

AB 1332: Preapproved ADU Plans

(Government Code Section 65852.27)

March 2024

Overview

Assembly Bill (AB) 1332 (Government Code Section 65852.27) requires local agencies to develop a program to preapprove architectural and design plans for accessory dwelling units (ADUs) by January 1, 2025. Major provisions include:

- Develop a preapproval program for ADUs,
- Streamlined 30-day approval for preapproved plans.

What is an Accessory Dwelling Unit?

An accessory dwelling unit (ADU), defined in Government Code Section 65852.2 refers to an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence.

For more information and resources on ADUs, visit the Department of Housing and Community Development's website :

<https://www.hcd.ca.gov/policy-and-research/accessory-dwelling-units>.

Purpose

This document is intended solely as a technical overview of new legislation. It is not intended to serve as legal advice regarding any jurisdiction's specific policies or any proposed housing development project. Local staff should consult with their city attorney or county counsel before taking any action to implement these changes.

Program Requirements

AB 1332 allows any party to submit plans for preapproval, which the local agencies must review within 60 days of submission of a complete application. If an applicant is using a preapproved or previously approved plan for a detached ADU then a local agency is required to complete their review within 30 days. Local agencies are required to review ADU plans for pre-approval just as they would for an ADU proposed for a specific site, except that the pre-approved plans would not be specific to a particular site. Once the plans are pre-approved, the local agency is required to post the plans on their website, along with the contact information as provided by the applicant. If requested by the applicant, the local agency must remove the plans from their website within 30 days.

A local agency may admit plans that have been developed and preapproved by the local agency or, with consent of the architect who developed the plans and other local agency, plans that have been preapproved by other agencies within the state into their program. Government Code Section 65852.27 requires an ADU pre-approval program to comply with the following requirements:

- (1) The local agency must accept ADU plan submissions for preapproval without restricting who may submit plans for preapproval.
- (2) The local agency must approve or deny the application for pre-approval pursuant to existing ADU law (Government Code Section 65852.2). In reviewing and approving a submission for pre-approval, the local agency may charge the applicant the same permitting fees that would be charged to an applicant seeking approval of an accessory dwelling unit of the same size.
- (3) The local agency must post pre-approved ADU plans to their internet website. The posting must include the contact information provided by the applicant.

How to Comply with AB 1332

Local agencies should consider the following actions to establish a program that is compliant with AB 1332:

1. Develop a webpage to provide an overview of your agency's preapproved ADU program with an application form or submittal instructions detailing how applicants can submit plans for preapproval.
2. Post any preapproved ADU plans developed by your local agency.
3. Post preapproved ADU plans not developed by the local agency, with the contact information provided by the applicant.
4. Bring an informational item to Planning Commission and/or City Council to describe requirements under AB 1332 and present the components of your local program.

Streamlined 30-day Approval

AB 1332 requires a local agency to approve or deny an application for a detached ADU ministerially without discretionary review within 30 days from the date the local agency receives a completed application if the application utilizes either of the following:

- (1) a plan for an ADU that has been preapproved by the local agency within the current triennial California Building Standards Code rulemaking cycle pursuant to the standards outlined above, or
- (2) a plan that is identical to a plan used in an application for a detached ADU approved by the local agency within the current triennial California Building Standards Code rulemaking cycle.

Local Resources from SANDAG Cities and Counties

- City of Carlsbad, Accessory Dwelling Unit Permit Ready Program, <https://www.carlsbadca.gov/departments/community-development/planning/adu-permit-ready-program>.
- City of Del Mar, Accessory Dwelling Units (ADUs) – 3D Models and Floor Plans for Public Use, 2020, <https://www.delmar.ca.us/815/ADU-Sample-Floor-Plans>.
- City of El Cajon, ADU Loan Program and Standard Plans, <https://www.elcajon.gov/your-government/departments/community-development/housing/adu-loan-program>.
- City of Encinitas, Permit-Ready Accessory Dwelling Unit (PRADU) Program & Building Plans, <https://www.encinitasca.gov/government/departments/development-services/policy-planning-housing/policy-planning/accessory-dwelling-units>.
- City of Imperial Beach, Accessory Dwelling Unit Pre-Approved Plans, <https://www.imperialbeachca.gov/268/Accessory-Dwelling-Units>.
- City of La Mesa, Accessory Dwelling Unit (ADU) Guidebook, 2023, <https://www.cityoflamesa.us/DocumentCenter/View/20564/LM-ADU-Guidebook-Feb-2023>.
- County of San Diego, Accessory Dwelling Unit (ADU) Building Plans, https://www.sandiegocounty.gov/content/sdc/pds/bldg/adu_plans.html.

Resources from Jurisdictions Outside of SANDAG Region

The following jurisdictions outside the SANDAG region have established programs for the preapproval of ADUs.

- City of Cupertino, Accessory Dwelling Unit - Pre-Approved Plans, <https://www.cupertino.org/our-city/departments/community-development/planning/residential-development/accessory-dwelling-units/accessory-dwelling-unit-pre-approved-plans>.
- City of Fremont, Preapproved Accessory Dwelling Units (ADUs), <https://www.fremont.gov/government/departments/community-development/planning-building-permit-services/accessory-dwelling-units-adus/preapproved-accessory-dwelling-units-adus>.
- City of San Jose, Preapproved ADUS, <https://www.sanjoseca.gov/business/development-services-permit-center/accessory-dwelling-units-adus/preapproved-adus>.
- City of Santa Ana, Pre-Approved ADU Plan Submittal Process, <https://www.santa-ana.org/pre-approved-adu-plan-submittal-process/>.