

***** **SECTION 24 – ACCESSORY DWELLING UNITS**

24.1 Authority and Purpose. This section regulates the establishment of accessory dwelling units in all residential zoning districts in accordance with Government Code Section 65852.2, and as required by Government Code Section 65852.150 is intended to have the effect of providing for the creation of accessory dwelling units.

24.2 Definitions.

- (a) *Accessory dwelling unit (ADU).* Accessory dwelling unit means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons, including permanent facilities for living, sleeping, eating, cooking, and sanitation, and is located on the same parcel as a single-family dwelling. An accessory dwelling unit may consist of an efficiency unit, as defined in Section 17958.1 of Health and Safety Code; or a manufactured home, as defined in Section 18007 of the Health and Safety Code.
- (b) *Accessory Dwelling Unit, Interior.* An interior accessory dwelling unit means an ADU in a Single Family Zone, which includes (Single-family Residential), HRO (Hillside Residential and Open Space) or residential PD (Planned Development) zones, and is located entirely within the existing and legally created space of a single-family home or accessory structure.
- (c) *Accessory Dwelling Unit, Attached.* An attached accessory dwelling unit means an ADU which is constructed as a vertical or horizontal addition to a single family home (primary dwelling unit).
- (d) *Accessory Dwelling Unit, Detached.* A detached accessory dwelling unit means an ADU which is constructed as an independent structure, surrounded by open space and on the same lot as the primary dwelling unit, except that it can be attached to an accessory structure (e.g., garage).
- (e) *Attached Building.* An attached building means a building that is connected by substantial construction to another building; substantial construction includes extension of common building walls and/or roof lines. Buildings attached via a breezeway must include substantial construction and both of the following:
 - (1) Framing and other connections.
 - (2) Shelter and a walkable surface above grade between the two buildings located on the same site.

* Section 24 was added by Ord. #716, 2/9/84; Amended by Ord. #999, 5/27/04; ***** Ord. #1118, 5/23/17 - Section 24 (Secondary Dwelling Unit) is repealed in its entirety; Section 24 (Accessory Dwelling Units) added.

- (f) *Cooking Facility.* A cooking facility means an area containing a refrigeration appliance; and, a kitchen sink and cooking appliance, each having a clear working space of not less than 30 inches. “Cooking appliance” includes any appliance capable of cooking food, including a range, stove, oven, microwave, or hot plate, but not including a toaster or electric kettle.
- (g) *Living Area.* The term Living Area has the meaning defined in Government Code Section 65852.2, which states: “The interior habitable area of a dwelling unit including basements and attics and does not include a garage or any accessory structure.”
- (h) *Owner Occupied.* Owner occupied means the owner currently resides on the property.
- (i) *Passageway.* The term Passageway has the meaning defined by Government Code Section 65852.2, which states: “A pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.”
- (j) *Sanitation Facilities.* Sanitation facilities means a toilet, sink, and bathtub or shower.
- (k) *Sleeping Facilities.* Sleeping facilities means an area dedicated to sleeping that meets building code requirements for habitability.
- (l) *Short-term Rentals.* Short-term rentals means rentals for less than 30 days.

24.3 Development Standards.

- (a) *General Provisions.* The following provisions apply to all Accessory Dwelling Units:
 - (1) The lot must contain an existing single-family home and no other dwelling units. No more than one accessory dwelling unit may be constructed on any lot.
 - (2) The project site must be zoned for residential use (Single or Multi-family), including R-1, R-2, R-3, R-4, R-5, Hillside Residential and Open Space (HRO), and residential Planned Developments (PD) Districts.
 - (3) At the time of application, the property owner must acknowledge in writing the restrictions in subsections (4) through (6) regarding sale, owner occupancy, and short term rentals of Accessory Dwelling Units.
 - (4) The accessory dwelling unit may not be sold separately from the existing single-family home.
 - (5) Either the single-family home or the accessory dwelling unit must be owner-occupied if the home and accessory dwelling unit are occupied

by different families.

- (6) Neither the accessory dwelling unit nor the single-family home may be used for short-term residential rentals.
- (7) Before issuance of a building permit for the accessory dwelling unit, the owner must record a covenant in a form approved by the City Attorney to notify future owners of the restrictions in subsections (4) through (6) regarding sale, owner occupancy, and short term rentals of Accessory Dwelling Units.
- (8) The accessory dwelling unit shall conform to all applicable state and local building code requirements. Fire sprinklers may not be required for the accessory dwelling unit unless they are required for the existing single-family home.
- (9) An accessory dwelling unit conforming to the requirements of this section shall not be considered to exceed the allowable density for the lot upon which the unit is located and shall be deemed to be a residential use consistent with the existing general plan and zoning designations for the lot.
- (10) An accessory dwelling unit must include no less than the minimum floor area identified for an efficiency unit, as defined in Health and Safety Code Section 17958.1.
- (11) Additional parking for the accessory dwelling unit is not required. However, if the accessory dwelling unit replaces an existing garage, carport, or covered parking structure, replacement spaces must be provided equal to the number of spaces removed. Replacement spaces may be provided as covered spaces, uncovered spaces, tandem spaces, or mechanical parking lifts.
- (12) Conversion to Primary Dwelling Unit.
 - (A) An accessory dwelling unit shall become the primary dwelling unit on a site if the original primary dwelling unit is demolished or determined to be uninhabitable, and is not replaced or made habitable within one year of its demolition or the determination that it is uninhabitable.
 - (B) If an accessory dwelling unit becomes the primary dwelling unit, it shall remain so, and be considered a nonconforming but lawful structure if it fails to comply with any zoning standards applicable to a primary dwelling unit in the zoning district where it is located, until such time as a new structure compliant with all zoning standards applicable to a primary dwelling unit in the zoning district where it is located, is lawfully constructed or otherwise created on the site.
- (13) Vacant Lots.

- (A) A building permit applicant for a vacant site may propose construction of both a single-family dwelling unit and an accessory dwelling unit concurrently. However, the primary dwelling unit must pass final inspection prior to final inspection of the associated accessory dwelling unit. Nothing in this section shall be construed to supersede or in any way alter or lessen the effect of any other zoning provision requiring issuance of a discretionary permit for construction of the primary dwelling unit prior to issuance of a building permit.
- (B) The discretionary review of the primary dwelling unit must not include consideration of the accessory dwelling unit use.
- (14) A passageway may not be required in conjunction with the construction of an accessory dwelling unit.
- (15) An accessory dwelling unit may be constructed on a site that does not meet the minimum lot or parcel size requirements or minimum dimensional requirements of the underlying zoning district, provided the accessory dwelling unit is constructed in compliance with all other standards of this section. Approval of a site development permit or any other discretionary permit, is not required.
- (16) An accessory dwelling unit may be constructed on a site containing a primary dwelling unit or accessory structure that does not comply with all zoning standards, including without limitation off-street parking standards, provided the accessory dwelling unit complies with all standards contained in this section. The existing nonconformities of the primary dwelling unit or accessory structure shall not be considered when evaluating the application.
- (17) An accessory dwelling unit conforming to the provisions of this section shall be approved ministerially.
- (b) Interior Accessory Dwelling Units. The following provisions also apply to interior accessory dwelling units:
 - (1) The accessory dwelling unit must be constructed entirely within the existing and legally created space of a single-family home or accessory structure in an R-1, Hillside Residential and Open Space (HRO), or residential Planned Developments (PD) District.
 - (2) The zoning standards of the underlying zoning district (e.g., setbacks, height, floor area ratio, etc.) do not apply to interior accessory dwelling units.
 - (3) An interior ADU must have exterior access independent from the existing single-family home.
 - (4) Side and rear setbacks of the structure in which the interior ADU is

located must be sufficient for fire safety, as determined by the Fire Marshal.

- (5) New or separate utility connection directly between the accessory dwelling unit and the utility may not be required.
- (c) Attached Accessory Dwelling Units. The following provisions shall also apply to all attached accessory dwelling units:
- (1) Except as modified by this section, an ADU attached to the primary dwelling unit shall conform to all requirements of the underlying residential zoning district, any applicable overlay district, and all other applicable provisions, including height, setback, floor area ratio, and historic preservation requirements.
 - (2) The increased floor area of an ADU attached to the existing single-family home shall not exceed the lesser of fifty percent of the living area (as defined in Section 65852.2) of the existing single-family home or 800 square feet.
 - (3) Separate utility connections between the accessory dwelling unit and all utilities, and connection fees/capacity charges may be required, consistent with Government Code Sections 66000 and 66012.
 - (4) An attached ADU must comply with the following design standards:
 - (A) The ADU must comply with the Residential Design Criteria (RDC) if the new construction includes: i) ground floor plate height exceeds 12 feet or roof height exceeds 18 feet (as measured from finished grade); or ii) creates or expands an upper floor.
 - (B) The ADU must be constructed with compatible/complementary facade materials, generally the same color palette, and similar in texture and appearance to the primary dwelling, including but not limited to roofing, siding, windows, and doors.
 - (C) The ADU roof pitch/form must be compatible with the roof pitch/form of the primary dwelling.
- (d) Detached Accessory Dwelling Units. The following provisions shall also apply to all detached accessory dwelling units:
- (1) Except as modified by this section, a detached ADU must conform to all requirements of the underlying residential zoning district, any applicable overlay district, and all other applicable zoning provisions, including height, setback, floor area ratio, and historic preservation requirements.
 - (2) Setbacks.

- (A) A detached accessory dwelling unit must be located no less than five feet from the primary dwelling unit on site.
 - (B) The minimum side setbacks for a detached ADU is five feet from interior side lot lines and fifteen from street side lot lines of corner lots.
 - (C) On reverse corner lots, a detached ADU may not project beyond the inner line of the front yard required on the adjacent lot to the rear, nor be located less than five feet from the side lot line of such adjacent lot.
 - (D) The minimum rear yard setback for a detached ADU is five feet.
 - (E) Notwithstanding subsections (A) through (D), the minimum setbacks for an ADU that is constructed above an existing garage is five feet from the rear and side property lines (including street side corner lots and reverse corner lots).
- (3) Height.
 - (A) A one story detached ADU may be up to 15 feet in height.
 - (B) A detached ADU constructed over a garage or other accessory structure where the ADU would be five feet from the rear or side lot line may be up to 17 feet in height when such unit has a flat roof.
 - (C) A detached ADU constructed over a garage or other accessory structure where the ADU would be five feet from the rear or side lot line may be up to 20 feet in height when such unit has a pitched roof.
 - (D) A detached ADU constructed over a garage or other accessory structure where the ADU would meet the side and rear yard setbacks of the underlying zoning district may be up to 20 feet in height when such unit has a flat roof.
 - (E) A detached ADU constructed over a garage or other accessory structure where the ADU would meet the side and rear yard setbacks of the underlying zoning district may be up to 24 feet in height when such unit has a pitched roof.
- (4) The maximum floor area of a detached ADU is 800 square feet.
 - (5) Separate utility connections between the ADU and all utilities, and connection fees/capacity charges may be required, consistent with Government Code Sections 66000 and 66012.
 - (6) A detached ADU must comply with the following design standards:
 - (A) The ADU must comply with the Residential Design Criteria (RDC) if the new construction includes:

- (i) ground floor plate height exceeds 12 feet or roof height exceeds 18 feet (as measured from finished grade); or
 - (ii) creates or expands an upper floor.
- (B) The ADU must be constructed with compatible/complementary facade materials, generally the same color palette, and similar in texture and appearance to the primary dwelling, including but not limited to roofing, siding, windows, and doors.
- (C) The ADU roof pitch/form must be compatible with the roof pitch/form of the primary dwelling.