

ADU Legislative Updates – Effective 1/1/2023

Senate Bill 897:

1. Clarifies ADU ordinances must use **objective standards**, and adds the definition of objective standards to the statute: an “objective standard” is a standard that involves no personal or subjective judgment by a public official and is uniformly verifiable. Existing law provides that a local agency must ministerially approve an application for a building permit within a residential or mixed-use zone to create not more than 2 accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limitation of 16 feet and a 4-foot side and rear setback requirement.
2. **Detached ADU height maximum increased** to 18’ for properties within one-half (1/2) mile of public transit, and for lots with an existing multifamily, multistory building. Must allow an additional 2’ in height to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary single-unit dwelling unit.
3. **Attached ADU height maximum increased** to 25’. (“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.”)
4. Permits for ADUs or JADUs **cannot be denied** for nonconforming zoning conditions, building code violations, or unpermitted structures elsewhere on the property, **unless they pose a threat to public health and safety**.
5. Must review and issue **demo permits** at the same time as the ADU permit. prohibit an applicant from being required to provide written notice or post a placard for the demolition of a detached garage that is to be replaced by an accessory dwelling unit
6. Cannot require correction if height limit or setbacks are exceeded by a proposed ADU in **existing multifamily** dwelling.
7. **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.
8. A **high quality transit corridor** means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.
9. A **major transit stop** is as defined in Section 21064.3, except that, for purposes of this section, it also includes major transit stops that are included in the applicable regional transportation plan. It can mean a site containing any of the following:
 - a. An existing rail or bus rapid transit station.
 - b. A ferry terminal served by either a bus or rail transit service.
 - c. The intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.
10. ADUs allowed to be included inside **proposed multifamily buildings** (previously only allowed to be added to existing multifamily).
11. Sprinklers cannot be required for main unit due to ADU/JADU construction.
12. This bill would provide that the construction of an accessory dwelling unit does not constitute a Group R occupancy change under the local building code, except as specified. The bill would prohibit the construction of an accessory dwelling unit from triggering a requirement that fire sprinklers be installed in the existing primary dwelling.
13. This bill would also prohibit a local agency 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 same lot, provided that the accessory

the application can be remedied by the applicant, if the permitting agency denies an application for an accessory dwelling unit or junior accessory dwelling unit.

14. The bill would require a junior accessory dwelling unit that does not include a separate bathroom to include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.

Assembly Bill 2221:

1. Requires **60-day comment turnaround** for all ADU applications.
2. **Front setbacks** are now included in the development requirements that must be waived for statewide ADUs - cannot establish limits on lot coverage, floor area, open space, minimum lot size, and *front setbacks* that do not permit construction of at least an 800 square foot ADU. Current ordinance mostly already addresses this but may need to be made more explicit.