#### SENATE COMMITTEE ON HOUSING Senator Nancy Skinner, Chair 2023 - 2024 Regular

Bill No:	AB 3057	Hearing Date:	7/2/2024
Author:	Wilson		
Version:	4/8/2024		
Urgency:	No	Fiscal:	No
<b>Consultant:</b>	Max Ladow		

**SUBJECT:** California Environmental Quality Act: exemption: junior accessory dwelling units ordinances

**DIGEST:** This bill expands a California Environmental Quality Act (CEQA) exemption for city or county adoption of an ordinance facilitating accessory dwelling units (ADUs) to also include adoption of an ordinance facilitating junior ADUs (JADUs).

## ANALYSIS:

#### Existing law:

- 1) CEQA requires lead agencies with the principal responsibility for carrying out or approving a proposed project to prepare a negative declaration, mitigated negative declaration, or environmental impact report (EIR) for this action, unless the project is exempt from CEQA.
- 2) CEQA includes many statutory exemptions for residential projects, including the adoption of an ordinance by a local government to implement state law governing the approval of ADUs.
- 3) Authorizes a local agency to provide, by ordinance, for the creation of ADUs in areas zoned to allow single-family or multifamily dwelling residential use, as specified.
- 4) Authorizes a local agency to provide, by ordinance, for the creation of JADUs in single-family residential zones.
- 5) Defines a JADU as a unit that is no more than 500 square feet in size and contained entirely within a single-family residence, which unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

This bill expands an existing CEQA exemption for adoption by a city or county of an ordinance to facilitate ADU's to specifically include JADU's.

## **COMMENTS:**

- Author's Statement. "The expansion of ADU development in recent years has led to the creation of thousands of affordable rental properties throughout California. AB 3057 is a technical fix designed to ensure local JADU regulations receive the same exemption from environmental assessments as is already afforded to conventional ADUs. JADUs are small living areas situated within existing single-family residences. However, under current law, only ADUs are exempt from CEQA. Allowing JADU ordinances to qualify for the same CEQA exemption is a much-needed step towards thousands of new, budget-friendly rental properties throughout California."
- 2) *Background*. CEQA includes various statutory exemptions, as well as categorical exemptions in the CEQA Guidelines, for a wide range of residential projects. Since 1978, CEQA has included statutory exemptions for housing. There are now at least 15 distinct CEQA exemptions for housing projects. The majority of residential projects are approved via exemption or negative declaration under CEQA, or through ministerial permits where CEQA does not apply. One such exemption applies to the adoption of an ordinance governing the permitting process for ADUs. This exemption for has been in effect for 40 years.
- 3) *ADUs/JADUs*. ADUs, also known as mother-in-law units or granny flats, are additional living spaces that have a separate kitchen, bathroom, and exterior access independent of the primary residence. These spaces can either be attached to, or detached from, the primary residence. Local ADU ordinances must meet specified parameters outlined in state law. Local governments may also adopt ordinances for JADUs. A JADU is a unit of up to 500 square feet within a single-family home with an entrance into the JADU from the main home and an entrance to the outside from the JADU. The JADU must have cooking facilities, including a sink and a stove, but is not required to have a bathroom. ADUs and JADUs are permitted in any zone that allows single-family or multifamily housing.
- 4) *CEQA exemptions for adopting JADU ordinances*. Current law provides a CEQA exemption for local governments adopting a local ordinance for permitting ADUs. This bill adds a CEQA exemption for the adoption of a local ordinance regarding JADUs.

5) *Double referral.* This bill was passed out from the Senate Committee on Environmental Quality on June 5, 2024 with a vote of 7-0.

# **RELATED LEGISLATION:**

**SB 477 (Committee on Housing, Chapter 7, Statutes of 2024)** — reorganized sections of housing law relating to accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) into a single chapter and updates cross-references to new sections of law.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

### POSITIONS: (Communicated to the committee before noon on Wednesday, June 26, 2024.)

# **SUPPORT:**

California YIMBY (Sponsor) Abundant Housing LA Apartment Association of Greater Los Angeles California Apartment Association California Building Industry Association (CBIA) California Chamber of Commerce California Hispanic Chambers of Commerce California Rental Housing Association California State Association of Counties Circulate San Diego City of Rancho Cucamonga Fieldstead and Company Fremont for Everyone **Generation Housing** Housing Action Coalition Midpen Housing San Diego Housing Commission **SPUR YIMBY** Action

### **OPPOSITION:**

None received.