

ATTACHMENT C

SUMMARY OF CHANGES TO THE STATE LAW REGARDING ACCESSORY DWELLING UNITS (ASSEMBLY BILL 2299 AND SENATE BILL 1069)

Parking

A local government cannot require parking if an accessory dwelling unit complies with any of the following criteria

- Located within ½ mile of public transit
- Located within architecturally and historically significant historic district
- The accessory dwelling unit is part of an existing primary residence or an existing accessory structure
- On-street parking permits are required but not offered to the occupant of the accessory dwelling unit
- There is a car share vehicle located within one block of the accessory dwelling unit

For accessory dwelling units not meeting the criteria above, the following restrictions apply

- Requirements may not exceed one parking space per unit and spaces may be provided as tandem parking on an existing driveway
- Off-street parking must be permitted in setback areas in locations determined by the city or through tandem parking, unless a local government determines that the parking in setback areas or tandem parking is not feasible or that it is not permitted anywhere in the jurisdiction

Types and Sizes of the Units

- An accessory dwelling unit can be either attached to the existing dwelling, located within the living area of the existing dwelling, or detached and located on same lot
- The floor area of attached accessory dwelling unit may not exceed 50% of the existing living area or 1,200 square feet, whichever is less
- The total area of a detached accessory dwelling unit may not exceed 1,200 square feet
- No passageway can be required
- No setback shall be required for an existing garage that is converted to an accessory dwelling unit. In addition, a setback of no more than 5 feet from the side and rear property lines can be required for an accessory dwelling unit that is constructed above a garage
- Fire sprinklers cannot be required for an accessory dwelling unit if they are not required for the primary residence

Approval Process and Timelines

- A city must approve an application for a building permit to create an accessory dwelling unit if it meets all of the following requirements
 - Located in a single-family zoning district
 - The accessory dwelling unit is contained within existing space of existing dwelling or existing accessory structure

- The accessory dwelling unit has independent exterior access and site and rear yard setbacks that are sufficient for fire safety
- Approval must occur within 120 days of receipt of application

Utility Connection Fees

- For accessory dwelling units that are contained within existing structures in single-family zoning districts A City may not require an applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge
- For accessory dwelling units that are within new structures A city may require a new or separate connection directly between the accessory dwelling unit and the utility The connection fee or capacity charge must be proportionate to the burden of the proposed accessory dwelling unit, and the fee or charge may not exceed the reasonable cost of providing the water or sewer service
- Accessory dwelling units cannot be considered as new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service