

Title 10 - PLANNING AND ZONING  
PART IV - —SITE REGULATIONS  
Chapter 10.74 ACCESSORY DWELLING UNITS

---

### **Chapter 10.74 ACCESSORY DWELLING UNITS**

#### **10.74.010 Purpose and applicability.**

The purpose of this chapter is to implement the requirements of Chapter 13 of Division 1 of Title 7 of the California Government Code to allow accessory dwelling units and junior accessory dwelling units consistent with state law.

(§ 5, Ord. 18-0024, eff. Jan. 18, 2019; Ord. No. 21-0001, § 5, eff. Feb. 19, 2021)

#### **10.74.020 Definitions.**

As used in this Chapter, terms are defined as follows and shall be in accordance with Government Code Section 66313, as that statute is amended from time to time:

"Accessory dwelling unit" or "ADU" means 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. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. Notwithstanding the foregoing, the term "ADU" does not include a guest house (or accessory living quarters), as defined in Municipal Code Section 10.04.030. An accessory dwelling unit also includes the following:

1. An efficiency unit, as defined by section 17958.1 of the California Health and Safety Code; and
2. A manufactured home, as defined in Section 18007 of the California Health and Safety Code.

"Accessory structure" for the purpose of this chapter means a structure that is accessory and incidental to a dwelling located on the same lot.

"Attached ADU" means an ADU that is constructed as a physical expansion (i.e. addition) of a primary dwelling, or the remodeling of a primary dwelling, and shares a common wall with a primary dwelling.

"Detached ADU" means an ADU that is constructed as a separate structure from any primary dwelling, and does not share any walls with a primary dwelling.

"Existing structure" means an existing single-family dwelling, multi-family dwelling, or other accessory structure that can be safely converted into habitable space under the California Building Standards Code, as amended by the City, and any other applicable laws.

"Junior accessory dwelling unit" or "JADU" means a unit that is not more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities.

"Livable space" means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.

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

"Primary dwelling," for purposes of this chapter, means an existing or proposed single-family dwelling, or multi-family dwelling, on the lot where an ADU would be located.

"Public transit," means 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 fare, run on fixed routes, and are available to the public or as prescribed in Government Code Section 66313, as the same may be amended from time to time.

"Nonconforming zoning condition" means a physical improvement on a property that does not conform to current zoning standards.

"Objective standards" means standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.

"Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

"Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another or as prescribed by Government Code Section 66313.

(§ 5, Ord. 18-0024, eff. Jan. 18, 2019; Ord. No. 21-0001, § 5, eff. Feb. 19, 2021)

### 10.74.30 General requirements and application procedure.

The following requirements apply to all ADUs and JADUs that are approved under this Chapter.

- A. Before constructing an ADU or a JADU or converting an existing structure, or portion of a structure to an ADU or JADU, or legalizing an unpermitted ADU or JADU per section 10.74.080, the applicant shall obtain permits in accordance with the requirements of this section.
- B. All ADUs and JADUs shall satisfy the requirements of the California Building Standards Code, as amended by the City, and any other applicable laws.

### 10.74.040 Approval of ADUs and JADUs.

- A. **Building Permit Only Subject to Government Code Section 66323.** An applicant shall not be subject to the standards included in Section 10.74.050 of this Code or be required to submit an application for an ADU permit under subsection B of this section, and may instead seek building permit approval for an ADU or JADU, or both, where the proposal satisfies the requirements of Government Code Section 66323, as the same may be amended from time to time. Such ADUs and JADUs shall be subject to the California Building Standards Code, as amended by the City, the JADU requirements in Section 10.74.060 of this Code, and any other applicable state or federal laws. An ADU or JADU approved pursuant to this subsection shall be rented only for terms of thirty (30) days or longer and shall be subject to the generally applicable covenant requirements in Section 10.74.050(A)(3).
- B. **ADU Permit.** Except as allowed under subsection A, no ADU shall be created without a permit in compliance with the standards set forth in sections 10.74.030.
  - 1. In addition to obtaining an ADU permit, the applicant shall be required to obtain a building permit and any other applicable permits prior to the construction of the ADU or JADU.
  - 2. **Projects Subject to ADU Permit Review.** For those applications that do not qualify under subsection (A) above, the Director of Community Development or designee shall ministerially review and approve an ADU permit application and shall not require a public hearing, provided that the submitted application is complete and demonstrates that the ADU complies with the requirements contained in this chapter and any other applicable law.
  - 3. Where an ADU permit application is submitted with an application for a primary dwelling that is subject to discretionary review under this Code, the ADU permit application will be considered

separately without discretionary review or a public hearing, following action on the portion of the project subject to discretionary review.

**C. Processing Timelines and Procedures.**

Projects subject to Section 10.74.040(A), (B) and 10.74.060 are subject to ministerial approvals and shall be processed within the timelines established by California Government Code Section 66317 and 66335.

- D. Minor Exception:** An applicant may apply for a minor exception, pursuant to Section 10.84.120, for the establishment of an ADU or JADU in an existing legal structure that does not comply with the ADU or JADU standards provided in this chapter or in Chapter 13 of Division 1 of Title 7 of the California Government Code. A minor exception may not be requested for site or lot conditions.

(§ 5, Ord. 18-0024, eff. Jan. 18, 2019; Ord. No. 21-0001, § 5, eff. Feb. 19, 2021)

**10.74.050 ADU and JADU Requirements and Development Standards.**

- A. The following requirements apply to all ADUs and JADUs that are approved under this Chapter.
1. **Height.** All ADUs shall comply with the height limits prescribed in Government Code Section 66321.
    - a. Height for detached ADUs shall be measured from the weighted average of the local grades around the perimeter of the detached structure
    - b. A detached ADU located directly above a detached garage or directly below a detached garage that does not qualify as a basement shall not exceed a total height of twenty-six feet (26').
  2. **Fire Sprinklers.** Fire Sprinklers shall not be required if they are not required for the primary residence. The construction of an ADU shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling as prescribed in Government Code Section 66314 and 66323.
  3. **Covenant Required.**
    - a. For ADUs the property owner shall record a declaration of restrictions, in a form approved by the City Attorney, placing the following restrictions on the property, the property owner, and all successors in interest: (i) the ADU is to be rented only for terms of thirty (30) days or longer; (ii) the ADU is not to be sold or conveyed separately from the primary dwelling (unless otherwise required by state law); (iii) the property owner and all successors in interest shall maintain the ADU and the property in accordance with all applicable ADU requirements and standards; and (iv) that any violation will be subject to penalties as provided in Municipal Code Chapter 1.04 and 1.06. Proof of recordation of the covenant shall be provided to the City prior to final building inspection.
- B. For JADUs, see covenant requirements set forth in Section 10.74.060(F). In addition to the requirements in Section 10.74.050(A), the following requirements apply to ADUs subject to Section 10.74.040(B):
1. **Location Restrictions/Number Permitted:**
    - a. **ADUs on Lots with a Single-Family Residence.** A maximum of two (2) total ADUs shall be allowed on a lot with a proposed or existing single-family dwelling within all Area Districts. Only one (1) detached ADU is allowed on a property.
    - b. **ADUs on Lots with New Multi-Family Developments.** In all Area Districts, the total amount of ADUs permitted on a lot is prescribed in Government Code Section 66323 (a) (3) and (4).
  2. **Development Standards:**

- 
- a. **Size, General.** All ADUs shall comply with the minimum and maximum square footage requirements prescribed in Government Code Section 66321.
    - i. If there is an existing single-family residence, a newly constructed attached ADU shall not exceed fifty percent (50%) of the buildable floor area of the existing single-family residence.
    - ii. Application of other development standards in this section or any other section may further limit the size of an attached ADU. Notwithstanding, no percent-based size limits in this section or any other section, front setbacks, floor area ratio, or open space requirements may require the ADU to be less than 800 square feet.
  - b. **Setbacks:** No setback shall be required for an ADU that is within an existing structure or within a structure constructed in the same location and dimensions as an existing structure. For all other ADUs, the required setback from side and rear lot lines shall be four feet (4'), and the front setback shall be as required for the primary structure.
  - c. **Separation:** A detached ADU shall have a minimum five-foot building separation from other buildings on the lot.
  - d. **Standards:** An ADU shall, to the maximum extent possible, conform to all open space, buildable floor area, and minimum lot size regulations applicable to the zoning district in which the property is located, as well as the building separation requirement stated in subsection (c) above, except in the following cases:
    - i. ADUs that are not required to obtain an ADU permit as provided in Section 10.74.040(A).
    - ii. Where the application of such standards would not permit construction of an eight hundred (800) square-foot ADU that is sixteen feet (16') in height with four-foot side and rear yard setbacks, in which case the regulation(s) at issue shall be waived to permit such an ADU.
  - e. Except as provided in subsection (d)(i) and (d)(ii), an ADU shall count toward the maximum total buildable floor area applicable to the lot.
- C. **Guest Houses:** If an ADU is located on a lot with a guest house, either, but not both, the guest house or the ADU shall be attached to the primary dwelling unless the project complies with all requirements in Government Code Section 66323(a).
- D. **Design and Features:**
- 1. An ADU shall not have any outdoor deck at a height greater than thirty inches (30") above local grade if the deck is located in the primary dwelling's required yards. A landing for the purposes of ingress and egress shall be permitted at the minimum size required by the UBC.
  - 2. If the property abuts an alley, any new driveway access for an ADU must be provided through the alley.
  - 3. An ADU shall have a separate exterior access.
  - 4. For any second-story detached ADUs located on non-alley lots, all exterior openings, including windows and doors, except a main entry into the ADU, that are within twelve feet (12') of and facing a rear property line and/or within ten feet (10') of and facing a side interior property line shall be fitted with translucent glazing and satisfy one (1) of the following: (i) be fixed (i.e., inoperable) or (ii) be located at least five feet (5') above the finished floor level at the window's lowest point.
  - 5. A kitchen, in conformance with applicable health and safety requirements, including at least one (1) permanently installed stovetop appliance, shall be required for all ADUs.
-

6. A permanent foundation shall be required for all ADUs.
7. Refuse containers shall comply with Municipal Code Section 5.24.030.

**E. Parking Requirements:**

1. In addition to the off-street parking space(s) required for the primary dwelling, one (1) off-street parking space shall be provided for each ADU, except when:
  - a. The ADU is located within one-half (½) mile walking distance of public transit as defined by Government Code Section 66313, as amended from time to time;
  - b. The ADU is located within an architecturally and historically significant historic district;
  - c. The ADU is part of the existing primary dwelling or all or part of an existing accessory structure or building;
  - d. The ADU is located in an area where on-street parking permits are required but not offered to an ADU occupant; or
  - e. The ADU is located within one (1) block of a city-approved and dedicated parking space for a car share vehicle.
2. The parking space may be provided in setback areas or as tandem parking as defined by Government Code Section 66313, as amended from time to time, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.3. The dimensions of all parking spaces, driveways, vehicular access, turning radius and similar parking standards shall comply with the requirements set forth in Municipal Code Chapter 10.64.
4. No Replacement. When a garage, carport, covered parking structure, or uncovered parking space is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced if the project meets any of the criteria set forth in Government Code Section 66322(a), as amended from time to time.

(§ 5, Ord. 18-0024, eff. Jan. 18, 2019; Ord. No. 21-0001, § 5, eff. Feb. 19, 2021)

**10.74.060 JADU Standards.**

JADUs shall comply with the following requirements and Government Code Section 66333 as amended from time to time:

- A. A JADU shall be a maximum of five hundred (500) square feet of buildable floor area and a minimum of one hundred fifty (150) square feet, or an alternate minimum area for an "efficiency unit" that is adopted by the City. The buildable floor area of a shared sanitation facility shall not be included in the maximum buildable floor area of a JADU.
- B. A JADU must be contained entirely within the walls of the existing or proposed single-family dwelling.
- C. A separate exterior entry from the main entrance to the single-family dwelling shall be provided to serve a JADU.
- D. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing or proposed single-family dwelling. If a JADU does not include a separate bathroom, the JADU shall include an interior entry to the main living area.
- E. A JADU shall include an efficiency kitchen, which shall include :(i) a cooking facility with appliances, and (ii) a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.

- F. **Covenant Required:** The property owner shall record a declaration of restrictions, in a form approved by the City Attorney, placing the following restrictions on the property, the property owner, and all successors in interest: (i) the property owner shall be an owner-occupant of either the primary dwelling or the JADU, unless the owner is a government agency, land trust, or housing organization; (ii) the JADU is to be rented only for terms of thirty (30) days or longer; (iii) the JADU is not to be sold or conveyed separately from the single-family dwelling; (iv) the property owner and all successors in interest shall maintain the JADU and the property in accordance with all applicable JADU requirements and standards, including the restrictions on the size and attributes of the JADU provided in Government Code Section 66333-66339; and (v) that any violation will be subject to penalties as provided in Municipal Code Chapter 1.04 and 1.06. Proof of recordation of the covenant shall be provided prior to final building inspection.
- G. No additional parking is required for a JADU.

(Ord. No. 21-0001, § 5, eff. Feb. 19, 2021)

Editor's note(s)—Ord. No. 21-0001, § 5, adopted January 19, 2021 and effective February 19, 2021, in effect, repealed § 10.74.050 and enacted a new § 10.74.050 as set out herein. Former § 10.74.050 pertained to parking and derived from Ord. 18-0024, § 5, eff. Jan. 18, 2019.

**10.74.070 Fees and utility connections.**

- A. The owner of an ADU or JADU shall be subject to the payment of all sewer, water and other applicable fees except as specifically provided in Government Code Sections 66324, 66338, and 66341.
- B. With the submittal of the ADU permit or prior to receiving a building permit if no ADU permit is required, the owner of the subject property shall submit letters of service availability for water and sewer disposal to the Building Official.

(§ 5, Ord. 18-0024, eff. Jan. 18, 2019; Ord. No. 21-0001, § 5, eff. Feb. 19, 2021)

**10.74.80 Unpermitted ADUs and JADUs.**

- A. Unpermitted ADUs and JADUs constructed before 2020 shall be permitted if the project complies with the provisions set forth in Government Code Section 66331.
  - 1. **Permit to Legalize.** As required by state law, the city may not deny a permit to legalize an existing, unpermitted ADU or JADU that was constructed before January 1, 2020, if denial is based on either of the following grounds:
    - i. The ADU or JADU violates applicable building standards, or
    - ii. The ADU or JADU does not comply with state ADU or JADU law or this chapter.
  - 2. **Exceptions:**
    - i. Notwithstanding subsection (A)(1) above, the city may deny a permit to legalize an existing, unpermitted ADU or JADU that was constructed before January 1, 2020, if the city makes a finding that correcting a violation is necessary to comply with the standards specified in California Health and Safety Code section 17920.3.
    - ii. Subsection (A)(1) above does not apply to a building that is deemed to be substandard in accordance with California Health and Safety Code section 17920.3.