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2020 GUIDE TO THE NEW ADU LAWS IN CALIFORNIA

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It is now easier and more affordable to get ADU plans approved.



In October 2019, California Governor Newsom signed into law **Assembly Bill 68 (AB68)** making it easier and more affordable to build Accessory Dwelling Units – aka. Granny Flats, and Guest Houses – in California.

ADUs have become very popular as a means of increasing property values, generating rental income, and providing affordable housing for extended family and friends. In 2018, ADUs accounted for 20% of all plans permitted in Los Angeles. This number is projected to skyrocket thanks to the new ADU laws in California.

Summary of New ADU Rules in California:

- Faster ADU plan review times.
- Prohibits local agencies from imposing strict requirements that exceed state mandates.
- More flexible ADU size and set back requirements.
- Allows both regular size and “Junior” ADUs on the same property.
- Allows ADUs for multi-family units and duplexes.
- Prohibits local agencies charging “Impact Fees” for ADUs under 750 sq. ft.



California Exceptions to R-1 Single-Family Zoning

AB 68 eliminates R-1 zoning as we know it. R-1 zoning previously pertained to single-family dwellings and made up about 2/3 of the residential housing area in California.

The big news – landlords and homeowners can now add 2 more units – an ADU **and** a Junior Accessory Dwelling Unit (JADU) – on any residential lot. This means you can now legally create a triplex on every single lot in the state according to the new ADU laws in California. What's more, **AB 68** allows you to do so without requiring additional parking if your property is less than 1/2 mile from public transportation.

Additional units can now be added to existing *multi-family* buildings like apartment complexes. Building owners can convert any non-habitable rooms, like attics, basements, garages, etc. into legal additional units.

Under **AB 68**, municipalities will be required to approve the following:

Single Family Homes:

- One ADU (up to 1,200 s.f.) and one Junior ADU (a unit of no more than 500 s.f. in size and contained entirely within an existing single-family structure) per lot.
- One detached ADU (up to 1,200 s.f.) that is new construction, or existing structure, or the same footprint as the existing structure, along with one JADU.

Multifamily Dwellings

- Multiple ADUs within existing multifamily structures.
- Two detached ADUs on a multi-family lot.



Other Restrictions that are Prohibited on Local ADU Laws

Many local municipalities are not ADU friendly and have passed laws such as strict parking requirements, lengthy planning reviews, size limitations, and high approval fees to discourage construction of these units.

To further remove barriers to the approval of ADU plans, various state laws now prohibit local governments from imposing the following:

- May not impose requirements on lot coverage or minimum lot size.
- May not allow more than 60 days to approve an ADU plan or JADU plan permit application if there is an existing single-family or multi-family dwelling on the lot.
- May not set a maximum ADU size that does not allow an ADU of at least 800 sq. ft. and 16 ft. in height.
- May not require replacement parking when a garage, carport, or covered parking structure is demolished to create an ADU or is converted to an ADU.
- May not require more than a four-foot side and rear yard setback for ADUs.
- May no longer require as a condition for approval of ADU plans, the correction of physical conditions that do not conform with current zoning standards.
- HOA's may no longer "prohibit or unreasonably restrict" the construction of ADUs on single-family residential lots.
- Local agencies may not impose impact fees on ADUs under 750 sq. ft.
- Eliminates the requirement for owner-occupancy of either the primary dwelling or the ADU.



Interpreting the Law

It is important to note that each City and County will begin releasing its ADU rules and regulations in response to the new ADU laws in California and may not match that of the State word for word. Some Cities and Counties may defer the effective date or challenge the state through legal channels in order to meet their own codes.

Next Steps

Given the complexity of the new laws and the resulting city/county interpretations, it is even more critical that you consult a licensed architect who knows the ins and outs of the new ADU laws in California – and **EZ Plans** (<https://ezplansusa.com>) is here for you!

We are a **full-service residential architecture service** (<https://ezplansusa.com/about-us>) with experienced, licensed architects who are experts on the new rules and are capable of designing your dream home and ADUs. View the **cost of ADU plans (pricing)** and contact us today to start designing a floor plan and permit your ADU additions. Contact us today to start designing a floor plan and permit your ADU additions.

Additionally, follow us on **Facebook** (<https://www.facebook.com/EZPlansUSA>), **Instagram** (<https://www.instagram.com/ezplansusa/>) and **LinkedIn** (<https://www.linkedin.com/company/ez-plans-usa/>) to see what we've been up to, and to be inspired for your next home remodel or addition!

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