Accessory Dwelling Units
“Building Small... Living Large”

CALBO Annual Business Meeting
March 27, 2018

Accessory Dwelling Units
CALBO ABM Workshop

I. Brad Wungluck, CBO, CASp
   Chief Building Official, City of Manteca & CALBO Board of Directors

II. Greg Nickless and Stoyan Bumbalov
    California Department of Housing and Community Development

III. Jane Riley, AICP
    Comprehensive Planning Manager, County of Sonoma

IV. Ara Sargsyan, PE, CBO
    Development Services Case Management, Chief, City of Los Angeles
Accessory Dwelling Units
CALBO ABM Workshop

Why are Accessory Dwelling Units Relevant?

◦ Housing production continues to lag dramatically beyond the needs of our California residents.

◦ The state estimates that in order to meet our needs, 1.8 million new dwelling units will need to be built prior to 2025.

◦ Current estimates show that we will only construct 640,000; a staggering difference of over a million units.

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Figure 1.2
Annual Production of Housing Units 1955-2015
Accessory Dwelling Units
CALBO ABM Workshop

Why are Accessory Dwelling Units Relevant?

◦ By 2025 California is expected to have a housing gap of 3.5 million homes.

◦ Because housing is so expensive and so much is spent on housing, often that people cannot afford, the housing shortage costs the State of California more than $140 Billion dollars per year in lost economic output
  $53 billion - Consumption spending lost because of CA housing costs
  $85 billion – Economic activity related to construction lost because of housing
  $5 billion – State spending on services related to homelessness

(McKinsey Institute, “A toolkit to close California’s Housing Gap”

Accessory Dwelling Units
CALBO ABM Workshop

Why are Accessory Dwelling Units Relevant?

◦ How will we meet the need? How do we close the gap?

◦ One solution that has come to the forefront over the past eighteen months is the use of Accessory Dwelling Units and Junior Accessory Dwelling Units.
Accessory Dwelling Units (ADU)
Burlingame CALBO Annual Meeting
March 27, 2018

California Department of Housing and Community Development

Outline

• Summary of recent changes and pending legislation (SB 229 and AB 494)
• HCD technical assistance
• Questions and answers
Summary of Recent and Pending Changes to ADU Laws

• Senate Bill 229 (Wieckowski)
• Assembly Bill 494 (Bloom)
• Assembly Bill 2406 (Thurmond) - JADU

Authorizing Legislation
Summary of Changes

Parking

• Requirements reduced to one space per ADU
• Off-street parking is allowed to be tandem or in setback areas
• Replacement parking for primary structure
• Requirements removed in specified circumstances (e.g., public transit, car share, etc.)

Summary of Changes

• Sliding scale fees (ADU size, plumbing fixture count and GC Section 66000)
• Fire sprinkler requirements
• No total prohibition of ADUs
• Special Districts and water corporations are included in updated statute
Summary of Changes

ADU’s within Existing Structures

- Allowed within SF use zones, with an existing single-family residence
- No zoning and development standards, including parking
- No Fire sprinklers and connection or capacity fees
- Applicable standards:
  - Contained within an existing residence or accessory structure
  - Meets building codes
  - Has independent exterior access from the existing residence
  - Has side and rear setbacks that are sufficient for fire safety

Impact on Existing Accessory Dwelling Unit Ordinances

- Any existing ADU ordinance that does not meet the requirements of the current state statute is null and void as of January 1, 2018.
- Local governments must approve accessory dwelling units based on “state standards” until the jurisdiction adopts a compliant ADU ordinance
Summary of Changes

Required State Standards (Examples)

• The unit is not intended for sale separate for the primary residence and may be rented
• The lot is zoned for single-family or multifamily use and contains an existing or proposed single-family dwelling
• The ADU is either attached to an existing dwelling or located within the living area of the existing dwelling or detached from the primary unit and on the same lot
• The total area of floorspace of the unit does not exceed 50% of the existing or proposed dwelling living area, or 1,200 square feet
• The total area of floor space for a new detached accessory dwelling unit does not exceed 1,200 square feet

Summary of Changes

Junior Accessory Dwelling Units (JADU)

• Contained completely within existing residence space
• Limited to one per residential lot zoned for single-family residences
• Owner occupies primary or accessory residence
• Recorded deed restriction
• Efficiency kitchen required and shared sanitation allowed
• No Parking and no fees
• Requires JADU ordinance
• Fire requirements
Current Legislation

- Senate Bill 229 (Wieckowski)
- Assembly Bill 494 (Bloom)

HCD Technical Assistance
HCD Technical Assistance

- Questions and Answers
- Informal ordinance review
- Technical assistance booklet
- Model Ordinances
- Ordinance clearinghouse (updated as ordinances are received by HCD)
- Website: sample counter brochures, best practices, etc

HCD ADU/JADU Contacts

<table>
<thead>
<tr>
<th>HCD / HPD Representatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paul McDougall</td>
</tr>
<tr>
<td>(816) 263-7420</td>
</tr>
<tr>
<td><a href="mailto:paul.mcdougall@hcd.ca.gov">paul.mcdougall@hcd.ca.gov</a></td>
</tr>
<tr>
<td>Greg Nickless</td>
</tr>
<tr>
<td>(916) 274-6244</td>
</tr>
<tr>
<td><a href="mailto:greg.nickless@hcd.ca.gov">greg.nickless@hcd.ca.gov</a></td>
</tr>
</tbody>
</table>
For Additional Information and ADU/JADU Updates:
California Department of Housing and Community Development
Housing Policy Development Division

Website:
http://www.hcd.ca.gov/housing-policy-development/accessorydwelllingunits.html

Questions and Answers
ACCESSORY AND JR. UNITS

March 27, 2018

ACCESSORY AND JUNIOR UNITS

- Introduction
- Accessory Units (Second Units)
- Junior Units
**BACKGROUND**

- Housing Element
- County housing situation
- Statewide severe housing crisis
- State legislation
  - Accessory Units (SB 1069 and AB 2299)
  - *NEW* Junior Units (AB 2406)

**ACCESSORY UNITS**

- Formerly “second” or “granny” units
- ≤1000 SF (640 if 1.5 – 1.99 ac)
- Utility connection limitations
- Building permit-only approval, with planning clearance
- No discretion
- No appeals
- Setbacks less
ACCESSORY UNITS – WILL IT HELP?

- 14,674 eligible lots, excluding coastal zone
  OF THESE:
- 2,198 lots are 1.50 to 1.99 acres (640 SF max size)

ISSUES IDENTIFIED

- Fire sprinklers vs. fire code
- Manufactured housing as ADUs?
  - “Tiny homes,” Park Models
- Existing non-residential structures & setbacks
- Vacation Rentals (prohibited)
- Maximum size WILL be built
- Legislation is confusing to staff AND applicants
PROPOSED CHANGES

- Size increase from 1,000 SF to 1,200 SF
- Minimum lot size 5,000 SF with sewer
- With septic and private well:
  - Minimum lot size 2.0 acres, maximum unit 1,200 SF
- With septic and public or community water:
  - W/minimum lot size 1.0 acre, max unit 640 SF & 1 bdrm

FACTORY BUILT ADUs

997 square foot, 3 bedroom ADU & 1190 square foot, 4 bedroom ADU, hybridCore Homes
JUNIOR UNITS

- Everywhere with legal SFD
- One bedroom conversion, 500 sf max
- Maintain interior door to house
- Efficiency kitchen – 6’ max, no gas
- Private or shared bathroom
- Exterior entrance
- NO transient occupancy
- Owner lives in JADU or main house

ADUs, JADUs & Missing Middle

The Missing Middle

- Single Family Dwelling
- Accessory Dwelling Unit
- cottage Housing
- Duplex
- Fourplex

Low Density | Medium Density | High Density
## ADOPTED ORDINANCE

<table>
<thead>
<tr>
<th>Accessory Unit</th>
<th>Junior Unit</th>
</tr>
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<tbody>
<tr>
<td>1,000 SF</td>
<td>500 SF</td>
</tr>
<tr>
<td>Kitchen</td>
<td>Efficiency kitchen</td>
</tr>
<tr>
<td>Bathroom required</td>
<td>Private or shared bathroom</td>
</tr>
<tr>
<td>No interior access (if attached)</td>
<td>Interior access required</td>
</tr>
<tr>
<td>1 uncovered parking space</td>
<td>No parking space</td>
</tr>
<tr>
<td>Owner occupancy not required</td>
<td>Owner occupancy required</td>
</tr>
<tr>
<td>Ministerial zoning and building permits</td>
<td>Building permit w/ planning clearance</td>
</tr>
<tr>
<td>Deed restriction</td>
<td>Deed restriction</td>
</tr>
<tr>
<td>No transient occupancy (e.g., vacation rentals)</td>
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Webpages highlighting ADUs/JADUs:
http://sonomacounty.ca.gov/PRMD/Regulations/Accessory-Units-and-Junior-Units/

Mentioned on Rebuild site as part of design phase:
http://sonomacounty.ca.gov/Rebuild/Permits/Design/ -- Consider design changes such as adding an accessory dwelling unit or a junior unit

Reduced fees to incentive construction of new ADUs in the burn areas:
http://sonomacounty.ca.gov/PRMD/Regulations/Urgency-Ordinance/

UPCOMING: Partner with MTC on adapting San Mateo’s ADU calculator for Sonoma County: http://secondunitcentersmc.org/calculator/. This will help estimate costs, returns, and benefits associated with building an ADU.

ADU/JADU public outreach campaign: billboards, radio, social media ads, YouTube videos
QUESTIONS?

Accessory Dwelling Units… “Building Small, Living Large” …in Los Angeles

CALBO Workshop
March 27, 2018
Ara Sargsyan, PE, CBO
City of Los Angeles

Los Angeles Department of Building & Safety
Accessory Dwelling Units in LA

1949…2003 - City of Los Angeles Zoning Code:

- 12.08.A.4 - Two-family dwellings on lots having a side lot line adjoining a lot in a commercial or industrial zone
- 12.22.C.19 - Through Lot – May Be Two Building Site

Conditional Use Permits for Second Dwelling Unit (SDU)

- 12.24W43 - SDU in A, RA, RE, RS, R1, RMP or RW1 Zones
- 12.24W44 - SDU on Large Lots in the RA, RS or R1 Zones

2002 - AB 1886 amending Government Code Section 65852.2

- 2003 Inter-Departmental Correspondence (eff. 7/1/2003)

DATE: 06/23/2003
TO: Department of City Planning Staff
     Structural Plan Check Engineers and
     Building Inspectors
FROM: Robert Janovitz, Chief Zoning Administrator,
       Department Of City Planning
       Peter Kim, Zoning Engineer, Department Of
       Building And Safety
SUBJECT: SECOND DWELLING IN SINGLE FAMILY ZONE PURSUANT TO AB1886

State Assembly Bill 1886, Chapter 1062, amending Government Code Sections 65831, 65852.2, and 65915 becomes effective on July 1, 2003. The changes in the State code mandates that the creation of second units on parcels zoned for a primary single family be considered ministerially without discretionary review or hearing.

Currently, 12.24W43 of the Zoning Code addresses permitting a second dwelling in a single family zone. Pursuant to the State law, most of the conditions contained therein will now be used to determine if a second dwelling can be permitted in a single family zone.

Effectively, July 1, 2003, a proposed second dwelling will be permitted in the A, RA, RE, RS, R1, RU, RZ, RMP or RW1 Zones if it meets ALL of the following standards.
2002 - AB 1886 amending Government Code Section 65852.2

- ZA Memorandum120 (eff. 5/6/2010)

**OA MEMORANDUM NO. 120**

May 6, 2010

TO: Office of Zoning Administration
   Public Counsel
   Interested Parties
   Department of Building and Safety

FROM: Michael LoQua
   Chief Zoning Administrator

SUBJECT: SECOND DWELLING LIMITS PURSUANT TO AB 1886

State Assembly Bill 1886 became effective on July 1, 2003 amending Government Code Sections 65003.1, 65852.2 and 65915 that allows the creation of second dwelling units on residentially zoned lots be considered ministerially without discretionary review or hearing. The intention of this memorandum is to assist with implementing AB 1886. It supersedes a previous memorandum issued by Robert Jarevici, former Chief Zoning Administrator, and Peter Fine, former Zoning Engineer, dated June 29, 2003.

A second dwelling unit is permitted by right on a lot if it meets ALL of the following "AB 1886" standards:

2016 - AB 2299 and SB 1069 requiring cities to have an ADU ordinance that:

- Provides a by-right "ministerial" process
- Complies with State standards

As a result:

- All local ADU laws became “null and void”
- State’s ADU standards effective until a new ADU ordinance
- New City ordinance must include most State standards
### 2016 - Inter-Departmental Correspondence (eff. 1/1/2017)

**CITY OF LOS ANGELES**  
**INTER-DEPARTMENTAL CORRESPONDENCE**

**DATE:** December 30, 2016  
**TO:** Department of City Planning Staff  
**FROM:** Kevin J. Keller, AICP, Deputy Director, Department of City Planning; and Ara Sargsyan, Assistant Deputy Superintendent of Building, Department of Building and Safety  
**SUBJECT:** ACCESSORY DWELLING UNITS – AB 2299 AND SB 1069

**Attachment:** Accessory Dwelling Unit 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>65852.2(a)(1)(D)(ii)</td>
<td></td>
</tr>
<tr>
<td>Lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.</td>
<td>65852.2(a)(1)(D)(iii)</td>
<td></td>
</tr>
</tbody>
</table>

### 2017 - AB 494 and SB 229 (eff. 1/1/2018) revising & clarifying AB 2299 and SB 1069

**Summary of Changes and Revisions**

**AB 2299 / SB 1069**  
**Effective:** January 1, 2017

<table>
<thead>
<tr>
<th>Section 65852.2(a)(1)(D)</th>
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<td>(i) The unit is not intended for sale separate from the primary residence and may be rented.</td>
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<tr>
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<td>(ii) The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.</td>
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<td>(iii) The accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling and located on the same lot as the existing dwelling.</td>
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<th>Section 65852.2(a)(1)(D)</th>
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<td>(iv) The increased floor area of an attached accessory dwelling unit.</td>
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**AB 494 / SB 229**  
**Effective:** January 1, 2018

<table>
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<tr>
<th>Section 65852.2(a)(1)(D)</th>
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<tr>
<td>(i) The unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.</td>
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<th>Section 65852.2(a)(1)(D)</th>
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<tr>
<td>(ii) The lot is zoned to allow single-family or multifamily use and includes a proposed or existing single-family dwelling.</td>
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<td>(iii) The accessory dwelling unit is either attached or located within the living area of the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.</td>
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<td>(iv) The local area of floor space of an attached accessory dwelling unit.</td>
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</tbody>
</table>
From July 1, 2003 to December 31, 2016

- 915 SDU Building Permit Applications submitted
- 832 Building Permits issued (41 expired/revoked)
- 538 Certificates of Occupancy issued

From January 1, 2017 to December 31, 2017

- 4,301 ADU Building Permit Applications submitted
- 2,234 Building Permits issued (as of 2/1/2018)
- 392 Certificates of Occupancy issued (as of 2/1/2018)

10/31/2017 - Mayor’s Office + UCLA Citylab Publication

ADU Guidebook
Proposed Ordinance

Key Differences from State Law:

- Movable Tiny Homes
- Restricts ADUs in Hillside Districts and Equine (K) Districts
- Prevents ADUs in front of homes
- Prevents parking in front setback

Hillside Area Restriction

Hillside defined in LAMC 12.03

136,000 single-family lots (28%)

About 11% of these lots are:
- within ½ mile from transit, and standard streets
Other (e) Neighborhood Protections

As an “Accessory Building” Per 12.21A.5
• 2 story height limit
• Must be located in rear (up to 55 ft)

Baseline Mansionization/Baseline Hillside
R1 Variation Zones
• Mass envelope
• Encroachment Planes
• Floor Area Limits
• Max Height
• Lot Coverage

ara.sargsyan@lacity.org
(213) 482-6706

Thank You!
Questions?

Thank you!