

Municipal Code Title 17

Chapter 17.110 ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

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17.110.10 Purpose and Intent

- A. Purpose. The purpose of this Chapter is to establish the requirements for the creation of Accessory Dwelling Units and Junior Accessory Dwelling Units, as defined in Government Code Sections 65852.2 and 65852.22, or any successor statute, in areas designated for residential use, including as part of a planned community development plan or specific plan, and to provide development standards to ensure the orderly development of these units in appropriate areas of the City.
- B. Intent. It is the intent of this Chapter that any construction, establishment, alteration, enlargement, or modification of an Accessory Dwelling Unit or a Junior Accessory Dwelling Unit comply with the requirements of this Chapter and the City's Building and Fire Codes. An Accessory Dwelling Unit or Junior Accessory Dwelling Unit that conforms to the standards of this Chapter shall not be:
1. Deemed to be inconsistent with the General Plan designation and zone for the parcel on which the Accessory Dwelling Unit or Junior Accessory Dwelling Unit is located.
 2. Deemed to exceed the allowable density for the parcel on which the Accessory Dwelling Unit or Junior Accessory Dwelling Unit is located.
 3. Considered in the application of any City ordinance, policy, or program to limit residential growth.
 4. Required to correct a nonconforming zoning condition as defined in Chapter 17.02 (Introduction and Definitions) or under the provisions of Chapter 17.22 (Nonconforming Uses). This does not prevent the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code Section 17980.12.

17.110.020 Definitions

The following definitions apply in order to enact the specific requirements of this Chapter:

- A. Accessory Dwelling Unit. An Accessory Dwelling Unit is a unit as defined by Government Code Section 65852.2 to mean an attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and shall have a bathroom, and shall be located on the same parcel as the single-family or multifamily dwelling. An Accessory Dwelling Unit also includes an efficiency unit as defined in Section 17958.1 of the Health and Safety Code and a manufactured home as set forth in Section 18007 of the Health and Safety Code.
- B. Attached Accessory Dwelling Unit. An Attached Accessory Dwelling Unit is a unit that shares at least one common wall with the primary dwelling.
- C. Detached Accessory Dwelling Unit. A Detached Accessory Dwelling Unit is a unit constructed as a separate structure from a primary dwelling.
- D. Efficiency Kitchen. An efficiency kitchen is a kitchen facility that contains a sink with a drain, cooking appliances that do not require natural gas, propane, or electrical service greater than 120 volts, and a dedicated area for food preparation counter space with storage cabinets.
- E. Junior Accessory Dwelling Unit. A Junior Accessory Dwelling Unit is a unit as defined by Government Code Section 65852.22 to mean a residential dwelling unit that is contained entirely within the area of a single-family dwelling that provides living facilities for up to two persons. It shall include an efficiency kitchen, and may include a bathroom facility or share bathroom facilities within the single-family dwelling.
- F. Multifamily Dwelling or Multifamily Development. For purposes of this Chapter, multifamily dwelling or multifamily development means a structure with two or more attached dwellings on a single parcel. Multiple detached single-family dwellings on the same parcel are not considered multifamily dwellings or multifamily development.
- G. Passageway. For the purposes of this Chapter, a passageway means a pathway that is unobstructed clear to the sky and extends from the street to one entrance of the Accessory Dwelling Unit.

17.110.030 Statutory Requirement and Mandatory Approval

An Accessory Dwelling Unit or Junior Accessory Dwelling Unit shall be approved ministerially provided all applicable requirements of this Chapter are met. However, in no case shall any requirements for lot coverage, floor area ratio, open space, minimum lot size; any other requirements of this Chapter; or any provisions contained elsewhere in Title 17 (Land Use

Development Code) be interpreted or implemented in any manner that would preclude the development of:

- A. Accessory Dwelling Unit. Any Accessory Dwelling Unit that is up to 800 square feet in size, which has an overall height above grade of no more than 16 feet, and provides minimum four-foot-wide side and rear yard setbacks.
- B. Junior Accessory Dwelling Unit. Any Junior Accessory Dwelling Unit that is 500 square feet or smaller in size and contained within an existing or proposed single-family dwelling.

17.110.040 Permitted Zones

- A. Single-Family Zones. An Accessory Dwelling Unit and/or a Junior Accessory Dwelling Unit shall be permitted in conformance with the requirements of this Chapter in all zoning districts allowing single-family development, on parcels developed with existing single-family dwellings, or in conjunction with a proposed single-family dwelling.
- B. All Zones. Accessory Dwelling Units shall be permitted in conformance with the requirements of this Chapter in all zoning districts allowing residential development or mixed land use development, or on parcels developed with existing residential dwellings.

17.110.050 Number and Types of Units Allowed

- A. Single-Family Accessory Dwelling Unit. A parcel developed with one existing or proposed single-family dwelling that is located within a zoning district permitting residential uses, shall be permitted to establish one Accessory Dwelling Unit by one of the following means:
 - 1. As a unit attached to an existing or proposed single-family dwelling.
 - 2. As a new detached structure.
 - 3. As an addition attached to an existing or proposed accessory structure.
 - 4. As a conversion of an existing or proposed single-family residence or detached accessory structure, including the addition of up to 150 square feet of newly constructed space as necessary for providing ingress/egress to the unit.
 - 5. Reconstruction of an existing detached accessory structure or habitable area that is proposed to be converted to an Accessory Dwelling Unit, or a portion thereof, in the same location and with the same dimensions and setbacks as provided for the original structure.
- B. Single-Family Junior Accessory Dwelling Unit. A parcel developed with one existing or proposed single-family dwelling that is located within a zoning district permitting single-

family uses, shall be permitted to establish one Junior Accessory Dwelling Unit by one of the following means:

1. As a unit contained entirely within the walls of the existing or proposed single-family dwelling that must be the primary dwelling on an individual parcel.
2. As a unit created within a garage attached to the existing single-family dwelling that must be the primary dwelling on an individual parcel.

C. Unit Combination Limit for Single-Family. The number and combination of units where a parcel is developed with one existing or proposed single-family dwelling is limited to either:

1. One Attached Accessory Dwelling Unit within the existing or proposed space of a single-family dwelling or accessory structure, plus one Junior Accessory Dwelling Unit; or
2. One Detached Accessory Dwelling Unit constructed in conformance with all applicable development standards of this Chapter, plus one Junior Accessory Dwelling Unit.

D. Multifamily Accessory Dwelling Units. A parcel developed with an existing multifamily development that is located in a zoning district permitting residential development or mixed land uses that include residential development, shall be permitted to establish Accessory Dwelling Units by one of the following means:

1. By converting non-habitable space, including, but not limited to, storage rooms, passageways, attics, basements, and attached garages, within the walls of an existing multifamily building.
2. By constructing a new detached structure that is 800 square feet or smaller in size, has an overall height above grade of no more than 16 feet, and provides minimum four-foot-wide side and rear yard setbacks.

E. Unit Limitation for Multifamily. The number of units where a parcel is developed with existing multifamily dwellings is limited to either:

1. A maximum of 25 percent of the existing number of multifamily dwelling units where non-habitable space is being converted, with fractional amounts rounded down; or
2. A maximum of two Detached Accessory Dwelling Units, each of which is constructed in conformance with all applicable development standards of this Chapter.

17.110.070 Development Standards

The development standards of the zone in which an Accessory Dwelling Unit or Junior Accessory Dwelling Unit is located shall apply unless specifically modified by the provisions within this Chapter and as follows:

- A. **Minimum Parcel Area.** There shall be no minimum parcel area required in order to establish an Accessory Dwelling Unit and/or Junior Accessory Dwelling Unit in any zone.
- B. **Setback Requirements.** Accessory Dwelling Units and Junior Accessory Dwelling Units shall comply with the setback requirements applicable to the zoning district, with the following exceptions:
 - 1. For conversion of existing enclosed floor area, garage, or carport, no additional setback is required, beyond the setback provided for the existing structure.
 - 2. For replacement of an existing enclosed structure, garage, or carport, no existing setback is required, beyond that which was existing. This provision shall only apply to Accessory Dwelling Units that are replacing existing structures within the same footprint and do not increase the existing structure's size and/or height.
 - 3. Newly constructed Accessory Dwelling Units shall provide a minimum setback of four feet from all side and rear property lines, whether Attached or Detached.
- C. **Building Height.** Newly constructed Accessory Dwelling Units shall not exceed an overall height above grade of 16 feet.
- D. **Unit Size.** The following unit sizes shall apply:
 - 1. The maximum size of a Detached or Attached Accessory Dwelling Unit is 850 square feet for a unit of up to one bedroom, and 1,000 square feet for a unit with two bedrooms or more.
 - 2. An Attached Accessory Dwelling Unit that is established on a parcel with an existing single-family dwelling is further limited in size to a maximum of 50 percent of the floor area of the existing single-family dwelling up to the above stated maximum size, whichever is greater.
 - 3. The maximum size of a Junior Accessory Dwelling Unit shall be 500 square feet.
 - 4. The minimum size of an Accessory Dwelling Unit or Junior Accessory Dwelling Unit shall be at least that of an efficiency unit as defined in Section 17958.1 of the Health and Safety Code.

5. There is no size requirement or limit for an Accessory Dwelling Unit converting an existing accessory structure or portion of an existing primary dwelling, unless such conversion includes more than the allowable 150 square foot new construction necessary to provide ingress/egress to the unit; in which case, the size limitations of this subsection shall apply.
- E. Design - General. The exterior of an Accessory Dwelling Unit and/or Junior Accessory Dwelling Unit established by this Chapter shall match the architectural style, colors, finish materials, roof pitch and eave depth, windows, doors, trim, hardware, light fixtures of the primary dwelling on the parcel; and shall comply with any objective design standards adopted by the City that are applicable to the zone in which it is located.
- F. Design – Historic Resource. An Accessory Dwelling Unit and/or Junior Accessory Dwelling Unit on a parcel designated as an historical resource listed on the National Register, the California Register of Historic Places, or designated as a local landmark or contributor within the Historic Mission Overlay District shall be subject to applicable requirements of Chapter 17.80 (Historic Preservation) and Chapter 17.82 (Historic Mission Overlay District) and generally to the following:
1. The establishment of the Accessory Dwelling Unit and/or Junior Accessory Dwelling Unit shall not result in or require a change to the street-facing façade of the primary dwelling.
 2. Any other changes required to be made to the other elevations on the exterior of the primary dwelling shall exactly match the existing architectural style, colors, finish materials, roof pitch and eave depth, windows, doors, trim, hardware, light fixtures of the primary dwelling on the parcel, and shall meet all applicable Secretary of the Interior Standards.
 3. A parcel with a valid Mills Act Contract shall be subject to adhering to the standards and conditions of that Contract as may be applicable.
- F. Fire Sprinklers. An Accessory Dwelling Unit and/or Junior Accessory Dwelling Unit shall comply with applicable requirements of the State Fire Code as adopted, including any amendments, of Title 15 (Building and Construction), including any fire sprinkler requirement. If fire sprinklers are not required for the primary dwelling pursuant to the applicable sections of Title 15 (Building and Construction), then fire sprinklers shall not be required separately for the Accessory Dwelling Unit and/or Junior Accessory Dwelling Unit.
- G. Access. Every Accessory Dwelling Unit and/or Junior Accessory Dwelling Unit shall have direct exterior access independent of the exterior access of the primary dwelling. The entrance shall, whenever possible, shall be located on a different side of the structure from the entrance to the primary dwelling unit.

- H. Passageway. No passageway, as defined herein, shall be required in conjunction with the construction of an Accessory Dwelling Unit and/or Junior Accessory Dwelling Unit.
- I. Parking. Parking shall comply with the applicable requirements of Chapter 17.24 (Parking Regulations) with exception to the following:
1. One off-street parking space is required for each Attached and Detached Accessory Dwelling Unit subject to the following:
 - a. Parking may be provided as tandem parking, including on a paved driveway; however, no parking shall be permitted in the front setback unless the driveway has a minimum depth of 20 feet.
 - b. Parking must be located on the same parcel as the unit, on a paved surface, without encroachment beyond the parcel boundaries, and accessible by a paved pathway.
 2. No additional parking shall be required for:
 - a. Junior Accessory Dwelling Units;
 - b. Accessory Dwelling Units converted as part of a proposed or existing space of a primary dwelling or existing accessory structure;
 - c. Accessory Dwelling Units located within one-half mile walking distance of public transit, which shall include a bus stop where the public may access buses that charge set fares, run on fixed routes, and are available to the public;
 - d. Accessory Dwelling Units located within the Historic Mission Overlay District;
 - e. When on-street parking permits are required but not offered to the occupant of the Accessory Dwelling Unit; or
 - f. When there is a car-share vehicle, a program that allows customers hourly access to shared vehicles from a dedicated home location, with the vehicles required to be returned to that same location at the end of the trip, located within one block of the Accessory Dwelling Unit.
 3. Replacement. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an Accessory Dwelling Unit on the same parcel or is converted to an Accessory Dwelling Unit, those off-street parking spaces are not required to be replaced. This provision does not apply where a Junior Accessory Dwelling Unit is established by conversion of any attached garage; in which case, the loss of parking spaces serving the single-family residence shall be replaced in kind.

- J. Impact Fees/Utility Connection. All Accessory Dwelling Units and/or Junior Accessory Dwelling Units shall be connected to public utilities (or their equivalent), including water, electric, and sewer services subject to the following:
1. The parcel owner shall be subject to the payment of all sewer, water and other applicable fees, including impact fees set forth in Government Code Section 66000 35 seq., except as specifically provided in Government Code Sections 65852.2 and 65852.22. For the purposes of this Subsection, impact fees do not include any connection fee or capacity charge for water or sewer service.
 2. No separate connection between the Accessory Dwelling Unit and/or the Junior Accessory Dwelling Unit and the utility shall be required for units created within a single-family dwelling.
 3. If the primary dwelling unit is currently connected to an on-site wastewater treatment system and is unable to connect to a sewer system, Accessory Dwelling Units and Junior Accessory Dwelling Units may connect to the on-site wastewater treatment system. However, the owner must include with the application a percolation test completed within the last five years or, if the percolation test has been recertified, within the last ten (10) years.
 4. No City-imposed impact fees shall be charged to an Accessory Dwelling Unit that is less than 750 square feet in size.
 5. For Accessory Dwelling Units 750 square feet or larger, City-imposed impact fees shall be charged proportionately in relation to the square footage of the primary dwelling unit.
 6. If any agency or special district other than the City imposes impact fees collected by the City, the City shall collect such fees in accordance with such agency's or district's fee schedule.

17.110.080 Additional Requirements

- A. No Separate Conveyance. An Accessory Dwelling Unit or Junior Accessory Dwelling Unit may be rented, but no Accessory Dwelling Unit or Junior Accessory Dwelling Unit may be sold or otherwise conveyed separately from the parcel and the primary dwelling (in the case of a single-family dwelling) or from the parcel and all of the dwellings (in the case of a multifamily dwelling).
- B. Short-Term Lodging. The Accessory Dwelling Unit and/or Junior Accessory Dwelling Unit shall not be rented for periods of thirty (30) days or less.
- C. Owner Occupancy Requirements. The following owner occupancy requirements shall apply:

1. Where a Junior Accessory Dwelling Unit is established as part of a single-family dwelling, a natural person with legal or equitable title to the parcel must reside in either the primary dwelling or the Junior Accessory Dwelling Unit as the person's legal domicile and permanent residence. However, this owner occupancy requirement shall not apply to any Junior Accessory Dwelling Unit owned by a governmental agency, land trust, or housing organization.
 2. Where an Accessory Dwelling Unit is established between January 1, 2020, but prior to January 1, 2025, an owner occupancy requirement shall not apply, except as required for a Junior Accessory Dwelling Unit on the same parcel.
 3. Where an Accessory Dwelling Unit is established on or after January 1, 2025 as part of a single-family dwelling, a natural person with legal or equitable title to the parcel must reside in either the primary dwelling or the Accessory Dwelling Unit as the person's legal and permanent residence, an owner occupancy requirement shall apply.
- D. Deed Restriction and Recordation Required. Prior to the issuance of a building and/or grading permit for a Junior Accessory Dwelling Unit, the owner of the parcel shall record a deed restriction with the County Recorder's Office, the form and content of which is satisfactory to the City Attorney. The deed restriction document shall notify future owners of the owner occupancy requirements, prohibition on the separate conveyance, the approved size and attributes of the unit, and restrictions on short-term rentals. This deed restriction shall remain in effect so long as the Junior Accessory Dwelling Unit exists on the parcel.

17.110.090 Application and Permits

- A. Ministerial Action. Approval or denial of an Accessory Dwelling Unit or Junior Accessory Dwelling Unit application that complies with the provisions of this Chapter is a ministerial action not subject to discretionary review. The City has the authority to review applications for completeness and compliance with the provisions of this Chapter.
- B. Planning Land Use Permit. In conjunction with submittal of building permit application to construct any Accessory Dwelling Unit or Junior Accessory Dwelling Unit, the owner of a parcel shall obtain zoning clearance from the City through a Land Use Permit. The City shall issue the permit within 60 days from the date that the City received a completed application, unless either:
 1. The owner of the parcel requests a delay, in which case the 60-day time period is put on hold for the period of the requested delay; or
 2. The application to create an Accessory Dwelling Unit or Junior Accessory Dwelling Unit is submitted with an application to create a new single-family dwelling on the same parcel. The City may delay acting on the permit application for the Accessory Dwelling Unit or Junior Accessory Dwelling Unit until the City acts on the permit

application to create the new single-family dwelling, but the application to create the Accessory Dwelling Unit or Junior Accessory Dwelling Unit will still be considered ministerial and acted upon without discretionary review or a hearing.

- C. Deviations from Requirements of this Chapter. The provisions for Minor Deviation as provided in Chapter 17.30 (Administration) shall not apply to the establishment of Accessory Dwelling Units and/or Junior Accessory Dwelling Units. All deviations from the development standards of this Chapter shall require approval of a Variance by the Planning Commission subject to all requirements of Chapter 17.30 (Administration) and shall be subject to any other discretionary review, hearing(s), and approval action.
- D. Building Permit. Any Accessory Dwelling Unit or Junior Accessory Dwelling Unit shall require a Building Permit, subject to all the standard application and processing fees and procedures that apply to Building Permits generally. Applications for a Land Use Permit and a Building Permit shall be submitted and processed concurrently.
- E. Fees. All applications for Accessory Dwelling Units must be accompanied by the required application fee. Application fees are established by Council resolution.