



San Gabriel Valley Council of Governments*

AGENDA AND NOTICE OF THE MEETING OF THE SGVCOG EXECUTIVE COMMITTEE

Monday, March 1, 2021 – 10:00 AM

Teleconference Meeting

Zoom Link: <https://zoom.us/j/99054606210>

Livestream Link: <https://youtu.be/HSYUgbE1bUk>

Thank you for participating in today's meeting. The Executive Committee encourages public participation and invites you to share your views on agenda items.

President
Margaret Clark

1st Vice President
Becky Shevlin

2nd Vice President
Tim Hepburn

3rd Vice President
Ed Reece

Past President
Cynthia Sternquist

Transportation Chair
Jason Pu

Homelessness Chair
Becky Shevlin

EENR Chair
Denis Bertone

Water Policy Chair
Gloria Crudgington

ACE Chair
Tim Sandoval

MEETINGS: Regular Meetings of the Executive Committee are held the first Monday of every month at 10:00 a.m. at the SGVCOG Office (1000 S. Fremont Ave., Building 10, Suite 10210, Alhambra, California 91803). The Executive Committee agenda packet is available at the San Gabriel Valley Council of Government's (SGVCOG) Office, 1000 South Fremont Avenue, Suite 10210, Alhambra, CA, and on the website, www.sgvkog.org. Copies are available via email upon request (sgv@sgvcog.org). Documents distributed to a majority of the Board after the posting will be available for review in the SGVCOG office and on the SGVCOG website. Your attendance at this public meeting may result in the recording of your voice.

PUBLIC PARTICIPATION: Your participation is welcomed and invited at all Executive Committee meetings. Time is reserved at each regular meeting for those who wish to address the Executive Committee. SGVCOG requests that persons addressing the Executive Committee refrain from making personal, slanderous, profane or disruptive remarks.

TO ADDRESS THE EXECUTIVE COMMITTEE: At a regular meeting, the public may comment on any matter within the jurisdiction of the Board during the public comment period and may also comment on any agenda item at the time it is discussed. At a special meeting, the public may only comment on items that are on the agenda. Members of the public wishing to speak are asked to complete a comment card or simply rise to be recognized when the Chair asks for public comments to speak. We ask that members of the public state their name for the record and keep their remarks brief. If several persons wish to address the Board on a single item, the Chair may impose a time limit on individual remarks at the beginning of discussion. **The Executive Committee may not discuss or vote on items not on the agenda.**

AGENDA ITEMS: The Agenda contains the regular order of business of the Executive Committee. Items on the Agenda have generally been reviewed and investigated by the staff in advance of the meeting so that the Executive Committee can be fully informed about a matter before making its decision.

CONSENT CALENDAR: Items listed on the Consent Calendar are considered to be routine and will be acted upon by one motion. There will be no separate discussion on these items unless a Board member or citizen so requests. In this event, the item will be removed from the Consent Calendar and considered after the Consent Calendar. If you would like an item on the Consent Calendar discussed, simply tell Staff or a member of the Executive Committee.



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the SGVCOG office at (626) 457-1800. Notification 48 hours prior to the meeting will enable the SGVCOG to make reasonable arrangement to ensure accessibility to this meeting.



***MEETING MODIFICATIONS DUE TO THE STATE AND LOCAL STATE OF EMERGENCY RESULTING FROM THE THREAT OF COVID-19:** On March 17, 2020, Governor Gavin Newsom issued Executive Order N-29-20 authorizing a local legislative body to hold public meetings via teleconferencing and allows for members of the public to observe and address the meeting telephonically or electronically to promote social distancing due to the state and local State of Emergency resulting from the threat of the Novel Coronavirus (COVID-19).

To follow the new Order issued by the Governor and ensure the safety of Committee Members and staff for the purpose of limiting the risk of COVID-19, in-person public participation at the Executive Committee meeting scheduled for March 1, 2021 at 10:00 a.m. will not be allowed. To allow for public participation, the Executive Committee will conduct its meeting through Zoom Video Communications. To participate in the meeting, download Zoom on any phone or computer device and copy and paste the following link into your browser to access the live meeting: <https://zoom.us/j/99054606210>. You may also access the meeting via the livestream link on the front of the agenda page.

Submission of Public Comments: For those wishing to make public comments on agenda and non-agenda items you may submit comments via email or by Zoom.

- Email: Please submit via email your public comment to Katie Ward (kward@sgvcog.org) at least 1 hour prior to the scheduled meeting time. Please indicate in the Subject Line of the email “FOR PUBLIC COMMENT.” Emailed public comments will be read into the record and will be part of the recorded meeting minutes. Public comment may be summarized in the interest of time, however the full text will be provided to all members of the Committee prior to the meeting.
- Zoom: Through Zoom, you may speak by using the web interface “Raise Hand” feature. Wait to be called upon by staff, and then you may provide verbal comments for up to 3 minutes. Public comment is taken at the beginning of the meeting for items not on the agenda. Public comment is also accepted at the beginning of each agenda item.

Any member of the public requiring a reasonable accommodation to participate in this meeting should contact Katie Ward at least 48 hours prior to the meeting at (626) 457-1800 or at kward@sgvcog.org.

PRELIMINARY BUSINESS

1. Call to Order
2. Roll Call
3. Public Comment *(If necessary, the President may place reasonable time limits on all comments)*
4. Changes to Agenda Order: Identify emergency items arising after agenda posting and requiring action prior to next regular meeting *(It is anticipated that the Executive Committee may take action on these matters)*

CONSENT CALENDAR

5. Executive Committee Meeting Minutes – Page 1
Recommended Action: Approve Executive Committee minutes.

UPDATE ITEMS *(It is anticipated that the Executive Committee may take action on the following matters)*

- Audit Status Report – Page 5
- Executive Committee Ex-Officio Member: SGVCOG Metro Board Representative – Page 9
- Legislative Update

PRESIDENT’S REPORT

EXECUTIVE DIRECTOR’S REPORT

GENERAL COUNSEL’S REPORT

ACTION ITEMS

6. Governing Board Agenda – Page 11
Recommended Action: Approve the draft Governing Board agenda.
7. Support – Senate Bill 15 (Portantino), Incentives to Provide Workforce Housing at Commercial Sites – Page 15
Recommended Action: Recommend the Governing Board authorize the President to send a letter in support of Senate Bill 15 (Portantino) to provide state grant incentives for cities to rezone idle big box retail sites or commercial shopping centers to accommodate workforce multifamily housing. The legislation would provide an additional tool that could help finance affordable housing projects.
8. Support – Senate Bill 765 (Stern/Friedman), Setbacks for Accessory Dwelling Units – Page 21
Recommended Action: Recommend the Governing Board authorize the President to send a letter in support of Senate Bill 765 (Stern/Friedman) to authorize local governments to determine side and rear setbacks for accessory dwelling units (ADUs), subject to certain conditions. This legislation is consistent with the general SGVCOG-supported policy that land-use and development authority and standards should remain vested with local officials directly accountable to their communities.

ANNOUNCEMENTS

CLOSED SESSION

9. Public Employee Performance Evaluation Pursuant to Government Code Section 54957.
Title: Executive Director

ADJOURN



SGVCOG
Executive Committee Meeting Minutes
February 1, 2021
10:00 AM
Teleconference Meeting via Zoom

PRELIMINARY BUSINESS

1. Call to Order
 The meeting was called to order at 10:01 AM.

2. Roll Call

Members Present

Members Absent

- M. Clark, President
- B. Shevlin, 1st Vice President/Homelessness Chair
- T. Hepburn, 2nd Vice President
- E. Reece, 3rd Vice President
- C. Sternquist, Past President
- D. Bertone, EENR Chair
- J. Pu, Transportation Chair
- G. Crudgington, Water Policy Chair
- T. Sandoval, ACE Chair

Staff/Guests:

- M. Creter, SGVCOG Executive Director
- K. Ward; P. Hubler; C. Sims; B. Acevedo; E. Shen, SGVCOG Staff
- D. DeBerry, Woodruff, Spradlin & Smart
- T. Egan, Capital Representation Group

3. Public Comment
 There were no public comments received.
4. Changes to Agenda Order:
 There were no changes to the agenda order.

CONSENT CALENDAR

5. Executive Committee Meeting Minutes
Recommended Action: Approve Executive Committee minutes.

There was a motion to approve the consent calendar (M/S: B. Shevlin/T. Hepburn).

[MOTION PASSES]

AYES:	M. Clark, B. Shevlin, T. Hepburn, D. Bertone, E. Reece, G. Crudgington, T. Sandoval, J. Pu, C. Sternquist,
NOES:	
ABSTAIN:	
ABSENT:	

UPDATE ITEMS

- CALCOG Appointment
 K. Ward provided an update on this item. M. Clark volunteered to serve as delegate and B. Shevlin volunteered to serve as alternate on the CALCOG Board of Directors to represent the SGVCOG.

- Request from CPCC Member regarding Meeting Stipends
M. Creter reported on this item.

There was a motion to keep meeting stipends only for attendance at Governing Board meetings. (M/S: T. Hepburn/D. Bertone).

[MOTION PASSES]

AYES:	M. Clark, B. Shevlin, T. Hepburn, D. Bertone, E. Reece, G. Crudgington, T. Sandoval, J. Pu, C. Sternquist,
NOES:	
ABSTAIN:	
ABSENT:	

PRESIDENT’S REPORT

- M. Clark reported on this item. She announced that the SGVOG is partnering with the San Gabriel Valley Economic Partnership to host a webinar on Thursday, March 11 at 11:00 AM.

EXECUTIVE DIRECTOR’S REPORT

- M. Creter reported on this item.

GENERAL COUNSEL’S REPORT

- D. DeBerry reported on this item.

ACTION ITEMS

- Governing Board Agenda
M. Creter reported on this item.

There was a motion to approve the draft Governing Board agenda (M/S: B. Shevlin/T. Sandoval).

[MOTION PASSES]

AYES:	M. Clark, B. Shevlin, T. Hepburn, D. Bertone, E. Reece, G. Crudgington, T. Sandoval, J. Pu, C. Sternquist,
NOES:	
ABSTAIN:	
ABSENT:	

- Oppose Unless Amended – Senate Bill 9 (Atkins), Duplexes and Lot Splits in Single-Family Neighborhoods
P. Hubler reported on this item. There was a request to add historical district protections to the letter.

There was a motion to authorize the SGVCOG President to send a letter to San Gabriel Valley legislators and the authors of Senate Bill 9 (Atkins, et al.) to oppose unless amended legislation that would require localities to issue ministerial approvals of duplexes and lot splits in single-family residential neighborhoods (M/S: B. Shevlin/T. Sandoval).

[MOTION PASSES]

AYES:	M. Clark, B. Shevlin, T. Hepburn, D. Bertone, E. Reece, G. Crudgington, T. Sandoval, J. Pu, C. Sternquist,
NOES:	
ABSTAIN:	
ABSENT:	

8. Support for Federal Affordable Housing Grant Program Funding
P. Hubler reported on this item.

There was a motion to recommend the Governing Board authorize the SGVCOG President to send a letter to Senator Feinstein in support of federal legislation that would provide \$1.5 billion annually to help state and local governments or nonprofit organizations acquire and rehabilitate existing buildings for use as affordable housing and request that “eligible entities” be clearly defined in the legislation to include entities such as the San Gabriel Valley Regional Housing Trust (M/S: D. Bertone/G. Crudgington).

[MOTION PASSES]

AYES:	M. Clark, B. Shevlin, T. Hepburn, D. Bertone, E. Reece, G. Crudgington, T. Sandoval, J. Pu, C. Sternquist,
NOES:	
ABSTAIN:	
ABSENT:	

9. San Gabriel Valley Regional Housing Trust Board of Directors Appointment
B. Acevedo presented on this item.

There was a motion to recommend the Governing Board appoint Maria Morales, Mayor Pro Tem, City of El Monte as the Central District Delegate and Emmanuel Estrada, Mayor, City of Baldwin Park as the Central District Alternate to the San Gabriel Valley Regional Housing Trust Board of Directors (M/S: J. Pu/B. Shevlin).

[MOTION PASSES]

AYES:	M. Clark, B. Shevlin, T. Hepburn, D. Bertone, E. Reece, G. Crudgington, T. Sandoval, J. Pu, C. Sternquist,
NOES:	
ABSTAIN:	
ABSENT:	

ANNOUNCEMENTS

ADJOURN

- The meeting adjourned at 10:57 AM.

REPORT

DATE: March 1, 2021
TO: Executive Committee
FROM: Marisa Creter, Executive Director
RE: **AUDIT STATUS REPORT**

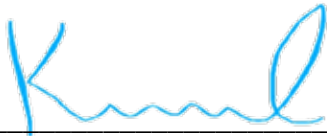
RECCOMENDED ACTION

Receive and file.

BACKGROUND

On an ongoing basis, the SGVCOG conducts audits on the agency's professional services contracts to verify that billable rates are being billed correctly. When discrepancies are discovered, audit staff will withhold disputed amounts from future progress or final retention payments on these contracts. Attachment A summarizes the activities by SGVCOG audit staff through December 31, 2020. Simba Mandizvidza, the SGVCOG Audit Manager, will provide a presentation on this item.

Prepared by:



Katie Ward
Senior Management Analyst

Approved by:



Marisa Creter
Executive Director

ATTACHMENTS

Attachment A – Audit Status Report

CONTRACT AUDIT STATUS REPORT, *through 12/31/2020*

AUDITOR	COMPLETED AUDITS QUARTER/TOTAL	AMOUNT RECOVERED THIS QTR	AMOUNT RECOVERED TOTAL	AUDITS TO BE DONE
MTA (5/01-6/06)	0 / 130	\$ 0	\$ 427,520	0
SGVCOG (4/08-Present)	2 / 216	\$ 170	\$ 5,621,779	14*
TOTAL	2 / 346	\$ 170	\$ 6,049,299	14

	PREVIOUS QUARTER	ADD(DEDUCT) THIS QUARTER	LESS: COMPLETED	TO BE DONE
Interim	0	0	0	0
Close-out	13	0	2	11
Post Award	3		0	3
TOTAL (SGVCOG)	16	0	2	14

CONTRACT AUDIT STATUS REPORT, 7/1/20 – 12/31/20

CONTRACTOR	PROJECT	AUDIT PERIOD	AMOUNT	QUESTIONED COSTS
Kleinfelder (MN sub)	SGT	06/01/09 10/19/12	\$ 639,869	\$ 0
Psomas (M&N Sub)	SGT	06/01/09 10/19/12	\$ 544,549	\$ 170
TOTAL				\$170

REPORT

DATE: March 1, 2021
TO: Executive Committee
FROM: Marisa Creter, Executive Director
RE: **EXECUTIVE COMMITTEE EX-OFFICIO MEMBER: SGVCOG METRO BOARD REPRESENTATIVE**

RECOMMENDED ACTION

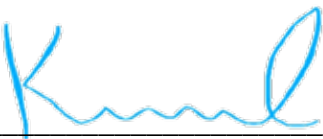
For information only.

BACKGROUND

In December 2020, longtime councilmember of the SGVCOG and San Gabriel Valley Metro Board of Directors Representative, John Fasana of the City of Duarte retired from elected office. Councilmember Fasana also served as the SGVCOG Transportation Committee Chair during his tenure. In his role as SGVCOG Transportation Committee Chair, Councilmember Fasana served on the SGVCOG Executive Committee. One of the critical roles of the SGVCOG Executive Committee is to develop and provide input on the monthly SGVCOG Governing Board agenda. In this dual role, Councilmember Fasana was able to provide input on items related to both the SGVCOG Transportation Committee and Metro Board of Directors to the SGVCOG Executive Committee. Currently, Councilmember Jason Pu, City of San Gabriel, serves as the Transportation Committee Chair and Mayor, Tim Sandoval, City of Pomona is the SGVCOG Metro Board Representative.


In developing the Governing Board agenda, the SGVCOG Metro Board Representative provides critical input on Metro related items that are often timely and require direct recommended actions of the SGVCOG Governing Board related to Metro. As a result, staff is recommending adding the SGVCOG Metro Board Representative to the Executive Committee as an ex-officio, non-voting member. If the Executive Committee concurs with this recommendation, the current SGVCOG Bylaws would need to be amended to allow for this ex-officio appointment to the Executive Committee.

Prepared by: _____



Katie Ward
Senior Management Analyst

Approved by: _____


Marisa Creter

Executive Director



AGENDA AND NOTICE OF THE MEETING OF THE
 SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS GOVERNING BOARD
THURSDAY, MARCH 18, 2021 - 4:00 P.M.*
Teleconference Meeting
Livestream Available at:

SGVCOG Officers

President
Margaret Clark

1st Vice President
Becky Shevlin

2nd Vice President
Tim Hepburn

3rd Vice President
Ed Reece

Members

Alhambra

Arcadia

Azusa

Baldwin Park

Bradbury

Claremont

Covina

Diamond Bar

Duarte

El Monte

Glendora

Industry

Irwindale

La Cañada Flintridge

La Puente

La Verne

Monrovia

Montebello

Monterey Park

Pasadena

Pomona

Rosemead

San Dimas

San Gabriel

San Marino

Sierra Madre

South El Monte

South Pasadena

Temple City

Walnut

West Covina

First District, LA County

Unincorporated Communities

Fourth District, LA County

Unincorporated Communities

Fifth District, LA County

Unincorporated Communities

SGV Water Districts

Thank you for participating in tonight’s meeting. The Governing Board encourages public participation and invites you to share your views on agenda items.

MEETINGS: Regular Meetings of the Governing Board are held on the third Thursday of each month at 4:00 PM at the Foothill Transit Office (100 South Vincent Avenue, West Covina, CA 91790). The Governing Board agenda packet is available at the San Gabriel Valley Council of Government’s (SGVCOG) Office, 1000 South Fremont Avenue, Suite 10210, Alhambra, CA, and on the website, www.sgvkog.org. Copies are available via email upon request (sgv@sgvcog.org). Documents distributed to a majority of the Board after the posting will be available for review in the SGVCOG office and on the SGVCOG website. Your attendance at this public meeting may result in the recording of your voice.

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AGENDA ITEMS: The Agenda contains the regular order of business of the Governing Board. Items on the Agenda have generally been reviewed and investigated by the staff in advance of the meeting so that the Governing Board can be fully informed about a matter before making its decision.

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To follow the new Order issued by the Governor and ensure the safety of Board Members and staff for the purpose of limiting the risk of COVID-19, in-person public participation at the Governing Board meeting scheduled for March 18, 2021 at 4:00 p.m. will not be allowed. Members of the public may view the meeting live on the SGVCOG's website. To access the meeting video, please see the link on the front page of the agenda.

Submission of Public Comments: For those wishing to make public comments on agenda and non-agenda items you may submit comments via email or by phone.

- Email: Please submit via email your public comment to Katie Ward (kward@sgvcog.org) at least 1 hour prior to the scheduled meeting time. Please indicate in the Subject Line of the email "FOR PUBLIC COMMENT." Emailed public comments will be read into the record and will be part of the recorded meeting minutes. Public comment may be summarized in the interest of time, however the full text will be provided to all members of the Governing Board prior to the meeting.
- Phone: Please email your name and phone number to Katie Ward (kward@sgvcog.org) at least 1 hour prior to the scheduled meeting time for the specific agenda item you wish to provide public comment on. Please indicate in the Subject Line of the email "FOR PUBLIC COMMENT." You will be called on the phone number provided at the appropriate time, either during general public comment or specific agenda item. Wait to be called upon by staff, and then you may provide verbal comments for up to 3 minutes.

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PRELIMINARY BUSINESS

5 MINUTES

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Public Comment (*If necessary, the President may place reasonable time limits on all comments*)
5. Changes to Agenda Order: Identify emergency items arising after agenda posting and requiring action prior to next regular meeting

LIAISON REPORTS

6. Gold Line Foothill Extension Construction Authority
7. Foothill Transit
8. Los Angeles County Metropolitan Transportation Authority
9. San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy
10. San Gabriel Valley Mosquito & Vector Control District
11. Southern California Association of Governments
12. League of California Cities
13. San Gabriel Valley Economic Partnership
14. South Coast Air Quality Management District

PRESIDENT'S REPORT

5 MINUTES

EXECUTIVE DIRECTOR'S REPORT

5 MINUTES

GENERAL COUNSEL'S REPORT

5 MINUTES

COMMITTEE/BOARD REPORTS

10 MINUTES

15. Transportation Committee
16. Homelessness Committee
17. San Gabriel Valley Regional Housing Trust Board
18. Energy, Environment and Natural Resources Committee
19. Water Committee
20. Capital Projects and Construction Committee

CONSENT CALENDAR

5 MINUTES

(It is anticipated that the SGVCOG Governing Board may take action on the following matters)

21. Governing Board Meeting Minutes
Recommended Action: Adopt Governing Board minutes.
22. Monthly Cash Disbursements/Balances/Transfers
Recommended Action: Approve Monthly Cash Disbursements/Balances/Transfers.
23. Committee/TAC/Governing Board Attendance
Recommended Action: Receive and file.
24. Contract and Amendment Summary Report
Recommended Action: Receive and file.
25. Update Measure M MSP Subregional Fund Programming
Recommendation Action: Adopt Resolution 20-13 updating the SGVCOG Measure M MSP 5-Year Plan fund programming.
26. Support – Senate Bill 15 (Portantino): Incentives to Provide Workforce Housing at Commercial Sites
Recommended Action: Adopt Resolution 20-14 supporting Senate Bill 15 (Portantino) to provide state grant incentives for cities to rezone idle big box retail sites or commercial shopping centers to accommodate workforce multifamily housing.
27. Homelessness Coordination Quarterly Report
Recommended Action: Receive and file.

PRESENTATION

20 MINUTES

(It is anticipated that the SGVCOG Governing Board may take action on the following matters)

28. Crisis Response Study: Resource Development Associates
Recommendation Actions: For information only.
29. Warehouse Indirect Source Rule (Proposed Rule 2305): South Coast Air Quality Management District
Recommendation Actions: For discussion.

ANNOUNCEMENTS

ADJOURN

REPORT

DATE: March 1, 2021

TO: Executive Committee

FROM: Marisa Creter, Executive Director

RE: **SUPPORT—SENATE BILL 15 (PORTANTINO): INCENTIVES TO PROVIDE WORKFORCE HOUSING AT COMMERCIAL SITES**

RECOMMENDED ACTION

Recommend the Governing Board authorize the President to send a letter in support of Senate Bill 15 (Portantino) to provide state grant incentives for cities to rezone idle big box retail sites or commercial shopping centers to accommodate workforce multifamily housing. The legislation would provide an additional tool that could help finance affordable housing projects.

BACKGROUND

SB 15 would allow cities to receive the average of the annual amount of sales tax revenue generated by the big box retail or commercial shopping center site for the previous seven years. To receive the sales tax rebate, the site must be rezoned, the housing development approved and constructed and a certificate of occupancy issued. If a mixed use development is approved, only the amount of square footage dedicated to housing would be eligible for the rebate. The funds would be distributed by the Department of Housing and Community Development (HCD), upon appropriation by the Legislature. This legislation is cosponsored by BizFed, the State Building and Construction Trades Council of California and the Los Angeles County Division of the League of California Cities.

The bill has been referred for a hearing in the Senate Housing Committee. Staff notes that the legislation requires project labor agreements for public-agency sponsored projects and the payment of prevailing wages for private organization sponsored projects. Staff recommends sending a letter of support for this bill, as it aligns with the adopted SGVCOG 2021 Housing Legislative Agenda.

Copies of the approved support letter will be sent to Senator Portantino and the members of the San Gabriel Valley State Legislative Delegation, with courtesy copies provided to the Southern California Association of Governments, LA County Division of the League of California Cities, and the California Contracts Cities Association.

Prepared by: _____



Paul Hubler
Director of Government and Community Relations

REPORT

Approved by: _____

Marisa Creter

Marisa Creter
Executive Director

ATTACHMENTS

Attachment A - Senate Bill 15 fact sheet

Attachment B - Letter of Support LA County Division of the League of California Cities Senate Bill 15

SB 15 (Portantino) –
Local Government Incentives to Rezone
Idle Retail Sites for Workforce Housing

PROBLEM/ISSUE

Lack of affordable housing is a major issue for current and potential employers in California counties. Housing is intrinsically connected to the welfare of workforce populations and business. Lacking sufficient attainable housing for employees, work environments suffer and the greater economy is negatively impacted.

A concurrent trend has emerged in local economies due to the growth of e-commerce. Since 2017, national retailers have been reducing their demand for future space in retail centers, are closing stores and abandoning retail sites at a record pace greater than during the Great Recession.

The intent of this legislation is to give incentives to cities that convert these abandoned retail sites into affordable and workforce housing. These fiscal incentives will be used by local governments to replace the sales tax revenues from these big box retail stores.

BACKGROUND

California has a housing emergency. According to the California Department of Housing and Community Development (HCD), from 2015-2025, approximately 1.8 million new housing units are needed to meet projected population and household growth, or 180,000 new homes annually.

The imbalance between supply and demand has driven California housing costs to be the highest in the nation, with an average median home price now 2.5 times the U.S. median. These high prices have prohibited occupations like teachers, nurses, public safety officers and younger professionals the ability

to afford owning a home, essential for building a stronger and vibrant economy.

According to a paper written in June 2018 by the George Mason School, Center of Real Estate;

"The growth of e-commerce has made public retailers have lose enterprise value.

In addition to closing stores, many retailers are reducing demand for future space in retail centers.

Closings and cutbacks by retailers are happening in areas that are least affluent and least densely populated. Retailers are disproportionately leaving poorer and rural areas (67%) as opposed to large/affluent cities (13%)."

Now is the opportunity to construct affordable housing on land formerly used by commercial retailers and give local governments fiscal incentives to reward them for rezoning, approving, completing and allowing occupancy of workforce housing projects.

SUMMARY

SB 15 will enable local cities to receive from HCD the average of the annual amount of sales tax revenue generated by that site for the last seven (7) years if the site has been converted and occupied with new housing. The city would receive that average amount for a total of seven years.

For a local government to receive this fiscal incentive, beyond just rezoning the sites, the city must approve a housing development project through its planning process, must be built and have a certificate of occupancy for the city to be eligible and receive the sales tax rebate.

Should the city approve a mixed use development on the site, the city would be eligible for the sales tax rebate only on the amount of square footage dedicated to housing.

EXISTING LAW

Existing law through the Workforce Housing Reward Program allows grants to be made available to local governments that provide land use approval to housing projects that are affordable to very low and low-income households.

SUPPORT

BizFed (Sponsor)
State Building and Construction Trades Council of California (Sponsor)

Version: 12/9/2020





February 1, 2021

The Honorable Anthony Portantino
Senator, California State Senate
State Capitol Building, Room 3086
Sacramento, CA 95814

RE: SB 15 (Portantino) Housing Development Incentives. Rezoning of Idle Retail Sites. Notice to Co-Sponsor .

Dear Senator Portantino:

The Los Angeles County Division of the League of California Cities® (Division), representing 86 cities in the county, is pleased to co-sponsor your SB 15 (Portantino), which would provide strong incentives for cities to rezone idle big box retail sites or commercial shopping centers to accommodate workforce multifamily housing.

Specifically, SB 15 would allow cities to receive from the Department of Housing and Community Development (HCD), upon appropriation by the Legislature, the average of the annual amount of sales tax revenue generated by the big box retail or commercial shopping center site for the previous seven years if the site has been rezoned, housing has been constructed and occupied.

This measure would address one of the hurdles to rezoning commercial sites into residential sites, the loss of sale tax and transient occupancy tax (TOT). Cities often rely on sales tax, TOT, and other non-property tax sources of revenue to provide essential city services like police and fire service. This is particularly the case for cities that receive very little property tax. SB 15 would provide additional resources for seven years to help address the revenue shortfall associated with rezoning commercial sites to residential uses.

SB 15 is a smart solution to our housing crisis. We are proud to join as a co-sponsor. Thank you again for your leadership on this important issue.

Sincerely,

Blanca Pacheco
President
Los Angeles County Division
League of California Cities

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EXECUTIVE DIRECTOR
JENNIFER QUAN

REPORT

DATE: March 1, 2021

TO: Members of the Executive Committee

FROM: Marisa Creter, Executive Director

RE: **SUPPORT—SENATE BILL 765 (STERN/FRIEDMAN), SETBACKS FOR ACCESSORY DWELLING UNITS**

RECOMMENDED ACTION


Recommend the Governing Board authorize the President to send a letter in support of Senate Bill 765 (Stern/Friedman) to authorize local governments to determine side and rear setbacks for accessory dwelling units (ADUs), subject to certain conditions. This legislation is consistent with the general SGVCOG-supported policy that land-use and development authority and standards should remain vested with local officials directly accountable to their communities.


BACKGROUND

SB 765 seeks to amend the state's ADU reform legislation by deleting the prohibition in the state legislation on local agency setbacks for ADUs of more than four feet from side and rear lot lines. This bill would instead provide that the rear and side yard setback requirements for ADUs may be set by the local agency. If the local agency's setback requirements make the building of the ADU infeasible, for instance due to topographical restrictions, an applicant could submit a request to the local agency for an alternative rear and side yard setback requirement. Setback requirements would be prohibited from being greater than those in effect by the local agency as of January 1, 2020 and would remain at four feet for agencies that did not have an ADU ordinance in place.

The bill is expected to be referred for a hearing in the Senate Housing Committee, likely in March. Staff recommends sending a letter of support for this bill, as it aligns with the adopted SGVCOG 2021 Housing Legislative Agenda.

Copies of the approved support letter will be sent to the bill authors, the policy committee and the members of the San Gabriel Valley State Legislative Delegation, with courtesy copies provided to the Southern California Association of Governments, LA County Division of the League of California Cities, and the California Contracts Cities Association.

Prepared by: 
Paul Hubler
Director of Government and Community Relations

Approved by: 
Marisa Creter
Executive Director

ATTACHMENTS:

Attachment A - Senate Bill 765

SENATE BILL

No. 765

Introduced by Senator Stern
(Principal coauthor: Assembly Member Friedman)

February 19, 2021

An act to amend Section 65852.2 of the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 765, as introduced, Stern. Accessory dwelling units: setbacks.

The Planning and Zoning Law, among other things, provides for the creation of accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions. Existing law prohibits a local agency's accessory dwelling unit ordinance from imposing a setback requirement of more than 4 feet from the side and rear lot lines for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

This bill would remove the above-described prohibition on a local agency's accessory dwelling unit ordinance, and would instead provide that the rear and side yard setback requirements for accessory dwelling units may be set by the local agency. The bill would authorize an accessory dwelling unit applicant to submit a request to the local agency for an alternative rear and side yard setback requirement if the local agency's setback requirements make the building of the accessory dwelling unit infeasible. The bill would prohibit any rear and side yard setback requirements established pursuant to these provisions from being greater than those in effect as of January 1, 2020. The bill would specify that if the local agency did not have an accessory dwelling unit

ordinance as of January 1, 2020, the applicable rear and side yard setback requirement is 4 feet.

By requiring local agencies to review an applicant's request for an alternative rear and side yard setback requirement, the bill would impose a state-mandated local program.

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, as
2 amended by Section 3.5 of Chapter 198 of the Statutes of 2020, is
3 amended to read:

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

8 (A) Designate areas within the jurisdiction of the local agency
9 where accessory dwelling units may be permitted. The designation
10 of areas may be based on the adequacy of water and sewer services
11 and the impact of accessory dwelling units on traffic flow and
12 public safety. A local agency that does not provide water or sewer
13 services shall consult with the local water or sewer service provider
14 regarding the adequacy of water and sewer services before
15 designating an area where accessory dwelling units may be
16 permitted.

17 (B) (i) Impose standards on accessory dwelling units that
18 include, but are not limited to, parking, height, setback, landscape,
19 architectural review, maximum size of a unit, and standards that
20 prevent adverse impacts on any real property that is listed in the
21 California Register of Historic Resources. These standards shall
22 not include requirements on minimum lot size.

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

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

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

8 (i) The accessory dwelling unit may be rented separate from
9 the primary residence, but may not be sold or otherwise conveyed
10 separate from the primary residence.

11 (ii) The lot is zoned to allow single-family or multifamily
12 dwelling residential use and includes a proposed or existing
13 dwelling.

14 (iii) The accessory dwelling unit is either attached to, or located
15 within, the proposed or existing primary dwelling, including
16 attached garages, storage areas or similar uses, or an accessory
17 structure or detached from the proposed or existing primary
18 dwelling and located on the same lot as the proposed or existing
19 primary dwelling.

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

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

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

27 (vii) No setback shall be required for an existing living area or
28 accessory structure or a structure constructed in the same location
29 and to the same dimensions as an existing structure that is
30 converted to an accessory dwelling unit or to a portion of an
31 accessory dwelling unit, and a setback of no more than four feet
32 from the side and rear lot lines shall be required for an accessory
33 dwelling unit that is not converted from an existing structure or a
34 new structure constructed in the same location and to the same
35 dimensions as an existing structure: *unit*.

36 (viii) (I) *Rear and side yard setback requirements for accessory*
37 *dwelling units shall be established by the local agency, except as*
38 *otherwise provided in clause (vii) and this clause.*

39 (II) *An applicant for an accessory dwelling unit may submit a*
40 *request to the local agency for an alternative rear and side yard*

1 setback requirement based upon specific site topographical
2 conditions if the local agency's setback requirements make the
3 building of the accessory dwelling unit infeasible. The local agency
4 may approve the request upon making a finding that the alternative
5 setback is necessary to make the building of the accessory dwelling
6 unit feasible and the alternative setback requirement adjusts the
7 setback requirement only to the extent necessary to accommodate
8 the accessory dwelling unit.

9 (III) In no event shall the local agency's rear and side yard
10 setback requirements be greater than those in effect as of January
11 1, 2020.

12 (IV) If the local agency did not have an accessory dwelling unit
13 ordinance as of January 1, 2020, the rear and side yard setback
14 requirement shall be four feet.

15 ~~(viii)~~

16 (ix) Local building code requirements that apply to detached
17 dwellings, as appropriate.

18 ~~(ix)~~

19 (x) Approval by the local health officer where a private sewage
20 disposal system is being used, if required.

21 ~~(x)~~

22 (xi) (I) Parking requirements for accessory dwelling units shall
23 not exceed one parking space per accessory dwelling unit or per
24 bedroom, whichever is less. These spaces may be provided as
25 tandem parking on a driveway.

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

31 (III) This clause shall not apply to an accessory dwelling unit
32 that is described in subdivision (d).

33 ~~(xi)~~

34 (xii) When a garage, carport, or covered parking structure is
35 demolished in conjunction with the construction of an accessory
36 dwelling unit or converted to an accessory dwelling unit, the local
37 agency shall not require that those offstreet parking spaces be
38 replaced.

39 ~~(xii)~~

1 (xiii) Accessory dwelling units shall not be required to provide
2 fire sprinklers if they are not required for the primary residence.

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

5 (3) A permit application for an accessory dwelling unit or a
6 junior accessory dwelling unit shall be considered and approved
7 ministerially without discretionary review or a hearing,
8 notwithstanding Section 65901 or 65906 or any local ordinance
9 regulating the issuance of variances or special use permits. The
10 permitting agency shall act on the application to create an accessory
11 dwelling unit or a junior accessory dwelling unit within 60 days
12 from the date the local agency receives a completed application if
13 there is an existing single-family or multifamily dwelling on the
14 lot. If the permit application to create an accessory dwelling unit
15 or a junior accessory dwelling unit is submitted with a permit
16 application to create a new single-family dwelling on the lot, the
17 permitting agency may delay acting on the permit application for
18 the accessory dwelling unit or the junior accessory dwelling unit
19 until the permitting agency acts on the permit application to create
20 the new single-family dwelling, but the application to create the
21 accessory dwelling unit or junior accessory dwelling unit shall be
22 considered without discretionary review or hearing. If the applicant
23 requests a delay, the 60-day time period shall be tolled for the
24 period of the delay. If the local agency has not acted upon the
25 completed application within 60 days, the application shall be
26 deemed approved. A local agency may charge a fee to reimburse
27 it for costs incurred to implement this paragraph, including the
28 costs of adopting or amending any ordinance that provides for the
29 creation of an accessory dwelling unit.

30 (4) An existing ordinance governing the creation of an accessory
31 dwelling unit by a local agency or an accessory dwelling ordinance
32 adopted by a local agency shall provide an approval process that
33 includes only ministerial provisions for the approval of accessory
34 dwelling units and shall not include any discretionary processes,
35 provisions, or requirements for those units, except as otherwise
36 provided in this subdivision. If a local agency has an existing
37 accessory dwelling unit ordinance that fails to meet the
38 requirements of this subdivision, that ordinance shall be null and
39 void and that agency shall thereafter apply the standards established
40 in this subdivision for the approval of accessory dwelling units,

1 unless and until the agency adopts an ordinance that complies with
2 this section.

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

6 (6) This subdivision establishes the maximum standards that
7 local agencies shall use to evaluate a proposed accessory dwelling
8 unit on a lot that includes a proposed or existing single-family
9 dwelling. No additional standards, other than those provided in
10 this subdivision, shall be used or imposed, including any
11 owner-occupant requirement, except that a local agency may
12 require that the property be used for rentals of terms longer than
13 30 days.

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

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

26 (b) When a local agency that has not adopted an ordinance
27 governing accessory dwelling units in accordance with subdivision
28 (a) receives an application for a permit to create an accessory
29 dwelling unit pursuant to this subdivision, the local agency shall
30 approve or disapprove the application ministerially without
31 discretionary review pursuant to subdivision (a). The permitting
32 agency shall act on the application to create an accessory dwelling
33 unit or a junior accessory dwelling unit within 60 days from the
34 date the local agency receives a completed application if there is
35 an existing single-family or multifamily dwelling on the lot. If the
36 permit application to create an accessory dwelling unit or a junior
37 accessory dwelling unit is submitted with a permit application to
38 create a new single-family dwelling on the lot, the permitting
39 agency may delay acting on the permit application for the accessory
40 dwelling unit or the junior accessory dwelling unit until the

1 permitting agency acts on the permit application to create the new
2 single-family dwelling, but the application to create the accessory
3 dwelling unit or junior accessory dwelling unit shall still be
4 considered ministerially without discretionary review or a hearing.
5 If the applicant requests a delay, the 60-day time period shall be
6 tolled for the period of the delay. If the local agency has not acted
7 upon the completed application within 60 days, the application
8 shall be deemed approved.

9 (c) (1) Subject to paragraph (2), a local agency may establish
10 minimum and maximum unit size requirements for both attached
11 and detached accessory dwelling units.

12 (2) Notwithstanding paragraph (1), a local agency shall not
13 establish by ordinance any of the following:

14 (A) A minimum square footage requirement for either an
15 attached or detached accessory dwelling unit that prohibits an
16 efficiency unit.

17 (B) A maximum square footage requirement for either an
18 attached or detached accessory dwelling unit that is less than either
19 of the following:

20 (i) 850 square feet.

21 (ii) 1,000 square feet for an accessory dwelling unit that provides
22 more than one bedroom.

23 (C) Any other minimum or maximum size for an accessory
24 dwelling unit, size based upon a percentage of the proposed or
25 existing primary dwelling, or limits on lot coverage, floor area
26 ratio, open space, and minimum lot size, for either attached or
27 detached dwellings that does not permit at least an 800 square foot
28 accessory dwelling unit that is at least 16 feet in height ~~with~~
29 ~~four-foot side and rear yard setbacks~~ to be constructed in
30 compliance with all other local development standards.

31 (d) Notwithstanding any other law, a local agency, whether or
32 not it has adopted an ordinance governing accessory dwelling units
33 in accordance with subdivision (a), shall not impose parking
34 standards for an accessory dwelling unit in any of the following
35 instances:

36 (1) The accessory dwelling unit is located within one-half mile
37 walking distance of public transit.

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

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

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

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

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

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

14 (i) The accessory dwelling unit or junior accessory dwelling
15 unit is within the proposed space of a single-family dwelling or
16 existing space of a single-family dwelling or accessory structure
17 and may include an expansion of not more than 150 square feet
18 beyond the same physical dimensions as the existing accessory
19 structure. An expansion beyond the physical dimensions of the
20 existing accessory structure shall be limited to accommodating
21 ingress and egress.

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

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

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

27 (B) One detached, new construction, accessory dwelling unit
28 ~~that does not exceed four-foot side and rear yard setbacks~~ for a lot
29 with a proposed or existing single-family dwelling. The accessory
30 dwelling unit may be combined with a junior accessory dwelling
31 unit described in subparagraph (A). A local agency may impose
32 the following conditions on the accessory dwelling unit:

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

34 (ii) A height limitation of 16 feet.

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

1 (ii) A local agency shall allow at least one accessory dwelling
2 unit within an existing multifamily dwelling and shall allow up to
3 25 percent of the existing multifamily dwelling units.

4 (D) Not more than two accessory dwelling units that are located
5 on a lot that has an existing multifamily dwelling, but are detached
6 from that multifamily dwelling and are subject to a height limit of
7 ~~16 feet and four-foot rear yard and side setbacks.~~ *feet.*

8 (2) A local agency shall not require, as a condition for ministerial
9 approval of a permit application for the creation of an accessory
10 dwelling unit or a junior accessory dwelling unit, the correction
11 of nonconforming zoning conditions.

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

15 (4) A local agency shall require that a rental of the accessory
16 dwelling unit created pursuant to this subdivision be for a term
17 longer than 30 days.

18 (5) A local agency may require, as part of the application for a
19 permit to create an accessory dwelling unit connected to an onsite
20 wastewater treatment system, a percolation test completed within
21 the last five years, or, if the percolation test has been recertified,
22 within the last 10 years.

23 (6) Notwithstanding subdivision (c) and paragraph (1) a local
24 agency that has adopted an ordinance by July 1, 2018, providing
25 for the approval of accessory dwelling units in multifamily
26 dwelling structures shall ministerially consider a permit application
27 to construct an accessory dwelling unit that is described in
28 paragraph (1), and may impose standards including, but not limited
29 to, design, development, and historic standards on said accessory
30 dwelling units. These standards shall not include requirements on
31 minimum lot size.

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

36 (2) An accessory dwelling unit shall not be considered by a
37 local agency, special district, or water corporation to be a new
38 residential use for purposes of calculating connection fees or
39 capacity charges for utilities, including water and sewer service,

1 unless the accessory dwelling unit was constructed with a new
2 single-family dwelling.

3 (3) (A) A local agency, special district, or water corporation
4 shall not impose any impact fee upon the development of an
5 accessory dwelling unit less than 750 square feet. Any impact fees
6 charged for an accessory dwelling unit of 750 square feet or more
7 shall be charged proportionately in relation to the square footage
8 of the primary dwelling unit.

9 (B) For purposes of this paragraph, “impact fee” has the same
10 meaning as the term “fee” is defined in subdivision (b) of Section
11 66000, except that it also includes fees specified in Section 66477.
12 “Impact fee” does not include any connection fee or capacity
13 charge charged by a local agency, special district, or water
14 corporation.

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

22 (5) For an accessory dwelling unit that is not described in
23 subparagraph (A) of paragraph (1) of subdivision (e), a local
24 agency, special district, or water corporation may require a new
25 or separate utility connection directly between the accessory
26 dwelling unit and the utility. Consistent with Section 66013, the
27 connection may be subject to a connection fee or capacity charge
28 that shall be proportionate to the burden of the proposed accessory
29 dwelling unit, based upon either its square feet or the number of
30 its drainage fixture unit (DFU) values, as defined in the Uniform
31 Plumbing Code adopted and published by the International
32 Association of Plumbing and Mechanical Officials, upon the water
33 or sewer system. This fee or charge shall not exceed the reasonable
34 cost of providing this service.

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

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

1 adoption of an ordinance, the department may submit written
2 findings to the local agency as to whether the ordinance complies
3 with this section.

4 (2) (A) If the department finds that the local agency's ordinance
5 does not comply with this section, the department shall notify the
6 local agency and shall provide the local agency with a reasonable
7 time, no longer than 30 days, to respond to the findings before
8 taking any other action authorized by this section.

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

12 (i) Amend the ordinance to comply with this section.

13 (ii) Adopt the ordinance without changes. The local agency
14 shall include findings in its resolution adopting the ordinance that
15 explain the reasons the local agency believes that the ordinance
16 complies with this section despite the findings of the department.

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

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

27 (i) The department may review, adopt, amend, or repeal
28 guidelines to implement uniform standards or criteria that
29 supplement or clarify the terms, references, and standards set forth
30 in this section. The guidelines adopted pursuant to this subdivision
31 are not subject to Chapter 3.5 (commencing with Section 11340)
32 of Part 1 of Division 3 of Title 2.

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

34 (1) "Accessory dwelling unit" means an attached or a detached
35 residential dwelling unit that provides complete independent living
36 facilities for one or more persons and is located on a lot with a
37 proposed or existing primary residence. It shall include permanent
38 provisions for living, sleeping, eating, cooking, and sanitation on
39 the same parcel as the single-family or multifamily dwelling is or

1 will be situated. An accessory dwelling unit also includes the
2 following:

3 (A) An efficiency unit.

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

6 (2) “Accessory structure” means a structure that is accessory
7 and incidental to a dwelling located on the same lot.

8 (3) “Efficiency unit” has the same meaning as defined in Section
9 17958.1 of the Health and Safety Code.

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

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

15 (6) “Nonconforming zoning condition” means a physical
16 improvement on a property that does not conform with current
17 zoning standards.

18 (7) “Passageway” means a pathway that is unobstructed clear
19 to the sky and extends from a street to one entrance of the accessory
20 dwelling unit.

21 (8) “Proposed dwelling” means a dwelling that is the subject of
22 a permit application and that meets the requirements for permitting.

23 (9) “Public transit” means a location, including, but not limited
24 to, a bus stop or train station, where the public may access buses,
25 trains, subways, and other forms of transportation that charge set
26 fares, run on fixed routes, and are available to the public.

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

30 (k) A local agency shall not issue a certificate of occupancy for
31 an accessory dwelling unit before the local agency issues a
32 certificate of occupancy for the primary dwelling.

33 (l) Nothing in this section shall be construed to supersede or in
34 any way alter or lessen the effect or application of the California
35 Coastal Act of 1976 (Division 20 (commencing with Section
36 30000) of the Public Resources Code), except that the local
37 government shall not be required to hold public hearings for coastal
38 development permit applications for accessory dwelling units.

39 (m) A local agency may count an accessory dwelling unit for
40 purposes of identifying adequate sites for housing, as specified in

1 subdivision (a) of Section 65583.1, subject to authorization by the
2 department and compliance with this division.

3 (n) In enforcing building standards pursuant to Article 1
4 (commencing with Section 17960) of Chapter 5 of Part 1.5 of
5 Division 13 of the Health and Safety Code for an accessory
6 dwelling unit described in paragraph (1) or (2) below, a local
7 agency, upon request of an owner of an accessory dwelling unit
8 for a delay in enforcement, shall delay enforcement of a building
9 standard, subject to compliance with Section 17980.12 of the
10 Health and Safety Code:

11 (1) The accessory dwelling unit was built before January 1,
12 2020.

13 (2) The accessory dwelling unit was built on or after January
14 1, 2020, in a local jurisdiction that, at the time the accessory
15 dwelling unit was built, had a noncompliant accessory dwelling
16 unit ordinance, but the ordinance is compliant at the time the
17 request is made.

18 (o) This section shall remain in effect only until January 1, 2025,
19 and as of that date is repealed.

20 SEC. 2. Section 65852.2 of the Government Code, as amended
21 by Section 4.5 of Chapter 198 of the Statutes of 2020, is amended
22 to read:

23 65852.2. (a) (1) A local agency may, by ordinance, provide
24 for the creation of accessory dwelling units in areas zoned to allow
25 single-family or multifamily dwelling residential use. The
26 ordinance shall do all of the following:

27 (A) Designate areas within the jurisdiction of the local agency
28 where accessory dwelling units may be permitted. The designation
29 of areas may be based on the adequacy of water and sewer services
30 and the impact of accessory dwelling units on traffic flow and
31 public safety. A local agency that does not provide water or sewer
32 services shall consult with the local water or sewer service provider
33 regarding the adequacy of water and sewer services before
34 designating an area where accessory dwelling units may be
35 permitted.

36 (B) (i) Impose standards on accessory dwelling units that
37 include, but are not limited to, parking, height, setback, landscape,
38 architectural review, maximum size of a unit, and standards that
39 prevent adverse impacts on any real property that is listed in the

1 California Register of Historic Resources. These standards shall
2 not include requirements on minimum lot size.

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

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

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

13 (i) The accessory dwelling unit may be rented separate from
14 the primary residence, but may not be sold or otherwise conveyed
15 separate from the primary residence.

16 (ii) The lot is zoned to allow single-family or multifamily
17 dwelling residential use and includes a proposed or existing
18 dwelling.

19 (iii) The accessory dwelling unit is either attached to, or located
20 within, the proposed or existing primary dwelling, including
21 attached garages, storage areas or similar uses, or an accessory
22 structure or detached from the proposed or existing primary
23 dwelling and located on the same lot as the proposed or existing
24 primary dwelling.

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

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

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

32 (vii) No setback shall be required for an existing living area or
33 accessory structure or a structure constructed in the same location
34 and to the same dimensions as an existing structure that is
35 converted to an accessory dwelling unit or to a portion of an
36 accessory dwelling unit, ~~and a setback of no more than four feet~~
37 ~~from the side and rear lot lines shall be required for an accessory~~
38 ~~dwelling unit that is not converted from an existing structure or a~~
39 ~~new structure constructed in the same location and to the same~~
40 ~~dimensions as an existing structure. unit.~~

1 (viii) (I) Rear and side yard setback requirements for accessory
2 dwelling units shall be established by the local agency, except as
3 otherwise provided in clause (vii) and this clause.

4 (II) An applicant for an accessory dwelling unit may submit a
5 request to the local agency for an alternative rear and side yard
6 setback requirement based upon specific site topographical
7 conditions if the local agency's setback requirements make the
8 building of the accessory dwelling unit infeasible. The local agency
9 may approve the request upon making a finding that the alternative
10 setback is necessary to make the building of the accessory dwelling
11 unit feasible and the alternative setback requirement adjusts the
12 setback requirement only to the extent necessary to accommodate
13 the accessory dwelling unit.

14 (III) In no event shall the local agency's rear and side yard
15 setback requirements be greater than those in effect as of January
16 1, 2020.

17 (IV) If the local agency did not have an accessory dwelling unit
18 ordinance as of January 1, 2020, the rear and side yard setback
19 requirement shall be four feet.

20 ~~(viii)~~

21 (ix) Local building code requirements that apply to detached
22 dwellings, as appropriate.

23 ~~(ix)~~

24 (x) Approval by the local health officer where a private sewage
25 disposal system is being used, if required.

26 ~~(x)~~

27 (xi) (I) Parking requirements for accessory dwelling units shall
28 not exceed one parking space per accessory dwelling unit or per
29 bedroom, whichever is less. These spaces may be provided as
30 tandem parking on a driveway.

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

36 (III) This clause shall not apply to an accessory dwelling unit
37 that is described in subdivision (d).

38 ~~(xi)~~

39 (xii) When a garage, carport, or covered parking structure is
40 demolished in conjunction with the construction of an accessory

1 dwelling unit or converted to an accessory dwelling unit, the local
2 agency shall not require that those offstreet parking spaces be
3 replaced.

4 ~~(xii)~~

5 (xiii) Accessory dwelling units shall not be required to provide
6 fire sprinklers if they are not required for the primary residence.

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

9 (3) A permit application for an accessory dwelling unit or a
10 junior accessory dwelling unit shall be considered and approved
11 ministerially without discretionary review or a hearing,
12 notwithstanding Section 65901 or 65906 or any local ordinance
13 regulating the issuance of variances or special use permits. The
14 permitting agency shall act on the application to create an accessory
15 dwelling unit or a junior accessory dwelling unit within 60 days
16 from the date the local agency receives a completed application if
17 there is an existing single-family or multifamily dwelling on the
18 lot. If the permit application to create an accessory dwelling unit
19 or a junior accessory dwelling unit is submitted with a permit
20 application to create a new single-family dwelling on the lot, the
21 permitting agency may delay acting on the permit application for
22 the accessory dwelling unit or the junior accessory dwelling unit
23 until the permitting agency acts on the permit application to create
24 the new single-family dwelling, but the application to create the
25 accessory dwelling unit or junior accessory dwelling unit shall be
26 considered without discretionary review or hearing. If the applicant
27 requests a delay, the 60-day time period shall be tolled for the
28 period of the delay. If the local agency has not acted upon the
29 completed application within 60 days, the application shall be
30 deemed approved. A local agency may charge a fee to reimburse
31 it for costs incurred to implement this paragraph, including the
32 costs of adopting or amending any ordinance that provides for the
33 creation of an accessory dwelling unit.

34 (4) An existing ordinance governing the creation of an accessory
35 dwelling unit by a local agency or an accessory dwelling ordinance
36 adopted by a local agency shall provide an approval process that
37 includes only ministerial provisions for the approval of accessory
38 dwelling units and shall not include any discretionary processes,
39 provisions, or requirements for those units, except as otherwise
40 provided in this subdivision. If a local agency has an existing

1 accessory dwelling unit ordinance that fails to meet the
2 requirements of this subdivision, that ordinance shall be null and
3 void and that agency shall thereafter apply the standards established
4 in this subdivision for the approval of accessory dwelling units,
5 unless and until the agency adopts an ordinance that complies with
6 this section.

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

10 (6) (A) This subdivision establishes the maximum standards
11 that local agencies shall use to evaluate a proposed accessory
12 dwelling unit on a lot that includes a proposed or existing
13 single-family dwelling. No additional standards, other than those
14 provided in this subdivision, shall be used or imposed except that,
15 subject to subparagraph (B), a local agency may require an
16 applicant for a permit issued pursuant to this subdivision to be an
17 owner-occupant or that the property be used for rentals of terms
18 longer than 30 days.

19 (B) Notwithstanding subparagraph (A), a local agency shall not
20 impose an owner-occupant requirement on an accessory dwelling
21 unit permitted between January 1, 2020, to January 1, 2025, during
22 which time the local agency was prohibited from imposing an
23 owner-occupant requirement.

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

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

36 (b) When a local agency that has not adopted an ordinance
37 governing accessory dwelling units in accordance with subdivision
38 (a) receives an application for a permit to create an accessory
39 dwelling unit pursuant to this subdivision, the local agency shall
40 approve or disapprove the application ministerially without

1 discretionary review pursuant to subdivision (a). The permitting
2 agency shall act on the application to create an accessory dwelling
3 unit or a junior accessory dwelling unit within 60 days from the
4 date the local agency receives a completed application if there is
5 an existing single-family or multifamily dwelling on the lot. If the
6 permit application to create an accessory dwelling unit or a junior
7 accessory dwelling unit is submitted with a permit application to
8 create a new single-family dwelling on the lot, the permitting
9 agency may delay acting on the permit application for the accessory
10 dwelling unit or the junior accessory dwelling unit until the
11 permitting agency acts on the permit application to create the new
12 single-family dwelling, but the application to create the accessory
13 dwelling unit or junior accessory dwelling unit shall still be
14 considered ministerially without discretionary review or a hearing.
15 If the applicant requests a delay, the 60-day time period shall be
16 tolled for the period of the delay. If the local agency has not acted
17 upon the completed application within 60 days, the application
18 shall be deemed approved.

19 (c) (1) Subject to paragraph (2), a local agency may establish
20 minimum and maximum unit size requirements for both attached
21 and detached accessory dwelling units.

22 (2) Notwithstanding paragraph (1), a local agency shall not
23 establish by ordinance any of the following:

24 (A) A minimum square footage requirement for either an
25 attached or detached accessory dwelling unit that prohibits an
26 efficiency unit.

27 (B) A maximum square footage requirement for either an
28 attached or detached accessory dwelling unit that is less than either
29 of the following:

30 (i) 850 square feet.

31 (ii) 1,000 square feet for an accessory dwelling unit that provides
32 more than one bedroom.

33 (C) Any other minimum or maximum size for an accessory
34 dwelling unit, size based upon a percentage of the proposed or
35 existing primary dwelling, or limits on lot coverage, floor area
36 ratio, open space, and minimum lot size, for either attached or
37 detached dwellings that does not permit at least an 800 square foot
38 accessory dwelling unit that is at least 16 feet in height ~~with~~
39 ~~four-foot side and rear yard setbacks~~ to be constructed in
40 compliance with all other local development standards.

1 (d) Notwithstanding any other law, a local agency, whether or
2 not it has adopted an ordinance governing accessory dwelling units
3 in accordance with subdivision (a), shall not impose parking
4 standards for an accessory dwelling unit in any of the following
5 instances:

6 (1) The accessory dwelling unit is located within one-half mile
7 walking distance of public transit.

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

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

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

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

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

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

23 (i) The accessory dwelling unit or junior accessory dwelling
24 unit is within the proposed space of a single-family dwelling or
25 existing space of a single-family dwelling or accessory structure
26 and may include an expansion of not more than 150 square feet
27 beyond the same physical dimensions as the existing accessory
28 structure. An expansion beyond the physical dimensions of the
29 existing accessory structure shall be limited to accommodating
30 ingress and egress.

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

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

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

36 (B) One detached, new construction, accessory dwelling unit
37 ~~that does not exceed four-foot side and rear yard setbacks~~ for a lot
38 with a proposed or existing single-family dwelling. The accessory
39 dwelling unit may be combined with a junior accessory dwelling

1 unit described in subparagraph (A). A local agency may impose
2 the following conditions on the accessory dwelling unit:

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

4 (ii) A height limitation of 16 feet.

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

10 (ii) A local agency shall allow at least one accessory dwelling
11 unit within an existing multifamily dwelling and shall allow up to
12 25 percent of the existing multifamily dwelling units.

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

17 (2) A local agency shall not require, as a condition for ministerial
18 approval of a permit application for the creation of an accessory
19 dwelling unit or a junior accessory dwelling unit, the correction
20 of nonconforming zoning conditions.

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

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

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

30 (6) A local agency may require, as part of the application for a
31 permit to create an accessory dwelling unit connected to an onsite
32 wastewater treatment system, a percolation test completed within
33 the last five years, or, if the percolation test has been recertified,
34 within the last 10 years.

35 (7) Notwithstanding subdivision (c) and paragraph (1) a local
36 agency that has adopted an ordinance by July 1, 2018, providing
37 for the approval of accessory dwelling units in multifamily
38 dwelling structures shall ministerially consider a permit application
39 to construct an accessory dwelling unit that is described in
40 paragraph (1), and may impose standards including, but not limited

1 to, design, development, and historic standards on said accessory
2 dwelling units. These standards shall not include requirements on
3 minimum lot size.

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

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

14 (3) (A) A local agency, special district, or water corporation
15 shall not impose any impact fee upon the development of an
16 accessory dwelling unit less than 750 square feet. Any impact fees
17 charged for an accessory dwelling unit of 750 square feet or more
18 shall be charged proportionately in relation to the square footage
19 of the primary dwelling unit.

20 (B) For purposes of this paragraph, “impact fee” has the same
21 meaning as the term “fee” is defined in subdivision (b) of Section
22 66000, except that it also includes fees specified in Section 66477.
23 “Impact fee” does not include any connection fee or capacity
24 charge charged by a local agency, special district, or water
25 corporation.

26 (4) For an accessory dwelling unit described in subparagraph
27 (A) of paragraph (1) of subdivision (e), a local agency, special
28 district, or water corporation shall not require the applicant to
29 install a new or separate utility connection directly between the
30 accessory dwelling unit and the utility or impose a related
31 connection fee or capacity charge, unless the accessory dwelling
32 unit was constructed with a new single-family dwelling.

33 (5) For an accessory dwelling unit that is not described in
34 subparagraph (A) of paragraph (1) of subdivision (e), a local
35 agency, special district, or water corporation may require a new
36 or separate utility connection directly between the accessory
37 dwelling unit and the utility. Consistent with Section 66013, the
38 connection may be subject to a connection fee or capacity charge
39 that shall be proportionate to the burden of the proposed accessory
40 dwelling unit, based upon either its square feet or the number of

1 its drainage fixture unit (DFU) values, as defined in the Uniform
2 Plumbing Code adopted and published by the International
3 Association of Plumbing and Mechanical Officials, upon the water
4 or sewer system. This fee or charge shall not exceed the reasonable
5 cost of providing this service.

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

9 (h) (1) A local agency shall submit a copy of the ordinance
10 adopted pursuant to subdivision (a) to the Department of Housing
11 and Community Development within 60 days after adoption. After
12 adoption of an ordinance, the department may submit written
13 findings to the local agency as to whether the ordinance complies
14 with this section.

15 (2) (A) If the department finds that the local agency's ordinance
16 does not comply with this section, the department shall notify the
17 local agency and shall provide the local agency with a reasonable
18 time, no longer than 30 days, to respond to the findings before
19 taking any other action authorized by this section.

20 (B) The local agency shall consider the findings made by the
21 department pursuant to subparagraph (A) and shall do one of the
22 following:

23 (i) Amend the ordinance to comply with this section.

24 (ii) Adopt the ordinance without changes. The local agency
25 shall include findings in its resolution adopting the ordinance that
26 explain the reasons the local agency believes that the ordinance
27 complies with this section despite the findings of the department.

28 (3) (A) If the local agency does not amend its ordinance in
29 response to the department's findings or does not adopt a resolution
30 with findings explaining the reason the ordinance complies with
31 this section and addressing the department's findings, the
32 department shall notify the local agency and may notify the
33 Attorney General that the local agency is in violation of state law.

34 (B) Before notifying the Attorney General that the local agency
35 is in violation of state law, the department may consider whether
36 a local agency adopted an ordinance in compliance with this section
37 between January 1, 2017, and January 1, 2020.

38 (i) The department may review, adopt, amend, or repeal
39 guidelines to implement uniform standards or criteria that
40 supplement or clarify the terms, references, and standards set forth

1 in this section. The guidelines adopted pursuant to this subdivision
2 are not subject to Chapter 3.5 (commencing with Section 11340)
3 of Part 1 of Division 3 of Title 2.

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

5 (1) “Accessory dwelling unit” means an attached or a detached
6 residential dwelling unit that provides complete independent living
7 facilities for one or more persons and is located on a lot with a
8 proposed or existing primary residence. It shall include permanent
9 provisions for living, sleeping, eating, cooking, and sanitation on
10 the same parcel as the single-family or multifamily dwelling is or
11 will be situated. An accessory dwelling unit also includes the
12 following:

13 (A) An efficiency unit.

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

16 (2) “Accessory structure” means a structure that is accessory
17 and incidental to a dwelling located on the same lot.

18 (3) “Efficiency unit” has the same meaning as defined in Section
19 17958.1 of the Health and Safety Code.

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

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

25 (6) “Nonconforming zoning condition” means a physical
26 improvement on a property that does not conform with current
27 zoning standards.

28 (7) “Passageway” means a pathway that is unobstructed clear
29 to the sky and extends from a street to one entrance of the accessory
30 dwelling unit.

31 (8) “Proposed dwelling” means a dwelling that is the subject of
32 a permit application and that meets the requirements for permitting.

33 (9) “Public transit” means a location, including, but not limited
34 to, a bus stop or train station, where the public may access buses,
35 trains, subways, and other forms of transportation that charge set
36 fares, run on fixed routes, and are available to the public.

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

1 (k) A local agency shall not issue a certificate of occupancy for
2 an accessory dwelling unit before the local agency issues a
3 certificate of occupancy for the primary dwelling.

4 (l) Nothing in this section shall be construed to supersede or in
5 any way alter or lessen the effect or application of the California
6 Coastal Act of 1976 (Division 20 (commencing with Section
7 30000) of the Public Resources Code), except that the local
8 government shall not be required to hold public hearings for coastal
9 development permit applications for accessory dwelling units.

10 (m) A local agency may count an accessory dwelling unit for
11 purposes of identifying adequate sites for housing, as specified in
12 subdivision (a) of Section 65583.1, subject to authorization by the
13 department and compliance with this division.

14 (n) In enforcing building standards pursuant to Article 1
15 (commencing with Section 17960) of Chapter 5 of Part 1.5 of
16 Division 13 of the Health and Safety Code for an accessory
17 dwelling unit described in paragraph (1) or (2) below, a local
18 agency, upon request of an owner of an accessory dwelling unit
19 for a delay in enforcement, shall delay enforcement of a building
20 standard, subject to compliance with Section 17980.12 of the
21 Health and Safety Code:

22 (1) The accessory dwelling unit was built before January 1,
23 2020.

24 (2) The accessory dwelling unit was built on or after January
25 1, 2020, in a local jurisdiction that, at the time the accessory
26 dwelling unit was built, had a noncompliant accessory dwelling
27 unit ordinance, but the ordinance is compliant at the time the
28 request is made.

29 (o) This section shall become operative on January 1, 2025.

30 SEC. 3. No reimbursement is required by this act pursuant to
31 Section 6 of Article XIII B of the California Constitution because
32 a local agency or school district has the authority to levy service
33 charges, fees, or assessments sufficient to pay for the program or
34 level of service mandated by this act, within the meaning of Section
35 17556 of the Government Code.

O