

**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*Section 21.51.275 is repealed and restated to read as follows:*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 <sup>(a)</sup>			
Front Yard		N/A	Same as zoning district.
Side Yard		N/A	Same as zoning district, or 5 ft., whichever is less.
Rear Yard <sup>(b)</sup>	Attached ADU	N/A	Same as zoning district. <sup>(c)</sup>
	Detached ADU	N/A	5 ft. <sup>(c)</sup>
Building Height			
Height Limit		N/A	Same as zoning district, or 25 ft. and 2 stories, whichever is less. <sup>(d)</sup>
Lot Standards			
Number of ADUs Allowed		1 per lot with an existing single-family dwelling only. <sup>(e)</sup>	
Minimum Lot Size		4,800 sq. ft.	
Minimum Lot Width		27 ft.	
Maximum Lot Coverage		N/A	Same as zoning district. <sup>(f)</sup>
Floor Area Ratio (FAR)		N/A	Same as zoning district. <sup>(f)</sup>
Minimum Usable Open Space		N/A	Equal to 25% of the gross floor area of the ADU <sup>(g), (h), (i)</sup>
Unit Size Requirements			
Maximum Unit Size		50% of GFA of the primary dwelling, or 1,200 sq. ft., whichever is less. <sup>(j)</sup>	
Minimum Unit Size <sup>(k)</sup>			
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 <sup>(a)</sup>	Primary dwelling
Limited ADU	Coastal Zone <sup>(b)</sup>	1	Same as existing number of spaces
	Parking Impacted Area <sup>(b), (c)</sup>	1	
	Other permitted areas	0	
Conforming ADU	Coastal Zone <sup>(b)</sup>	1	Same as existing number of spaces
	Parking Impacted Area <sup>(b), (c)</sup>	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.