

**AB No. 2299**

**Land Use/Housing: 2<sup>nd</sup> Units**

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<b>Existing Law</b>	<b>Proposed Amendments</b>
The State Planning and Zoning Law authorizes the legislative body of a city or county to regulate the intensity of land use and authorizes a local agency to create an ordinance for the creation of 2 <sup>nd</sup> units in single-family and multi-family residential zones.	<b>REQUIRE</b> a local agency to provide by ordinance the creation of 2 <sup>nd</sup> units in single family and multi-family residential zones.
	Local agency may reduce or eliminate parking requirements for any 2 <sup>nd</sup> unit.
Requires a local agency (if it has not adopted an ordinance governing 2 <sup>nd</sup> units and receives an application for a permit for a 2 <sup>nd</sup> unit, to grant a variance or special use permit if the 2 <sup>nd</sup> unit complies with specified requirements within the zone the property is located.	
	Prohibit requirement for a passageway or pathway between the 2 <sup>nd</sup> unit and public street.  Prohibit requirement for a 2 <sup>nd</sup> unit constructed above a garage located on an alley, for a setback of more than 5 feet from the side and rear lot.  Also provide that a 2 <sup>nd</sup> unit constructed above a garage or a garage converted in whole or in part into a 2 <sup>nd</sup> unit is deemed to be an accessory building or accessory use that may be permitted within a required yard or setback area, provided that the 2 <sup>nd</sup> unit is set back a minimum of 5 feet from the side and rear lot areas.
Existing law requires parking requirements for 2 <sup>nd</sup> units not to exceed 1 parking space per unit or bedroom.  <b>Additional parking MAY BE REQUIRED</b> provided that a finding is made that the additional parking requirements are directly related to the use of the 2 <sup>nd</sup> unit and are consistent with existing neighborhood residential standards.	Proposed bill would DELETE authorization for additional parking requirements.  Proposed bill would also provide that when a garage, carport, or covered parking structure is demolished in conjunction with the construction of the 2 <sup>nd</sup> unit the off-street parking spaces <b>MUST</b> be replaced. Replacement spaces may be located in any configuration on the same lot as the 2 <sup>nd</sup> unit.