, upon submittal, the ordinance is not subject to a Department review and findings process similar to housing element law (GC Section 65585)
Frequently Asked Questions: 
Junior Accessory Dwelling Units

Is There a Difference between ADU and JADU?

Yes, AB 2406 added Government Code Section 65852.22, providing a unique option for Junior ADUs. The bill allows local governments to adopt ordinances for JADUs, which are no more than 500 square feet and are typically bedrooms in a single-family home that have an entrance into the unit from the main home and an entrance to the outside from the JADU. The JADU must have cooking facilities, including a sink, but is not required to have a private bathroom. Current law does not prohibit local governments from adopting an ordinance for a JADU, and this bill explicitly allows, not requires, a local agency to do so. If the ordinance requires a permit, the local agency shall not require additional parking or charge a fee for a water or sewer connection as a condition of granting a permit for a JADU. For more information, see below.

ADUs and JADUs

<table>
<thead>
<tr>
<th>REQUIREMENTS</th>
<th>ADU</th>
<th>JADU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Unit Size</td>
<td>Yes, generally up to 1,200 Square Feet or 50% of living area</td>
<td>Yes, 500 Square Foot Maximum</td>
</tr>
<tr>
<td>Kitchen</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Bathroom</td>
<td>Yes</td>
<td>No, Common Sanitation is Allowed</td>
</tr>
<tr>
<td>Separate Entrance</td>
<td>Depends</td>
<td>Yes</td>
</tr>
<tr>
<td>Parking</td>
<td>Depends, Parking May Be Eliminated and Cannot Be Required Under Specified Conditions</td>
<td>No, Parking Cannot Be Required</td>
</tr>
<tr>
<td>Owner Occupancy</td>
<td>Depends, Owner Occupancy May Be Required</td>
<td>Yes, Owner Occupancy Is Required</td>
</tr>
<tr>
<td>Ministerial Approval Process</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Prohibition on Sale of ADU</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>
Why Adopt a JADU Ordinance?

JADUs offer the simplest and most affordable housing option. They bridge the gap between a roommate and a tenant by offering an interior connection between the unit and main living area. The doors between the two spaces can be secured from both sides, allowing them to be easily privatized or incorporated back into the main living area. These units share central systems, require no fire separation, and have a basic kitchen, utilizing small plug in appliances, reducing development costs. This provides flexibility and an insurance policy in homes in case additional income or housing is needed. They present no additional stress on utility services or infrastructure because they simply repurpose spare bedrooms that do not expand the homes planned occupancy. No additional address is required on the property because an interior connection remains. By adopting a JADU ordinance, local governments can offer homeowners additional options to take advantage of underutilized space and better address its housing needs.

Can JADUs Count towards the RHNA?

Yes, as part of the housing element portion of their general plan, local governments are required to identify sites with appropriate zoning that will accommodate projected housing needs in their regional housing need allocation (RHNA) and report on their progress pursuant to Government Code Section 65400. To credit a unit toward the RHNA, HCD and the Department of Finance (DOF) utilize the census definition of a housing unit. Generally, a JADU, including with shared sanitation facilities, that meets the census definition and is reported to the Department of Finance as part of the DOF annual City and County Housing Unit Change Survey can be credited toward the RHNA based on the appropriate income level. Local governments can track actual or anticipated affordability to assure the JADU is counted to the appropriate income category. For example, some local governments request and track information such as anticipated affordability as part of the building permit application.

Can the JADU Be Sold Independent of the Primary Dwelling?

No, the JADU cannot be sold separate from the primary dwelling.

Are JADUs Subject to Connection and Capacity Fees?

No, JADUs shall not be considered a separate or new dwelling unit for the purposes of fees and as a result should not be charged a fee for providing water, sewer or power, including a connection fee. These requirements apply to all providers of water, sewer and power, including non-municipal providers.

Local governments may adopt requirements for fees related to parking, other service or connection for water, sewer or power, however, these requirements must be uniform for all single family residences and JADUs are not considered a new or separate unit.
Are There Requirements for Fire Separation and Fire Sprinklers?

Yes, a local government may adopt requirements related to fire and life protection requirements. However, a JADU shall not be considered a new or separate unit. In other words, if the primary unit is not subject to fire or life protection requirements, then the JADU must be treated the same.
Resources

Courtesy of Karen Chapple, UC Berkeley
Attachment 1: Statutory Changes (Strikeout/Underline)

Government Code Section 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 ADUs, 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 ADUs, an accessory dwelling unit.

(b) (4) (A) An existing ordinance governing the creation of an accessory dwelling unit by a local agency which has not adopted an ordinance governing ADUs in accordance with subdivision (a) or (c) receive 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) and grant a variance or special use permit for the creation of a ADU that complies with all of the following:

(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 ADU 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 ADU shall not exceed 30 percent of the existing living area.

(F) The total area of floorspace for a detached ADU 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) 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 ADUs on lots that contain an existing single-family dwelling.

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

(5) A ADU which conforms to the requirements of 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 consistent with the existing general plan and zoning designations for the lot. The ADUs 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 ADUs 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 ADUs within single-family and multifamily zoned areas justify adopting the ordinance. A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of ADUs if these provisions are consistent with the limitations of this subdivision.

(d) A local agency may establish minimum and maximum unit size requirements for both attached and detached ADUs. No minimum or maximum size shall be established by ordinance for either attached or detached dwellings which 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.

(e) Parking requirements for ADUs 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

(f) 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.
use of the ADU 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 **ADUs. 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. **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.

**Government Code Section 65852.22.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) For purposes of this section, the following terms have the following meanings:

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

(2) “Local agency” means a city, county, or city and county, whether general law or chartered.
Attachment 2: Sample ADU Ordinance

Section XXX1XXX: Purpose

This Chapter provides for accessory dwelling units on lots developed or proposed to be developed with single-family dwellings. Such accessory dwellings contribute needed housing to the community’s housing stock. Thus, accessory dwelling units are a residential use which is consistent with the General Plan objectives and zoning regulations and which enhances housing opportunities, including near transit on single family lots.

Section XXX2XXX: Applicability

The provisions of this Chapter apply to all lots that are occupied with a single family dwelling unit and zoned residential. Accessory dwelling units do exceed the allowable density for the lot upon which the accessory dwelling unit is located, and are a residential use that is consistent with the existing general plan and zoning designation for the lot.

Section XXX3XXX: Development Standards

Accessory Structures within Existing Space

An accessory dwelling unit within an existing space including the primary structure, attached or detached garage or other accessory structure shall be permitted ministerially with a building permit regardless of all other standards within the Chapter if complying with:

1. Building and safety codes
2. Independent exterior access from the existing residence
3. Sufficient side and rear setbacks for fire safety.

Accessory Structures (Attached and Detached)

General:

1. The unit is not intended for sale separate from the primary residence and may be rented.
2. The lot is zoned for residential and contains an existing, single-family dwelling.
3. The accessory dwelling unit is either attached to the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.
4. 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.
5. The total area of floor space for a detached accessory dwelling unit shall not exceed 1,200 square feet.
6. Local building code requirements that apply to detached dwellings, as appropriate.
7. No passageway shall be required in conjunction with the construction of an accessory dwelling unit.
8. 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.
9. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence and may employ alternative methods for fire protection.

Parking:

1. 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, including on an existing driveway or in setback areas, excluding the non-driveway front yard setback.
2. Parking is not required in the following instances:
   - The accessory dwelling unit is located within one-half mile of public transit, including transit stations and bus stations.
• The accessory dwelling unit is located in the WWWW Downtown, XXX Area, YYY Corridor and ZZZ Opportunity Area.
• The accessory dwelling unit is located within an architecturally and historically significant historic district.
• When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
• When there is a car share vehicle located within one block of the accessory dwelling unit.

3. Replacement Parking: When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an accessory dwelling unit, replacement parking shall not be required and may be located in any configuration on the same lot as the accessory dwelling unit.

Section XXX4XXX: Permit Requirements

ADUs shall be permitted ministerially, in compliance with this Chapter within 120 days of application. The Community Development Director shall issue a building permit or zoning certificate to establish an accessory dwelling unit in compliance with this Chapter if all applicable requirements are met in Section XXX3XXXXX, as appropriate. The Community Development Director may approve an accessory dwelling unit that is not in compliance with Section XXX3XXXX as set forth in Section XXX5XXXX. The XXXX Health Officer shall approve an application in conformance with XXXXXXX where a private sewage disposal system is being used.

Section XXX5XXX: Review Process for Accessory Structure Not Complying with Development Standards

An accessory dwelling unit that does not comply with standards in Section XXX3XX may permitted with a zoning certificate or an administrative use permit at the discretion of the Community Development Director subject to findings in Section XXX6XX

Section XXX6XXX: Findings

A. In order to deny an administrative use permit under Section XXX5XXX, the Community Development Director shall find that the Accessory Dwelling Unit would be detrimental to the public health and safety or would introduce unreasonable privacy impacts to the immediate neighbors.

B. In order to approve an administrative use permit under Section XXX5XXX to waive required accessory dwelling unit parking, the Community Development Director shall find that additional or new on-site parking would be detrimental, and that granting the waiver will meet the purposes of this Chapter.

Section XXX7XXX: Definitions

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

(2) “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. 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.

(3) “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
(4) (1) “Existing Structure” for the purposes of defining an allowable space that can be converted to an ADU means within the four walls and roofline of any structure existing on or after January 1, 2017 that can be made safely habitable under local building codes at the determination of the building official regardless of any non-compliance with zoning standards.
Draft Junior Accessory Dwelling Units (JADU) – Flexible Housing

Findings:

1. Causation: Critical need for housing for lower income families and individuals given the high cost of living and low supply of affordable homes for rent or purchase, and the difficulty, given the current social and economic environment, in building more affordable housing

2. Mitigation: Create a simple and inexpensive permitting track for the development of junior accessory dwelling units that allows spare bedrooms in homes to serve as a flexible form of infill housing

3. Endangerment: Provisions currently required under agency ordinances are so arbitrary, excessive, or burdensome as to restrict the ability of homeowners to legally develop these units therefore encouraging homeowners to bypass safety standards and procedures that make the creation of these units a benefit to the whole of the community

4. Co-Benefits: Homeowners (particularly retired seniors and young families, groups that tend to have the lowest incomes) – generating extra revenue, allowing people facing unexpected financial obstacles to remain in their homes, housing parents, children or caregivers; Homebuyers - providing rental income which aids in mortgage qualification under new government guidelines; Renters – creating more low-cost housing options in the community where they work, go to school or have family, also reducing commute time and expenses; Municipalities – helping to meet RHNA goals, increasing property and sales tax revenue, insuring safety standard code compliance, providing an abundant source of affordable housing with no additional infrastructure needed; Community - housing vital workers, decreasing traffic, creating economic growth both in the remodeling sector and new customers for local businesses; Planet - reducing carbon emissions, using resources more efficiently;

5. Benefits of Junior ADUs: offer a more affordable housing option to both homeowners and renters, creating economically healthy, diverse, multi-generational communities;

Therefore the following ordinance is hereby enacted:

This Section provides standards for the establishment of junior accessory dwelling units, an alternative to the standard accessory dwelling unit, permitted as set forth under State Law AB 1866 (Chapter 1062, Statutes of 2002) Sections 65852.150 and 65852.2 and subject to different provisions under fire safety codes based on the fact that junior accessory dwelling units do not qualify as “complete independent living facilities” given that the interior connection from the junior accessory dwelling unit to the main living area remains, therefore not redefining the single-family home status of the dwelling unit.

A) Development Standards. Junior accessory dwelling units shall comply with the following standards, including the standards in Table below:

1) **Number of Units Allowed.** Only one accessory dwelling unit or, junior accessory dwelling unit, may be located on any residentially zoned lot that permits a single-family dwelling except as otherwise regulated or restricted by an adopted Master Plan or Precise Development Plan. A junior accessory dwelling unit may only be located on a lot which already contains one legal single-family dwelling.

2) **Owner Occupancy:** The owner of a parcel proposed for a junior accessory dwelling unit shall occupy as a principal residence either the primary dwelling or the accessory dwelling, except when the home is held by an agency such as a land trust or housing organization in an effort to create affordable housing.

3) **Sale Prohibited:** A junior accessory dwelling unit shall not be sold independently of the primary dwelling on the parcel.
4) **Deed Restriction:** A deed restriction shall be completed and recorded, in compliance with Section B below.

5) **Location of Junior Accessory Dwelling Unit:** A junior accessory dwelling unit must be created within the existing walls of an existing primary dwelling, and must include conversion of an existing bedroom.

6) **Separate Entry Required:** A separate exterior entry shall be provided to serve a junior accessory dwelling unit.

7) **Interior Entry Remains:** The interior connection to the main living area must be maintained, but a second door may be added for sound attenuation.

8) **Kitchen Requirements:** The junior accessory dwelling unit shall include an efficiency kitchen, requiring and limited to the following components:
   a) A sink with a maximum waste line diameter of one-and-a-half (1.5) inches,
   b) A cooking facility with appliance which do not require electrical service greater than one-hundred-and-twenty (120) volts or natural or propane gas, and
   c) A food preparation counter and storage cabinets that are reasonable to size of the unit.

9) **Parking:** No additional parking is required beyond that required when the existing primary dwelling was constructed.

**Development Standards for Junior Accessory Dwelling Units**

<table>
<thead>
<tr>
<th>SITE OR DESIGN FEATURE</th>
<th>SITE AND DESIGN STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum unit size</td>
<td>500 square feet</td>
</tr>
<tr>
<td>Setbacks</td>
<td>As required for the primary dwelling unit</td>
</tr>
<tr>
<td>Parking</td>
<td>No additional parking required</td>
</tr>
</tbody>
</table>

B) **Deed Restriction:** Prior to obtaining a building permit for a junior accessory dwelling unit, a deed restriction, approved by the City Attorney, shall be recorded with the County Recorder's office, which shall include the pertinent restrictions and limitations of a junior accessory dwelling unit identified in this Section. Said deed restriction shall run with the land, and shall be binding upon any future owners, heirs, or assigns. A copy of the recorded deed restriction shall be filed with the Department stating that:

1) The junior accessory dwelling unit shall not be sold separately from the primary dwelling unit;

2) The junior accessory dwelling unit is restricted to the maximum size allowed per the development standards;

3) The junior accessory dwelling unit shall be considered legal only so long as either the primary residence, or the accessory dwelling unit, is occupied by the owner of record of the property, except when the home is owned by an agency such as a land trust or housing organization in an effort to create affordable housing;

4) The restrictions shall be binding upon any successor in ownership of the property and lack of compliance with this provision may result in legal action against the property owner, including revocation of any right to maintain a junior accessory dwelling unit on the property.

C) **No Water Connection Fees:** No agency should require a water connection fee for the development of a junior accessory dwelling unit. An inspection fee to confirm that the dwelling unit complies with development standard may be assessed.

D) **No Sewer Connection Fees:** No agency should require a sewer connection fee for the development of a junior accessory dwelling unit. An inspection fee to confirm that the dwelling unit complies with development standard
may be assessed.

E) **No Fire Sprinklers and Fire Attenuation**: No agency should require fire sprinkler or fire attenuation specifications for the development of a junior accessory dwelling unit. An inspection fee to confirm that the dwelling unit complies with development standard may be assessed.

**Definitions of Specialized Terms and Phrases.**

“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. An accessory dwelling unit also includes the following:

1. An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

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

“Junior accessory dwelling unit” means a unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.
## Attachment 4: State Standards Checklist (As of January 1, 2017)

<table>
<thead>
<tr>
<th>YES/NO</th>
<th>STATE STANDARD*</th>
<th>GOVERNMENT CODE SECTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unit is not intended for sale separate from the primary residence and may be rented.</td>
<td>(Local building code requirements that apply to detached dwellings are met, as appropriate.)</td>
<td>65852.2(a)(1)(D)(i)</td>
</tr>
<tr>
<td>Lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.</td>
<td>Local health officer approval where a private sewage disposal system is being used, if required.</td>
<td>65852.2(a)(1)(D)(ii)</td>
</tr>
<tr>
<td>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.</td>
<td>Parking requirements do not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.</td>
<td>65852.2(a)(1)(D)(iii)</td>
</tr>
<tr>
<td>Increased floor area of an attached accessory dwelling unit does not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.</td>
<td></td>
<td>65852.2(a)(1)(D)(iv)</td>
</tr>
<tr>
<td>Total area of floor space for a detached accessory dwelling unit does not exceed 1,200 square feet.</td>
<td></td>
<td>65852.2(a)(1)(D)(v)</td>
</tr>
<tr>
<td>Passageways are not required in conjunction with the construction of an accessory dwelling unit.</td>
<td></td>
<td>65852.2(a)(1)(D)(vi)</td>
</tr>
<tr>
<td>Setbacks are not required for an existing garage that is converted to an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines are not required for an accessory dwelling unit that is constructed above a garage.</td>
<td></td>
<td>65852.2(a)(1)(D)(vii)</td>
</tr>
<tr>
<td>(Local building code requirements that apply to detached dwellings are met, as appropriate.)</td>
<td></td>
<td>65852.2(a)(1)(D)(viii)</td>
</tr>
<tr>
<td>Local health officer approval where a private sewage disposal system is being used, if required.</td>
<td></td>
<td>65852.2(a)(1)(D)(ix)</td>
</tr>
<tr>
<td>Parking requirements do not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.</td>
<td></td>
<td>65852.2(a)(1)(D)(x)</td>
</tr>
</tbody>
</table>

* Other requirements may apply. See Government Code Section 65852.2
Attachment 5: Bibliography

Reports

ACCESSORY DWELLING UNITS: CASE STUDY (26 pp.)
Introduction: Accessory dwelling units (ADUs) — also referred to as accessory apartments, ADUs, or granny flats — are additional living quarters on single-family lots that are independent of the primary dwelling unit. The separate living spaces are equipped with kitchen and bathroom facilities, and can be either attached or detached from the main residence. This case study explores how the adoption of ordinances, with reduced regulatory restrictions to encourage ADUs, can be advantageous for communities. Following an explanation of the various types of ADUs and their benefits, this case study provides examples of municipalities with successful ADU legislation and programs. Section titles include: History of ADUs; Types of Accessory Dwelling Units; Benefits of Accessory Dwelling Units; and Examples of ADU Ordinances and Programs.

THE MACRO VIEW ON MICRO UNITS (46 pp.)
Library Call #: H43 4.21 M33 2014
The Urban Land Institute Multifamily Housing Councils were awarded a ULI Foundation research grant in fall 2013 to evaluate from multiple perspectives the market performance and market acceptance of micro and small units.

RESPONDING TO CHANGING HOUSEHOLDS: Regulatory Challenges for Micro-units and Accessory Dwelling Units (76 pp.)
By Vicki Been, Benjamin Gross, and John Infranca (2014)
New York University: Furman Center for Real Estate & Urban Policy
Library Call #: D55 3 I47 2014
This White Paper fills two gaps in the discussion regarding compact units. First, we provide a detailed analysis of the regulatory and other challenges to developing both ADUs and micro-units, focusing on five cities: New York; Washington, DC; Austin; Denver; and Seattle. That analysis will be helpful not only to the specific jurisdictions we study, but also can serve as a model for those who what to catalogue regulations that might get in the way of the development of compact units in their own jurisdictions. Second, as more local governments permit or encourage compact units, researchers will need to evaluate how well the units built serve the goals proponents claim they will.

SCALING UP SECONDARY UNIT PRODUCTION IN THE EAST BAY: Impacts and Policy Implications (25 pp.)
By Jake Webmann, Alison Nemirow, and Karen Chapple (2012)
UC Berkeley: Institute of Urban and Regional Development (IURD)
Library Call #: H44 1.1 S33 2012
This paper begins by analyzing how many secondary units of one particular type, detached backyard cottages, might be built in the East Bay, focusing on the Flatlands portions of Berkeley, El Cerrito, and Oakland. We then investigate the potential impacts of scaling up the strategy with regard to housing affordability, smart growth, alternative transportation, the economy, and city budgets. A final section details policy recommendations, focusing on regulatory reforms and other actions cities can take to encourage secondary unit construction, such as promoting carsharing programs, educating residents, and providing access to finance.
SECONDARY UNITS AND URBAN INFILL: A literature Review (12 pp.)

By Jake Wegmann and Alison Nemiro (2011)
UC Berkeley: IURD
Library Call # D44 4.21 S43 2011

This literature review examines the research on both infill development in general, and secondary units in particular, with an eye towards understanding the similarities and differences between infill as it is more traditionally understood – i.e., the development or redevelopment of entire parcels of land in an already urbanized area – and the incremental type of infill that secondary unit development constitutes.

YES, BUT WILL THEY LET US BUILD? The Feasibility of Secondary Units in the East Bay (17 pp.)

By Alison Nemiro and Karen Chapple (2012)
UC Berkeley: IURD
Library Call # H44.5 1.1 Y47 2012

This paper begins with a discussion of how to determine the development potential for secondary units, and then provides an overview of how many secondary units can be built in the East Bay of San Francisco Bay Area under current regulations. The next two sections examine key regulatory barriers in detail for the five cities in the study (Albany, Berkeley, El Cerrito, Oakland, and Richmond), looking at lot size, setbacks, parking requirements, and procedural barriers. A sensitivity analysis then determines how many units could be built were the regulations to be relaxed.

YES IN MY BACKYARD: Mobilizing the Market for Secondary Units (20 pp.)

By Karen Chapple, J. Weigmann, A. Nemiro, and C. Dentel-Post (2011)
UC Berkeley: Center for Community Innovation.
Library Call # B92 1.1 Y47 2011

This study examines two puzzles that must be solved in order to scale up a secondary unit strategy: first, how can city regulations best enable their construction? And second, what is the market for secondary units? Because parking is such an important issue, we also examine the potential for secondary unit residents to rely on alternative transportation modes, particular car share programs. The study looks at five adjacent cities in the East Bay of the San Francisco Bay Area (Figure 1) – Oakland, Berkeley, Albany, El Cerrito, and Richmond -- focusing on the areas within ½ mile of five Bay Area Rapid Transit (BART) stations.

Journal Articles and Working Papers:

BACKYARD HOMES LA (17 pp.)

Regents of the University of California, Los Angeles.
City Lab Project Book.

DEVELOPING PRIVATE ACCESSORY DWELLINGS (6 pp.)

By William P. Macht. Urbanland online. (June 26, 2015)
GRANNY FLATS GAINING GROUND (2 pp.)

By Brian Barth. Planning Magazine: pp. 16-17. (April 2016)
Library Location: Serials

"HIDDEN" DENSITY: THE POTENTIAL OF SMALL-SCALE INFILL DEVELOPMENT (2 pp.)

By Karen Chapple (2011)
UC Berkeley: IURD Policy Brief.
Library Call # D44 1.2 H53 2011

California's implementation of SB 375, the Sustainable Communities and Climate Protection Act of 2008, is putting new pressure on communities to support infill development. As metropolitan planning organizations struggle to communicate the need for density, they should take note of strategies that make increasing density an attractive choice for neighborhoods and regions.

HIDDEN DENSITY IN SINGLE-FAMILY NEIGHBORHOODS: Backyard cottages as an equitable smart growth strategy (22 pp.)


Abstract (not available in full text): Secondary units, or separate small dwellings embedded within single-family residential properties, constitute a frequently overlooked strategy for urban infill in high-cost metropolitan areas in the United States. This study, which is situated within California’s San Francisco Bay Area, draws upon data collected from a homeowners’ survey and a Rental Market Analysis to provide evidence that a scaled-up strategy emphasizing one type of secondary unit – the backyard cottage – could yield substantial infill growth with minimal public subsidy. In addition, it is found that this strategy compares favorably in terms of affordability with infill of the sort traditionally favored in the ‘smart growth’ literature, i.e. the construction of dense multifamily housing developments.

RETHINKING PRIVATE ACCESSORY DWELLINGS (5 pp.)

By William P. Macht. Urbanland online. (March 6, 2015)
Library Location: Urbanland 74 (1/2) January/February 2015, pp. 87-91.

ADUS AND LOS ANGELES’ BROKEN PLANNING SYSTEM (4 pp.)

Land-use attorney Carlyle W. Hall comments on building permits for accessory dwelling units.

News:

HOW ONE COLORADO CITY INSTANTLY CREATED AFFORDABLE HOUSING

By Anthony Flint. The Atlantic-CityLab. (May 17, 2016).

In Durango, Colorado, zoning rules were changed to allow, for instance, non-family members as residents in already-existing accessory dwelling units.

NEW HAMPSHIRE WINS PROTECTIONS FOR ACCESSORY DWELLING UNITS (1 p.)

NLIHC (March 28, 2016)

Affordable housing advocates in New Hampshire celebrated a significant victory this month when Governor Maggie Hassan (D) signed Senate Bill 146, legislation that allows single-family homeowners to add an accessory
dwelling unit as a matter of right through a conditional use permit or by special exception as determined by their municipalities. The bill removes a significant regulatory barrier to increasing rental homes at no cost to taxpayers.

**NEW IN-LAW SUITE RULES BOOST AFFORDABLE HOUSING IN SAN FRANCISCO.** (3 pp.)

By Rob Poole. Shareable. (June 10, 2014).

The San Francisco Board of Supervisors recently approved two significant pieces of legislation that support accessory dwelling units (ADUs), also known as “in-law” or secondary units, in the city…

**USING ACCESSORY DWELLING UNITS TO BOLSTER AFFORDABLE HOUSING** (3 pp.)

By Michael Ryan. Smart Growth America. (December 12, 2014).
DATE: May 29, 2018

TO: Planning Directors and Interested Parties

FROM: Zachary Olmstead, Deputy Director
Division of Housing Policy Development

SUBJECT: Local Agency Accessory Dwelling Units
Chapter 594, Statutes of 2017 (Senate Bill 229) and
Chapter 602, Statutes of 2017 (Assembly Bill 494)

This memorandum is to inform you of the amendments to California law, effective January 1, 2018, regarding the creation of accessory dwelling units (ADU). Chapter 594, Statutes of 2017 (Senate Bill 229) and Chapter 602, Statutes of 2017 (Assembly Bill 494) build upon recent changes to ADU law (Government Code (GC) Section 65852.2) and further address barriers to the development of ADUs.

SB 229 and AB 494, among other changes, addresses the following:

- Clarifies an ADU can be created through the conversion of a garage, carport or covered parking structure.
- Requires special districts and water corporations to charge a proportional fee scale based upon the ADUs size or its number of plumbing fixtures.
- Reduces the maximum number of parking spaces for an ADU to one space.
- Allows replacement parking spaces to be located in any configuration, as a result, of a parking structure conversion to an ADU.
- Authorizes the Department of Housing and Community Development to review and comment on ADU ordinances.
- Defines the term “tandem parking” to mean two or more automobiles.

For assistance, please see the amended statute in Attachment A. In addition, pursuant to GC Section 65852.2(h), adopted ADU ordinances shall be submitted to HCD within 60 days of adoption. For more information and updates, please contact Greg Nickless, Housing Policy Analyst, at 916-274-6244.
Section 65852.2 of the Government Code is amended to read:

65852.2.

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

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

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

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

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

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

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

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

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

(iv) The increased floor total area of floorspace of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of proposed or existing primary dwelling living area or 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 an accessory dwelling unit or to a portion of an 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, whichever is less. 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.
The accessory dwelling unit is located within an architecturally and historically significant historic district.

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

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

(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, 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 an accessory dwelling unit.

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

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

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot zoned for residential use that contains an existing single-family dwelling. No additional standards, other than those provided in this 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 or that the property be used for rentals of terms longer than 30 days.

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

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

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives its first application on or after July 1, 1983, an application 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.

(c) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum or maximum size for an accessory dwelling unit, or size based upon a percentage of the proposed or existing primary dwelling, shall be established by ordinance for either attached or detached dwellings that does not permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(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.

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

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, and the local agency requires 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).
(3) The accessory dwelling unit is part of the proposed or 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) 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 for single-family use one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, including, but not limited to, a studio, pool house, or other similar structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. A city may require owner occupancy for either the primary or the accessory dwelling unit created through this process.

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

(2) Accessory dwelling units shall not be considered new residential uses by a local agency, special district, or water corporation to be a new residential use 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, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

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

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

(h) Local agencies shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. The department may review and comment on this submitted ordinance.

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

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

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

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

(4) “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. An accessory dwelling unit also includes the following:

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

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

(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.

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

(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 of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.
May 9, 2016

INFORMATION BULLETIN 2016-01 (MH, FBH, SHL, MP/SOP, RT, OL) – Revised

TO: City and County Building Officials
Mobilehome and Special Occupancy Park Enforcement Agencies
Division Staff

FROM: Richard Weinert, Deputy Director
Division of Codes and Standards

SUBJECT: Tiny Homes

Purpose

This Information Bulletin is intended to clarify the legality of use, design and construction approval of any residential structure that may be commonly referred to as a tiny home. Currently, neither the Department of Housing and Community Development (HCD) nor any other State or local agency has specific statutory or regulatory definition authority of construction approval for tiny homes as a specialty product. These structures, which may range anywhere from 80 to 400 square feet in size, may be built with a variety of standards or no construction standards; may or may not be constructed on a chassis (with or without axles or wheels); and usually are offered for use and placement in a variety of sites. It is the purpose of this Information Bulletin to describe when a tiny home fits the definition of one of the following and therefore would be legal to occupy: recreational vehicle (including park trailer), manufactured home, factory-built housing, or a site-constructed California Building Standards Code dwelling.

As residential structures, tiny homes must receive one of several types of State or local government approvals prior to occupancy, depending on the design of the structure and the location of its installation. While HCD supports efforts to make housing more affordable and efficient, State laws mandate that residential structures meet state standards. Failure to comply with these statutory requirements will result in the tiny home being a noncomplying residential structure in which occupancy is illegal and is subject to punitive action by the appropriate enforcement agency, including the U.S. Department of Housing and Urban Development (HUD).
**Background**

Due to confusion about which building code standards apply to tiny homes, they are often mischaracterized for purposes of enforcement. In order to be occupied, a tiny home must comply with the standards of, and be approved as one of the following types of structures: a HUD-Code manufactured home (MH), California Residential Code or California Building Code home, factory-built housing (FBH), recreational vehicle (RV), park trailer (PT) or camping cabin (CC). The approving agency will vary depending upon whether the tiny home is located inside or outside of a mobilehome park or special occupancy park.

The following information is intended to be used to determine whether a tiny home is subject to and must comply with the California Building Standards Code (CBSC) or may be required to comply with the RV, PT, MH, FBH or CC design and construction standards, or whether it is a nonconforming structure in which occupancy is illegal and subject to prosecution.

**California Building Standards Code**

Tiny homes, like all residential structures not classified as an MH, FBH, RV, PT or CC within California, are required to comply with the CBSC, Title 24, California Code of Regulations (CCR). Within the CBSC is the California Residential Code (CRC) and California Building Code (CBC) both of which contain the standards applicable statewide to R-3 Occupancies, one- and two-family dwellings, efficiency dwelling units, and townhouse structures. To access all parts of the CBSC, visit the California Building Standards Commission website at [http://www.bsc.ca.gov/](http://www.bsc.ca.gov/).

CRC Section R202, [CRC Chapter 2 Definitions](http://www.bsc.ca.gov/), defines a dwelling as any building that contains one or two dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes. It also defines a dwelling unit as a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. A tiny home that is site-constructed or mobile, and does not fit the definition of an MH, FBH, RV, PT or CC, is a dwelling unit and must comply with the CBSC in order to be legally occupied.

The CBSC includes, but is not limited to, a variety of structural, plumbing, electrical, energy, mechanical, and fire protection standards, as well as requirements for light, ventilation, heating, minimum room sizes, ceiling heights, sanitation, toilet, bath and shower spaces, emergency escape and rescue openings, means of egress, smoke alarms and carbon monoxide alarms. Dwelling units must meet all the minimum requirements found with the CBSC, including the following:

- Minimum ceiling height of 7 feet 6 inches, with several exceptions.
- A minimum of one room with at least 120 square feet of gross floor area.
- A net floor area of not less than 70 square feet for all other habitable rooms.
One exception to the general standards is found in CRC Section R304.5, **CRC Chapter 3 – Building Planning**, which allows an Efficiency Dwelling Unit to comply with minimum requirements including, but not limited to, the following:

- A living room of not less than 220 square feet of floor area, and an additional 100 square feet of floor area for each occupant of the unit in excess of two.
- A kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches, and a separate closet.
- Light and ventilation conforming to the CRC.

Enforcement of construction and maintenance of housing units constructed to the CBSC/CRC standards are performed by local building departments pursuant to Health and Safety Code (HSC) Section 17960. Pursuant to State Housing Law (SHL), local governments may, by ordinance, adopt alternate construction standards in limited circumstances (HSC Section 17958.5), may approve alternate materials, methods and work under specified circumstances [HSC Section 17951(e)(2)] or may reduce the minimum square footage of efficiency units (HSC Section 17958.1).

### Recreational Vehicles

Recreational Vehicles (RVs) are defined in **HSC Section 18010**. RVs may include a motor home, travel trailer, truck camper or camping trailer, with or without motive power, designed for human habitation for recreational, emergency or other occupancy. RVs are not intended for occupancy as a permanent dwelling. An RV meets all of the following criteria:

- It contains less than 320 square feet of internal living room area, excluding built-in equipment, such as wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.
- It contains 400 square feet or less of gross area measured at maximum horizontal projections.
- It is self-propelled, truck-mounted, or permanently towable on the highways without a permit and is built on a single chassis.

RVs constructed on or after January 1, 1999, but before July 14, 2005, must comply with the ANSI A119.5 standard. RVs manufactured on or after July 14, 2005, must be constructed in accordance with the NFPA 1192 standard. Compliance with these standards can be determined by an owner-provided label or insignia similar to those issued by the Recreational Vehicle Industry Association (RVIA) that is permanently affixed to the RV. However, an insignia issued exclusively by RVIA is not required (HSC Section 18027.3). For more information regarding RVIA certification, see [http://www.rvia.org/](http://www.rvia.org/).

Unless otherwise allowed by a local ordinance, RVs generally may be occupied only in mobilehome parks or special occupancy parks governed by the Mobilehome Parks Act (MPA), HSC Sections 18200, et seq., and Title 25, CCR Sections 1000, et seq., or the
Special Occupancy Parks Act (SOPA), HSC Sections 18860, et seq., and Title 25, CCR Sections 2000, et seq. Either HCD or a local enforcement agency which has assumed enforcement authority for the MPA and SOPA, pursuant to HSC Section 18300 or Section 18865, is obligated to ensure that any residential structures on an MPA or SOPA lot comply with statutory construction and maintenance code requirements.

**Park Trailers**

Park Trailers (PTs) are a type of recreational vehicle defined in HSC Section 18009.3 and often are considered tiny homes built on a chassis with wheels. PTs, like RVs, are designed as temporary living quarters for recreational or seasonal use only, and not as a year-round or permanent dwelling. PTs are constructed to ANSI A119.5 and NFPA 1192 standards and are certified by the manufacturer with a label of approval, such as those provided by the RVIA, or owner-provided.

PT standards are specified by state law and include, but are not limited to, the following requirements:

- It contains 400 square feet or less of gross floor area when set up, excluding loft area space if that loft area space meets the requirements of HSC Sections 18009.3(b) and 18033. It may not exceed 14 feet in width at the maximum horizontal projection.
- It is built on a single chassis and may only be transported upon the public highways with a permit issued pursuant to Vehicle Code Section 35780.
- The loft area, in order to be excluded from the floor area standard, must meet all of the requirements of HSC Section 18033.

Structures that may resemble PTs but exceed 400 square feet are considered either a manufactured home (MH) if their design and construction are consistent with HUD’s manufactured housing standards or will be determined to be a nonconforming structure (for which occupancy is illegal) unless they meet other permitted standards approved by HCD.

Unless otherwise allowed by a local ordinance, PTs generally may be occupied only in mobilehome parks or special occupancy parks governed by the MPA, HSC Sections 18200, et seq., and Title 25, CCR Sections 1000, et seq., or the SOPA, HSC Sections 18860, et seq., and Title 25, CCR Sections 2000, et seq. Either HCD or a local enforcement agency which has assumed enforcement authority for the MPA and SOPA, pursuant to HSC Section 18300 or Section 18865, is obligated to ensure that any residential structures on an MPA or SOPA lot comply with statutory construction and maintenance code requirements.

**Manufactured Homes**

HSC Section 18007, in part, defines a new manufactured home (MH) as a structure constructed on or after June 15, 1976; is transportable in one or more sections; is 8 body feet or more in width or 40 body feet or more in length; when erected on-site is
320 or more square feet; and includes use of a permanent chassis. It must meet all applicable federal standards (HSC Section 18025) as well as a number of state standards found in the Manufactured Housing Act of 1980, HSC Sections 18000, et seq., and Title 25, CCR Sections 4000, et seq.

MHs may be occupied outside or inside of mobilehome parks and installation and approval for occupancy is governed by the Mobilehome Parks Act (MPA), HSC Sections 18200, et seq., and Title 25, CCR Sections 1000, et seq. Either HCD or a local enforcement agency which has assumed enforcement authority for the MPA and installation of MHs inside or outside of mobilehome parks, pursuant to HSC Section 18300, is obligated to ensure that any residential structures on a park lot or outside of a park comply with statutory construction and maintenance code requirements.

**Factory-Built Housing**

Factory-built Housing (FBH) are residential structures generally designed, constructed, and installed pursuant to CBSC requirements in HSC Sections 19960, et seq., and Title 25, CCR Sections 3000, et seq. An FBH unit is a residential structure constructed in an off-site location for placement on a foundation and generally must comply with the same standards as those applicable to conventional (CBSC) housing units (HSC Section 19990). FBH may or may not be constructed and transported on a chassis. HCD is responsible for the development and enforcement of FBH standards, except that local building departments are responsible for approval of the installation of FBH. HCD has not approved any FBH units as tiny homes, and the ability in the future to approve such units would depend on their compliance with the statutory and regulatory requirements.

**Camping Cabins**

A camping cabin (CC) is a special relocatable hard sided structure with a floor area less than 400 square feet without plumbing designed to be used only within a recreational vehicle park. It may contain an electrical system, including electrical space conditioning, but is otherwise limited with respect to internal appliances and facilities. Standards for a CC are provided in HSC Sections 18862.5 and 18871.11 and Title 25, CCR Section 2327. Either HCD or a local enforcement agency which has assumed enforcement authority for the SOPA, pursuant to HSC Section 18865, is obligated to ensure that any residential structures on a park lot comply with statutory construction and maintenance code requirements.

**Enforcement and Prosecution**

If a structure called a tiny home or similar name is sold, offered for sale, leased, rented or occupied as a residential structure which does not comply with the standards for any of the units described previously, the enforcement authority having appropriate jurisdiction (as described) is responsible for pursuing the appropriate legal remedies to terminate the sales, rentals or occupancies.
The enforcement agency may initiate actions under the authorities listed previously and/or any other authority it has to abate the sale or occupancy of unpermitted structures including, but not limited to, the following:

- Prohibiting occupancy if the nonconforming structure violates local land use laws or violates any State or local public health, safety, fire, or similar authorities.
- Prohibiting the manufacture, sale, lease, rental or use in California.
- Mandating correction of any violations of applicable laws and regulations of a unit sold, leased, rented or occupied in California.

**SUMMARY**

While there is no current statutory definition, a tiny home sold, rented, leased or occupied with in California may be legal if used on an approved location, complies with all applicable laws, and is either:

- Built on a chassis with axles; contains 400 square feet or less of gross floor area (excluding loft area space); is considered an RV, CC or PT; is not under HCD’s jurisdiction for the design and construction of the unit; and its construction and occupancy is enforced by local enforcement agencies with appropriate jurisdiction; or
- Not constructed on a chassis with axles; is placed on a foundation or otherwise permanently affixed to real property; and complies with CBSC or FBH standards; and may be enforced by local enforcement agencies having appropriate jurisdiction.

If you have any questions regarding this Information Bulletin on tiny homes, please contact the Manufactured Housing Program at (916) 445-3338 or email to Mitchel.Baker@hcd.ca.gov.
## Housing Programs in Mariposa County – Board of Supervisors Discussion Item December 4, 2018

<table>
<thead>
<tr>
<th>Item</th>
<th>Authority</th>
<th>Area Impacted</th>
<th>Mandate or Optional</th>
<th>Impact Potential</th>
<th>Board Direction</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Accessory Dwelling Units (ADUs)</td>
<td>State law</td>
<td>County-wide</td>
<td>Mandated</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Single Room Occupancy (SRO) Units</td>
<td>General Plan</td>
<td>Areas with community sewer and water services</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Kitchen Definition</td>
<td>New local issue</td>
<td>County-wide</td>
<td>Optional</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Tiny Homes</td>
<td>New local issue</td>
<td>County-wide</td>
<td>Optional</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Junior Accessory Dwelling Units (JADUs)</td>
<td>State law</td>
<td>County-wide</td>
<td>Optional</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Allowance for Extended Stay RV Parks</td>
<td>General Plan</td>
<td>County-wide or areas with community sewer and water services</td>
<td>Optional</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Area for Extended Stay RV Parks</td>
<td>General Plan</td>
<td>County-wide or areas with community sewer and water services</td>
<td>Optional</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Employee Housing</td>
<td>New local issue</td>
<td>County-wide</td>
<td>Optional</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. Pre-approved Building Permit Plans for Tiny Homes</td>
<td>New local issue</td>
<td>County-wide</td>
<td>Optional</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10. High Density Housing</td>
<td>New local issue / General Plan</td>
<td>Areas with community sewer and water services</td>
<td>Optional</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11. Density Bonus Provisions</td>
<td>State law</td>
<td>Areas with community sewer and water services</td>
<td>Mandated</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12. Housing Element Update</td>
<td>State law</td>
<td>County-wide</td>
<td>Mandated</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13. Other action identified during Discussion</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>