



ATTACHMENT #1
Community Development Department
STAFF REPORT

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TO: Planning Commission

FROM: Kelvin Parker, Community Development Director

DATE: September 9, 2024

SUBJECT: **Municipal Code Amendment (MCA) 2023-70005**

APPLICANT: City of Thousand Oaks

LOCATION: Citywide

REQUEST:

To amend Title 9, Chapter 4 of the Thousand Oaks Municipal Code (TOMC) by repealing Section 9-4.2521 regarding Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) and replace it with a new Article 45 to comply with new State law as well as carry out program implementation from the City's 2021-2029 Housing Element. Article 45 of Title 9, Chapter 4 creates new regulations dedicated to ADUs and JADUs and includes updates to the development standards and entitlement process for ADUs and JADUs.

RECOMMENDATION:

That the Planning Commission adopt Resolution (Attachment #1) based on the findings contained therein to:

1. Find that the update of the City's ADU regulations is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15282(h) "Other Statutory Exemptions," and Public Resources Code Section 21080.17 which specifically finds that CEQA does not apply to the adoption of an ordinance by a city to implement the provisions of Section 65852.1 and 65852.2 of the California Government Code; and
2. Recommend to the City Council adoption of the updated ADU Ordinance in order to comply with State Law and implement the City's 2021-2029 Housing Element.

PLANNING COMMISSION REVIEW:

Under the City of Thousand Oaks Municipal Code (TOMC) and state law, Planning Commission is required to review, conduct a public hearing on, consider, and make recommendations to the City Council regarding the Proposed Ordinance. The City Council, at a subsequent public hearing, will consider Planning Commission's recommendations and decide whether to adopt, not adopt, or adopt with modifications to the Proposed Ordinance.

BACKGROUND:

The Legislature has declared that California faces a severe housing crisis and is failing to meet housing demands, particularly for lower and middle-income earners. Lack of housing has caused increased housing costs, particularly for renters. To streamline and increase the production of housing units, several laws have been passed to increase the availability of ADUs and JADUs, which the State has deemed "an essential component of California's housing supply." (Gov. Code Section 66310(h)). ADUs typically cost less to construct than other types of housing, largely because they do not require paying for land or certain major new infrastructure. Additionally, ADUs can "provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below-market prices within existing neighborhoods." (Gov. Code Section 66310(b)). The City's Housing Element identifies ADUs as an integral housing type for meeting the Regional Housing Needs Allocation.

Pursuant to California Government Code Section 66316, local ordinances that fail to meet the requirements of State ADU/JADU Laws may be considered null and void in their entirety, and the local jurisdiction will thereafter be limited to only applying State Law standards without local refinements to all local ADU and JADU developments projects. The proposed municipal code update would provide updated City procedures and development standards for ADUs and JADUs and ensure that the development standards are consistent with current State Law. Furthermore, the proposed ADU/JADU regulations will help maintain as much local control as permitted under the laws.

Past Actions

The City's ADU ordinance was most recently updated in February 2020 through an urgency ordinance (MCA-2019-70990) which included larger ADUs, reduced parking requirements, reduced impact fees, and provided a shorter review time.

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On September 28, 2022, the Governor signed Assembly Bill (AB) 2221 and Senate Bill (SB) 897, amending state accessory dwelling unit (ADU) law. Both bills became effective January 1, 2023. The new and clarified regulations have been incorporated into the proposed ordinance update (Attachment #2) and are discussed in more detail below in this staff report.

6th Cycle 2021-2029 Housing Element

The 2021-2029 Housing Element was adopted by City Council on December 5, 2023, and certified by the California Department of Housing and Community Development (HCD) on May 29, 2024. The Housing Element includes six implementation items as part of Program #3 (Accessory Dwelling Units) to identify incentives and tools to better facilitate ADU construction. This amendment focuses on completing item #5 and staff is working to complete the other items, including developing incentives to facilitate ADU construction incentives in exchange for affordability covenants, updating the ADU permit application to inform applicants of income requirements, providing resources on the City's website, exploring potential funding opportunities, and obtaining pre-approved site and floor plans for applicants.

SUMMARY OF PROPOSED AMENDMENTS:

Due to the significant changes proposed to the existing Thousand Oaks Municipal Code section on ADUs (Sec. 9-4.2521), the draft ordinance is presented without tracked changes and recommended to replace the existing Municipal Code section in its entirety. The new ADU ordinance is proposed to be relocated from its current section and established as a standalone article (Article 45 Sections 9-4.4501 - 9-4.4513. For reference, Attachment #3 includes a redlined version of all other related code sections.

Senate Bill (SB) 897 and Assembly Bill (AB) 221 were signed into law and effective as of January 1, 2023. AB 221 redefined height restrictions and clarified that an 800 square foot (sq. ft.) ADU can be constructed in the front setback and allows applicants to apply simultaneously for multi-family projects and ADUs/JADUs. SB 897 permits homeowners to develop ADUs even if unpermitted work exists on the property and specifies if a proposed JADU does not include a bathroom, an internal connection to the primary dwelling must be provided. The proposed ordinance will amend several sections of the zoning code to align these changes to state ADU law (Attachment #4).

The following table outlines the specific amendments made by AB 2221 and SB 897 to state law and highlights the corresponding update to the zoning code. Table 1 below provides a detailed summary of these changes for reference.

Table 1: Current and Proposed Text Regulations

Item	Current Ordinance (Sec. 9-4.2521)	State Law	Proposed Change
Interior Entry	Does not elaborate on the options for JADUs to either be separated or have an internal connection to provide sanitation facilities.	If a permitted JADU does not include a separate bathroom, an interior entry to the primary dwelling shall be provided. (Gov Code Sec. 66333(e)(2))	Proposed Sec.9-4-4506 to require an interior connection between a JADU and the primary unit when sanitation facilities shared.
Front Yard Setbacks	Ordinance is silent on front yard setback requirement and defers requirement to underlying zoning district	Any setback requirement cannot preclude the allowance of an 800 sq. ft. ADU (Gov Code Sec. 66321(b)(3))	Proposed Sec. 9-4.4504 includes preclusions of minimum unit development as required in state ADU law
Maximum Height	Allows the same height as the primary dwelling for attached ADUs and JADUs and 16 ft for detached ADUs.	<ul style="list-style-type: none"> Attached ADU shall be permitted up to 25 ft in height or as high as primary residence, whichever is lower. (Gov Code Sec. 66321(b)(4)(D)) Detached ADU: within a half-mile of transit shall be 	Proposed Sec 9-4.4506 incorporates the height allowances as detailed in State ADU Law for attached and detached ADUs and JADUs.

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Item	Current Ordinance (Sec. 9-4.2521)	State Law	Proposed Change
		permitted up to 18 ft in height, and up to 20 ft if necessary to match the roof pitch of the primary residence. If not within one-half mile of transit, the allowable height is 16 ft. (Gov Code Sec. 66321(b)(4)(A-C))	
Maximum Unit Size-Attached	Limits the size of attached ADUs to 50% of the primary residence, or 800 sq. ft. whichever is less.	Increases the allowance of attached ADUs to 850 sq. ft. or 50% of the square footage of the primary residence. (Gov Code Sec. 66321(b)(2)(A))	Proposed Sec.9-4506 allows for an attached ADU to be 850 sq. ft. or 50% of the primary residence (whichever is greater).
Parking Exemptions	Code is silent regarding proposed dwellings and parking requirements.	Prohibited from imposing any parking standards on an accessory dwelling unit that is included in an application to create a new single-family dwelling unit or a new multifamily dwelling on the	Proposed Sec 9-4.4508 clarifies that proposed and existing primary dwellings are both reviewed the same for parking requirements.

Item	Current Ordinance (Sec. 9-4.2521)	State Law	Proposed Change
		same lot, provided that the ADU meets other specified requirements. (Gov Code Sec. 66322(a)(3))	
Non-habitable Space	Code is silent on the conversion of non-habitable structures to ADUs and JADUs.	Non-habitable space within the primary dwelling structure, such as an attached garage, are considered part of the proposed or existing single-family residence for purposed of JADU construction. JADUs are limited to one per residential lot with a single-family residence. Lots with multiple detached single-family residences are not eligible to have ADUs. (Gov Code Sec. 66333(d))	Proposed Sec. 9-4506 clearly states that garage spaces are considered within the walls of the primary residence and can therefore be converted into ADUs and JADUs.

The following section provides more details of the proposed text changes necessary to adhere to current state law.

JADU – Interior Entry – In instances where a JADU shares a sanitation facility with the primary residence, new state law requires the JADU to have an interior entry to the primary residence’s main living area. While not expressly stated in the City’s

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regulations, the City has been requiring an interior entry or connection between the primary residence and JADU when a sanitation facility is shared as part of the permit review process. Section 9-4.4506 is drafted to explicitly require an interior connection when sanitation facilities will be shared. The proposed amendment will make the local ordinance consistent with changes to state law but will not result in substantive changes in the review process.

Front Yard Setback – New state law continues to allow agencies to impose a front yard setback unless it would preclude an ADU that is at least 800 sq. ft. in size, with four-foot side and rear yard setbacks. The previous state law included similar provisions for other development standards such as lot coverage, building separation criteria, and open-space requirements. To maintain consistency with state law, the ordinance would allow encroachment into the required front yard setback in the amount necessary to permit an ADU up to 800 sq. ft. in size.

Maximum Height – New state law requires that local agencies permit taller ADUs under certain circumstances. For example, detached ADUs located within one half-mile of a major transit stop or high-quality transit corridor may be up to 18 feet in height and up to 20 feet if necessary to match the roof pitch of the ADU to that of the main house.

Maximum Unit Size – The current regulations limit attached ADUs to 50 percent of the primary residence's size, not exceeding 850 sq. ft. The proposed ordinance would continue to utilize a percent of the primary dwelling as a maximum unit size for the attached ADUs, but only if it does not restrict the ability to construct an ADU of at least 850 sq. ft. in size. The amendments will expressly permit exceeding the 50 percent size limit for attached ADUs to allow a unit of at least 850 sq. ft. in size.

Parking Exemptions – The current regulations are silent on parking requirements for proposed primary dwellings that include ADUs and/or JADUs with the project proposal. State law updates include a new parking exemption that clarifies that existing and proposed dwellings are viewed the same for parking exemption requirements. It requires that all parking exemptions apply to ADUs being proposed as part of a new single-family or a new multifamily residence on the same lot.

Non-habitable Space – The amendments include updates to Section 9-4.4506 specify that non-habitable spaces attached to or within the primary residence, including attached garages, are considered part of the proposed or existing single-family residence, consistent with new state law.

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Application Processes

The most significant change in the State Law updates is that there is a clear distinction between an ADU/JADU application that follows a streamlined process and one that is reviewed according to the jurisdiction's ordinance as shown in Table 2, below.

1. Streamlined State Process

- This process has specific limitations on square footage and height, ensuring that applications meet streamlined criteria.
- Projects under this process do not need to follow the city's objective design guidelines or development standards.
- It offers a faster, less restrictive approval path for homeowners who meet the streamlined criteria.

2. City's Application Process

- If homeowners opt for this path, their projects must adhere to objective design standards, as detailed in the city's ordinance (Attachment #2).
- In return for meeting these stricter guidelines, homeowners are granted more flexibility in certain aspects of their projects, including additional square footage and height.
- Staff sees this as a way to ensure that new ADUs/JADUs contribute positively to the architectural character of neighborhoods.

Table 2 – City Process and State Process Regulations

	Standards for City Process			Standards for State Streamlined Process		
	Detached ADU	Attached ADU (New or Conversion)	JADU	Detached ADU	Conversion ADU (existing space)	JADU
Maximum Height	16 ft or 18ft (with pitched roof)	25ft or zoning designation	25ft or zoning designation	16 ft or 18ft (with pitched roof)	16 or 18ft (with pitched roof)	16 or 18ft (with pitched roof)
Maximum Size	1,000 sq. ft. or 1,200 sq. ft. (lots one acre or more)	850 sq. ft. or 50% primary dwelling	500 sq. ft.	800 sq. ft.	850 sq. ft. or 50% primary dwelling	500 sq. ft.

Currently, the ADU ordinance permits up to 1,000 sq. ft. for a detached ADU. The proposed update increases this limit to 1,200 sq. ft. for lots that are one acre or larger. Additionally, the height allowance, which currently matches that of the

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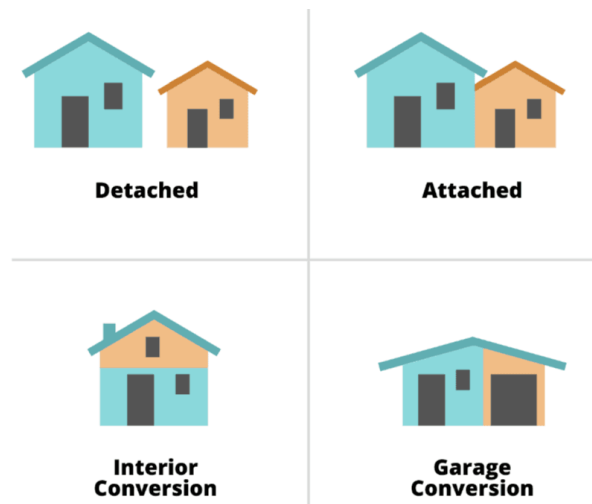
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primary dwelling, will permit a maximum of 25 feet or the zoning designation's limit, whichever is less. This change accommodates the construction of second-story ADUs and JADUs.

As illustrated in the figure below, there are multiple ways to construct an ADU and/or JADU. Existing residences can accommodate ADUs through garage conversions, attaching a new ADU to an existing home, or retrofitting an existing home. Other possibilities include constructing new detached units or converting existing detached accessory structures.

Figure 1 - Types of ADUs



The following section outlines the proposed changes to conform with state law while establishing objective design standards for the various ADU and JADU applications submitted to the City.

JADUs

- The maximum size is 500 sq. ft., and the minimum size is the same as the efficiency unit (220 sq. ft.). (*Government Code Section 66313(d)*)
- An efficiency kitchen with a cooking facility, appliances, food preparation counter, and storage cabinets is required. (*Government Code Section 66333(f)*)
- Sanitation facilities may be separate from or shared with the primary dwelling. (*Government Code Section 66313*)

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ADUs (conversion/attached)

- The maximum size has increased from the previous allowed 800 sq. ft. to 850 sq. ft. or 50% of the existing primary dwelling total floor area, whichever is greater. (*Government Code Section 66321 (b)(2)(A)*)
- The maximum height allowance is 25 ft., or the height limit of the current zoning designation, whichever is lower. (*Government Code Section 66321(b)(4)(D)*)
- A full kitchen and sanitation facilities are required and must be separate from the primary dwelling. (*Government Code Section 66313*)
- Attached and converted ADUs must share a minimum of 10 ft. of the wall of the main single-family home. No internal connection is permitted.

Detached ADUs

- The maximum size is 850 sq. ft. for a studio, 1,000 sq. ft. for a one bedroom or more, and 1,200 sq. ft. for two bedrooms or more on a lot that is equal to or greater than one acre in gross sq. ft. (*Government Code Section 66314(d)(5)*)
- The maximum height is 16 ft. and can be increased to 18 ft. if the ADU is within one-half of a mile walking distance for a major transit stop. The maximum height can also be increased by two (2) feet to accommodate a roof pitch that is aligned with that of the primary dwelling. (*Government Code Section 66321(b)(4)(B)*)
- Detached ADUs must be separated from a single-family dwelling by a minimum of six (6) ft. and cannot be attached by a breezeway or similar structure. (*This is consistent with building structures separation requirements in the California Building Code*).

Accessory Structures

- No accessory structure such as a studio, pool house, or workshop shall be attached to a detached ADU unless the combined total floor area of the accessory structure and ADU does not exceed the allowable size of the ADU. (*Government Code Section 66314 (d)(3)*)
- Where a detached ADU is proposed with an attached garage, the garage portion shall be no larger than 400 sq. ft. (*This is consistent with TOMC Section 9-4.2404*)
- The size of any attached patio cover or trellis will be limited to ten percent of the square footage of the proposed ADU.
- An ADU attached to an accessory structure shall not have internal access to the accessory structure.

Objective Design Standards

As mentioned above, the allowance of objective design standards is new to the State's ADU law as of 2024. While discretionary processes and separate design reviews cannot be required, these objectives design standards will ensure better design and cohesive connectivity in the City's residential neighborhoods through the ministerial application process. The following Objective Design Standards are included in the ordinance:

Design and Features

- The materials and colors of exterior walls, roof, eaves, windows, and doors of an attached or converted ADU and or JADU must match those of the primary dwelling.
- The roof slope of an attached or converted ADU and or JADU must match the dominant roof slope of the primary dwelling.
- A newly constructed detached ADU must incorporate a minimum of one material and one color from the existing or proposed primary dwelling.
- All ADU and/or JADU windows that are constructed within 10 feet of an adjoining residential property shall only contain privacy glass (minimum of 50% transparency) to screen views directly into adjoining residential properties.
- Skylights are permitted on roofs above 10 vertical feet of the first-floor wall plane. Skylights must be flat and not domed.
- Roof-top decks above ADUs and/or JADUs are prohibited.
- No roof-mounted mechanical equipment shall be allowed on ADUs or JADUs and ground-mounted equipment shall be located outside the ADU's 4-foot minimum side and rear yard setbacks.

Exterior Ingress/Egress

- All ADUs and JADUs must have an independent exterior entrance separate from the primary dwelling.
- Separate exterior access shall be provided on a different wall face than the primary residence's entry door.

Second Story ADUs and JADUs

- Exterior stairs are not permitted. Stairs or elevator must be interior and meet set back requirements.
- The colors and material of all building walls must be the same as the primary dwelling unit.
- The color, slope, style, and material of the roof must be the same as the primary dwelling unit.

- To avoid blank facades for second story conversions or second story additions for the purpose of creating an ADU or JADU, one or more the following must be incorporated:
 - A minimum of one foot offset for any wall plane that exceeds twenty feet in length.
 - Windows or door opening that covers at least ten percent of the façade and match the color and style of the primary dwelling.
 - Landscaping or privacy glass must be installed to prevent a direct line of sight from the ADU windows to a contiguous developed residential property.
 - Architectural details which provide visual interest such as awnings, ornamental light fixtures, window shutters, columns, cornices, moldings trellises etc.

Driveway Access

- An ADU/JADU must be served by the same driveway access to the street as the existing primary dwelling unit unless the ADU/JADU has access from a public alley contiguous to the lot or is located on a corner lot for which secondary vehicular access is already permitted.
- The driveway may only be removed if it is replaced with landscaping or open space, and the curb cut and driveway apron are removed and replaced with a curb and gutter which meet city standards.

Required Walkway Separation

- Pedestrian walkways are required to be provided from the street or sidewalk to the entrance of the ADU and/or JADU.

It should be noted that per Government Code Section 66333(d) a permitted JADU is “to be constructed within the walls of the proposed or existing single-family residence. For purposes of this subdivision, enclosed uses within the residence, such as attached garages, are considered a part of the proposed or existing single-family residence.” With this new updated language staff includes the following objective design standards for such conversions.

Conversion of a Garage to ADU/JADU

- The garage door shall be removed, and window(s) shall be installed in its place incorporating the window style and architectural elements found on the primary dwelling.
- The installation of a new wall shall include at least ten (10) percent of the façade with doors and/or windows.
- Street facing garage conversions shall provide a minimum of three (3) feet landscaping directly in front of the converted garage wall, except for where an entrance is proposed.

Definitions

The following definitions have been added or revised to the TOMC Sec. 9-4.202 (Attachment #2) to comply with State Law and to better assist applicants and staff when applying the code.

“Accessory Structure” shall mean a structure that is accessory and incidental to a dwelling located on the same lot.

“Attached ADU” shall mean an ADU that shares at least one common wall with the primary dwelling unit at least ten feet in length; and is not fully contained within the existing space of the primary dwelling unit.

“Detached ADU” shall mean an ADU that does not share a common wall with the primary dwelling unit and is not an internal ADU.

“Conversion ADU” shall mean an ADU that is created within existing space, including a portion of a primary dwelling unit or existing non habitable space in an existing primary or accessory structure.

“Internal ADU” shall mean an ADU that is fully contained within the existing space of the primary dwelling unit or an accessory structure.

“Junior Accessory Dwelling Unit” shall mean a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.

“Total Floor Area” shall have the same definition as “building area” as set forth in Title 24 Part 2, Chapter 2 of the California Building Code, as may be amended, which states: “The area included within surrounding exterior walls, or exterior walls and fire walls, exclusive of vent shafts and courts. Areas of the building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.”

GENERAL PLAN CONSISTENCY:

As noted earlier in this staff report, updating the ADU Ordinance is necessary to implement Program 3 of the Housing Element. Additionally, the General Plan includes goals and policies that support the promotion of ADUs in the City. Specifically, Goal LU-3 advocates for diverse housing types and housing for different life stages and incomes. The construction of ADUs supports the

availability of affordable housing for all age groups and low- and middle-income families. Therefore, the adoption of the updated ADU ordinance is consistent with the General Plan.

ENVIRONMENTAL REVIEW:

Pursuant to Section 21080.17 of the Public Resources Code, the adoption of an ordinance regarding second units in a single-family or multifamily residential zone to implement the provisions of California Government Code Section 66310 et seq. (formerly section 65852.2) is exempt from the requirements of the California Environmental Quality Act (CEQA) (See also California Code of Regulations Section 15282(h) "Other Statutory Exemptions"). Recommendation and eventual adoption of the proposed ordinance implements state regulations regarding second units (ADUs and JADUs) in residential zones, and is, therefore exempt from CEQA.

PUBLIC CORRESPONDENCE

Staff has not received public comments related to this municipal code amendment.

CONCLUSION:

The proposed updates to the ADU Ordinance address inconsistencies between the City's local ADU/JADU development standards and the amended state ADU/JADU laws. Moreover, updating the ADU ordinance is essential for maintaining the City's Housing Element certification with the California Department of Housing and Community Development (HCD). The proposed ordinance update will support responsible development of new housing units, creating additional housing opportunities and diverse building types. This will help the City meet its City's Regional Housing Needs Allocation (RHNA) while establishing development standards that preserve and protect the character of existing residential neighborhoods and maintain as much local control as permitted under the law.

PREPARED BY: Angela Georgeff, Associate Planner

Attachments:

- Attachment #1 – Resolution
- Attachment #2 – Municipal Code Amendment Ordinance
- Attachment #3 – Municipal Code Amendment with track changes
- Attachment #4 – Government Code Sections 66310-66313

ATTACHMENT #1 & #2
(To the PC Packet of 9/9/2024)

To avoid duplication, Attachment #1 and #2, the Planning Commission Resolution and the Draft Municipal Code Amendment Ordinance, are being replaced with the final, signed Planning Commission Resolution and it's Exhibit, the Draft Municipal Code Amendment Ordinance here.

CITY OF THOUSAND OAKS

PLANNING COMMISSION

RESOLUTION NO. 12-2024 PC

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF THOUSAND OAKS
RECOMMENDING APPROVAL OF A MUNICIPAL
CODE AMENDMENT TO UPDATE THE CITY'S
REGULATIONS RELATING TO ACCESSORY
DWELLING UNITS (ADU) BY REMOVING ARTICLE
25 SECTION 9-4.2521 FROM THE THOUSAND
OAKS MUNICIPAL CODE AND ADDING ARTICLE 45
TITLED ACCESSORY DWELLING UNITS

Applications: MCA 2023-70005

Applicant: City of Thousand Oaks

Location: Citywide

SECTION 1

The Planning Commission of the City of Thousand Oaks, California DOES
RESOLVE AS FOLLOWS:

WHEREAS, on December 5, 2023, the City of Thousand Oaks City Council adopted the revised 6th Cycle Housing Element (2021-2029), which includes Goals and Policies to promote the diversity of housing for different life stages and incomes;

WHEREAS, the City's Housing Element Program 3 requires a Municipal Code Amendment to update the accessory dwelling unit (ADU) Ordinance;

WHEREAS, the City of Thousand Oaks City Council adopted Resolution No. 2023-053 initiating a Municipal Code Amendment (MCA) to update the ADU Ordinance;

WHEREAS, the State has identified housing shortage as an issue of statewide significance, and the California legislature has enacted a series of laws to streamline housing production;

WHEREAS, California Government Code Section 66314 authorizes cities to provide for the creation and regulation of accessory dwelling units and junior accessory dwelling units; and

WHEREAS, in 2022, the California Legislature approved, and the Governor signed into law Assembly Bill 2221 and Senate Bill 897, both of which amended Government Code Section 66310 et seq. (formerly Section 65852.2), the primary provision of State ADU law; and

WHEREAS, if a local ordinance does not comply with State ADU Law, it is rendered null and void; and

WHEREAS, on March 26, 2024, Senate Bill 477 was signed into law by the Governor to make state law governing ADUs and JADUs easier to read and navigate by consolidating numerous regulations into one chapter. As a result of these organization changes, reference to state ADU statutes in local ADU ordinances became outdated and incorrect: and

WHEREAS, the Planning Commission finds that the proposed amendment to the municipal code is exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to, without limitations, each on a separate and independent basis, CEQA Guidelines: (1) Section 15061 (Review for Exemption) in that it can be seen with certainty that there is no possibility that the proposed amendments will have the potential for causing a significant effect on the environment, (2) Section 15183 (Projects Consistent with a Community Plan in that the proposed amendments are consistent with the policies in the City's General Plan, for which and Environmental Impact Report (EIR) [SCH #2022060087] was certified, and existing zoning. The proposed amendments do not involve peculiar impacts that were not previously analyzed or discussed as significant effects in prior EIR on the general plan and zoning with which the project is consistent, there are no previously identified significant effects that are substantially more severe than analyzed in the prior EIR or cannot be substantially mitigated by the imposition of uniformly applied development policies or standards applied on a citywide basis. The proposed amendment is also necessary to conform with state law. Any conceivable impact of the proposed amendments

would be speculative absent of a specific development project (3) Section 15282(h) (ADU Ordinance Statutory Exemption) in that the proposed amendments involve the adoption of an ordinance regarding second units (i.e., accessory dwelling units) in a single-family or multi-family residential zone by a city or county to implement the provisions of Government Code Sections Section 66310 et seq. (formerly section 65852.2) as set forth in the Public Resources Code Section 21080.17; and (4) Section 15378 (Project) in that the proposed amendments are an organization or administrative activity that will not result in direct or indirect physical changes in the environment; and

WHEREAS, the Planning Commission, upon giving the required notice, did, on the 9th day of September 2024, conduct a duly-advertised public hearing as prescribed by law to consider said Amendments; and

WHEREAS, at the September 9, 2024, Planning Commission public hearing, oral and written evidence, including a staff report, were presented and received, and arguments were heard from all interested parties appearing in the matter.

NOW, THEREFORE, BE IT RESOLVED that said MCA-2023-70005 is recommended to City Council for approval.

SECTION 2

WHEREAS, the findings of the Planning Commission for recommending approval of said Municipal Code Amendment application MCA 2023-70005 are as follows:

1. *"The project is consistent with the Thousand Oaks General Plan and any applicable specific plan or redevelopment plan" per TOMC Sec. 9-4.2803(c)(1).*

The proposed Municipal Code Amendment (MCA) is consistent with the following Goals and Policies of the General Plan 2045 and Goal 1 and Program 3 of the 2021-2029 Housing Element. The promotion of ADUs will contribute towards the production of a wide range of housing opportunities for persons of all income levels in the community and contribute to the City's Regional Housing Needs Assessment allocation.

General Plan 2045

Goal LU-3: *Promote a diversity of housing types for Thousand Oaks residents through all stages of life.*

- **Policy 3.1 Diversity of housing.** *Promote a diversity of housing types in locations throughout the City, specifically in neighborhood areas that contain goods and services, parks and open space, and public schools in a walkable setting.*
- **Policy 3.2 Housing for different life stages and incomes.** *Encourage new housing types for all residents including young professionals, older adults, and middle-and low-income families.*

2021-2029 Housing Element

Goal 1: *Provide a wide range of housing opportunities for persons of all income levels.*

Program 3: Accessory Dwelling Units (ADUs)

Objectives and Timeframe

- *Amend the ADU Ordinance in 2023 to address comments from the State HCD.*

Therefore, the proposed MCA is consistent with City's adopted General Plan 2045 and 2021-2029 Housing Element and is necessary to maintain certification of the City's 2021-2029 Housing Element.

2. *"The project complies with all applicable laws, regulations, and policies, including the Thousand Oaks Municipal Code" per TOMC Sec. 9-4.2803(c)(2).*

The proposed MCA complies with all applicable laws, regulations, and policies as the project consists of regulatory amendments to update the ADU Ordinance to comply with California Government Codes, create consistency between the General Plan Policy and the Municipal Code, and comply with Housing Element Law. Therefore, the proposed MCA is consistent with all applicable laws, regulations, and policies and meets this finding.

3. *“The project will not be detrimental to the public health, safety or general welfare” per TOMC Sec. 9-4.2803(c)(3).*

The proposed MCA updates the City’s ADU Ordinance. There is no development proposed as part of this Municipal Code Amendment. Any new construction or major alteration/addition that would be subject to this Ordinance is required to undergo its own separate review, as part of the City’s Development Permit process. Therefore, the proposed code amendment will not be detrimental to the public health, safety, or general welfare and meets this finding.

4. *“The project has been reviewed in conformance with the provisions of the California Environmental Quality Act” per TOMC Sec. 9-4.2803(4).*

The project has been reviewed in conformance with the provisions of the California Environmental Quality Act (CEQA) and is exempt pursuant to, without limitations, each on a separate and independent basis, CEQA Guidelines: (1) Section 15061 (Review for Exemption) in that it can be seen with certainty that there is no possibility that the proposed amendments will have the potential for causing a significant effect on the environment, (2) Section 15183 (Projects Consistent with a Community Plan in that the proposed amendments are consistent with the policies in the City’s General Plan, for which and Environmental Impact Report (EIR) [SCH #2022060087] was certified, and existing zoning. The proposed amendments do not involve peculiar impacts that were not previously analyzed or discussed as significant effects in prior EIR on the general plan and zoning with which the project is consistent, there are no previously identified significant effects that are substantially more severe than analyzed in the prior EIR or cannot be substantially mitigated by the imposition of uniformly applied development policies or standards applied on a citywide basis. The proposed amendment is also necessary to conform with state law. Any conceivable impact of the proposed amendments would be speculative absent of a specific development project (3) Section 15282(h) (ADU Ordinance Statutory Exemption) in that the proposed amendments involve the adoption of an ordinance regarding second units (i.e., accessory dwelling units) in a single-family or multi-family residential zone by a city or county to implement the provisions of Government Code Section 66310 et seq. (formerly Section 65852.2) as set forth in the Public Resources Code Section 21080.17; and (4) Section 15378 (Project) in that

the proposed amendments are an organization or administrative activity that will not result in direct or indirect physical changes in the environment. Therefore, the Ordinance is exempt from CEQA in that the proposed Ordinance implements these new laws enacted by State ADU Law.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that City Council approve the Municipal Code Amendment (MCA) 2023-70005 set forth and attached hereto and made a part hereof.

I HEREBY CERTIFY that the foregoing resolution reflects action taken by the Planning Commission of the City of Thousand Oaks at a regular meeting held on the 9th day of September 2024, by the following vote:

AYES: Commissioners Farris, McMahon, and Chair Lanson

NOES: None

ABSENT: Commissioners Tyler Ketelhut and Link

ABSTAIN: None


Don Lanson, Chair
Planning Commission
Fabiola Zelaya Melicher, Secretary
Planning Commission

EXHIBIT A

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THOUSAND OAKS AMENDING THE THOUSAND OAKS MUNICIPAL CODE RELATING TO THE REGULATION OF ACCESSORY DWELLING UNITS BY REMOVING SECTION 9-4.2521, AMENDING ARTICLE 25 SECTIONS 9-4.2509.5, 9-4.2501(a)(3), 9-4.2509(a), ARTICLE 22 SECTION 9-4.2202(a), ARTICLE 21 SECTION 9-4.2104, ARTICLE 24 SECTION 9-4.2402, ARTICLE 2 SECTION 9-4.202, AND ADDING ARTICLE 45 SECTIONS 9-4.4501 THROUGH 9-4.4513 (MCA-2023-70005)

The City Council of the City of Thousand Oaks does hereby ordain as follows:

Part 1

Title 9, Chapter 4, Article 25, Section 9-4.2521 is hereby removed.

Part 2

Title 9, Chapter 4, Article 45, Accessory Dwelling Units is hereby added to the Thousand Oaks Municipal Code, to read as follows:

Article 45. Accessory Dwelling Units

Sec. 9-4.4501. Intent and Purpose.

- (a) The intent and purpose of this Article is to expand opportunities in the City to create additional housing, allow more efficient use of existing housing stock, and provide a range of housing opportunities through the creation of new accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) on lots in designated zones that already contain one established unit, or in conjunction with the construction of a new residential unit. It is the intent of this article to permit ADUs and JADUs, in conformance with state law, in designated zones subject to such local standards that will ensure the

units contribute to a suitable living environment for people of all ages and economic levels, while preserving the integrity and character of residential neighborhoods in a manner consistent with the City's General Plan.

Sec. 9-4.4502. Authority.

- (a) California Government Code Sections 66310-66342 allow local agencies to provide for the creation of ADUs and JADUs, respectively, in areas zoned for single-family and multi-family residential use. The City may designate areas for ADUs based on the adequacy of water and sewer services and the impact on traffic flow and public safety.
- (b) If a conflict is found between this Article and California Government Code Sections 66310-66342, California Government Code Sections 66310-66342, as it may be amended, shall prevail.

Sec. 9-4.4503. Applications and Approvals.

- (a) Except as provided in Sec. 9-4.4513, no ADU or JADU may be created without an ADU permit and a building permit. Whenever an ADU or JADU is proposed as a project, an application shall be submitted to the Community Development Department on a form provided by said department along with any necessary supporting information. An application for development of a ADU or JADU created pursuant to this Article will be reviewed ministerially, without discretionary review or a hearing, and approved if it meets all the requirements set forth in Sec. 9-4.4504 through Sec. 9-4.4508 (inclusive).
- (b) ADU and/or JADU applications must be ministerially approved or denied within 60 days from the date a complete application is submitted if there is an existing single- or multi-family dwelling on the lot, unless the applicant requests a delay, in which case the 60-day time period is tolled for the period of the delay. A denied application for an ADU and/or JADU shall include a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied.
- (c) If the permit application to create or serve an ADU and/or a JADU unit is submitted with a permit application to create a new single-family dwelling on the lot, the Community Development Department may delay approving or denying the permit application for the ADU and/or JADU until the Community Development Department approves or denies the permit application to create the new single-family dwelling, but the application to

create or serve the ADU and/or JADU shall be considered without discretionary review or hearing.

- (d) The City shall not deny an application for a permit to create an accessory dwelling unit due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the accessory dwelling unit.
- (e) A certificate of occupancy for an ADU or JADU may not be issued before issuance of a certificate of occupancy for the primary dwelling.
- (f) The permitting of an ADU and/or a JADU is subject to the California Building Code (CBC) and California Residential Code (CRC), except that the construction of an accessory dwelling unit shall not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code (Title 24 of the California Code of Regulations), unless the Building Official makes a written finding based on substantial evidence in the record that the construction of the accessory dwelling unit could have a specific, adverse impact on public health and safety.
- (g) Modifications to an approved ADU or JADU require a new permit, processed pursuant to this Section.

Sec. 9-4.4504. Preclusion of Minimum Unit Development.

- (a) Development created pursuant to this Article shall comply with the following standards and requirements so long as the application of such standards would not have the effect of physically precluding the construction of at least one ADU of at least 800 square feet of total floor area with four-foot side and rear yard setbacks, which is constructed in compliance with all other local development standards, per Government Code Section 66321, subdivision (b)(3).
- (b) If the application of the following standards would have the effect of physically precluding the minimum unit development described above in subdivision (a), such standard shall be waived only to the extent necessary

to allow construction of the affected unit(s) of a size no greater than 800 square feet in floor area.

Sec. 9-4.4505. Location and Number of ADUs.

(a) Single Family Zones

- (1) ADUs may be constructed on any lot in the R-A, R-E, R-O, R-1, RPD, TPD, or HPD zone that is improved with one existing or proposed primary dwelling unit, subject to the requirements of this Section.
- (2) Lots in the R-A, R-E, R-O, R-1, RPD, TPD, or HPD zone may have a maximum of one ADU and one ADU that is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas, or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling, including detached garages or detached from the primary dwelling unit.

(b) Multi-Family Zones

- (1) Lots in the R-2, R-3, RPD, and MU zone that contain an existing or proposed multifamily dwelling structure are allowed to have ADUs as permitted pursuant to Section 9-4.4513.

(c) Limits on Unit Location

- (1) No ADU shall be located within or encroach upon a natural slope steeper than 25%.
- (2) No ADU shall be placed in a location that would require an adjacent property owner to provide defensible space on the adjacent property pursuant to Section 4907 of the California Fire Code, as amended and adopted by the Ventura County Fire Protection District.
- (3) No ADU shall be placed in any area where structures are prohibited pursuant to a recorded deed restriction, parcel or final tract map.

Sec. 9-4.4506. Development Standards.

(a) Junior Accessory Dwelling Units

- (1) JADUs are to be constructed within the walls of the proposed or existing single-family residence including an attached garage.
- (2) The maximum size is 500 square feet of floor area, and the minimum size is the same as an efficiency dwelling unit.

- (3) The maximum height of the JADU is limited to the height of the existing structure in which the JADU is to be located.
 - (4) JADUs must include an efficiency kitchen, with a cooking facility with appliances and a food preparation counter and storage cabinets.
 - (5) Sanitation facilities may be separate from or shared with the primary dwelling. If the JADU does not include a separate bathroom, the JADU shall include an interior entry to the main living area.
- (b) Conversion Within or Attached to Primary Dwelling Accessory Dwelling Units
- (1) The maximum size is 850 square feet (1,000 sq. ft. for a unit that provides more than one bedroom) or 50% of the existing primary dwelling's total floor area, whichever is greater. The minimum size is the same as an efficiency dwelling.
 - (2) The side and rear setbacks are 4 feet from the property line for new enclosed square footage for the attached ADU. The front setback is the same as required for the primary dwelling.
 - (3) The maximum height is 25 feet, or the height limitation as detailed in Sec. 9-4.2501 that applies to the primary dwelling, whichever is lower.
 - (4) A full kitchen and sanitation facilities are required and must be separate from the primary dwelling.
 - (5) Attached and converted ADUs must share a minimum of 10 feet of the wall of the main single-family home. No internal connection is permitted.
- (c) Detached Accessory Dwelling Units
- (1) The maximum size of detached ADUs is 850 square feet for a studio, 1,000 square feet for a one bedroom or more, and 1,200 square feet for two bedrooms or more on a lot that is equal to or greater than one acre in gross square feet.
 - (2) The side and rear setbacks are 4 feet from the property line. The front setback is the same as required for the primary dwelling.
 - (3) The maximum height is 16 feet.
 - (4) The maximum height can be increased to 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family dwelling unit that is within one-half mile walking distance from a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code.

- (5) The maximum height can be increased by two (2) feet to accommodate a roof pitch that is aligned with the roof pitch of the primary dwelling unit.
- (6) The maximum height for a detached ADU on a lot with an existing or proposed multifamily unit is 18 feet.
- (7) Detached ADUs may not be attached to the existing single-family dwelling or multi-family unit by breezeways or any similar structure and must be separated from any proposed or existing structure by a minimum of six feet as measured from the face of wall to the nearest face of wall.

(d) Accessory Structures

- (1) No accessory structure shall be attached to a detached ADU unless the combined total floor area of the accessory structure and ADU does not exceed the allowable size of the ADU.
- (2) Where a detached ADU is proposed with an attached garage, the garage portion shall be no larger than 400 square feet.
- (3) The size of any proposed patio cover(s) and/or covered porch(s) will be cumulatively limited to ten (10) percent of the square footage of the proposed ADU. The patio cover and/or covered porch square footage is not to be included in the total floor area calculation in Section 9-4.4505(d)(1).
- (4) An ADU attached to an accessory structure shall not have internal access to the accessory structure.

(e) Conversion of Existing Structures

- (1) A portion of an existing legally established single-family dwelling, or all or a portion of an accessory structure, may be converted to an ADU, even if such structure does not comply with the otherwise applicable height and setback requirements.
- (2) An accessory structure may be demolished and reconstructed in the same location and to the same dimensions and may be fully or partially converted to a detached ADU, even if such structure does not comply with the otherwise applicable height and setback requirements.
- (3) An accessory structure, including a demolished and reconstructed structure, that is being fully or partially converted to a detached ADU, may be expanded by up to 150 square feet to accommodate ingress and egress, so long as such expansion does not increase a nonconformity

of the structure. Any new construction proposed for ingress/egress must be setback from the side and rear yards at least four (4) feet and have a maximum height that matches the accessory structure or 16 feet, whichever is less.

- (4) Attached JADUs and ADUs converted from the existing primary dwelling can add 150 sq. ft. for the purpose of ingress and egress not to exceed the square footage allowance. Any new construction proposed for the purposes of ingress/egress must be setback from the side and rear yards at least four (4) feet and have a maximum height that matches the existing structure or 16 feet, whichever is less.
- (5) Where an attached garage that provides the required parking for a primary dwelling is partially converted to an ADU, the remaining space shall continue to be utilized for parking if physically feasible. If it is not feasible for the remaining space to be used for parking, the remaining space shall be utilized for storage or similar non-habitable use for the primary dwelling.

Sec. 9-4.4507. Objective Design Standards.

(a) Design and Features

- (1) The materials and colors of exterior walls, roof, eaves, windows, and doors of an attached or converted ADU must match those of the primary dwelling.
- (2) The roof slope of an ADU must match the dominant roof slope of the primary dwelling. The dominant roof slope is the slope shared by the largest portion of the roof as measured by the footprint of the roofed area and not the face of the roof. If a structure has multiple equal dominant roof slopes as measured by the footprint of the roofed area, the dominant slope closest to the public-right-of-way shall be followed.
- (3) A newly constructed detached ADU must incorporate a minimum of one material and one color from the existing or proposed primary dwelling unit.
- (4) All ADU and/or JADU windows that are constructed within 10 feet of an adjoining residential property shall only contain privacy glass (minimum of 50% transparency) to screen views directly into adjoining residential properties.
- (5) Skylights are permitted on roofs above 10 vertical feet of the first-floor wall plane. Skylights must be flat and not domed.

- (6) Roof-top decks above ADUs and/or JADUs are prohibited.
 - (7) No roof-mounted mechanical equipment shall be allowed on ADUs or JADUs. All ground-mounted mechanical equipment shall be located outside the 4-foot side and rear yard setbacks.
- (b) Exterior Ingress/Egress
- (1) All ADUs and JADUs must have an independent exterior entrance separate from the primary dwelling.
 - (2) Separate exterior access for attached ADUs and/or JADUs shall be provided on a different wall face than the primary residence's entry door.
- (c) Second Story ADU(s) and JADU(s)
- (1) Exterior stairs are not permitted. Stairs or elevator must be interior and meet four (4) foot side and rear setbacks, with an overhang of one (1) foot or less.
 - (2) The colors and material of all building walls must be the same as the primary dwelling unit.
 - (3) The color, slope, style, and material of the roof must be the same as the primary dwelling unit.
 - (4) ADUs and JADUs that are newly constructed (not converted from existing square footage) shall be set back a minimum of two feet from the existing first floor wall plane.
 - (5) To avoid blank facades for second story conversions and additions for the purpose of creating an ADU or JADU, ADUs and JADUs shall incorporate at least two of the following standards:
 - (i) A minimum one (1) foot offset for any wall plane that exceeds twenty (20) feet in length.
 - (ii) Windows or door openings that cover at least ten (10) percent of the facade and match the color and style of the primary dwelling.
 - (iii) Landscaping or privacy glass must be installed to prevent a direct line of sight from the ADU windows to a contiguous developed residential property.
 - (iv) Architectural details which provide visual interest such as awnings, ornamental light fixtures, window shutters, columns, cornices, moldings, trellises etc. Window shutters if used must be proportionately sized to the height and width of the window.

(d) Driveway Access

- (1) An ADU/JADU must be served by the same driveway access to the street as the existing primary dwelling unit unless the ADU has access from a public alley contiguous to the lot or is located on a corner lot for which secondary vehicular access is already permitted.
- (2) The driveway may only be removed if it is replaced with landscaping or open space, and the curb cut, and driveway apron are removed and replaced with a curb and gutter which meet city standards.

(e) Required Walkway Separation

- (1) Pedestrian walkways are required to provide access from the right of way to the entrance of the ADU and/or JADU, if not already provided.

(f) Conversion of a Garage to ADU/JADU

- (1) The garage door shall be removed, and window(s) shall be installed in its place incorporating the window style and architectural elements found on the primary dwelling.
- (2) The installation of a new wall shall include at least ten (10) percent of the façade with doors and/or windows.
- (3) Street facing garage conversions shall provide a minimum of three (3) feet landscaping directly in front of the converted garage wall, except for where an entrance is proposed.

(g) Development within a Protected Ridgeline Area

- (1) ADUs proposed on properties that are located within the Protected Ridgeline Overlay zone are subject to the following objective standards:
 - i. No new structure or addition to an existing structure shall be placed or constructed, no grading shall occur and, except as to meet fire clearance requirements, no native vegetation shall be removed within three hundred (300') feet horizontally or one hundred (100') feet vertically of the crest of a protected ridgeline unless the construction of the minimum allowed two units of 800 square feet or less is precluded, in which case the development must be sited at the lowest possible elevation.

(h) Tree Protection

- (1) No ADU created pursuant to this Article shall be constructed, or require grading at the time of construction, within the protected zone (as defined by Sec. 9-4.4202 and 9-4.4302) of a protected tree unless the construction of the minimum of 800 square feet or less is precluded, in which case the protected tree may be encroached upon or removed if replaced onsite per the recommendations of a City Arborist, on a 1:1 basis, with a thirty-six (36") inch box Quercus agrifolia Live Oak or Quercus lobato Valley Oak. If the replacement tree(s) is unable to be successfully sited onsite, an in-lieu fee will be required per Resolution 2010-014, as may be amended.

Sec. 9-4.4508. Parking.

- (a) One (1) off-street parking space shall be provided for an ADU, in addition to the parking required for the primary residence. ADU parking spaces may be covered or uncovered, may be located in any setback area, and may be tandem in a driveway.
- (b) ADU parking spaces are required in addition to those required for the primary dwelling on the lot. Provided however that when a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an ADU, those parking spaces are not required to be replaced.
- (c) The parking in subsection (a) above is not required for an ADU in any of the following instances:
 - (1) The ADU is located within one-half mile walking distance of public transit.
 - (2) The ADU is located within an architecturally and historically significant historic district.
 - (3) The ADU is part of the proposed or existing primary dwelling or an accessory structure and/or is created from the conversion or reconstruction of an existing structure.
 - (4) On-street parking permits are required but not offered to the occupant of the ADU.
 - (5) There is a car share vehicle located within one block of the ADU.

- (6) When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the accessory dwelling unit or the parcel satisfies any other criteria listed in this section.

Sec. 9-4.4509. Fire Sprinklers and Utilities.

- (a) Fire sprinklers are not required for the proposed ADU/JADU(s) if they are not required for the primary dwelling. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.
- (b) New or separate utility connections from the primary dwelling is required for ADUs, except for ADUs created from the conversion or reconstruction of an existing structure.
- (c) ADUs utilizing an existing or proposed new onsite wastewater treatment system, must demonstrate adequate septic feasibility to the satisfaction of, and permitted by, the California State Water Resources Control Board prior to building permit issuance. Properties to be connected to an onsite wastewater treatment system shall submit an application for a new onsite wastewater treatment system concurrently with the application for Accessory Dwelling Unit Development. Construction of all wastewater treatment systems shall be permitted by the City and comply with the current plumbing and building code standards.

Sec. 9-4.4510. Occupancy and Conveyance.

- (a) An ADU and/or JADU may be rented separately from the primary dwelling but may not be sold or otherwise conveyed separately from the primary dwelling except as provided in Government Code Section 66341.
- (b) An ADU and/or JADU may not be rented for a period of less than 30 consecutive days.
- (c) On a lot with a JADU, the property owner must occupy either the primary dwelling or the JADU. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

Sec. 9-4.4511. JADU Deed Restriction.

- (a) Upon approval of a JADU, a deed restriction running with the land in a form provided by the City must be recorded with the Ventura County Records Office at the Property owner's expense. The deed restriction must include the following:
- (1) Rentals of the JADU must be for a term that is longer than 30 consecutive days;
 - (2) A prohibition on the sale of the JADU separate from the sale of the single-family dwelling, including a statement that the deed restriction may be enforced against future purchasers: and
 - (3) A restriction on the size and attributes of the JADU that conforms with this article and Government Code Section 66333 et seq.
 - (4) Notice and disclosure to future owners of the owner occupancy requirement.
 - (5) The deed restriction is enforceable by the Community Development Department or their designee for the benefit of the City. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the JADU in violation of the recorded restrictions or abatement of the illegal unit.

Sec. 9-4.4512. Fees.

- (a) An ADU/JADU may not be considered a new residential use by a local agency, special district, or water corporation to calculate utility connection fees or capacity charges unless the ADU is constructed with a new single-family dwelling.
- (b) Impact fees may not be assessed by local agencies, special districts, or water corporations on an ADU smaller than 750 square feet. Impact fees may be assessed on an ADU of 750 square feet or greater in an amount proportionate to the square footage of the primary dwelling unit.

Sec. 9-4.4513. Statewide Exemption ADUs

(a) A local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following: Statewide Exemption ADUs: An application for a new ADU or JADU that satisfies each of the applicable standards below shall be approved by the city following a ministerial review for compliance. An ADU or JADU that complies with each of the general requirements listed below is allowed with a building permit as described within this Article.

(1) Conversions on single-family lots: One ADU and one JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:

- i) Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or in the case of an ADU only, within the existing space of an existing accessory structure, plus up to one hundred fifty (150) additional square feet if the expansion is limited to accommodating ingress and egress;
- ii) Has exterior access that is independent of that for the single-family dwelling; and
- iii) Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.
- iv) The JADU complies with the requirements as described in this article.

(2) A newly constructed detached ADU on single-family lots: One (1) detached, new-construction ADU on a lot with a proposed or existing single-family dwelling (in addition to any JADU that might otherwise be established on the lot under subsection 1.i. above), if the detached ADU satisfies the following limitations:

- (i) The side- and rear-yard setbacks are at least four (4) feet;
- (ii) The gross floor area is eight hundred (800) square feet or smaller; and
- (iii) The roof peak height above grade is sixteen (16) feet or less.

(3) Conversions on lots with existing multifamily dwellings: Multiple ADUs within portions of existing multifamily dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings.

(4) The applicant may build at least one ADU within an existing multifamily dwelling, and up to the number of ADUs that equals twenty-five (25) percent of the existing number of multifamily dwelling units in the structure. Detached ADUs on lots with existing multifamily dwellings. No more than two (2) detached ADUs on a lot that has an existing multifamily dwelling if each detached ADU satisfies the following limitations:

- (i) The side- and rear-yard setbacks are at least four (4) feet. If the existing multifamily dwelling has a rear or side setback of less than four feet, the local agency shall not require any modification of the existing multifamily dwelling as a condition of approving the application to construct an accessory dwelling unit that satisfies the requirements of this paragraph.
- (i) The gross floor area is eight hundred (800) square feet or smaller; and
- (ii) The roof peak height above grade is sixteen (16) feet or less for single story dwellings.
- (iii) The roof peak height above grade is eighteen (18) feet or less for multistory dwellings.

Part 3

Title 9, Chapter 4, Article 25, Section 9-2509.5“Area requirements for accessory buildings” is amended as follows:

(a) Accessory buildings, excluding any secondary residential accessory dwelling units authorized by Article 45, in all R Zones shall not have a floor area in excess of six hundred (600) square feet nor shall any accessory building in any R Zone have a floor area in excess of fifty (50%) percent of the footprint of the principal or main building unless otherwise authorized as part of a residential planned development permit in the RPD and HPD zones or subject to the approval of an Administrative Approval in the R-A, R-E, R-O, R-1 and R-2 Zones in accordance with Section 9-4.2815.

(b) Cumulative floor area of accessory buildings in any R Zone exclusive of accessory dwelling units pursuant to Article 45 shall not exceed one hundred (100%) percent of the footprint of the principal or main building on a single lot or parcel of land.

(c) Estate lots in the R-A, R-E, R-O and R-1 Zones which are five (5) acres in size or greater shall be considered exempt from area requirements for accessory buildings except for area requirements applicable to accessory dwelling units pursuant to Article 45.

Part 4

Title 9, Chapter 4, Article 25, Section 9-4.2501(a)(3) is amended as follows:

(3) Accessory buildings shall be limited to a maximum building height of fifteen (15') feet, except accessory dwelling units as provided in Article 45.

Part 5

Title 9, Chapter 4, Article 22, Section 9-4.2202(a) is amended as follows:

(a) The Objective Design Standards (Objective Standards) apply to all residential and mixed-use development, which include the new construction of two (2) or more residential units. The Objective Standards were created in response to legislative provisions such as the Housing Accountability Act, that limit local jurisdictions' ability to deny or reduce density of housing projects that are consistent with "objective standards" and multi-family residential projects meeting affordability and other criteria can only be subject to "objective" planning standards to be approved through a ministerial process. These standards also apply to redevelopment that creates two (2) or more new residential units, including but not limited to adaptive reuse of existing buildings. In addition, these standards apply to groups of two (2) or more attached townhomes (row houses), regardless of whether multiple townhomes occupy the same lot, or each townhome is located on a separate lot. The Objective Standards do not apply to residential development approved pursuant to Article 37 (Urban Lot Splits and Two-Unit Housing Developments) and Article 45 (Accessory Dwelling Units).

Part 6

“Accessory Dwelling Units” Section of Title 9, Chapter 4, Article 21, Section 9-4.2104. Permitted use matrix – Residential zones is amended as follows:

Land Use Category	Residential Zoning Classifications										
	R-A	R-E	R-O	R-1	R-2	R-3	RPD	RPD - SFD	HPD	HPD - SFD	TPD
Land Use <u>Category</u>	Residential Zoning Classifications										
	R-A	R-E	R-O	R-1	R-2	R-3	RPD	RPD - SFD	HPD	HPD - SFD	TPD
Residential Zone Accessory Uses											
Accessory dwelling units, per Article 45	P	P	P	P	P	P	P	P	P	P	P

Part 7

Title 9, Chapter 4, Article 25, Section 9-4.2509(a). Projections into required yards is amended as follows:

The following intrusions may project into required yards to the extent and under the conditions and limitations indicated:

- (a) Accessory buildings in rear yards, exclusive of detached accessory dwelling units pursuant to Article 45.

Subsection 1 through 5 remain unchanged.

Part 8

Subsection (a) (7) of Title 9, Chapter 4, Article 24, Section 9-4.2402. Parking Spaces Required is amended as follows:

(7) Dwelling, accessory As provided in Article 45

Part 9

The definition of “Attached ADU,” “Conversion ADU,” “Detached ADU,” “Internal ADU,” “Junior Accessory Dwelling Unit,” and “Total Floor Area” in Title 9, Chapter 4, Article 2, Section 9-4.202 Definitions are amended as follows:

“Attached ADU” shall mean an ADU that shares at least one common wall with the primary dwelling unit at least ten feet in length; and is not fully contained within the existing space of the primary dwelling unit.

“Conversion ADU” shall mean an ADU that is created within existing space, including a portion of a primary dwelling unit or existing non habitable space in an existing primary or accessory structure.

“Detached ADU” shall mean an ADU that does not share a common wall with the primary dwelling unit and is not an internal ADU.

“Internal ADU” shall mean an ADU that is fully contained within the existing space of the primary dwelling unit or an accessory structure.

“Junior accessory dwelling unit” shall mean a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

“Total Floor Area” shall have the same definition as “building area” as set forth in Title 24 Part 2, Chapter 2 of the California Building Code, as may be amended, which states: “The area included within surrounding exterior walls, or exterior walls and fire walls, exclusive of vent shafts and courts. Areas of the building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.”

All other definitions to remain unchanged.

Part 10
(Uncodified)
Severability

If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this title; it being hereby expressly declared that this title, and each section, subsection, sentence, clause and phrase hereof, would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Part 11
(Uncodified)
Effective Date

This Ordinance shall take effect on the thirty-first (31st) day following its final passage and adoption.

PASSED AND ADOPTED THIS 8th day of October, 2024, by the following vote:

Ayes:
Noes:
Absent:

Al Adam, Mayor
City of Thousand Oaks, California

ATTEST/CERTIFY:

Laura B. Maguire, City Clerk

Date Attested: _____

APPROVE AS TO FORM:
Office of the City Attorney

APPROVE AS TO ADMINISTRATION:

Tracy M. Noonan, City Attorney

Andrew P. Powers, City Manager

Introduced: XXXX XX, 202X
Published: XXXX XX, 202X
Ordinance No.: XXXX-NS

The presence of electronic signature certifies that the foregoing is a true and correct copy as approved by the City of Thousand Oaks City Council on the date cited above.

ATTACHMENT #3
(To the PC Packet of 9/9/2024)

To avoid duplication, Attachment #3, the Municipal Code Amendment Ordinance with track changes can be found in the City Council Staff Report Attachment #3.

GOVERNMENT CODE - GOV

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58]

(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)

DIVISION 1. PLANNING AND ZONING [65000 - 66342]

(Heading of Division 1 added by Stats. 1974, Ch. 1536.)

CHAPTER 13. Accessory Dwelling Units [66310 - 66342]

(Chapter 13 added by Stats. 2024, Ch. 7, Sec. 20.)

ARTICLE 1. General Provisions [66310 - 66313]

(Article 1 added by Stats. 2024, Ch. 7, Sec. 20.)

66310.

The Legislature finds and declares all of the following:

- (a) Accessory dwelling units are a valuable form of housing in California.
- (b) Accessory dwelling units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods.
- (c) Homeowners who create accessory dwelling units benefit from added income, and an increased sense of security.
- (d) Allowing accessory dwelling units in single-family or multifamily residential zones provides additional rental housing stock in California.
- (e) California faces a severe housing crisis.
- (f) The state is falling far short of meeting current and future housing demand with serious consequences for the state's economy, our ability to build green infill consistent with state greenhouse gas reduction goals, and the well-being of our citizens, particularly lower and middle-income earners.
- (g) Accessory dwelling units offer lower cost housing to meet the needs of existing and future residents within existing neighborhoods, while respecting architectural character.
- (h) Accessory dwelling units are, therefore, an essential component of California's housing supply.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66311.

It is the intent of the Legislature that an accessory dwelling unit ordinance adopted by a local agency has the effect of providing for the creation of accessory dwelling units and that provisions in this ordinance relating to matters including unit size, parking, fees, and other requirements, are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create accessory dwelling units in zones in which they are authorized by local ordinance.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66312.

Notwithstanding Section 65803, this chapter shall also apply to a charter city.
(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66313.

For purposes of this chapter:

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

An accessory dwelling unit also includes the following:

(1) An efficiency unit.

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

(b) "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.

(c) "Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.

(d) "Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

(e) "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

(f) "Local agency" means a city, county, or city and county, whether general law or chartered.

(g) "Nonconforming zoning condition" means a physical improvement on a property that does not conform to current zoning standards.

(h) "Objective standards" means standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.

(i) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(j) "Permitting agency" means any entity that is involved in the review of a permit for an accessory dwelling unit or junior accessory dwelling unit and for which there is no substitute, including, but not limited to, applicable planning departments, building departments, utilities, and special districts.

(k) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

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

(m) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

ARTICLE 2. Accessory Dwelling Unit Approvals [66314 - 66332]

(Article 2 added by Stats. 2024, Ch. 7, Sec. 20.)

66314.

A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use.

The ordinance shall do all of the following:

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

(b) (1) Impose objective standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historical Resources. These standards shall not include requirements on minimum lot size.

(2) Notwithstanding paragraph (1), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

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

(d) Require the accessory dwelling units to comply with all of the following:

(1) Except as provided in Article 4 (commencing with Section 66340), the accessory dwelling unit may be rented separate from the primary residence, but shall not be sold or otherwise conveyed separate from the primary residence.

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

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

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

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

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

(7) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required 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.

(8) Local building code requirements that apply to detached dwellings, except that the construction of an accessory dwelling unit shall not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code (Title 24 of the California Code of Regulations), unless the building official or enforcement agency of the local agency makes a written finding based on substantial evidence in the record that the construction of the accessory dwelling unit could have a specific, adverse impact on public health and safety. Nothing in this paragraph shall be interpreted to prevent a local agency from changing the occupancy code of a space that was uninhabitable space or was only permitted for nonresidential use and was subsequently converted for residential use pursuant to this article.

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

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

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

(C) This subparagraph shall not apply to an accessory dwelling unit that is described in Section 66322.

(11) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an

accessory dwelling unit, the local agency shall not require that those offstreet parking spaces be replaced.

(12) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.

(e) Require that a demolition permit for a detached garage that is to be replaced with an accessory dwelling unit be reviewed with the application for the accessory dwelling unit and issued at the same time.

(f) An accessory dwelling unit ordinance shall not require, and the applicant shall not be otherwise required, to provide written notice or post a placard for the demolition of a detached garage that is to be replaced with an accessory dwelling unit, unless the property is located within an architecturally and historically significant historic district.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66315.

Section 66314 establishes the maximum standards that a local agency shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in Section 66314, shall be used or imposed, including an owner-occupant requirement, except that a local agency may require that the property may be used for rentals of terms 30 days or longer.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66316.

An existing accessory dwelling unit ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this article. If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this article, that ordinance shall be null and void and that agency shall thereafter apply the standards established in this article for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this article.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66317.

(a) A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary

review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. The permitting agency shall either approve or deny the application to create or serve an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the permitting agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create or serve an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the permitting agency may delay approving or denying the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency approves or denies the permit application to create the new single-family or multifamily dwelling, but the application to create or serve the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not approved or denied the completed application within 60 days, the application shall be deemed approved. A local agency may charge a fee to reimburse it for costs incurred to implement this section, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(b) If a permitting agency denies an application for an accessory dwelling unit or junior accessory dwelling unit pursuant to subdivision (a), the permitting agency shall, within the time period described in subdivision (a), return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

(c) No local ordinance, policy, or regulation, other than an accessory dwelling unit ordinance consistent with this article shall be the basis for the delay or denial of a building permit or a use permit under this section.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66318.

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

(b) An accessory dwelling unit ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66319.

An accessory dwelling unit that conforms to Section 66314 shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66320.

(a) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with Section 66314 receives an application for a permit to create or serve an accessory dwelling unit pursuant to this article, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to Section 66317. The permitting agency shall either approve or deny the application to create or serve an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the permitting agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create or serve an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create or serve a new single-family or multifamily dwelling on the lot, the permitting agency may delay approving or denying the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency approves or denies the permit application to create or serve the new single-family or multifamily dwelling, but the application to create or serve the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not approved or denied the completed application within 60 days, the application shall be deemed approved.

(b) If a permitting agency denies an application for an accessory dwelling unit or junior accessory dwelling unit pursuant to subdivision (a), the permitting agency shall, within the time period described in subdivision (a), return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66321.

(a) Subject to subdivision (b), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.

(b) Notwithstanding subdivision (a), a local agency shall not establish by ordinance any of the following:

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

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

(A) Eight hundred fifty square feet.

(B) One thousand square feet for an accessory dwelling unit that provides more than one bedroom.

(3) Any requirement for a zoning clearance or separate zoning review or any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, front setbacks, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

(4) Any height limitation that does not allow at least the following, as applicable:

(A) A height of 16 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit.

(B) A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. A local agency shall also allow an additional two feet in height to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.

(C) A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling.

(D) A height of 25 feet or the height limitation in the local zoning ordinance that applies to the primary dwelling, whichever is lower, for an accessory dwelling unit that is attached to a primary dwelling. This subparagraph shall not require a local agency to allow an accessory dwelling unit to exceed two stories.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66322.

Notwithstanding any other law, and whether or not the local agency has adopted an ordinance governing accessory dwelling units in accordance with Section 66314, all of the following shall apply:

(a) A local agency shall not impose any parking standards for an accessory dwelling unit in any of the following instances:

(1) Where the accessory dwelling unit is located within one-half of one mile walking distance of public transit.

(2) Where the accessory dwelling unit is located within an architecturally and historically significant historic district.

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

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

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

(6) When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the accessory dwelling unit or the parcel satisfies any other criteria listed in this subdivision.

(b) The local agency shall not deny an application for a permit to create an accessory dwelling unit due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the accessory dwelling unit.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66323.

(a) Notwithstanding Sections 66314 to 66322, inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

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

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

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

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

(D) The junior accessory dwelling unit complies with the requirements of Article 3 (commencing with Section 66333).

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

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

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

(B) A height limitation as provided in subparagraph (A), (B), or (C) of paragraph (4) of subdivision (b) of Section 66321, as applicable.

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

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

(4) (A) Not more than two accessory dwelling units that are located on a lot that has an existing or proposed multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limitation in subparagraph (A), (B), or (C) of paragraph (4) of subdivision (b) of Section 66321, as applicable, and rear yard and side setbacks of no more than four feet.

(B) If the existing multifamily dwelling has a rear or side setback of less than four feet, the local agency shall not require any modification of the existing multifamily dwelling as a condition of approving the application to construct an accessory dwelling unit that satisfies the requirements of this paragraph.

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

(c) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing multifamily dwelling.

(d) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this section be for a term longer than 30 days.

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

(f) Notwithstanding Section 66321 and subdivision (a) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in subdivision (a), and may impose objective standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66324.

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

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

(c) (1) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

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

(d) For an accessory dwelling unit described in paragraph (1) of subdivision (a) of Section 66323, a local agency, special district, or water corporation shall not require the 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, unless the accessory dwelling unit was constructed with a new single-family dwelling, or upon separate conveyance of the accessory dwelling unit pursuant to Section 66342.

(e) For an accessory dwelling unit that is not described in paragraph (1) of subdivision (a) of Section 66323, a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66325.

(a) Except as provided in subdivision (b), this article shall supersede a conflicting local ordinance.

(b) This article does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66326.

(a) A local agency shall submit a copy of the ordinance adopted pursuant to Section 66314 to the Department of Housing and Community Development within 60 days after adoption. After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this article.

(b) (1) If the department finds that the local agency's ordinance does not comply with this article, the department shall notify the local agency and shall provide the local agency with a reasonable time, no longer than 30 days, to respond to the findings before taking any other action authorized by this article.

(2) The local agency shall consider the findings made by the department pursuant to paragraph (1) and shall do one of the following:

(A) Amend the ordinance to comply with this article.

(B) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this article despite the findings of the department.

(c) (1) If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this article and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.

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

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66327.

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

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66328.

A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66329.

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

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66330.

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

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66331.

In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in subdivision (a) or (b), a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:

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

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

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66332.

(a) Notwithstanding any other law, and except as otherwise provided in subdivision (b), a local agency shall not deny a permit for an unpermitted accessory dwelling unit that was constructed before January 1, 2018, due to either of the following:

(1) The accessory dwelling unit is in violation of building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code.

(2) The accessory dwelling unit does not comply with this article or any local ordinance regulating accessory dwelling units.

(b) Notwithstanding subdivision (a), a local agency may deny a permit for an accessory dwelling unit subject to subdivision (a) if the local agency makes a

finding that correcting the violation is necessary to protect the health and safety of the public or occupants of the structure.

(c) This section shall not apply to a building that is deemed substandard pursuant to Section 17920.3 of the Health and Safety Code.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

ARTICLE 3. Junior Accessory Dwelling Units [66333 - 66339]

(Article 3 added by Stats. 2024, Ch. 7, Sec. 20.)

66333.

Notwithstanding Article 2 (commencing with Section 66314), a local agency may, by ordinance, provide for the creation of junior accessory dwelling units in single-family residential zones. The ordinance may require a permit to be obtained for the creation of a junior accessory dwelling unit, and shall do all of the following:

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

(b) Require owner-occupancy in the single family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

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

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

(2) A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this article.

(d) Require a permitted junior accessory dwelling unit to be constructed within the walls of the proposed or existing single-family residence. For purposes of this subdivision, enclosed uses within the residence, such as attached garages, are considered a part of the proposed or existing single-family residence.

(e) (1) Require a permitted junior accessory dwelling unit to include a separate entrance from the main entrance to the proposed or existing single-family residence.

(2) If a permitted junior accessory dwelling unit does not include a separate bathroom, the permitted junior accessory dwelling unit shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.

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

(1) A cooking facility with appliances.

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

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66334.

(a) A junior accessory dwelling unit ordinance adopted pursuant to Section 66333 shall not require additional parking as a condition to grant a permit.

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

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66335.

(a) (1) An application for a permit pursuant to this article shall, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, be considered ministerially, without discretionary review or a hearing.

(2) The permitting agency shall either approve or deny the application to create or serve a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family dwelling on the lot.

(3) If the permit application to create or serve a junior accessory dwelling unit is submitted with a permit application to create or serve a new single-family dwelling on the lot, the permitting agency may delay approving or denying the permit application for the junior accessory dwelling unit until the permitting agency approves or denies the permit application to create or serve the new single-family dwelling, but the application to create or serve the junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing.

(4) If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay.

(b) If a permitting agency denies an application for a junior accessory dwelling unit pursuant to subdivision (a), the permitting agency shall, within the time period described in subdivision (a), return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

(c) A local agency may charge a fee to reimburse the local agency for costs incurred in connection with the issuance of a permit pursuant to this article.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66336.

A local agency shall not deny an application for a permit to create a junior accessory dwelling unit pursuant to this article due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and that are not affected by the construction of the junior accessory dwelling unit.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66337.

(a) For purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

(b) This article shall not be construed to prohibit a city, county, city and county, or other local public entity from adopting an ordinance or regulation relating to fire and life protection requirements within a single-family residence that contains a junior accessory dwelling unit so long as the ordinance or regulation applies uniformly to all single-family residences within the zone regardless of whether the single-family residence includes a junior accessory dwelling unit or not.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66338.

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

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

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66339.

If a local agency has not adopted a local ordinance pursuant to this article, the local agency shall ministerially approve a permit to construct a junior accessory dwelling unit that satisfies the requirements set forth in paragraph (1) of subdivision (a) of Section 66323 and the requirements of this article.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

ARTICLE 4. Accessory Dwelling Unit Sales [66340 - 66342]

(Article 4 added by Stats. 2024, Ch. 7, Sec. 20.)

66340.

For purposes of this article:

(a) "Qualified buyer" means persons and families of low or moderate income, as that term is defined in Section 50093 of the Health and Safety Code.

(b) "Qualified nonprofit corporation" means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66341.

A local agency shall allow an accessory dwelling unit to be sold or conveyed separately from the primary residence to a qualified buyer if all of the following apply:

(a) The accessory dwelling unit or the primary dwelling was built or developed by a qualified nonprofit corporation.

(b) There is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code.

(c) The property is held pursuant to a recorded tenancy in common agreement that includes all of the following:

(1) The agreement allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling that each qualified buyer occupies.

(2) A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the accessory dwelling unit or primary dwelling if the buyer desires to sell or convey the property.

(3) A requirement that the qualified buyer occupy the accessory dwelling unit or primary dwelling as the buyer's principal residence.

(4) Affordability restrictions on the sale and conveyance of the accessory dwelling unit or primary dwelling that ensure the accessory dwelling unit and primary dwelling will be preserved for low-income housing for 45 years for owner-occupied housing units and will be sold or resold to a qualified buyer.

(5) If the tenancy in common agreement is recorded after December 31, 2021, it shall also include all of the following:

(A) Delineation of all areas of the property that are for the exclusive use of a cotenant. Each cotenant shall agree not to claim a right of occupancy to an area delineated for the exclusive use of another cotenant, provided that the

latter cotenant's obligations to each of the other cotenants have been satisfied.

(B) Delineation of each cotenant's responsibility for the costs of taxes, insurance, utilities, general maintenance and repair, improvements, and any other costs, obligations, or liabilities associated with the property. This delineation shall only be binding on the parties to the agreement, and shall not supersede or obviate the liability, whether joint and several or otherwise, of the parties for any cost, obligation, or liability associated with the property where such liability is otherwise established by law or by agreement with a third party.

(C) Procedures for dispute resolution among the parties before resorting to legal action.

(d) A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded in the county in which the property is located. A Preliminary Change of Ownership Report shall be filed concurrently with this grant deed pursuant to Section 480.3 of the Revenue and Taxation Code.

(e) Notwithstanding Section 66324, if requested by a utility providing service to the primary residence, the accessory dwelling unit has a separate water, sewer, or electrical connection to that utility.

(f) Nothing in this section limits the ability of an accessory dwelling unit to be sold or otherwise conveyed separate from the primary residence as a condominium pursuant to an ordinance adopted under Section 66342.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66342.

In addition to the requirement that a local agency allow the separate sale or conveyance of an accessory dwelling unit pursuant to Section 66341, a local agency may also adopt a local ordinance to allow the separate conveyance of the primary dwelling unit and accessory dwelling unit or units as condominiums. Any such ordinance shall include all of the following requirements:

(a) The condominiums shall be created pursuant to the Davis-Stirling Common Interest Development Act (Part 5 (commencing with Section 4000) of Division 4 of the Civil Code).

(b) The condominiums shall be created in conformance with all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410)) and all objective requirements of a local subdivision ordinance.

(c) Before recordation of the condominium plan, a safety inspection of the accessory dwelling unit shall be conducted as evidenced either through a certificate of occupancy from the local agency or a housing quality standards report from a building inspector certified by the United States Department of Housing and Urban Development.

(d) (1) Neither a subdivision map nor a condominium plan shall be recorded with the county recorder in the county where the real property is located without each lienholder's consent. The following shall apply to the consent of a lienholder:

(A) A lienholder may refuse to give consent.

(B) A lienholder may consent provided that any terms and conditions required by the lienholder are satisfied.

(2) Prior to recordation of the initial or any subsequent modifications to the condominium plan, written evidence of the lienholder's consent shall be provided to the county recorder along with a signed statement from each lienholder that states as follows:

"(Name of lienholder) hereby consents to the recording of this condominium plan in their sole and absolute discretion and the borrower has or will satisfy any additional terms and conditions the lienholder may have."

(3) The lienholder's consent shall be included on the condominium plan or a separate form attached to the condominium plan that includes the following information:

(A) The lienholder's signature.

(B) The name of the record owner or ground lessee.

(C) The legal description of the real property.

(D) The identities of all parties with an interest in the real property as reflected in the real property records.

(E) The lienholder's consent shall be recorded in the office of the county recorder of the county in which the real property is located.

(e) The local agency shall include the following notice to consumers on any accessory dwelling or junior accessory dwelling unit submittal checklist or public information issued describing requirements and permitting for accessory dwelling units, including as standard condition of any accessory dwelling unit building permit or condominium plan approval:

"NOTICE: If you are considering establishing your primary dwelling unit and accessory dwelling unit as a condominium, please ensure that your building permitting agency allows this practice. If you decide to establish your primary dwelling unit and accessory dwelling unit as a condominium, your condominium plan or any future modifications to the condominium plan must be recorded with the County Recorder. Prior to recordation or modification of your subdivision map and condominium plan, any lienholder with a lien on your title must provide a form of written consent either on the condominium plan, or on the lienholder's consent form attached to the condominium plan, with text that clearly states that the lender approves recordation of the condominium plan and that you have satisfied their terms and conditions, if any.

In order to secure lender consent, you may be required to follow additional lender requirements, which may include, but are not limited to, one or more of the following:

(a) Paying off your current lender.

You may pay off your mortgage and any liens through a refinance or a new loan. Be aware that refinancing or using a new loan may result in changes to your interest rate or tax basis. Also, be aware that any subsequent modification to your subdivision map or condominium plan must also be consented to by your lender, which consent may be denied.

(b) Securing your lender's approval of a modification to their loan collateral due to the change of your current property legal description into one or more condominium parcels.

(c) Securing your lender's consent to the details of any construction loan or ground lease.

This may include a copy of the improvement contract entered in good faith with a licensed contractor, evidence that the record owner or ground lessee has the funds to complete the work, and a signed statement made by the record owner or ground lessor that the information in the consent above is true and correct."

(f) If an accessory dwelling unit is established as a condominium, the local government shall require the homeowner to notify providers of utilities, including water, sewer, gas, and electricity, of the condominium creation and separate conveyance.

(g) (1) The owner of a property or a separate interest within an existing planned development that has an existing association, as defined in Section 4080 of the Civil Code, shall not record a condominium plan to create a common interest development under Section 4100 of the Civil Code without the express written authorization by the existing association.

(2) For purposes of this subdivision, written authorization by the existing association means approval by the board at a duly noticed board meeting, as defined in Section 4090 of the Civil Code, and if needed pursuant to the existing association's governing documents, membership approval of the existing association.

(h) An accessory dwelling unit shall be sold or otherwise conveyed separate from the primary residence only under the conditions outlined in this paragraph or pursuant to this article.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

THOUSAND OAKS PLANNING COMMISSION



Supplemental Information Packet 1 September 9, 2024 Agenda Related Items Meeting of September 9, 2024

Supplemental Information:

Any agenda-related public documents received and distributed to a majority of the Planning Commission after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed, typically they are distributed on the Thursday or Friday preceding the Planning Commission meeting and/or on Monday before the meeting. Supplemental Packets on Thursday or Friday are available for public inspection in the Community Development Department, 2100 East Thousand Oaks Boulevard, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). All Supplemental Packets are available for public review at the Planning Commission on the City's website www.toaks.org.

Americans with Disabilities Act (ADA)

Americans with Disabilities Act (ADA): In compliance with the ADA, if you need special assistance to participate in this meeting or other services in conjunction with this meeting, please contact the Planning Division, (805) 449-2500. Notification at least 48 hours prior to the meeting or time when services are needed will assist the City in ensuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

To: Planning Commission

From: Kelvin Parker, Community Development Director

Date: September 9, 2024

Subject: Regarding Item 07A – Municipal Code Amendment (MCA) 2023-70005

The following contains proposed revisions to the Staff Report, Municipal Code Amendment (Attachment #2), and Municipal Code Amendment with track changes (Attachment #3) as follows:

Staff Report – Proposed revisions:

- “The following table outlines the specific amendments made by AB 221.” (p.4 first sentence of first paragraph).
- “Limits the size of attached ADUs to 50% of the primary residence, or 800 sq. ft. whichever is greater.” (p. 5 in table under current ordinance, maximum unit size-attached).
- Public Correspondence – Staff received one phone call from a local realtor with questions regarding the updated ordinance. Questions were answered and a follow up email was provided with a link to watch the hearing and a link to sign up for a speaker card. (p.14)

Attachment #2 – Municipal Code Amendment:

- “Title 9, Chapter 4, Article 25, Section 9-4.2509(a). Projections into required yards is amended as follows:” (p.15 Part 7).

Attachment #3 – Municipal Code Amendment:

- “Title 9, Chapter 4, Article 25, Section 9-4.2509(a). Projections into required yards is amended as follows:” (p.15 Part 7).

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cdd:660-21\ag\H:\COMMON\City Council\CC Agenda Items\2024\10082024\ADU Ord Update\Attachment 1 PC Staff Report and Resolution\pz [FILE ID: MCA 2023-70005]