

18.53 – Accessory Dwelling Units.

A. **Intent.** To the extent permissible by law, and pursuant to Government Code Section 66310 et seq., this section regulates the development of accessory dwelling units, including junior accessory dwelling units. This ordinance shall be interpreted and applied consistent with state law pursuant to Government Code Section 66310 et seq. In the event of a conflict between this ordinance and state law, the provisions of state law shall control.

B. **Definitions.** The following definitions shall apply to this section.

Accessory Dwelling Unit (ADU). An attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is situated.

Conversion ADU. An ADU converted from a space within a single-family dwelling or accessory structure, including a garage; or from the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages. Conversion ADUs are eligible for a 150 square-foot expansion to accommodate ingress and egress and must have exterior access.

Director. The City's Director of Community Development, or their designee.

Energy Efficient Kitchen. A cooking facility with appliances, a food preparation counter, and storage cabinets that are reasonable in size in relation to the size of the JADU.

Habitable Space. A space in a building for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

High-Quality Transit Corridor. Is a corridor with a fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.

Junior Accessory Dwelling Unit (JADU). A unit that is no more than 500 square feet in size and contained entirely within a single-family dwelling. An enclosed use within the residence, such as an attached garage, is considered to be part of and contained within the single-family dwelling. A JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure, and must include an efficiency kitchen, which will include a cooking facility with appliances, and reasonably sized food preparation counter and storage cabinets.

Living Area. The interior habitable area of the dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

Major Transit Stop. A site containing any of the following:

- An existing rail or bus rapid transit station.
- A ferry terminal served by either a bus or rail transit service.
- The intersection of two or more major bus routes with a frequency of service interval of 20 minutes or less during the morning and afternoon peak commute periods.

Multifamily Dwelling. For the purposes of an ADU, a multifamily dwelling is defined as a structure with two or more attached dwellings on a single lot.

Public Transit. A location, including but not limited to a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

State-exempt ADUs. A conversion ADU; or a detached, new construction, ADU that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling that has a maximum total floor area of 800 square feet; or ADUs that are detached from existing or proposed multi-family dwelling units, or proposed within the portions of existing multifamily dwellings that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, provided each unit complies with applicable Building Code Standards.

Tandem parking. Two or more automobiles parked on a driveway or in any other location on a lot, lined up behind one another.

C. **Applicability.**

1. The standards and criteria in this section apply to properties containing single-family or multifamily dwellings or within all zoning districts that allow for single-family or multifamily residential uses, including mixed-use residential. ADUs may be attached to, or located within a proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or may be detached from the proposed or existing primary dwelling. ADUs shall be on the same lot as the proposed or existing primary dwelling. ADUs may be prohibited based on the adequacy of water and sewer services and the impact of ADUs on traffic flow and public safety.
2. An ADU or JADU shall be used solely as a dwelling. ADUs and JADUs shall not be utilized as ancillary or accessory uses, including, but not limited to, events, storage, home office, gym/workout studio, and greenhouse.
3. A trailer or any other recreational vehicle may not be maintained as an ADU or JADU on a residential lot.
4. The City shall not impose any zoning of development standard requirement that does not permit at least an 800 square foot ADU with 4-foot side and rear yard setbacks to be constructed in compliance with all other development standards required by this section.
5. An ADU or JADU shall not be separately conveyed.

D. Applications and Timeframe. An ADU or JADU permit application will be considered ministerially without discretionary review or hearing, in accordance with the following timelines. These timelines apply to attached, detached, and conversion ADUs. The application shall be submitted to the Building & Safety Division and shall only require a building permit. A denial will include a full set of written comments with a list of items must be corrected, and a description of how the application can be remedied.

1. **Lots with an existing single-family or multifamily dwelling.** On lots with an existing single-family or multifamily dwelling, an application to construct an ADU or JADU must be approved or denied within 60 days from when a completed application is received. An application for a JADU may only be processed for a parcel with an existing single-family dwelling.

2. **Lots with a proposed single-family or multifamily dwelling.** On lots with a proposed single-family or multifamily dwelling, the City will concurrently approve or deny a proposed ADU with the proposed single-family or multifamily dwelling, when submitted simultaneously for permitting. The City will concurrently approve or deny permits for a proposed JADU and a new single-family dwelling when submitted simultaneously for permitting. A certificate of occupancy for an ADU will not issue prior to the certificate of occupancy for the primary dwelling.
3. **Preapproved ADU plans.** The city will approve or deny the applications for preapproved ADU plans within 30 days from the date the city receives a completed application.

E. General Development Standards and Regulations Applicable to All ADUs and JADUs.

1. **Two-Story ADUs.** With the exception of state-exempt ADUs, two-story ADUs shall comply with the following:
 - a. **Windows.** On second-floor elevations, with a setback less than 6 feet from the property line shared with an adjacent residential parcel, only fixed windows, or fixed panes of a window assembly, comprised of plain obscured (such as frosted) with no color shall be placed in the area up to 5 feet above the interior floor height. Any clear window or windowpane on these elevations shall be placed so that the bottom of the clear glass is at least 5 feet above the interior floor height.
 - b. **Balconies.** Balconies shall only be allowed on elevations facing the interior of the property (i.e., facing the primary dwelling and/or the back yard area directly behind the primary dwelling). In the case of an ADU on a corner lot, a balcony may face the adjacent street.
 - c. **Setbacks for second floor.** The second floor of an ADU shall be set back a minimum of 4 feet from the side and rear property line.
 - i. Notwithstanding the above, a second floor ADU shall be allowed to maintain the same setback as an existing wall, provided the wall is at least 3 feet from the property line.
 - d. **Second floor articulation.** 30 percent of the side elevation and 30 percent of the rear wall plane above the first floor shall be articulated with minimum 18-inch recesses.
2. **Conversion of existing structures.** An existing, legally permitted attached or detached structure may be converted into an ADU (or JADU if the property contains a single-family dwelling and the structure to be converted is attached to the dwelling). No setback shall be required for a legally permitted structure that is converted into an ADU/JADU other than that which existed prior to conversion. If an existing structure is demolished and replaced with an ADU, an ADU may be constructed in the same location and to the same dimensions as the demolished structure.
 - a. If a garage is converted into an ADU/JADU, when feasible, the garage door must be removed and replaced with windows, doors, or other design treatments that are consistent with the overall architectural design of the primary dwelling unit and per the Building Code.

- b. A conversion of an ADU/JADU may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing structure. An expansion beyond the physical dimensions of the existing structure shall be limited to accommodating ingress and egress.
 - c. A conversion ADU/JADU shall require side and rear setbacks sufficient for fire clearance.
- 3. **Design compatibility.** The ADU/JADU shall be designed in a style which is architecturally compatible with the primary structure and structures in the immediate neighborhood. It shall not detract from the nature and character of the established neighborhood or primary structure in terms of architectural style, exterior materials and finishes, scale, location, or pattern of development. This standard is desirable for but does not apply to state-exempt ADUs.
- 4. **Driveways.** No additional driveway approaches from public streets shall be permitted for ADUs or JADUs.
- 5. **Occupancy; Rental.** ADUs and JADUs may not be rented for less than 30 days. JADUs must be owner-occupied; the owner may occupy the primary dwelling or the JADU.
- 6. **Services.** The City may designate areas within its jurisdiction where ADUs may be permitted or prohibited, based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.
- 7. **Building code requirements.** All ADUs and/or JADUs shall comply with all applicable local and state building code requirements, including California Building Code accessibility standards Chapter 11A and 11B, as applicable to detached and converted ADUs created from non-habitable space.
- 8. **Parking requirements.** One off-street parking space shall be provided per ADU/JADU in addition to the required parking spaces serving the primary unit. The required spaces may be provided as tandem parking on an existing driveway, provided the space is a minimum 9 feet by 19 feet and does not encroach into the public right-of-way. Off-street parking shall be permitted in setback areas in locations determined by the city or through tandem parking. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU/JADU, the off-street enclosed parking spaces do not need to be replaced.

No additional parking shall be required for an ADU in any of the following instances:

- a. The ADU is located within one-half mile walking distance of public transit.
- b. The ADU is located within an architecturally and historically significant historic district.
- c. The ADU is part of the existing primary residence or an existing accessory structure.
- d. When on-street parking permits are required, but not offered to the occupant of the ADU.
- e. When there is a car share vehicle located within one block of the ADU.
- f. State-exempt ADUs.

9. **Utility service connections.** An ADU may be subject to a connection fee or capacity charge pursuant to Government Code Section 66013. Metering and connections for sewer, water, electricity, and gas shall be required as follows and as stated in the ADU Checklist provided by the Building Division:
- a. **Conversion.** An ADU that is converted from an existing residence, accessory structure, or portions thereof, does not require separate metering. Submeters may be requested by the applicant and are subject to approval at the discretion of the Building Official.
 - b. **Attached or detached ADU:** A newly built attached or detached ADU shall require separate metering. Submeters may be requested and are subject to approval at the discretion of the Building Official.
 - c. **New dwelling and ADU:** An ADU constructed concurrently with a new primary dwelling shall require separate metering.
10. **Impact fees.** All ADUs over 750 square feet are subject to development impact fees. All state-exempt ADUs and ADUs less than 750 square feet are not subject to development impact fees.
11. **Mechanical equipment.** All mechanical equipment (i.e., HVAC systems, mini-split, water heater, etc.) must maintain a minimum clearance of three feet from the nearest property line. Any mechanical equipment located on street-facing elevations shall be screened from view by a fence or wall and vegetation. This standard shall not apply to state-exempt ADUs.
12. **Addressing.** Permanent three-dimensional street numbers, with a minimum height of four inches, shall be installed on the side of the building at its highest point and furthest projection. The address shall be illuminated, clearly visible from the street, and unobstructed at all times. The primary dwelling unit shall be labeled as "Unit 1". Any additional ADUs or JADU shall be labeled sequentially as "Unit 2," "Unit 3," and so on.
13. **Fire sprinklers.** Automatic fire sprinkler systems are required in all newly constructed ADUs in the following circumstances:
- a. The existing primary dwelling has a fire sprinkler system.
 - b. The ADU is constructed concurrently with a new primary dwelling, and the new primary dwelling is required to include fire sprinklers.
 - c. The ADU is not located within 150 feet of a vehicular access roadway (as measured from curb) in order to facilitate emergency fire access, the ADU is not located within 400 feet of a fire hydrant, and as otherwise deemed necessary by the Fire Department; provided that this requirement shall not apply to state-exempt ADUs.

F. Development Standards for ADUs and JADUs on Single-Family Properties.

1. **Number of ADUs/JADUs.** No more than one new attached or detached ADU, one conversion ADU, and one JADU are allowed on any lot with an existing or proposed single-family dwelling.

2. **Building separation.** An ADU may be attached or detached from the primary dwelling on the same lot. Detached ADUs that are larger than 800 square feet shall maintain a 10-foot building separation from any structures on the site (wall-to-wall, or wall-to-post). ADUs with a building separation less than 10 feet shall require fire mitigation. This standard shall not apply to state-exempt ADUs.
3. **Location.** ADUs shall be located at the rear or the side of the primary dwelling unless it is demonstrated, to the satisfaction of the Director, that the ADU can only be located in front of the primary dwelling due to extraordinary or physical constraints of the lot. The front ADU shall be a maximum of 800 square feet and shall meet the following standards. This requirement shall not apply to state-exempt ADUs.
 - a. The ADU shall comply with the applicable front yard setback requirement for the zoning district or specific plan in which it is located, unless the front setback requirement precludes the construction of an 800 square-foot ADU. The front ADU shall comply with minimum side yard setbacks of 4 feet.
 - b. The front yard-facing elevation of the ADU shall include an entry into the unit and a covered porch or awning.
 - c. The application site plan shall provide a landscape plan for the area in front of the ADU. No new driveway or parking area shall be allowed directly in front of the ADU.
 - d. A minimum 20 square feet of window area shall be provided on each front and corner-facing elevation.
 - e. The ADU shall have a pitched roof if one or more adjacent properties have pitched roofs.
 - f. If a garage is attached to the ADU, the garage shall be setback a minimum of five feet from the front elevation wall plane.
 - g. A JADU must be constructed within the walls of the proposed or existing single-family residence, which may include an attached garage.
4. **Square feet.** The ADU/JADU shall be subject to the following:
 - a. **Attached.** The maximum square feet for a newly constructed attached ADU shall not exceed 50 percent of the primary unit for a maximum of 800 square feet.
 - b. **Detached.** The maximum square feet for a newly constructed detached ADU shall not exceed 850 square feet. If the ADU has more than one bedroom, the total size shall not exceed 1,000 square feet.
 - c. **Conversion.** An ADU conversion from a space within a single-family dwelling or attached accessory structure shall not exceed 50 percent of the primary unit.
 - d. **JADU.** The JADU shall be a maximum of 500 square feet.
5. **Height.** The ADU shall be subject to the following:
 - a. The height of a one-story ADU shall not exceed 16 feet.

- b. If the lot is located within half a mile from a major transit stop or high-quality corridor, the height of a one-story ADU shall not exceed 18 feet. An additional two feet to accommodate a roof pitch that aligns with the primary dwelling (total height not to exceed 20 feet) may be permitted.
 - c. For an ADU that is proposed to be attached to a two-story primary dwelling, the maximum height is 25 feet or the height of the existing two-story primary dwelling, whichever is less.
- 6. **Setbacks.** Except as provided elsewhere in this section, an ADU shall have a minimum setback of 4 feet to the rear and side property lines. State-exempt ADUs shall have a minimum setback of 4 feet the rear and side property lines.
- 7. **Separate entrance.** Attached ADUs and JADUs shall be provided with a separate outside entrance; other than for state-exempt ADUS, the separate entrance shall not be located on the front elevation of the primary unit. A JADU without a separate bathroom shall also have an interior entrance to the main living area.
- 8. **JADU deed restriction.** JADU require a deed restriction to be recorded to run with the land, which will: prohibit separate conveyance of the JADU, and a statement that the deed restriction may be enforced against future owners; and restrict the size of the ADU as provided in subsection (F)(4)(d), above.

G. Development Standards for ADUs on Multifamily Lots

- 1. **Number of detached ADUs.** No more than two detached ADUs are permitted on lots with a proposed multifamily dwelling. For lots with an existing multifamily dwelling, the number of ADUs shall not exceed the number of existing units on the lot, up to a maximum of 8 total detached ADUs.
- 2. **Conversion ADUs.** Non-habitable space within the existing building envelope on lots with a multifamily dwelling, including storage rooms, boiler rooms, passageways, attics, basements, or garages, may be converted into ADUs if each unit complies with State building standards for dwellings and on the condition that the number of ADUs created do not exceed 25 percent of the number of existing multifamily dwelling units, or at least one ADU.
- 3. **Setbacks.** An ADU shall comply with the front yard setback requirements of the applicable zoning district, except that no setback shall be required for the conversion of an existing structure, and a minimum setback of 4 feet from the side and rear lot lines shall be required for new construction.
- 4. **Square footage.** An ADU within a multifamily property shall not exceed 850 square feet, or 1,000 square feet for a unit with two or more bedrooms.
- 5. **Height.** The proposed ADU located within a multifamily property shall be subject to the following:
 - a. The height of a one-story ADU shall not exceed 16 feet.
 - b. If located within half a mile from a major transit stop or high-quality corridor, the height of a one-story ADU shall not exceed 18 feet (as measured from finished grade to top of roof), including an additional 2 feet to accommodate a roof pitch that aligns with the primary dwelling (total height not to exceed 20 feet).

- c. A two-story ADU shall not exceed 18 feet in height, as measured from finished floor to the top of the plate; and maximum height of up to 22 feet, as measured from finished grade to the top of the roof.

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