

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

This Section establishes standards for residential second units, also known as an accessory dwelling unit (ADU) and junior accessory dwelling units (JADU), where allowed by Article 2 (Zoning Districts and Allowable Land Uses). ~~The standards set forth in this Section are intended to be consistent with Government Code Section 65852.2 and to the extent that any such standards are determined by the review authority or a court of competent jurisdiction to be inconsistent with Government Code Section 65852.2, such standards shall not apply to residential second units.~~ 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 which 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 ~~family residential unit~~ or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following: (A) ~~a~~ an efficiency unit; and (B) ~~A~~ 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 shared with primary unit.

A. Limitation on location. ~~An~~

1. Accessory Dwelling Unit. ADUs are ~~is~~ allowed on any parcel that is zoned ~~for for a residential development and has one (1) primary residence.~~ single residential unit or multifamily residential development.

~~1.2.~~ Junior Accessory Dwelling Unit. JADUs s are allowed on any parcel that is zoned for a residential development that has one (1) single residential unit. ADU 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.

B. Limitation on number of units. No more than one (1) ADU and one (1) JADU shall be approved on a single parcel with a single residential unit. Two (2) 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 one (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. ~~Minimum site area~~ 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. ~~A parcel proposed for an ADU must be of adequate size to meet the lot coverage requirements of the applicable zoning district after development of the second unit.~~

D. Relationship to primary use.

1. Accessory Dwelling Unit.: Size, style.

a. An ~~accessory dwelling unit~~ ADU may be incidental and subordinate to the primary single ~~family residential unit~~ use of the site in terms of size and location. It can be: (a) a remodeled portion of a primary dwelling unit; (b) attached to a primary dwelling unit; (c) 1 of the units of a duplex; or (d) a detached unit. ~~An accessory dwelling unit may also be an efficiency unit~~

(Section 17958.1 of Health and Safety Code) or a manufactured home (Section 18007 of the Health and Safety Code).

2. ~~Timing of construction.~~ An accessory dwelling unit 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 subd. (c)(2)(c) may not be rented for less than thirty-one (31) days.

2. Junior Accessory Dwelling Unit.:

a. A JADU shall be contained entirely within the walls of a single residential unit.

at least

what about under ADU in separate garage building?

b. A JADU shall include an efficiency kitchen; have a separate entrance from the main entrance to structure, with an interior entry into the main living area; may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

A why?

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 thirty-one (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 (c) above, 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-second unit** shall comply with the following standards:

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

b. 2.— Setbacks. An ~~accessory dwelling unit~~ADU shall ~~have a minimum rear and side setback of four-foot (4')~~ comply with the setback requirements of the applicable zoning district, 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 garage~~ unless the unit complies with the ~~four-foot (4') setback requirement. standards of the applicable zoning district.~~

c. 3.— Maximum floor area. The maximum floor area of an ~~accessory dwelling unit~~ADU shall not exceed ~~960 square feet~~ either:

i. Eight hundred fifty (850) square feet for an ADU that is a studio or one-bedroom unit; or.

ii. One thousand (1000) square feet for an ADU that has two or more bedrooms.

d. 4.— Separate entrance required. An attached ~~accessory dwelling unit~~ADU shall have an entrance separate from the entrance to the primary dwelling.

e. 5.— Window placement. An ~~accessory dwelling unit~~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 ~~accessory dwelling unit~~ADU that is ~~2-stories or~~ located over a ~~residential accessory structure garage~~, 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 single residential unit, one of the following:

a.) One interior ADU or one JADU per lot constructed within an existing or proposed single residential unit or accessory structure, including the construction of up to a one hundred fifty (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 a minimum four-foot side and rear setbacks, up to eight hundred (800) square feet and no more than sixteen (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.

^ or accessory structure.

ii. On a lot with an existing multifamily dwellings:

a.) ADUs may be constructed in areas that are not used as livable space within an existing multi-family 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 twenty-five percent (25%) of the current number of units of the multi-family complex on the lot and at least one such unit shall be allowed. Units constructed pursuant to this subsection shall not exceed eight hundred (800) square feet in floor area; and

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

c.) ADUs approved under this subsection (g) shall not be rented for less than thirty-one (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 junior accessory dwelling unit shall comply with the following standards:

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

b. **Separate entrance required.** A Junior ADU 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 JADU. However, if parking is provided,** At least 1 off street paved parking space is preferred for an accessory dwelling unit in addition to the parking required for the primary dwelling by Chapter 18.36 (**Parking and Loading**). **If provided,** the parking space shall comply with the location and design requirements of Chapter 18.36; ~~however, an off street parking space is not required for the ADU.~~

(Ord. 930, § 2, passed 06-12-2017)