

18.42.170 - Second Units - Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU)

This Section establishes standards for 2 types of residential second units: (A) accessory dwelling units (ADU); and (B) junior accessory dwelling units (JADU), where allowed by Article 2 (Zoning Districts and Allowable Land Uses). An application for a second unit that complies with the standards of this Section shall be approved ministerially. "Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for 1 or more persons. ADUs shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single residential unit or multifamily dwelling is or will be situated. An "accessory dwelling unit" also includes the following: (A) an efficiency unit; and (B) a manufactured home, as defined in Section 18007 of the Health and Safety Code. "Junior accessory dwelling unit" means a living space not more than 500 square feet in size and contained entirely within the walls of a single residential unit. A JADU shall include permanent provisions for living, sleeping, eating, cooking, and sanitation; sanitation facilities may be separate, or may be shared with the primary unit.

A. Limitation on location.

- 1. Accessory dwelling unit.** ADUs are allowed on any parcel that is zoned for a single residential unit or multifamily residential development.
- 2. Junior accessory dwelling unit.** JADUs are allowed on any parcel that is zoned for a single residential unit.

B. Limitation on number of units. No more than 1 ADU and 1 JADU shall be approved on a single parcel with a single residential unit. Two detached ADUs are allowed on any parcel that is zoned for residential development that has multifamily development, and no more than 25% of the number of existing units, but at least 1 unit, shall be permitted as accessory dwelling units constructed (in compliance with all applicable building codes) within the non-livable space of the existing multifamily building (i.e., storage rooms, attics, basements, and garages).

C. Density. Both ADUs and JADUs shall be exempted from the calculation of the maximum allowable density for the lot on which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designation for the lot.

D. Relationship to primary use.

- 1. Accessory dwelling unit.**
 - a. An ADU may be incidental and subordinate to the primary single residential unit use of the site in terms of size and location. It can be: (i) a remodeled portion of a primary dwelling unit; (ii) attached to a primary dwelling unit; (iii) one of the units of a duplex; or (iv) a detached unit. An ADU may be constructed simultaneously with or after the primary dwelling. In addition, an existing dwelling that

complies with the standards for second units in Subsection (E) of this Section may be considered a second unit, and a new primary unit may be constructed which would then be considered the primary dwelling unit.

b. ADUs constructed under the provisions of Government Code Section 65852.2(c)(2)(c) may not be rented for less than 31 days.

2. Junior accessory dwelling unit.

a. A JADU shall be contained entirely within the walls of a single residential unit and shall not exceed 500 square feet.

b. A JADU shall include an efficiency kitchen including a food preparation counter, storage cabinets that are of reasonable size in relation to the size of the unit, and cooking appliances; have a separate entrance from the main entrance to structure; and may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

c. Owner-occupancy. The owner of a parcel proposed for a junior accessory dwelling unit shall occupy as a primary residence either the primary dwelling or the junior accessory dwelling. Owner-occupancy is not required if the owner is a governmental agency, land trust, or housing organization.

d. Sale prohibited. A junior accessory dwelling unit shall not be sold independently of the primary dwelling on the parcel.

e. Short-term rentals. The junior accessory dwelling unit shall not be rented for periods of less than 31 days.

f. Fire protection; utility service. For the purposes of any fire or life protection ordinance or regulation or for the purposes of providing service for water, sewer, or power, a junior accessory dwelling unit shall not be considered a separate or new unit, unless the junior accessory dwelling unit was constructed in conjunction with a new single residential unit. No separate connection between the junior accessory dwelling unit and the utility shall be required for units created within a single residential unit, unless the junior accessory dwelling unit is being constructed in connection with a new single residential unit.

g. Deed restriction. Prior to the issuance of a building permit for a junior accessory dwelling unit, the owner shall record a deed restriction in a form approved by the City that includes a prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single residential unit, requires owner-occupancy consistent with Subsection (D)(2)(c) of this Section, does not permit short-term rentals, and restricts the size and attributes of the junior dwelling unit to those that conform with

this section.

E. Second unit standards.

1. Accessory dwelling unit. An ADU shall comply with the following standards:

a. Height limit. A detached ADU shall be limited to 18 feet and 1 story. A second unit located over a residential accessory structure may be allowed with a maximum height of 25 feet with Minor Use Permit approval. An attached ADU shall comply with the height limit in the zoning district.

b. Setbacks. An ADU shall have a minimum rear and side setback of 4 feet, unless the second unit is located in a nonconforming structure as defined by § 18.90.020. No second unit may be permitted above a residential accessory structure unless the unit complies with the 4-foot setback requirement.

Notwithstanding the foregoing, no setbacks are required for ADUs that are conversions of existing living areas or existing accessory structures, or for any new structures in the same location and to the same dimensions as an existing structure.

c. Maximum floor area. The maximum floor area of an ADU shall not exceed 1,000 square feet.

d. Separate entrance required. An attached ADU shall have an entrance separate from the entrance to the primary dwelling.

e. Window placement. An ADU that is placed 20 feet or less from a residential unit on the same parcel or an adjacent parcel shall not have windows that directly face windows in the other unit. An ADU that is located over a residential accessory structure shall not have windows or balconies that directly face a neighboring yard. This limitation applies only to side yards, not to windows facing alleys.

f. Building code compliance. All new ADUs must satisfy the requirements contained in the building code and fire code as currently adopted by the City, including applicable energy efficiency standards associated with Title 24 of the California Code of Regulations. However, fire sprinklers shall not be required if they are not required for the primary residence.

g. Accessory dwelling units. Permitted regardless of compliance with other development standards and regulations. ADU permits shall be approved for the following types of accessory dwelling units, regardless of whether the application meets the development standards contained in this Zoning Code:

i. For lots with a single residential unit, one of the following:

a) One interior ADU or 1 JADU per lot constructed within an existing or proposed single

residential unit or accessory structure, including the construction of up to a 150-square-foot expansion beyond the same physical dimensions as the existing accessory dwelling structure to accommodate ingress and egress. The ADU or JADU must have exterior access and side and rear setbacks sufficient for fire safety; or

b) One new, detached ADU with minimum 4-foot side and rear setbacks, up to 800 square feet and no more than 16 feet high on a lot with an existing or proposed single residential unit. A JADU may also be built within the existing or proposed dwelling of such residence in connection with the ADU.

ii. On a lot with an existing multifamily dwelling:

a) ADUs may be constructed in areas that are not used as livable space within an existing multifamily dwelling structure (i.e., storage rooms, boiler rooms, passageways, attics, basements, or garages), provided the spaces meet state building standards for dwellings. The number of interior ADUs permitted on the lot shall not exceed 25% of the current number of units of the multifamily complex on the lot and at least 1 such unit shall be allowed. Units constructed pursuant to this Subsection shall not exceed 800 square feet in floor area; and

b) Up to 2 detached ADUs may be constructed, provided they are no taller than 16 feet, and they have at least 4 feet of side and rear yard setbacks. Units constructed pursuant to this Subsection shall not exceed 800 square feet in floor area.

c) ADUs approved under this Subsection (E)(1)(g) shall not be rented for less than 31 days.

iii. ADUs or JADUs approved under this Section shall not be required to correct legal nonconforming zoning conditions.

2. Junior accessory dwelling unit. A JADU shall comply with the following standards:

a. Maximum floor area. The living space shall not exceed 500 square feet in size and shall be contained entirely within the walls of a single residential unit.

b. Separate entrance required. A JADU shall have a separate entrance from the main entrance to structure, with an interior entry into the main living area.

c. Efficiency kitchen. A JADU shall include an efficiency kitchen, as follows:

i. Cooking appliances;

ii. A food preparation counter; and

iii. Storage cabinets reasonably sized in relation to unit.

F. Off-street parking requirements. Off-street parking is not required for either an ADU or a JADU. However, if parking is provided, the parking space shall comply with the location and design requirements of Chapter 18.36.

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