

**Development Services Department Staff Report
 April 2, 2019 Planning Commission Regular Meeting
 Prepared By: Andrew Painter, City Planner**



Item#: 5

Subject: Zone Change (ZC) 19-01 - Amendments to Title 10, Zoning, of the Placerville City Code regarding Accessory Dwelling Units (ADU) pursuant to 2017 State Law

Item Description

1. Find that the amendments to City Code Section 10-4-12 are statutorily exempt from the California Environmental Quality Act under 15282(h) of the CEQA Guidelines and per Public Resources Code section 21080.17, as the Code Amendments modify existing regulatory requirements in order to comply with Government Code section 65852.2; and
2. Move to recommend that the City Council approve ZC19-01, amending Placerville City Code Section 10-4-12 as described in **Attachment 1** of staff's April 2, 2019 staff report.

Background and Proposed Ordinance Amendments

Prior to SB 229 and AB 494 signed into law, City Code has included secondary/accessory dwelling unit provisions since the early 1990s. These provisions were amended a few times since in association with then changes to state law, most recently in 2016 when Governor Brown approved legislation regarding Accessory Dwelling Units ("ADUs"), significantly reducing the conditions a city may apply to second units. In October 2017, the City replaced regulations within the Zoning Code regarding secondary dwelling units with regulations regarding ADUs to bring the Code into compliance with State law. Since the last City revision to City Code, the City has issued four building permits for secondary dwelling units, helping address one critical housing strategy.

On October 8, 2017, Governor Brown signed additional ADU legislation into law that attempts to clarify State ADU law through Senate Bill (SB) 229 and Assembly Bill (AB) 494; these updates went into effect on January 1, 2018 and require minor amendments to the Placerville Zoning Code as summarized below. **Attachment 2** contains the May 29, 2018 memorandum from the California Department of Housing and Community Development (HCD) showing the changes made to State ADU.

Proposed or Existing Primary Residence

Current City regulation requires the existence of a single-family dwelling (primary) on a parcel zoned to allow single-family and multi-family uses before an ADU may be developed. The new State law requires that an ADU may be developed on a parcel zoned for single or multi-family

use containing an existing single-family dwelling, or a proposed single-family dwelling. Amendments add this requirement where applicable.

Attached ADU Floorspace (floor area)

New State law clarifies maximum floorspace provisions for an attached ADU. Current City regulation is confusing, specifying an exception that the increased floor area shall not be less than 600 square feet, or more than 1,200 square feet. Amendment would copy State law language, including the term *floorspace* replacing floor area.

No Additional Parking if ADU is Within a Proposed or Existing Residence

Currently, one parking space is required if an applicant converts an existing space of a primary residence into an ADU unless a specified parking exception applies. Under the new legislation, the State law clarifies that a city may not impose parking for an ADU if it is part of a proposed or existing primary residence. Amendment would add this new parking exception.

Definition of Tandem Parking

Under current State and Placerville regulations, an ADU may provide parking through tandem parking. State law now specifically defines “tandem parking” as two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another. This amendment will not cause any substantive change to the Placerville City Code, but will merely provide clarity.

Tenancy Short-Term

State law allows cities and counties the ability to require the property owner to live on the property, or that the property is used for rentals of terms longer than thirty days. The current City ordinance does not stipulate restrictions on the short-term rental of an ADU to less than thirty (30) days but does require an owner-occupant on the property. Amendment would restrict tenancy within the ADU for a rental term of thirty days or more to ensure housing is created not lodging.

No Additional Setback if Portion of Existing Garage Converted to ADU

Currently, no additional setbacks may be required if an applicant converts a garage or accessory structure into an ADU. Under the new legislation, the State law makes clear that a city may not impose additional setbacks if even a portion of an existing garage is converted to an accessory structure.

Environmental Review

Staff has determined that the adoption of the proposed ordinance amendments are statutorily exempt from the California Environmental Quality Act (“CEQA”) under 15282(h) of the CEQA Guidelines and per Public Resources Code section 21080.17, as the Code Amendments modify existing regulatory requirements in order to comply with Government Code section 65852.2.

Public Notice and Correspondence

Public notice was published in the Mountain Democrat on March 8, 2019, posted to the City's Facebook account, and posted on the City's website. As of the publishing date of this report, no written correspondence has been received.

Recommendation

1. Find that the amendments to City Code Section 10-4-12 are statutorily exempt from the California Environmental Quality Act under 15282(h) of the CEQA Guidelines and per Public Resources Code section 21080.17, as the Code Amendments modify existing regulatory requirements in order to comply with Government Code section 65852.2; and
2. Move to recommend that the City Council approve ZC19-01, amending Placerville City Code Section 10-4-12 as described in Attachment 1 of staff's April 2, 2019 staff report.

Attachments

1. Existing Placerville City Code Title 10, Chapter 4, Section 12: Accessory Dwelling Units showing strikeout text (for deletions) and underlined text (for additions).
2. HCD Memorandum: Accessory Dwelling Unit Legislation (SB 229 & AB 494) May 29, 2018

Note to Reviewers:

The following code amendments are shown as strikethrough text (for deletions) and underlined (bold) text for additions.

10-4-12: **ACCESSORY DWELLING UNITS (ADU)** (Ord. 1692, 24 Oct 2017):

- (A) Purpose: The purpose of this chapter is to provide for the creation of accessory dwelling units in residential zones and to set forth criteria and regulations of those accessory dwelling units.
- (B) Applicability of Regulations: The provisions of this Section shall apply to all parcels that are ~~occupied by one single-family dwelling unit and~~ zoned RE, R-1A, R1-6,000, R1-10,000, R1-20,000, R-2, R-3, R-4, and R-5.
- (C) Permitted use: Accessory dwelling units as defined in Section 10-4-1 are a permitted use in the City's residential zoning districts for residential use that is consistent with the City's general plan, the specific zone for the parcel on which the ~~accessory dwelling unit ADU~~ is to be located, and this Section.
- (D) Development and use regulations: ADUs are subject to the following standards, restrictions and regulations:
1. Minimum parcel area: six thousand (6,000) square feet, or as provided under Section 10-4-2(A) [Parcel Area].
 2. Primary Residence. An existing or proposed single-family residence ~~must be located~~ on the parcel.
 3. Density. No more than one (1) ADU is permitted on any one parcel.
 4. Subdivision. A parcel having an ADU may not be subdivided in a manner that would allow for the main primary dwelling and accessory dwelling unit to be located on separate parcels that do not meet the minimum parcel area, width and/or depth required by the single-family residential zoning district in which the parcel is located.
 5. Minimum Yards.
 - (a) An attached ADU shall comply with all minimum yard requirements for the main dwelling established by the single-family residential zoning district in which the parcel is located.
 - (b) A detached ADUs shall comply with all minimum yard requirements for the main primary dwelling established by the residential zoning district in which the parcel is located, with the exception of a detached ADU that would not exceed the height standard per Section 10-4-3(D), may be located on the required rear yard up to five (5) feet from the rear parcel line.
 6. Floor Area Floorspace.
 - (a) Detached ADU. Maximum permissible floor area shall be 50% of the square footage of the existing or proposed primary residence, except that the maximum shall not be less than six hundred (600) square feet, or more than twelve hundred (1,200) square feet.

- (b) Attached ADU. The increased floor area of an ADU attached to an existing primary residence shall not exceed fifty percent (50%) of the existing living area, except that the maximum shall not be less than six hundred (600) square feet, or more than twelve hundred (1,200) square feet. The total area of floorspace shall not exceed fifty percent (50%) of the proposed or existing primary dwelling or twelve hundred (1,200) square feet.
7. Passageway. No passageway shall be required in conjunction with the construction of an ADU.
8. Building Coverage. ADU units shall count towards the total building coverage for the parcel and the entire building coverage of all buildings may not exceed the permitted building coverage established by the single-family zoning district in which the parcel is located.
9. Height. The maximum permitted height of an ADU is the same as the maximum permitted height for the residential zoning district in which the parcel is located.
10. Parking. One (1) off-street parking space is required, except as provided in Section 11 (Parking Exceptions) below, in addition to the required parking for the main primary residence dwelling unit, that may be provided in the following configurations and areas in addition to the areas allowed for the main dwelling primary residence:
- (a) In tandem, meaning one (1) car located directly behind another car, including a single car driveway leading to two (2) required parking spaces for the main dwelling two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another; or
- (b) Within required interior side yards.
11. Parking Exceptions. The off-street parking requirement of Section 10-4-12(D)(10) Parking, does not apply to the following ADUs:
- (a) ADUs located within one-half mile of public transit as determined by the Director.
- (b) ADUs located within an architecturally and historically significant historic district.
- (c) Existing ADUs that were permitted without additional parking.
- (d) When on-street parking permits are required but not offered to the occupant of the ADU.
- (e) When a car share vehicle is located within one block of the accessory dwelling unit as determined by the Director.
- (f) The ADU is part of the proposed or existing primary residence.
12. Consistency. All accessory dwelling units shall comply with all applicable development regulations for the zoning district in which the parcel is located and building code requirements set forth in Title 4, Construction Regulations, unless otherwise specifically provided for in this section.
13. Aesthetics. The accessory dwelling unit shall be similar or compatible in character to the primary residence on the site and to the surrounding residences in terms of roof pitch, eaves, building materials, colors and landscaping.

For residential zoned properties listed on the California Register of Historic Places, Placerville Historic Resource Inventory, or in an adopted historic district, any exterior changes that can be visible from the public street to the architecture of existing buildings to create an accessory dwelling shall meet the historical criteria requirements of Section 10-4-10(B) (Secretary of Interior Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings), and shall comply with the requirements of City Code Sections 10-4-9 and 10-4-10.

14. Tenancy. Either the main dwelling or the ADU shall be occupied by the property owner when both units are occupied as dwelling units. The accessory dwelling unit shall not be rented, occupied, or offered for rental or occupancy for periods of less than thirty (30) days.

(E) Conversion of accessory buildings:

1. An accessory building may be eligible to convert into an ADU, subject to meeting criteria as outlined in subsection (2) of this section and approval through the process outlined in Section 10-4-12(F). No additional off-street parking shall be required to convert an accessory building into an ADU.
2. Eligibility. The following criteria must be met in order to be eligible for the conversion of an accessory building:
 - (a) Other supporting documentation to show the building was legally built may be substituted for a building permit subject to review by the Director.
 - (b) The accessory building must be upgraded to meet the building code requirements based on the change of occupancy at the time of the conversion.
 - (c) The accessory building must meet all of the development regulations of Section 10-4-12(D), with the exception that no setback shall be required if the conversion is of an existing garage or a portion of an existing garage, and a setback of no more than five (5) feet from the side and rear parcel lines shall be required for an ADU that is constructed above an existing garage.
3. All or any portion of an accessory building that meets the eligibility criteria as provided in this section may be demolished and reconstructed to meet the building code requirements based on the change of occupancy at the time of conversion. The accessory dwelling unit that replaces the accessory building may retain the setbacks and the footprint of the legally constructed accessory building. The existing setbacks and footprint of the accessory building must be evidenced by valid building permits or other supporting documentation subject to review by the Director. Nothing in this section shall be deemed to authorize the expansion of the footprint or reduction of the setbacks beyond that evidenced by a valid building permit or other supporting documentation subject to review by the Director or to allow the continuation of any other nonconformity.

(F) Application and processing requirements:

1. Submittal. The application for an accessory dwelling unit permit shall be submitted to the Development Services Department concurrent with an application and submittal requirements for a building permit. In addition to the standard submittal requirements for a building permit, an application for an accessory dwelling unit permit shall include all of the following (except as noted below):
 - (a) Site plan. A site plan, drawn to scale, showing the dimensions of the perimeter of the parcel proposed for the accessory dwelling unit; the location and dimensioned setbacks of all existing and proposed structures on the site; all easements, building envelopes, and

special requirements of the subdivision as shown on the Final Map and improvement plans, if any; and average slope calculations for the site.

- (b) Floor plan. A floor plan, drawn to scale, that shows the dimensions of each room, and the resulting floor area. The use of each room shall be identified, and the size and location of all windows and doors shall be clearly shown.
- (c) Elevations. Architectural elevations of the proposed structure showing all openings, exterior finishes, original and finish grades, stepped footing outline, and roof pitch.
- (d) Materials and color board. A materials and color board for the existing [or proposed](#) residence and the proposed ~~second dwelling unit ADU~~.
- (e) Photographs. Color photographs of the site and adjacent properties, taken from each property line of the site, to show the project site and adjacent sites. Label each photograph and reference to a separate site plan indicating the location and direction of each photograph.
- (f) Exceptions: Applications for accessory dwelling units which do not modify a building's exterior are not required to submit the items described in subsection (F)1(c), (F)1(d), or (F)1(e) of this section.
- (g) Fee. A fee set by the City Council for an ADU shall accompany the application.
- (h) Historic Resources. For residential properties described in subsection (D-13) of this Section involving residential historic resources, an ADU request shall also comply with the application and submittal requirements under City Code Sections 10-4-9: Site Plan Review and 10-4-10: Historical Building In the City.

2. Application Review and Decision.

- (a) Non-Historic Residential Resources. The Director, or the duly appointed representative, shall act on an application for an ADU permit within 120 days of submittal of a complete application for residential properties not described in subsection (D-13) of this Section involving historic residential resources. The ADU permit shall be issued only if the proposed ADU complies with all development and use regulations in this Section.
- (b) Historic Residential Resources. The Planning Commission shall act on an application for an ADU for residential properties described in subsection (D-13) of this Section. The Planning Commission shall consider all development and use regulations in this Section, and the historical criteria requirements of Section 10-4-10(B) (Secretary of Interior Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings), when making its decision.

3. Utility Connection Fees.

- (a) Except as provided in subsection (b), a separate new utility connection and payment of a connection fee or capacity charge pursuant to State law and City fee schedule will be required for any new ADU, payable at time of building permit issuance.
- (b) No new or separate utility connection or related connection fee or capacity charge will be required for ADUs that are internal conversions of existing space within a single family residence or an accessory structure.

4. Covenant and Agreement. A covenant and agreement shall be executed by the property owner, it shall be recorded, and shall contain the following:

- (a) A statement that the property owner shall be an owner-occupant and shall reside either in the primary residential dwelling or the ADU.
- (b) The ADU shall not be sold separately from the primary residential dwelling.
- (c) The ADU permit shall run with the land and the ADU permit is binding and enforceable on future property owners

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**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
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**MEMORANDUM**

DATE: May 29, 2018

TO: Planning Directors and Interested Parties

FROM: Zachary Olmstead, Deputy Director
Division of Housing Policy Development 

SUBJECT: Local Agency Accessory Dwelling Units
Chapter 594, Statutes of 2017 (Senate Bill 229) and
Chapter 602, Statutes of 2017 (Assembly Bill 494)

This memorandum is to inform you of the amendments to California law, effective January 1, 2018, regarding the creation of accessory dwelling units (ADU). Chapter 594, Statutes of 2017 (Senate Bill 229) and Chapter 602, Statutes of 2017 (Assembly Bill 494) build upon recent changes to ADU law (Government Code (GC) Section 65852.2) and further address barriers to the development of ADUs.

SB 229 and AB 494, among other changes, addresses the following:

- Clarifies an ADU can be created through the conversion of a garage, carport or covered parking structure.
- Requires special districts and water corporations to charge a proportional fee scale based upon the ADUs size or its number of plumbing fixtures.
- Reduces the maximum number of parking spaces for an ADU to one space.
- Allows replacement parking spaces to be located in any configuration, as a result, of a parking structure conversion to an ADU.
- Authorizes the Department of Housing and Community Development to review and comment on ADU ordinances.
- Defines the term "tandem parking" to mean two or more automobiles.

For assistance, please see the amended statute in Attachment A. In addition, pursuant to GC Section 65852.2(h), adopted ADU ordinances shall be submitted to HCD within 60 days of adoption. For more information and updates, please contact Greg Nickless, Housing Policy Analyst, at 916-274-6244.

ATTACHMENT A

TITLE 7, DIVISION 2, CHAPTER 4, ARTICLE 2

SB 229 and AB 494 Accessory Dwelling Units (65852.2)

Section 65852.2 of the Government Code is amended to read:

65852.2.

(a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in ~~single-family and multifamily residential zones~~ *areas zoned to allow single-family or multifamily 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 ~~criteria~~ *criteria* that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, 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 Historic Places.

(ii) Notwithstanding clause (i), 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:

(i) The unit ~~is not intended for sale~~ *may be rented* separate from the primary ~~residence and residence~~ *residence*, but may be ~~rented~~ *not be sold or otherwise conveyed separate from the primary residence*.

(ii) The lot is zoned ~~for~~ *to allow* single-family or multifamily use and ~~contains an existing~~ *includes a proposed or existing* single-family dwelling.

(iii) The accessory dwelling unit is either attached ~~to the existing dwelling~~ or located within the living area of the *proposed or existing primary dwelling* or detached from the *proposed or existing primary dwelling* and located on the same lot as the *proposed or existing primary dwelling*.

(iv) The ~~increased floor total~~ *area of floorspace* of an attached accessory dwelling unit shall not exceed 50 percent of the ~~existing living area, with a maximum increase in floor area of~~ *proposed or existing primary dwelling living area* or 1,200 square feet.

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

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

(vii) No setback shall be required for an existing garage that is converted to ~~a~~ *an accessory dwelling unit or to a portion of an* accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

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

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

(II) 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, or that it is not permitted anywhere else in the jurisdiction~~ *conditions*.

(III) This clause shall not apply to a unit that is described in subdivision (d).

(xi) 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*, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).

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

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered 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, within 120 days after receiving the application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001–02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph 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 subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

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

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot zoned for residential use that ~~contains an~~ *includes a proposed or* existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(7) 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 subdivision.

(8) An accessory dwelling unit that conforms to this subdivision 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.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives ~~its first application on or after July 1, 1983, an application~~ for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall ~~accept the application and~~ approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.

(c) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum or maximum size for an accessory dwelling unit, or size based upon a percentage of the *proposed or* existing *primary* dwelling, shall be established by ordinance for either attached or detached dwellings that does not permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

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

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

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

- (3) The accessory dwelling unit is part of the *proposed or* existing primary residence or an ~~existing~~-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.
- (e) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a ~~single-family residential zone~~ *zone for single-family use* one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, *including, but not limited to, a studio, pool house, or other similar structure*, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. *A city may require owner occupancy for either the primary or the accessory dwelling unit created through this process.*
- (f) (1) 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).
- (2) Accessory dwelling units shall not be considered ~~new residential uses~~ *by a local agency, special district, or water corporation to be a new residential use* for the purposes of calculating ~~local agency~~-connection fees or capacity charges for utilities, including water and sewer service.
- (A) For an accessory dwelling unit described in subdivision (e), a local ~~agency~~ *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.
- (B) For an accessory dwelling unit that is not described in subdivision (e), a local ~~agency~~ *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 size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.
- (g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.
- (h) Local agencies shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. *The department may review and comment on this submitted ordinance.*
- (i) As used in this section, the following terms mean:
- (1) "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.
- (2) "Local agency" means a city, county, or city and county, whether general law or chartered.
- (3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.
- (4) "Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:
- (A) An efficiency unit, as defined in Section 17958.1 of *the* Health and Safety Code.
- (B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.
- (5) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
- (6) *"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.*
- (j) Nothing in this section 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.