

Date of Hearing: May 4, 2016

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Susan Talamantes Eggman, Chair

AB 2406 (Thurmond) – As Amended April 28, 2016

**SUBJECT:** Housing: junior accessory dwelling units.

**SUMMARY:** Allows a local agency to create an ordinance for junior accessory dwelling units in single-family residential zones. Specifically, **this bill:**

- 1) Allows a local agency to create an ordinance for junior accessory dwelling units in single-family residential zones.
- 2) Provides that 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:
  - a) Limit the number of junior accessory dwelling units to be one per residential lot zoned for single-family residences with a single-family residence already built on the lot.
  - b) Require the single-family residence in which the junior accessory dwelling unit is located to be occupied by the owner. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner occupancy is not required for a governmental agency, land trust, or housing organization.
  - c) Require a deed to be recorded with the permitting agency that must include both of the following:
    - i) 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 can be enforced against future purchasers; and,
    - ii) A restriction on the size and attributes of the junior accessory dwelling unit.
  - d) 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.
  - e) Require a permitted junior accessory dwelling unit to include a separate entrance from the main entrance to the structure with an interior entry in to the main living room. A permitted junior accessory dwelling may include a second interior doorway for sound attenuation.
  - f) Require a permitted junior accessory dwelling unit to include an efficiency kitchen, which must include all of the following:
    - i) A sink with maximum width and length dimensions of 16 inches and a maximum waste line diameter of 1.5 inches;
    - ii) A cooking facility with appliances that do not require electrical service greater than 120 volts, or natural or propane gas; and,

- iii) A food preparation counter and storage cabinets that are a reasonable size in relation to the size of the junior accessory dwelling unit.
- 2) Prohibits an ordinance from:
    - a) Requiring additional parking, as a condition of granting a permit;
    - b) Authorizing the imposition of a water connection fee, as a condition of granting a permit; and,
    - c) Authorizing the imposition of a sewer connection fee, as a condition of granting a permit.
  - 3) Provides that a local agency can require an inspection and impose a fee for the inspection to determine, if the junior accessory dwelling unit is in compliance with the applicable building standards.
  - 4) Provides that for purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit is not considered a separate or new dwelling unit.
  - 5) Allows a city, county, city and county or other local public entity to adopt an ordinance or regulation relating to fire and life protection requirements within a single-family residence that contains a junior accessory dwelling unit, as long as the ordinance or regulation applies uniformly to all single-family residences within the zone regardless of whether or not the residence includes a junior accessory dwelling unit or not.
  - 6) Defines the following terms:
    - a) "Junior accessory dwelling unit" to mean a unit that is no more than 500 square feet in size and contained entirely within a single-family structure. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.
    - a) "Local agency" to mean a general law or charter city, county, or city and county.
  - 2) Provides that state law governing second units does not apply to junior accessory dwelling units.

**EXISTING LAW:**

- 1) After July 1, 2003, applications for a second unit shall be considered by local governments ministerially, without discretionary review or hearing, regardless of any local ordinance regulating the issuance of special use permits.
- 2) Provides that a local government may by ordinance provide for the creation of second units in single-family and multi-family zones.
- 3) Provides that a local ordinance for second units may do all of the following:
  - a) Designate areas where second units may be permitted based on criteria that may consider the adequacy of water and sewer services and the impact on traffic flow;

- b) Impose parking standards, height, setback, lot coverage, architectural review, maximum size of a unit and standards that prevent adverse impacts on any property listed in California Register of Historic Places; and,
- c) Provide that second units do not exceed the allowable density for the lot on which it is located and that second units are a residential use that is consistent with the existing general plan and zoning designation on a lot.

**FISCAL EFFECT:** None

**COMMENTS:**

- 1) **Bill Summary.** This bill allows cities (including charter cities) and counties to adopt an ordinance for junior accessory dwelling units, and specifies, should a city or county adopt such an ordinance, what must be included in the ordinance. The bill defines a junior accessory dwelling unit to mean a unit that is no more than 500 square feet in size and contained entirely within a single-family structure, which may include separate sanitation facilities or may share sanitation facilities with the existing structure. The bill also specifies that a junior accessory dwelling unit does not fall under state law that governs second units.

This bill is sponsored by Lilypad Homes.

- 2) **Author's Statement.** According to the author, "AB 2406 will create more affordable housing in owner-occupied homes by not only creating new rental housing from spare bedrooms, but also mitigating the cost of homeownership through the income generated from these units. By providing a streamlined and inexpensive permitting process for junior accessory dwelling units (JADUs), Californians who wish to downsize can redevelop their homes, creating two right-sized housing units from a single-family home."
- 3) **Background and Related Legislation.** Local governments are authorized to adopt ordinances for the creation of second units in single-family and multifamily zones; however, they are not required to do so. State law allows local governments to limit the areas that second units may be permitted based on availability of adequate water and sewer services, as well as the impact on traffic flow. They can also impose parking standards. In 2003, AB 1866 (Wright), Chapter 1062, Statutes of 2002, required that local governments approve a second unit ministerially without discretionary review or hearing or require a special use permit.

AB 2299 (Bloom), pending in the Assembly Appropriations Committee, requires, instead of allows, a local agency to, by ordinance, provide for the creation of second units in single-family and multifamily residential zones, and makes a number of other changes specifying what is required to be in the ordinance.

- 4) **Arguments in Support.** Supporters argue that junior accessory dwelling units offer the opportunity to quickly create low-cost, low-impact, and a plentiful source of more affordable rental housing, and offer a market-based sustainable option for Californians to address the housing shortage.
- 5) **Arguments in Opposition.** None on file.

- 6) **Double-Referral.** This bill was heard by the Housing and Community Development Committee on April 27, 2016, where it passed with a 7-0 vote.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Lilypad Homes [SPONSOR]  
AARP  
Association of Bay Area Governments  
California Apartment Association  
California Building Industry Association  
California Fire Chiefs Association  
California State Association of Counties  
City of San Rafael  
Fire Districts Association of California  
Local Government Commission  
North Bay Leadership Council  
Sonoma County  
US Green Building Council

**Opposition**

None on file

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