

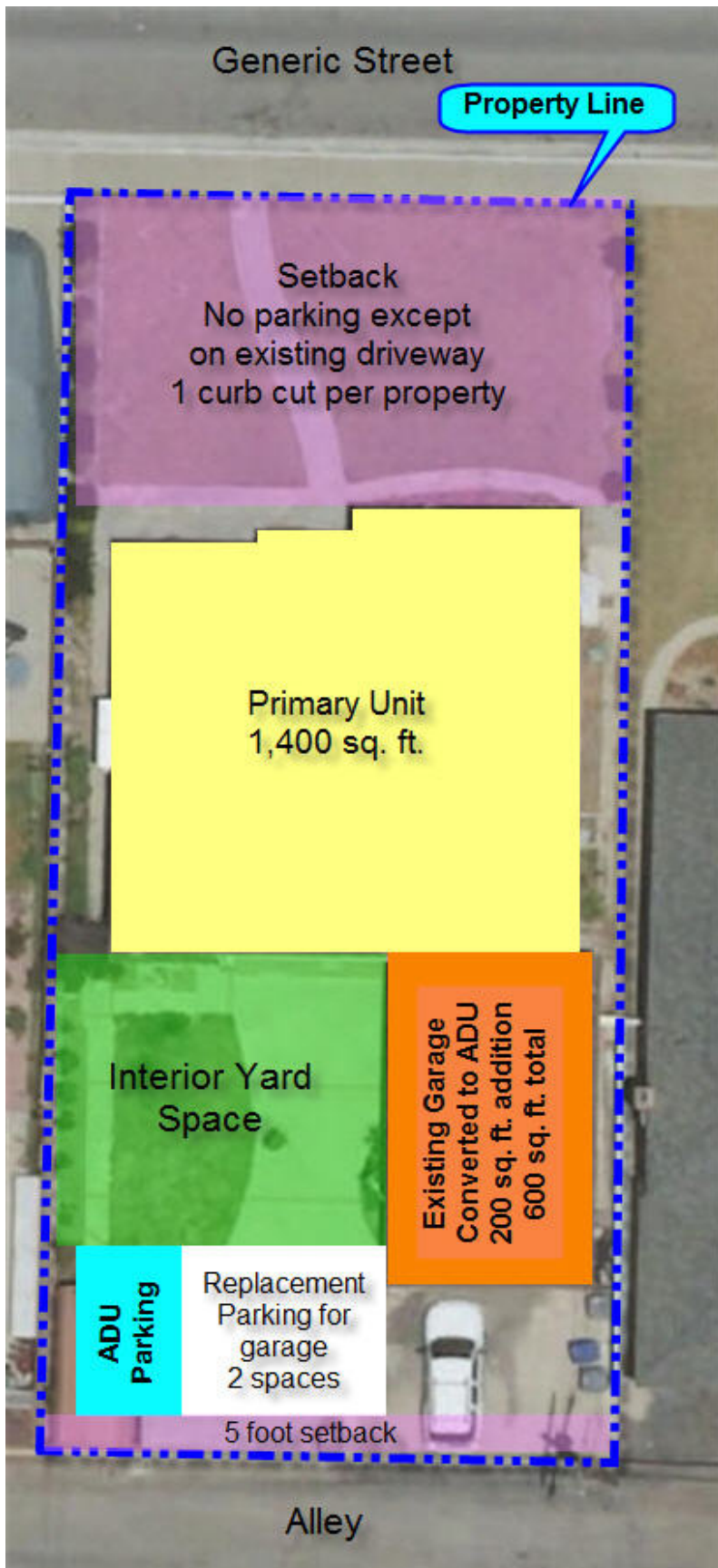
Accessory Dwelling Units (ADU)

Effective Date: November 17, 2017



Changes to the State law in 2017 established new rules for cities and counties regarding “Accessory Dwelling Units” (ADUs). An ADU is defined as an independent living facility for one or more persons located entirely within or attached to an existing legal structure or as a detached structure that includes permanent provisions for living, sleeping, eating, cooking and sanitation. An ADU is situated on the same parcel as an existing primary single-family dwelling, but is subordinate to and smaller than the primary dwelling [§16-10(A)(2)]. Ordinance 2925 modifies the Zoning Code as summarized below:

Summary Of ADU Ordinance Standards		
Permit Process	Within 120 days of the director receiving a complete application, the application is to be approved without a hearing per Municipal Code §16-466 & §16-469 so long as the proposal meets all the requirements of the City Code. If the proposed property is historic then the application will default to applicable permitting procedures for development of a new unit, except that the unit is allowed per Govt. Code §65852.2.	
Zoning requirements	The primary residence and accessory dwelling unit shall meet current zoning requirements for interior yard space, height, and landscaping for the zone in which they are located per Municipal Code §16-467(A) except as provided in §16-469(A).	
Permitted Zones	ADUs are allowed in the following zones: R-1, R-1PD, R-1-7PD, R-1-8PD, R-2, R-2PD, R-3, R-3PD, and R-10PD [§16-467(B)]. ADUs are allowed in the C-2 and CBD zones upon issuance of Special Use Permit (§16-469.5). Only one ADU may be permitted per lot [§16-467(N)]. There must be a legal or legal nonconforming single-family residence on the lot [§16-467(C)].	
Setbacks	New Construction or Additions	All applicable setback requirements apply [§16-467(E)].
	Conversion of Existing Space	Side and rear setbacks shall be sufficient for fire safety as determined by the Fire Marshal [§16-469(E)]; except that in no event shall: (1) a setback be required for a garage that is converted into an ADU, or (2) a required setback exceed five feet from the side and rear lot lines for an ADU that is constructed above a garage [§16-467(E)].
Building and Architecture	All building code requirements for habitable spaces apply [§16-467(Q) and §16-467(F)]. An ADU shall comply with the architectural standards of §16-23 and shall be of materials, colors and in a style which are each compatible with the primary residence, as reasonably determined by the Planning Manager [§16-467(H)].	
Sprinklers	Fire sprinklers are required for an ADU if they are required for the primary residence [§16-467(P)].	
Unit Size	The ADU’s floor area shall be equal to or less than 50% of the square footage of the primary residence, but not less than 600 square feet or more than 1,200 square feet (except that the floor area shall be increased to the extent necessary for ADA compliance). However, an efficiency unit as defined by California Health and Safety Code §17958.1 shall be allowed [§16-467(R)].	
Separate Entrances	The ADU shall have an entrance separate from the primary residence. Only one entrance may be visible from the front yard. A foyer with entrances to the primary residence and the ADU is allowed [§16-467(J)].	
Kitchen and Bathroom	The ADU shall contain an independent kitchen facility and bathroom facility separate from the primary dwelling unit. The kitchen facility shall include a sink, refrigerator of more than five cubic feet capacity and a range or cooktop [§16-467(F)].	
Parking Requirements	In addition to required parking for the primary residence, there will also be a minimum of one additional parking space or an additional parking space for each bedroom in the ADU [§16-622(F)]. The access to the parking area for the ADU shall be at least ten feet wide and paved, but the parking area is not required to be covered [§16-622(F)]. Parking may be provided as (1) tandem in an existing driveway or garage; or (2) within a required side or rear yard setback except in specific circumstances per §16-622(F). The parking may not be located in a required front yard setback. The parking must be provided on the same lot as the primary residence. Per §16-468, when a required garage, carport, or covered parking structure for the primary unit is demolished or converted as part of an ADU, the required parking for the primary unit shall be provided on the property in compliance with §16-622(F).	
Owner Occupancy	The applicant for the ADU shall be an owner of record and shall reside in either the primary residence or the ADU. The unit shall not be sold separately from the primary residence [§16-467(L)]. An approved covenant to this effect shall be recorded before a certificate of occupancy is issued [§16-467(K)]. Yearly certification of residency is required.	
Rental requirements	Either the accessory unit or the primary residence may be rented, but not both. Rental terms shall be 30 consecutive days or longer [§16-467(M)].	



Example Accessory Dwelling Unit (ADU)

Site Plan

1,400 square-foot single family house with a 400 square-foot garage.

Converting the garage to an ADU by adding 200 square-feet to attach the garage to the primary unit thereby creating a 600 square-foot ADU.

Garage parking is replaced with a parking pad on site and the pad is made large enough to accommodate an additional vehicle for the ADU parking.

The alley is 20 feet wide and a car needs 25 feet to back up safely so the parking pads must be setback from the property line 5 feet.