

**ASSEMBLY BILL**

**No. 3173**

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**Introduced by Assembly Member Bloom**

February 21, 2020

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An act to add Sections 65852.250, 65852.251, 65852.252, and 65852.253 to the Government Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 3173, as introduced, Bloom. Microunit buildings.

The Planning and Zoning Law authorizes the legislative body of any county or city to adopt ordinances regulating zoning within its jurisdiction, as specified.

This bill would require a city or county with a population of more than 400,000 people to permit the building of microunit buildings, as defined, in any zone where multifamily residential buildings are permitted. The bill would require that microunit buildings be permitted on the same basis as multifamily dwelling units. The bill would set minimum standards for the construction of microunit buildings, including floor-space ratios and setback requirements. The bill would require that specified percentages of microunit buildings be set aside for affordable housing, as specified. The bill would define terms for the purpose of these provisions.

Because this bill would impose additional zoning requirements on local governments, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 65852.250 is added to the Government  
2 Code, immediately following Section 65852.25, to read:

3 65852.250. (a) In any zone in which multifamily residential  
4 buildings are permitted in a city or county with a population of  
5 more than 400,000 people, microunit buildings shall also be  
6 permitted. These microunit buildings shall include onsite restricted  
7 affordable units, pursuant to Section 65852.252.

8 (b) A conditional use permit or other discretionary action shall  
9 not be required for microunit buildings that comply with Sections  
10 65852.250 to 65852.253, inclusive, if it is not required for  
11 residential dwelling units in the same zone.

12 (c) Local jurisdictions shall apply the requirements applicable  
13 to multifamily dwelling units to microunit buildings, including,  
14 but not limited to, yards, floor area, and design review, provided  
15 these requirements do not conflict with the provisions of this  
16 section. No other local ordinance, policy, or regulation shall be  
17 the basis for the denial of a building or use permit pursuant to this  
18 section.

19 SEC. 2. Section 65852.251 is added to the Government Code,  
20 immediately following Section 65852.250, to read:

21 65852.251. (a) No density limit shall be applicable to microunit  
22 buildings.

23 (b) A density bonus, pursuant to the provisions of Section 65915  
24 and any other state or local program that provides development  
25 bonuses, shall not be applicable to microunit buildings.

26 (c) A local agency may establish a minimum size for a  
27 microunit, provided that minimum size is no greater than 80 square  
28 feet, excluding a bathroom.

29 (d) If regulated by a local ordinance, building height or number  
30 of stories may be exceeded by at least one additional story or 11  
31 additional feet, whichever is greater. Allowable projections shall  
32 be permitted to exceed the otherwise applicable building height  
33 limit by a maximum of 16 feet.

1 (e) No setbacks shall be required for the ground-floor portion  
2 of microunit buildings, when the ground floor is used exclusively  
3 for commercial uses or for access to the residential portions of  
4 those buildings.

5 (f) For all portions of microunit buildings erected and used for  
6 residential purposes, there shall be setbacks of not less than five  
7 feet in width along the residential portion of the perimeter of the  
8 building.

9 (g) Microunit buildings shall be permitted to exceed the  
10 otherwise applicable floor-area ratio by up to 50 percent, or to a  
11 floor-area ratio of at least 3.5:1, whichever is greater.

12 (h) Microunit buildings shall not be required to provide parking  
13 spaces for its tenants.

14 (i) No private or common open space shall be required for  
15 microunit buildings.

16 SEC. 3. Section 65852.252 is added to the Government Code,  
17 immediately following Section 65852.251, to read:

18 65852.252. Microunit buildings shall provide onsite restricted  
19 affordable units at a rate of at least one of the following minimum  
20 percentages, calculated based upon the total number of microunits  
21 in the project:

22 (a) Eight percent of the total number of microunits shall be  
23 affordable to extremely low income households.

24 (b) Eleven percent of the total number of microunits shall be  
25 affordable to very low income households.

26 (c) Twenty percent of the total number of microunits shall be  
27 affordable to lower income households.

28 SEC. 4. Section 65852.253 is added to the Government Code,  
29 immediately following Section 65852.252, to read:

30 65852.253. For provisions relating to microunit buildings, the  
31 following definitions apply:

32 (a) "Microunit building" means a residential or mixed-use  
33 structure, with five or more microunits and one or more common  
34 kitchen and dining areas designed for permanent residence of more  
35 than 30 days by its tenants. The building may include dwelling  
36 units, provided they occupy not more than 25 percent of the floor  
37 area of the building. The building may contain 100-percent  
38 microunits. The building may have incidental commercial uses,  
39 provided these uses are otherwise allowable and that these uses

1 are located only on the ground floor or that level of the building  
2 closest to the street or sidewalk of the building.

3 (b) “Microunit” means one or more habitable rooms, not  
4 contained within a dwelling unit, which may not include a kitchen,  
5 and that is designed or used for permanent residence.

6 (c) “Extremely low income household” has the same meaning  
7 as in Section 50106 of the Health and Safety Code.

8 (d) “Lower income household” has the same meaning as in  
9 Section 50079.5 of the Health and Safety Code.

10 (e) “Very low income household” has the same meaning as in  
11 Section 50105 of the Health and Safety Code.

12 (f) “Restricted affordable unit” means a residential unit or a  
13 microunit for which rental or mortgage amounts are restricted for  
14 30 years or a longer period of time, so as to be affordable to and  
15 occupied by extremely low, very low, or low-income households.

16 SEC. 5. If the Commission on State Mandates determines that  
17 this act contains costs mandated by the state, reimbursement to  
18 local agencies and school districts for those costs shall be made  
19 pursuant to Part 7 (commencing with Section 17500) of Division  
20 4 of Title 2 of the Government Code.