

Accessory Dwelling Units – Amendment to Section 21.51.275

Section 21.51.275 is repealed and restated to read as follows:

21.51.275 – Accessory Dwelling Units. An accessory dwelling unit (“ADU”) is an allowed accessory use on a lot having only one detached single family dwelling (a “primary dwelling”) and no other principal uses, or principal buildings or structures.

An accessory dwelling unit shall have the provisions described in the definition of ADU (Section 21.15.045 – Accessory Dwelling Unit). Permits for ADUs shall be considered ministerially, without discretionary review or a hearing, and the Director of Development Services shall approve or deny an application for an ADU within 120 days after receiving said application. ADUs are subject to the following regulations:

A. Locations Allowed and Prohibited. Accessory dwelling units shall be allowed in the following locations, except that ADUs shall be prohibited unless fully conforming to the requirements of this Section:

1. The zoning districts in Table 31-1 where indicated as an allowable accessory use;
2. A Planned Development District (PD) or Specific Plan (SP), or subarea thereof, that allows residential use at single-family density, subject to the additional restrictions provided in this Section. The Zoning Administrator is authorized to determine if a PD or SP, or subarea thereof, allows for development of an ADU.

B. Categories of Accessory Dwelling Units. The City hereby provides for the permitting of two categories of accessory dwelling units, as follows:

1. **Limited ADU.** A Limited ADU is located in one of the zoning districts in Table 31-1 in which a Limited ADU is indicated as an allowable accessory use, or is located in a Planned Development District (PD) or Specific Plan (SP), or subarea thereof, that allows single-family but not multi-family residential use. A Limited ADU is created solely from the existing floor area of the primary dwelling or an accessory structure. No addition of floor area or expansion of building footprint is allowed when creating a Limited ADU. A Limited ADU is exempt from certain development standards, as provided by this Section; however, any future addition of floor area to a Limited ADU shall require compliance with the provisions of this Section for a Conforming ADU.

2. **Conforming ADU.** A Conforming ADU is located in one of the zoning districts in Table 31-1 in which a Conforming ADU is indicated as an allowable accessory use, or is located in a Planned Development District (PD) or Specific Plan (SP), or subarea thereof, that allows single-family residential use.

- a. A Conforming ADU meets one of the following conditions:
 - i. Construction of new floor area is proposed to create or expand the ADU; or
 - ii. The lot is located in a permitted residential zoning district other than a single-family residential district, whether or not construction of new floor area is proposed.
- b. For a lot where an additional principal dwelling is allowed, a Conforming ADU is not permitted, except that a Conforming ADU may be created through conversion of the floor area of an existing attached or detached accessory structure, which may not be expanded,

and such a Conforming ADU may not be created or converted from new or existing floor area of the primary dwelling.

C. **Density.** Accessory dwelling units developed pursuant to the requirements of this Section shall not be considered to cause the lot upon which the ADU is located to exceed the allowable density permitted for the lot. For lots not located in a single-family residential zoning district, addition of another principal dwelling unit to a lot is not permitted as long as an ADU is present.

D. **Development Standards.** An accessory dwelling unit shall conform to all development standards of the zone in which the property is located, including but not limited to, parking, height limits, setbacks, projections, lot coverage, landscape, open space, and floor area ratio (FAR), except as specifically provided by this Section, and shall be subject to the following standards, and the provisions of Tables 51.275-1 and 51.275-2:

1. **Nonconforming Setbacks.** An ADU may be located within an existing, permitted structure with non-conforming setbacks, provided that any new construction of floor area complies with the applicable setback standards. Conversion of an existing detached accessory structure with non-conforming setbacks may include a second floor, provided that any new construction complies with the applicable setback standards.

2. **Relationship to Other Accessory structures.** The gross floor area of an ADU shall not be counted toward the allowable size of accessory structures specified in Section 21.31.245.

3. **Architecture, Design, and Site Planning.** An ADU shall be subject to the following criteria for architecture, design, and site planning compatibility:

a. Exterior modifications to a primary dwelling or accessory building, as well as the construction of a new attached ADU, shall be architecturally compatible with the primary dwelling, including the use of complimentary color palettes, exterior finishes, roof pitch, and other design standards as set forth in Chapter 21.31.

b. Any garage door(s) shall be removed from a garage or other accessory structure that is converted to an ADU, and the opening shall be treated and finished to match the building per Subsection 21.51.275.D.3.a.

c. Any window, door, or deck of a second story ADU shall utilize techniques to lessen views onto adjacent residential lots to preserve a reasonable level of privacy of adjacent residents. These techniques may include facing a unit entrance away from an interior property line, use of obscured glazing, window placement above eye level, or screening between properties.

d. Where a driveway abuts an ADU, a landscape area with a depth between 18 to 36 inches shall be provided for the entire width of the driveway, provided that:

i. The landscape area does not reduce the driveway length below the minimum required in this Section when it serves as the required parking; and

ii. Existing pedestrian paths and entrances to the ADU and primary dwelling are not negatively impacted, or can feasibly be relocated.

Table 51.275-1
Accessory Dwelling Unit Development Standards

| | | Limited ADU | Conforming ADU |
|---|--------------|---|---|
| Setbacks ^(a) | | | |
| Front Yard | | N/A | Same as zoning district. |
| Side Yard | | N/A | Same as zoning district, or 5 ft., whichever is less. |
| Rear Yard ^(b) | Attached ADU | N/A | Same as zoning district. ^(c) |
| | Detached ADU | N/A | 5 ft. ^(c) |
| Building Height | | | |
| Height Limit | | N/A | Same as zoning district, or 25 ft. and 2 stories, whichever is less. ^(d) |
| Lot Standards | | | |
| Number of ADUs Allowed | | 1 per lot with an existing single-family dwelling only. ^(e) | |
| Minimum Lot Size | | 4,800 sq. ft. | |
| Minimum Lot Width | | 27 ft. | |
| Maximum Lot Coverage | | N/A | Same as zoning district. ^(f) |
| Floor Area Ratio (FAR) | | N/A | Same as zoning district. ^(f) |
| Minimum Usable Open Space | | N/A | Equal to 25% of the gross floor area of the ADU ^{(g), (h), (i)} |
| Unit Size Requirements | | | |
| Maximum Unit Size | | 50% of GFA of the primary dwelling, or 1,200 sq. ft., whichever is less. ^(j) | |
| Minimum Unit Size ^(k) | | | |
| 0 bedrooms | | 180 sq. ft. for all Limited ADUs | 300 sq. ft. |
| 1 bedroom | | | 450 sq. ft. |
| 2 bedrooms | | | 750 sq. ft. |
| 3 or more bedrooms | | | 1,000 sq. ft. |
| Other Standards | | | |
| Distance between a detached ADU and principal structure | | N/A | 8 ft. |

Abbreviations

ft. = feet

sq. ft. = square feet

N/A = not applicable

GFA = Gross Floor Area, as defined in Section 21.15.1070

Notes

- (a) See Section 21.51.275.D.1 for existing legal nonconforming setbacks.

- (b) The rear setback shall be measured to the centerline of the abutting alley, where such exists.
- (c) For reverse corner lots, the rear yard setback shall be the same as the side yard setback.
- (d) For sites in PD-11 (Rancho Estates Planned Development District), height is limited to 13 ft., 1 story.
- (e) For a lot where an additional principal dwelling unit is allowed, a Conforming ADU is not permitted, except as provided in Section 21.51.275.B.2.b.
- (f) The accessory dwelling unit's gross floor area shall be calculated in accordance with Section 21.15.1070, and shall be counted toward lot coverage and floor area ratio, and against usable open space.
- (g) Percent of lot area per ADU, to be provided as private or common open space. Usable open space standards of Section 21.31.230 shall apply.
- (h) The open space required for the ADU is in addition to the open space required by Table 31-2A for the primary dwelling.
- (i) For a Conforming ADU, if the existing usable open space provided for the primary dwelling is nonconforming, additional usable open space shall be provided for the primary dwelling to conform with the open space requirements of Section 21.31.230 and Table 31-2A.
- (j) For a site with a primary dwelling of less than 1,280 sq. ft., an ADU up to 640 sq. ft. is permitted.
- (k) The minimum unit size requirements do not establish any exceptions to the maximum unit size allowed.

4. **Parking Required.** Off-street parking for an accessory dwelling unit and the primary dwelling shall be provided as required in Table 51.275-2. Replacement parking for the primary dwelling is required when any on-site parking spaces (or the structures housing them) are demolished, altered, converted, or otherwise eliminated in conjunction with creation or expansion of an ADU. The following requirements shall apply to lots where an ADU is created or expanded:

- a. Replacement parking spaces for the primary dwelling shall be provided off-street and shall comply with the requirements of Chapter 21.41 (Off-Street Parking and Loading) including, but not limited to size, parking access, improvements, turning radius, and allowed vehicle parking areas, except as otherwise provided by this Section.
- b. Parking spaces for an ADU, and replacement parking spaces for the primary dwelling, may be provided within an enclosed garage, a carport, or in an open configuration.
- c. Use of a tandem parking configuration is allowed. No more than three (3) vehicles may be parked in tandem.
- d. Parking spaces for an ADU and replacement parking spaces shall be located in the areas on a lot allowed by Section 21.41.281 (Vehicle parking in residential setbacks) and shown in Figure 41-3.
- e. A separate driveway for the ADU, or its replacement parking, is prohibited along the street frontage of the site. This prohibition does not include a driveway or parking area having access only from an alley.
- f. If an automobile parking lift is used, it shall be located within a fully-enclosed garage, which shall comply with all zoning development standards of the applicable zoning district for a garage.

g. Garages for a single-family residence and an ADU shall not exceed a total of nine hundred (900) square feet in size.

Table 51.275-2
Required Parking for an Accessory Dwelling Unit and Primary Dwelling

| ADU Type | Location | Parking spaces required | |
|----------------|---|-------------------------|-----------------------------------|
| | | ADU ^(a) | Primary dwelling |
| Limited ADU | Coastal Zone ^(b) | 1 | Same as existing number of spaces |
| | Parking Impacted Area ^{(b), (c)} | 1 | |
| | Other permitted areas | 0 | |
| Conforming ADU | Coastal Zone ^(b) | 1 | Same as existing number of spaces |
| | Parking Impacted Area ^{(b), (c)} | 1 | |
| | Other permitted areas | 0 | |

Notes

- (a) The parking required for an ADU is in addition to that required for the primary dwelling.
- (b) Sites located in both the Coastal Zone and Parking Impacted Area shall not be required to provide more than one parking space.
- (c) The boundaries of the Parking Impacted Area for purposes of this Section shall be taken from Map 17 of the Mobility Element of the General Plan, as adopted by the City Council on October 15, 2013, or as may be subsequently amended.

E. Other Provisions.

1. **Owner Occupants, Sales, Rentals, and Covenants.** The following requirements shall apply to all accessory dwelling units:

- a. The owner of the property shall reside either in the primary dwelling or the accessory dwelling unit, unless both the primary dwelling unit and the accessory dwelling unit are rented to the same tenant and such tenant is prohibited in writing by lease or other written instrument from subleasing or otherwise renting the primary dwelling unit or ADU to any other person or entity.
- b. The accessory dwelling unit shall not be sold separately from the primary dwelling.
- c. All required on-site parking for the property shall remain available for the residents of the primary dwelling and accessory dwelling unit, and shall not be allocated to or used by any other person or entity, as required by Section 21.41.209.
- d. The accessory dwelling unit or the primary dwelling may be rented. All rentals shall be for terms of longer than thirty (30) days.
- e. The accessory dwelling unit shall be removed at the expense of the property owner upon violation of Section 21.51.275, or upon cessation of the primary land use as a single-family dwelling, including, but not limited to, addition of another principal dwelling unit.

f. Prior to the issuance of a building permit for the ADU, the owner/applicant shall record a deed restriction in a form approved by the City that restricts the size and attributes of the ADU consistent with this Section, and requires the above restrictions.

2. **Construction of ADU with New or Rebuilt Primary Dwelling.** Construction of an ADU in conjunction with construction of a new primary dwelling (including situations in which the primary dwelling is demolished or rebuilt as defined in this Title) is permitted, subject to the applicable provisions of this Section and all other applicable laws, codes, and regulations. When the primary dwelling is demolished or rebuilt, any nonconformities in any existing accessory structures shall be corrected prior to the creation of an ADU on the property.

3. **Rebuilding of Existing Accessory Structure for Conversion.** An existing garage or other accessory structure that is converted to an ADU, or above which a new ADU is constructed, may be rebuilt as necessary to comply with building, fire, and other life safety codes without loss of rights to nonconforming setbacks.

4. **Conversion of Nonconforming Second Dwelling Unit to ADU.** A nonconforming dwelling unit on a property with no more than two existing dwelling units may be converted to a Conforming ADU, subject to the provisions of this Section and the following:

a. The converted unit may be exempt from the maximum ADU size limits, provided that:

i. The unit to be converted to an ADU has a floor area less than the other dwelling unit, which shall become the primary dwelling; and

ii. The unit to be converted to an ADU is not larger than 1,200 sq. ft.

b. The property shall be located in a single-family zoning district, or shall be located in an R-2, R-3, or R-4 zoning district and shall have insufficient lot size for more than one dwelling to be permitted per Tables 31-2A or 31-2B; and

c. Any existing parking (whether garage, carport, or open) for both units shall be retained, and may be rebuilt and reconfigured as necessary to comply with building code, and may be modified to be made more conforming to the requirements of the Zoning Regulations.

5. **Nonconformity with Loss of Primary Dwelling.** In the event that the primary dwelling is destroyed, abandoned, demolished, or otherwise lost, the accessory dwelling unit shall become a nonconforming use, subject to the provisions of Chapter 21.27 (Nonconformities), and shall not be expanded. This nonconformity may be remedied by the re-establishment of a primary dwelling on the property; or by conversion of the ADU to a primary dwelling, subject to all applicable codes, laws, and regulations for a primary dwelling.

6. **Unpermitted Structures.** Any structure that is described by Section 21.27.030 shall not be converted or otherwise used in the creation or expansion of an accessory dwelling unit if it cannot first be brought into legal conforming status under the provisions of this Title.

F. **Severability Clause.** If any provision or clause of this Section or the application thereof to any person or circumstance is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other Section provisions or clauses or applications, and to this end the provisions and clauses of this Section are declared to be severable.

Other text amendments for ADU Ordinance

Underline red text = additions, ~~strikethrough red text~~ = deletions.

Chapter 21.15 (Definitions)

21.15.045 – Accessory dwelling unit. "Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. An accessory dwelling unit is an accessory use and not a principal use of land. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation, and shall be located on the same lot as the single-family dwelling to which it is subordinate (the primary dwelling), and shall have a separate exterior entrance. An accessory dwelling unit also includes the following:

A. An efficiency unit, as defined in Section 17958.1 of the California Health and Safety Code.

B. A manufactured home, as defined in Section 18007 of the California Health and Safety Code.

21.15.050 – Accessory building, accessory structure. "Accessory building or structure" means a detached or attached building or structure, the use of which is subordinate and customarily incidental to that of the main building or structure, or to the main use of the land. An accessory building or structure must be located on the same lot as the main building or structure.

21.15.063 – Accessory use, residential. "Accessory residential use" means a residential use that is customarily incidental and/or necessarily related to ~~the a~~ principal nonresidential use of land, building, or structure. An accessory residential use is located on the same lot as the principal nonresidential building or use and is dependent upon the principal nonresidential use for the majority of its use or activity. The occupant of an accessory residential use is employed in or routinely conducts business in the nonresidential space. Accessory residential uses include, but are not limited to, a caretaker's or night watchman's residence (Section 21.15.445) an artist's studio and residence (Section 21.15.240), and parsonage (Section 21.15.2005). "Accessory residential use" does not include accessory dwelling units (Section 21.15.045).

21.15.447 – Carport. "Carport" means a permanent roofed structure over a driveway, built for the purpose of sheltering an automobile. A carport is supported by attachment to a building and/or freestanding posts, and is open on all sides that are not attached to a building. A carport may have a solid or trellised roof. "Carport" does not include "porte cochere," or any temporary or non-permanent structure.

21.15.915 – Dwelling unit, accessory. See "Accessory dwelling unit."

21.15.930 – Dwelling, one-family. See "single-family dwelling." ~~"One-family dwelling" means a residential unit designed and intended for occupancy by one (1) family. A one-family dwelling contains one (1) kitchen for central preparation of meals. This definition includes manufactured housing (when placed on a foundation for permanent residency) and group homes.~~

21.15.935 – Dwelling, primary. "Primary dwelling" means a single-family dwelling that is not an accessory dwelling unit. A primary dwelling is a principal use of land.

21.15.1720 – Manufactured housing. ~~"Manufactured housing" means a dwelling unit certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.) and pursuant to Section 18551 of the Health and Safety Code. (Ord. C-6533 § 1 (part), 1988)~~ "Manufactured housing" means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under California Health and Safety Code, Division 13, Part 2. "Manufactured home" includes a mobile home subject to the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401, et seq.).

21.15.1770 – Mobile home. ~~"Mobile home" means a manufactured dwelling unit capable of being transported to a site on a trailer or on wheels. A mobile home is not considered a building, as defined by the Building Code. (Ord. C-6533 § 1 (part), 1988) See "Manufactured housing."~~

21.15.2165 – Primary dwelling. See "Dwelling, primary."

21.15.2400 – Secondary housing unit. ~~"Secondary housing unit" means a dwelling unit, accessory to the principal dwelling, provided as an addition to or conversion of an existing single-family dwelling. See "Accessory dwelling unit."~~

21.15.2410 – Single-family dwelling. A single-family dwelling is a residential unit designed and intended for occupancy by one (1) family. A single-family dwelling contains one (1) kitchen for central preparation of meals. This definition includes manufactured housing (when placed on a foundation for permanent residency) and group homes. A single-family dwelling may be attached or detached, as follows:

A. Detached. "Detached single-family dwelling" means one (1) dwelling unit located on a single lot with yard areas that separate that dwelling from other dwellings.

B. Attached. "Attached single-family dwelling" means one (1) dwelling unit on a single lot with one (1) side wall in common with a dwelling on an adjoining lot.

Amendments to Ch. 21.25 (Specific Procedures), Division IX (Local Coastal Development Permits)

21.25.903 – Permit required. All development in the coastal zone shall be required to obtain either a coastal permit pursuant to Section 21.25.904 or a coastal permit categorical exclusion pursuant to Section 21.25.906. Such approval must be issued prior to the start of development and shall be required in addition to any other permits or approvals required by the City.

A. Coastal Permit Issued by the Coastal Commission. Developments on tidelands and submerged lands require a permit issued by the California Coastal Commission in accordance with the procedure as specified by the California Coastal Commission.

B. Coastal Permits Issued by the City. The following categories of projects require coastal permits in accordance with the procedures set forth in this Division:

1. Development on the first lot located on, adjacent to, across the street from, or abutting the beach, bay, ocean or tidelands, except minor addition to a single-family residence as specified in Subsection 21.25.903.C (categorical exclusion).
2. All development projects which require additional discretionary review (such as a conditional use permit, subdivision map or standards variance).
3. Traffic improvements which do not qualify for categorical exclusion.
4. Public works projects, excluding traffic improvement projects, with an estimated cost of fifty thousand dollars (\$50,000.00) or more.

C. Exemptions. The following categories of projects are exempt from the coastal permit requirement. However, a coastal permit categorical exclusion (CPCE) shall be obtained pursuant to the procedures indicated in Section 21.25.906.

1. Minor additions on existing single-family residences for the first lot located on, adjacent to, across the street from, or abutting the beach, bay ocean or tidelands. Such addition must be less than ten percent (10%) of the existing floor area and shall not create an additional story or loft.
2. All projects (excluding the above) which are consistent with the Zoning Regulations and which do not require any discretionary review (e.g., conditional use permit, subdivision map).
3. Traffic improvements which do not:
 - a. Alter roadway or intersection capacity by more than ten percent (10%) (except stop signs and stop lights); or
 - b. Decrease parking (except by establishing a red curb next to a corner); or
 - c. Impair access to the coast.
4. Public works projects (excluding traffic improvements) with an estimated cost of forty-nine thousand nine hundred ninety-nine dollars (\$49,999.00) or less.
5. Creation or expansion of an accessory dwelling unit in conformance with the requirements of Section 21.51.275 (Accessory dwelling units).

Amendments to Chapter 21.31 (Residential Districts)

Table 31-1 Uses in Residential Zones: see attachment.

21.41.233 – Tandem parking—Residential uses.

- A. Tandem parking spaces shall be prohibited for required parking except:
 1. For valet parking with approval through site plan review;
 2. For low income units when projects include ten percent (10%) or more of the units as on-site low income units;

3. For the provision of required parking for an accessory dwelling unit, and for required replacement of parking for the primary dwelling when a garage is converted or existing parking spaces are otherwise eliminated to create an accessory dwelling unit.

B. For tandem parking allowed in Subsection 21.41.233.A.2, the following standards shall be complied with:

1. Not more than two (2) spaces shall be involved in the tandem arrangement;
2. Both spaces in the tandem arrangement shall be assigned to the same dwelling unit;
3. Handicapped and guest parking shall not be in tandem;
4. Tandem parking shall not be allowed in a parking garage of less than ten (10) parking spaces or when the full turning radius for the tandem parking is not within the garage.

C. For tandem parking allowed in Subsection 21.41.233.A.3 for an accessory dwelling unit, up to three (3) spaces may be in tandem.

21.31.360 – Additional Land Use Restrictions

Residential PUDs are intended to be primarily residential in nature. In addition to the restrictions set forth for the RP district in Table 31-1, the land uses in a PUD shall be restricted as follows:

A. Residential uses. Each dwelling unit, whether built as a detached or attached single-family dwelling, or duplex, or triplex, or unit within a multifamily building, is intended to be a traditional one-family dwelling unit (as defined in Section 21.15.930), and all other types of residential uses are prohibited.

B. ~~Secondary~~ Accessory dwelling units. ~~Notwithstanding Section 21.51.275 (Secondary housing units ("granny flats"))~~ secondary Accessory dwelling units shall be prohibited in a PUD.

C. Community facilities and parks. Community facilities and parks may be approved as part of the PUD at the time of PUD approval. Changes or additions to these uses after the fact shall require approval from the relevant approval body.

Amendments to Ch. 21.51 (Accessory uses)

21.51.110 – Use restrictions.

The following are not considered accessory uses:

A. Additional Dwelling Units. Any use which increases the number of dwelling units in any building or on any lot beyond that permitted in the district, except for ~~secondary housing units~~ accessory dwelling units as described in Section 21.51.275;

B. Alcoholic Beverage Sales. The sale of alcoholic beverages, whether on or off-site, shall not be considered an accessory use to any use, except department stores and florists, regardless of traditional associations or limited proportion of sales. Alcoholic beverage sales shall always be considered a principal use;

C. Gun Repairs and/or Sales. Gun repairs and sales are separate principal uses and shall not be considered accessory uses to any use; or

D. Storage of Inoperative, Dismantled or Wrecked Vehicles in Residential Districts. The storage of more than two (2) inoperative, dismantled or wrecked vehicles shall not be considered an accessory residential land use and shall be prohibited in all residential districts.

21.51.275 – (see attached full text of amendment to this Section for Accessory Dwelling Units)

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