

SB 831 – Summary of Bill Provisions/Reasons to Oppose
*(compiled by Sharon Commins, WRAC LUPC Co-Chair and
Recode.LA Zoning Advisory Committee Co-Chair – July 16, 2018)*

From Assembly Committee on Local Government Bill Summary, 6/27/18 [*current bill status: passed in Senate but held in Assembly LG Committee without recommendation*]:

Among other things, SB 831:

“3) Provides that a local agency may not implement standards for minimum lot size requirements for ADUs and shall allow for the construction of an ADU, unless the local agency makes specific findings that the construction of the ADU would adversely impact public health and safety, including fire safety.

4) Provides that the square footage of a proposed ADU shall not be considered when calculating an allowable floor-to-area ratio or lot coverage for the lot upon which the ADU is to be located.

5) Provides that no minimum or maximum size for an ADU 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 800-square foot ADU.

6) Provides that no setback shall be required for an existing living area or accessory structure that is converted to an ADU, and a setback of no more than three feet from the side and rear lines shall be required for an ADU that is not converted from an existing structure.

7) Provides that when a garage, carport, or covered parking structure is demolished in conjunction with an ADU or converted into an ADU, a local agency shall not require that those off-street parking spaces be replaced.

8) Reduces the application approval timeframe from 120 days to 60 days and provides that if a local agency has not acted upon the submitted application within 60 days, the application shall be deemed approved.

9) Provides that an agreement with a local agency to maintain owner occupancy as a condition or issuance of a building permit for an ADU shall be void as against public policy.

10) Provides that where a building official finds that a substandard ADU presents an imminent risk to the health and safety of the building’s residents, upon request by an ADU owner, a building official, in consultation with local fire and code enforcement officials, shall approve a delay of not less than 10 years of any California Building Standards Code requirement that, in the judgment of the building official, is not necessary to protect public health and safety. The building official shall not approve a delay on or after January 1, 2029. This program shall remain in effect until January 1, 2039.”