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AMENDED IN SENATE JUNE 12, 2019  
AMENDED IN ASSEMBLY APRIL 3, 2019  
AMENDED IN ASSEMBLY MARCH 27, 2019  
CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

**ASSEMBLY BILL**

**No. 68**

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

December 3, 2018

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

LEGISLATIVE COUNSEL'S DIGEST

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

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

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

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

This bill would instead require a local agency to ministerially approve or deny a permit application for the creation of an accessory dwelling unit or junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot, and would authorize the permitting agency to delay acting on the permit application if the permit application is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, as specified.

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

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

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

This bill would instead require ministerial approval of an application for a building permit within a residential or mixed-use zone to create ~~one or more accessory dwelling units or junior accessory dwelling units depending on, among other things, whether the proposed or existing structure on the lot is a single-family dwelling or multifamily dwelling, subject to specified conditions and requirements:~~ *the following: (1) one accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if certain requirements are met; (2) a detached, new construction single-story accessory dwelling unit that meets certain requirements and would authorize a local agency to impose specified conditions relating to floor area and height on that unit; (3) multiple accessory dwelling units within the portions of an existing multifamily dwelling structure provided those units meet certain requirements; or (4) not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling*

*and are subject to certain height and rear yard and side setback requirements.*

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

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

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

(7) This bill would require a local agency that has not adopted an ordinance for the creation of junior accessory dwelling units to apply the same standards established by this bill for local agencies with ordinances.

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

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

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

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

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

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

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

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

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

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

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

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

26 (i) The unit may be rented separate from the primary residence,  
27 but may not be sold or otherwise conveyed separate from the  
28 primary residence.

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

31 (iii) The accessory dwelling unit is attached or located within  
32 the living area of the proposed or existing primary dwelling,  
33 attached or located within an accessory structure, or detached from  
34 the proposed or existing primary dwelling and located on the same  
35 lot as the proposed or existing primary dwelling.

36 (iv) If there is an existing primary dwelling, the total floor area  
37 of an attached accessory dwelling unit shall not exceed 50 percent  
38 of the existing primary dwelling.

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

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

3 (vii) No setback shall be required for an existing living area or  
4 accessory structure or a structure constructed in the same location  
5 and to the same dimensions as an existing structure that is  
6 converted to an accessory dwelling unit or to a portion of an  
7 accessory dwelling unit, and a setback of no more than four feet  
8 from the side and rear lot lines shall be required for an accessory  
9 dwelling unit that is not converted from an existing structure or a  
10 new structure constructed in the same location and to the same  
11 dimensions as an existing structure.

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

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

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

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

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

27 (xi) When a garage, carport, or covered parking structure is  
28 demolished in conjunction with the construction of an accessory  
29 dwelling unit or converted to an accessory dwelling unit, the local  
30 agency shall not require that those offstreet parking spaces be  
31 replaced.

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

34 (3) A permit application to create an accessory dwelling unit or  
35 a junior accessory dwelling unit shall be considered ministerially  
36 without discretionary review or a hearing, notwithstanding Section  
37 65901 or 65906 or any local ordinance regulating the issuance of  
38 variances or special use permits. The permitting agency shall act  
39 on the application to create an accessory dwelling unit or a junior  
40 accessory dwelling unit within 60 days from the date the local

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

18 (4) An existing ordinance governing the creation of an accessory  
19 dwelling unit by a local agency or an accessory dwelling ordinance  
20 adopted by a local agency after January 1, 2017, shall provide an  
21 approval process that includes only ministerial provisions for the  
22 approval of accessory dwelling units and shall not include any  
23 discretionary processes, provisions, or requirements for those units,  
24 except as otherwise provided in this subdivision. If a local agency  
25 has an existing accessory dwelling unit ordinance that fails to meet  
26 one or more of the requirements of this subdivision, that ordinance  
27 shall be null and void to the extent of such conflict on January 1,  
28 2017, and that agency shall thereafter apply the applicable  
29 standards or standards established in this subdivision for the  
30 approval of accessory dwelling units, unless and until the agency  
31 amends its ordinance to comply with this section.

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

35 (6) This subdivision establishes the maximum standards that  
36 local agencies shall use to evaluate a proposed accessory dwelling  
37 unit on a lot zoned for residential use that includes a proposed or  
38 existing single-family dwelling. No additional standards, other  
39 than those provided in this subdivision, shall be used or imposed,  
40 except that a local agency may require an applicant for a permit

1 issued pursuant to this subdivision to be an owner-occupant or that  
2 the property be used for rentals of terms longer than 30 days.

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

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

15 (b) When a local agency that has not adopted an ordinance  
16 governing accessory dwelling units in accordance with subdivision  
17 (a) receives an application for a permit to create an accessory  
18 dwelling unit pursuant to this subdivision, the local agency shall  
19 approve or disapprove the application ministerially without  
20 discretionary review pursuant to subdivision (a). The permitting  
21 agency shall act on the application to create an accessory dwelling  
22 unit or a junior accessory dwelling unit within 60 days from the  
23 date the local agency receives a completed application if there is  
24 an existing single-family or multifamily dwelling on the lot. If the  
25 permit application to create an accessory dwelling unit or a junior  
26 accessory dwelling unit is submitted with a permit application to  
27 create a new single-family dwelling on the lot, the permitting  
28 agency may delay acting on the permit application for the accessory  
29 dwelling unit or the junior accessory dwelling unit until the  
30 permitting agency acts on the permit application to create the new  
31 single-family dwelling, but the application to create the accessory  
32 dwelling unit or junior accessory dwelling unit shall still be  
33 considered ministerially without discretionary review or a hearing.  
34 If the applicant requests a delay, the 60-day time period shall be  
35 tolled for the period of the delay.

36 (c) A local agency may establish minimum and maximum unit  
37 size requirements for both attached and detached accessory  
38 dwelling units. No minimum or maximum size for an accessory  
39 dwelling unit, or size based upon a percentage of the proposed or  
40 existing primary dwelling, or limits on lot coverage, floor area

1 ratio, open space, and minimum lot size, shall be established by  
2 ordinance for either attached or detached dwellings that does not  
3 permit at least an 800 square foot accessory dwelling unit that is  
4 at least 16 feet in height with four-foot side and rear yard setbacks  
5 to be constructed in compliance with all other local development  
6 standards. Accessory dwelling units shall not be required to provide  
7 fire sprinklers if they are not required for the primary residence.

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

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

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

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

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

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

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

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

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

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

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

- 1 (iv) The junior accessory dwelling unit complies with the  
2 requirements of Section 65852.22.
- 3 (B) One detached, new construction, single-story accessory  
4 dwelling unit that does not exceed four-foot side and rear yard  
5 setbacks for a lot with a proposed or existing single-family  
6 dwelling. The accessory dwelling unit may be combined with a  
7 junior accessory dwelling unit described in subparagraph (A). A  
8 local agency may impose the following conditions on the accessory  
9 dwelling unit:
- 10 (i) A total floor area limitation of not more than 800 square feet.  
11 (ii) A height limitation of 16 feet.
- 12 (C) (i) Multiple accessory dwelling units within the portions  
13 of existing multifamily dwelling structures that are not used as  
14 livable space, including, but not limited to, storage rooms, boiler  
15 rooms, passageways, attics, or garages, if each unit complies with  
16 state building standards for dwellings.
- 17 (ii) A local agency shall allow at least one accessory dwelling  
18 unit within an existing multifamily dwelling and ~~may~~ shall allow  
19 up to 25 percent of the existing multifamily dwelling units.
- 20 (D) Not more than two accessory dwelling units that are located  
21 on a lot that has an existing multifamily dwelling, but are detached  
22 from that multifamily dwelling and are subject to a height limit of  
23 16 feet and four-foot rear yard and side setbacks.
- 24 (2) A local agency shall not require, as a condition for ministerial  
25 approval of a permit application for the creation of an accessory  
26 dwelling unit or a junior accessory dwelling unit, the correction  
27 of nonconforming zoning conditions.
- 28 (3) The installation of fire sprinklers shall not be required in an  
29 accessory dwelling unit if sprinklers are not required for the  
30 primary residence.
- 31 (4) A local agency may require owner occupancy for either the  
32 primary dwelling or the accessory dwelling unit on a single-family  
33 lot, subject to the requirements of paragraph (6) of subdivision (a).
- 34 (5) A local agency shall require that a rental of the accessory  
35 dwelling unit created pursuant to this subdivision be for a term  
36 longer than 30 days.
- 37 (6) A local agency may require, as part of the application for a  
38 permit to create an accessory dwelling unit connected to an onsite  
39 water treatment system, a percolation test completed within the

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

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

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

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

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

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

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

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

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

8 (B) The local agency shall consider findings made by the  
9 department pursuant to subparagraph (A) and shall do one of the  
10 following:

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

12 (ii) Adopt a resolution with findings explaining the reason the  
13 ordinance complies with this section and addressing the  
14 department's findings.

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

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

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

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

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

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

37 (2) "Accessory structure" means an existing, fixed structure,  
38 including, but not limited to, a garage, studio, pool house, or other  
39 similar structure.

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

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

6 (5) “Nonconforming zoning condition” means a physical  
7 improvement on a property that does not conform with current  
8 zoning standards.

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

12 (7) “Proposed dwelling” means a dwelling that is the subject of  
13 a permit application and that meets the requirements for permitting.

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

17 (j) A local agency shall not issue a certificate of occupancy for  
18 an accessory dwelling unit before the local agency issues a  
19 certificate of occupancy for the primary dwelling.

20 (k) Nothing in this section shall be construed to supersede or in  
21 any way alter or lessen the effect or application of the California  
22 Coastal Act of 1976 (Division 20 (commencing with Section  
23 30000) of the Public Resources Code), except that the local  
24 government shall not be required to hold public hearings for coastal  
25 development permit applications for accessory dwelling units.

26 SEC. 2. Section 65852.22 of the Government Code is amended  
27 to read:

28 65852.22. (a) Notwithstanding Section 65852.2, a local agency  
29 may, by ordinance, provide for the creation of junior accessory  
30 dwelling units in single-family residential zones. The ordinance  
31 may require a permit to be obtained for the creation of a junior  
32 accessory dwelling unit, and shall do all of the following:

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

36 (2) Require owner-occupancy in the single-family residence in  
37 which the junior accessory dwelling unit will be permitted. The  
38 owner may reside in either the remaining portion of the structure  
39 or the newly created junior accessory dwelling unit.

1 Owner-occupancy shall not be required if the owner is another  
2 governmental agency, land trust, or housing organization.

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

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

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

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

15 (5) Require a permitted junior accessory dwelling to include a  
16 separate entrance from the main entrance to the proposed or  
17 existing single-family residence.

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

21 (A) A cooking facility with appliances.

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

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

27 (2) This subdivision shall not be interpreted to prohibit the  
28 requirement of an inspection, including the imposition of a fee for  
29 that inspection, to determine if the junior accessory dwelling unit  
30 complies with applicable building standards.

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

1 permitting agency may delay acting on the permit application for  
2 the junior accessory dwelling unit until the permitting agency acts  
3 on the permit application to create the new single-family dwelling,  
4 but the application to create the junior accessory dwelling unit  
5 shall still be considered ministerially without discretionary review  
6 or a hearing. If the applicant requests a delay, the 60-day time  
7 period shall be tolled for the period of the delay. A local agency  
8 may charge a fee to reimburse the local agency for costs incurred  
9 in connection with the issuance of a permit pursuant to this section.

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

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

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

30 (g) If a local agency has not adopted a local ordinance pursuant  
31 to this section, the local agency shall ministerially approve a permit  
32 to construct a junior accessory dwelling unit that satisfies the  
33 requirements set forth in subparagraph (A) of paragraph (1) of  
34 subdivision (e) of Section 65852.2 and the requirements of this  
35 section.

36 (h) For purposes of this section, the following terms have the  
37 following meanings:

38 (1) “Junior accessory dwelling unit” means a unit that is no  
39 more than 500 square feet in size and contained entirely within a  
40 single-family residence. A junior accessory dwelling unit may

1 include separate sanitation facilities, or may share sanitation  
2 facilities with the existing structure.

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

5 SEC. 3. No reimbursement is required by this act pursuant to  
6 Section 6 of Article XIII B of the California Constitution because  
7 a local agency or school district has the authority to levy service  
8 charges, fees, or assessments sufficient to pay for the program or  
9 level of service mandated by this act, within the meaning of Section  
10 17556 of the Government Code.

O