



# Interim Regulations for Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs)

Effective December 17, 2019

## Definitions

***Accessory Dwelling Unit, Attached:*** The portion of the main building used as an Accessory Dwelling Unit (as defined in Section 10-2.1.403. **Use Classifications**). An attached accessory dwelling unit need not include an interior connection to the other portions of the main building.

***Accessory Dwelling Unit, Detached:*** A building containing an Accessory Dwelling Unit (as defined in Section 10-2.1.403. **Use Classifications**) which is not physically connected to the main building.

***Dwelling, Multiple Family:*** A structure containing more than one (1) dwelling unit sharing common walls or being otherwise attached, including duplexes, triplexes, fourplexes and apartment. (Accessory Dwelling Units and Junior Accessory Dwelling Units are exempt from this definition.)

***Dwelling, Single Family, Attached:*** A dwelling unit on an individual lot that has at least one (1) common wall with one (1) or more other dwelling units on separate lots. (Accessory Dwelling Units and Junior Accessory Dwelling Units are exempt from this definition.)

***Dwelling, Single Family, Detached:*** A dwelling unit on an individual lot which is visibly separated from other units. (Accessory Dwelling Units and Junior Accessory Dwelling Units are exempt from this definition.)

***Dwelling Unit:*** One (1) or more rooms served by a single common kitchen, designed for occupancy by one (1) family for living and sleeping purposes. (Accessory Dwelling Units and Junior Accessory Dwelling Units are exempt from this definition.)

## Land Use Classifications

### 7. *Accessory Dwelling Units.*

a. ***Accessory Dwelling Unit.*** A separate housing unit with kitchen, sleeping, and full bathroom facilities which is a part of, an extension to, or on the same lot as an attached single family dwelling, a detached single family dwelling, or a multiple family dwelling, consistent with Section 10-2.3.503. **Property Development Standards for Accessory Dwelling Units.**

b. ***Junior Accessory Dwelling Unit.*** A housing unit that is contained within an attached or detached single family dwelling, or within the footprint of an existing accessory structure on a lot containing a single family dwelling, and that includes an efficiency kitchen and sleeping facilities, consistent with Section 10-2.3.504. **Property Development Standards for Junior Accessory Dwelling**

**Units.** A Junior Accessory Dwelling Unit may include separate bathroom facilities, or may share bathroom facilities with the single-family dwelling.

### Land Use Regulations

Zoning District	Accessory Dwelling Unit (ADU)	Junior Accessory Dwelling Unit (JADU)
R-8	Permitted	Permitted
R-8.5	Permitted	Permitted
R-10	Permitted	Permitted
R-12	Permitted	Permitted
R-15	Permitted	Permitted
R-20	Permitted	Permitted
R-40	Permitted	Permitted
D-3	Permitted	Permitted
M-0.75	Permitted	Not Permitted
M-1	Permitted	Not Permitted
M-1.5	Permitted	Not Permitted
M-2	Permitted	Not Permitted
M-2.5	Permitted	Not Permitted
M-3	Permitted	Permitted
M-H-D	Permitted	Not Permitted
H-P-D	Permitted	Permitted
P-R	Not Permitted	Not Permitted
C-R	Not Permitted	Not Permitted
O-C	Not Permitted	Not Permitted
M-U	Permitted	Not Permitted
AS-CM	Not Permitted	Not Permitted
S-C	Not Permitted	Not Permitted
B-P	Not Permitted	Not Permitted
C-C	Not Permitted	Not Permitted
O-S-R	Permitted	Permitted
C-F	Not Permitted	Not Permitted
HO P-D	Permitted	Not Permitted
P-D	Permitted <sup>1</sup>	Permitted <sup>2</sup>
SFH-PD1	Permitted	Permitted
MU-C	Permitted	Not Permitted
MU-R	Permitted	Not Permitted
MU-D	Permitted	Not Permitted

<sup>1</sup>Permitted only in Planned Development Districts wherein Single Family Residential or Multiple Family Residential is either a permitted or conditionally permitted use.

<sup>2</sup>Permitted only in Planned Development Districts wherein Single Family Residential is either a permitted or conditionally permitted use.

**Additional CUP Finding for Bed and Breakfast Inns**

K. The Bed and Breakfast Inn is not located within an Accessory Dwelling Unit or a Junior Accessory Dwelling Unit constructed after January 1, 2020.

**Parking Requirements**

LAND USE CLASSIFICATION	OFF STREET PARKING REQUIREMENTS	NOTES	LOADING SPACES REQUIRED (SEE TABLE B)
5. Multiple Family Residential	1.25 per studio unit; 1.5 per 1 bedroom unit; 2 per 2 bedroom unit; 2.25 per 2+ bedroom units. Every dwelling unit shall have 1 covered space. Notwithstanding the foregoing, if the required parking is demolished in conjunction with the construction of an accessory dwelling unit, or converted to an accessory dwelling unit, no replacement parking is required.	(3) (4) (24) (25) (26)	
7. Accessory Dwelling Units			
a. Accessory Dwelling Unit	No spaces required		
b. Junior Accessory Dwelling Unit	No spaces required		
8. Single Family Residential	2 covered per dwelling unit. Notwithstanding the foregoing, if the required parking is demolished in conjunction with the construction of an accessory dwelling unit, or converted to an accessory dwelling unit, no replacement parking is required.	(4)	

**PARKING REGULATIONS - NOTES**

<p>(3) The parking requirement for duplex residential development located outside of the Almond-Shuey Neighborhood shall be:</p> <p>a) One (1) covered for one (1) bedroom units.</p> <p>b) One (1) covered and one (1) uncovered for one (1)+ bedroom units. (The uncovered parking space shall not be permitted in the front yard setback unless a finding is made that the design and lot configuration precludes placement elsewhere on the site, in which case a maximum of two (2) spaces may be permitted in tandem.)</p> <p>Notwithstanding the foregoing, if the required parking is demolished in conjunction with the construction of an accessory dwelling unit, or converted to an accessory dwelling unit, no replacement parking is required.</p>
<p>(24) The number of required parking spaces for residential structures with five or more residential units and either within one-half (1/2) mile of BART or with lower income units is as shown on Table C.</p> <p>Notwithstanding the foregoing, if the required parking is demolished in conjunction with the construction of an accessory dwelling unit, or converted to an accessory dwelling unit, no replacement parking is required.</p>
<p>(25) The parking requirements in the Almond-Shuey Neighborhood shall be:</p> <p>a) Single Family Residential: Two (2) spaces per dwelling unit. Every dwelling unit shall have at least one (1) covered space. The second parking space for each dwelling unit may be located</p>

in tandem to the first parking space.

- b) Multiple Family Residential: One (1) space for studio and one (1) bedroom units; two (2) spaces for one (1)+ bedroom units. Every dwelling unit shall have at least one (1) covered space. When a second parking space is required for a dwelling unit, the second parking space may be located in tandem to the first parking space required for that same dwelling unit.
- c) Accessory Dwelling Unit: No spaces required.
- d) Junior Accessory Dwelling Unit: No spaces required
- e) No required parking spaces, other than those required for single family residential uses in Table A – Parking Regulations (above), shall be located within fifteen (15) feet of a street line.
- f) Notwithstanding the foregoing, if the required parking is demolished in conjunction with the construction of an accessory dwelling unit, or converted to an accessory dwelling unit, no replacement parking is required.

## **Accessory Dwelling Unit Regulations**

### **Article 5. Accessory Dwelling Units**

#### ***Sec. 10-2.3.501. Purpose.***

Consistent with California Code of Regulations Title 7, Division 1, Chapter 4 and California Government Code Sections 65852.2 and 65852.22, the purpose of this article is to allow accessory dwelling units in all zones which permit single family or multiple family dwellings, and to allow junior accessory dwelling units in all zones which permit single family dwellings. The provisions of this article are intended to promote the development of small rental housing units designed to meet the housing needs of individuals and families, particularly those of low and moderate incomes, and for persons who are elderly or disabled. The requirements of this article are intended to protect the integrity and character of residential and mixed-use neighborhoods by ensuring that accessory dwelling units and junior accessory dwelling units are architecturally compatible with the principal structure and neighborhood.

#### ***Sec. 10-2.3.502. Applicability.***

When permitted by the base district regulations, the provisions of this article shall apply in any of the following situations, subject to the provisions of Section 10-2.3.503. **Property Development Standards for Accessory Dwelling Units**, and Section 10-2.3.504. **Property Development Standards for Junior Accessory Dwelling Units**:

A. Up to two (2) an accessory dwelling units or one (1) junior accessory dwelling unit is constructed on a lot with an existing single-family dwelling;

B. A new single family dwelling, with or without an attached accessory dwelling unit or a junior accessory dwelling unit, is constructed on a parcel with an existing single family dwelling which conforms to the property development standards for accessory dwelling units contained in Section 10-2.3.503;

C. A new single family dwelling, and an accessory dwelling unit or junior accessory dwelling unit, are constructed at the same time on a vacant parcel;

D. One (1) or more attached accessory dwelling units are constructed within the portions of an existing multiple family dwelling that are not used as livable space, if each space complies with all applicable provisions of Title 9. **Building Regulations**; or

E. Up to two (2) detached accessory dwelling units are constructed on the same parcel as an existing multiple family dwelling.

**Sec. 10-2.3.503. Property Development Standards for Accessory Dwelling Units.**

The following property development standards shall apply to all land and structures in the base districts which permit accessory dwelling units:

A. **Zoning Requirements.** All property development regulations of the base district in which the property is located shall apply, except as otherwise specified in this article. In the P-D and H-P-D districts, where no standards are specified, the Planning Manager shall apply development standards based on the district that most closely matches existing development in regards to land use and lot size. The following exceptions shall apply in all base districts:

1. No greater than a four (4) foot side or rear setback shall be required for an accessory dwelling unit constructed beyond the footprint of an existing building, unless the portion constructed beyond the footprint of an existing building does not exceed 150 square feet and is limited to accommodating ingress and egress.

2. The minimum setbacks and courts shall be waived for an accessory dwelling unit constructed entirely within the footprint of an existing building, and for up to 150 square feet outside of the footprint of an existing building if the additional area is limited to accommodating ingress and egress; however, the accessory dwelling unit must still comply with all applicable provisions of Title 9. **Building Regulations.**

3. The maximum lot coverage and floor area ratio shall be waived in the amounts necessary to accommodate an accessory dwelling unit with a gross floor area of up to 800 square feet.

4. The maximum building height shall be waived in the amount necessary to accommodate an accessory dwelling unit with a building height of up to sixteen (16) feet.

5. The maximum building height shall be waived in the amount necessary to accommodate an accessory dwelling unit constructed entirely within the exterior physical dimensions of an existing building, plus up to 150 square feet of additional floor area if limited to accommodating ingress and egress. In no case shall the additional floor area have a building height greater than the existing building or sixteen (16) feet, whichever is greater.

B. **Size.** The maximum gross floor area for an accessory dwelling unit shall be based on net lot area as follows:

Net Lot Area:	Maximum Gross Floor Area:	
	Studio or One Bedroom	Two or More Bedrooms
14,999 square feet or less	850 square feet	1,000 square feet
15,000 to 19,999 square feet	900 square feet	1,000 square feet
20,000 square feet or more	950 square feet	1,000 square feet

Furthermore, attached accessory dwelling units shall not exceed fifty percent (50%) of the gross floor area of the main building, or a gross floor area of 800 square feet, whichever is more, when the main building is already in existence.

C. **Design.** The accessory dwelling unit shall be designed to be architecturally consistent with the main building, including building form, exterior siding and/or trim, roof form and materials, and window placement/type. Any new entrances to an attached accessory dwelling unit shall be located on the side or in the rear of the building.

D. **Additional Design Standards for Garage Conversions.** In cases where an accessory dwelling unit is created through the conversion of an existing private garage, the garage conversion shall be architecturally consistent with the main building through one (1) of the following options:

1. The garage door is left operational to provide access to a storage space that is separated from the accessory dwelling unit by an interior partition wall. The partition wall shall not be constructed in such a manner as to fully or partially prevent the operation of the garage door. The installation of new window openings or pass doors not integral to the original design of the garage door is prohibited.
2. The garage door is removed entirely and replaced with fenestration elements of the existing dwelling designed to be architecturally consistent with the principal structure, including form, exterior siding and/or trim and window placement/type. A landscaped area shall be installed to provide a minimum of three (3) feet of separation between the driveway and the former garage door. This landscaped area may be reduced to a depth as little as one (1) foot if needed to maintain a minimum driveway length of eighteen (18) feet, as measured from the street line. This option may not be used when the existing driveway is less than nineteen (19) feet in length, as measured from the street line.

E. **Off-Street Parking.** No parking spaces are required.

F. **Number of Accessory Dwelling Units.** The maximum number of accessory dwelling units on a single lot is the total of the following:

1. Lots with an existing or proposed single family dwelling:
  - i. Either one (1) attached accessory dwelling unit constructed at the same time as a new single family dwelling; one (1) attached accessory dwelling unit located within the footprint of an existing single family dwelling, plus up to 150 square feet of additional floor area if limited to accommodating ingress and egress; or one (1) detached accessory dwelling unit located within the footprint of an existing accessory structure, plus up to 150 square feet of additional floor area if limited to accommodating ingress and egress; and

ii. One (1) detached accessory dwelling unit;

2. Lots with an existing multiple family dwelling:

i. Multiple attached accessory dwelling units on a lot containing a multiple family dwelling, not to exceed twenty-five (25) percent of the number of existing dwelling units contained within multiple family dwellings; and

ii. Two (2) detached accessory dwelling units; and

G. **Second-Story Windows.** Second-story windows located within ten (10) feet of a side or rear property line in an R, D-3, or SFH-PD1 districts, or on a lot containing a single family dwelling in an M-3, H-P-D, or P-D district, shall have a sill height of not less than five (5) feet above the second-story floor.

H. **Additional Limitations for Hillside Lots.** The following limitations shall apply to any accessory dwelling unit located on any lot, or portion thereof, with an average slope of fifteen (15) percent or greater (as defined by one (1) of the density determination methods described in Section 10-2.3.406), unless located within the Core Area or Rossmoor (as defined in Section 10-2.3.402).

**Definitions):**

1. Due to the high levels of risk of property damage and personal injury, there shall be no grading or construction of any kind on any portion of the site where the true slope exceeds thirty percent (30%).

2. There shall be no grading or construction of any kind within the area surrounding any highly protected tree for a distance of one and one-half times the distance from the trunk to the dripline (as those terms are defined in Section 3-8.02).

3. Grading shall only be allowed for driveways; garage pads; cuts under the accessory dwelling unit; cuts on the uphill side of the accessory dwelling unit which are screened from public view by the accessory dwelling unit or existing vegetation; sight distance requirements; drainage; and soil stability purposes. All grading shall be done in such a manner that it presents a finished look of rounded slopes. All exposed graded areas shall be hydroseeded/relandscaped to minimize erosion.

4. No accessory dwelling unit shall be constructed within a one hundred (100) foot vertical drop from the ridgeline of any visually prominent ridge (as defined in Section 10-2.3.402) or in such a manner that it breaks the skyline of any visually prominent ridge as viewed continuously for more than one thousand (1,000) feet from any freeway, arterial, or scenic corridor within the City limits.

5. No accessory dwelling unit shall be constructed upon a rock outcropping which covers more than two hundred (200) square feet of land area.

6. No accessory dwelling unit shall be built within fifty (50) feet of a fault line, within fifty (50) feet of the top of a creek bank (as defined in Section 10-2.3.402), or within that setback from a known landslide area recommended in a soils report prepared for the proposed development. Where significant riparian vegetation exists beyond the limits required above for creek setbacks, the setback line shall be extended to include such areas.

7. All mechanical equipment on site shall be screened from view off the site.

8. Exterior lighting shall be designed and installed in such a manner that the light source is shielded from view off the site.

9. The ground floor of the portion of a building containing an accessory dwelling unit shall not be located more than four (4) feet above the base elevation (as defined in Section 10-2.1.303).

I. ***Sale Prohibited.*** An accessory dwelling unit shall not be sold or otherwise conveyed separately from the main building.

J. ***Delayed Enforcement.*** Notwithstanding any other provisions of this Code, including but not limited to Title 1, Chapter 2. **Penalty Provisions**, Title 1, Chapter 7. **Administrative Citations and Fines**, and Title 9, Chapter 0.5. **Administration**, a property owner who receives a notice of violation or similar correspondence from the City regarding a violation of Title 9. **Building Regulations** in regards to an accessory dwelling unit constructed prior to January 1, 2020, may submit to the Building Official a request for a delay in enforcement pursuant to Section 17980.12 of the California Health and Safety Code, as it may be amended. Such request shall be made in writing, and shall include an explanation of the reason for the request. The Building Official shall review the request in accordance with Section 17980.12 of the California Health and Safety Code, and, except for issues that relate to an immediate danger to health or safety, shall provide a written response to the property owner not less than ten (10) calendar days prior to the issuance of any administrative citations or fines, pursuant to Title 1, Chapter 7. **Administrative Citations and Fines.**

***Sec. 10-2.3.504. Property Development Standards for Junior Accessory Dwelling Units.***

The following property development standards shall apply to all land and structures in the base districts which permit junior accessory dwelling units:

A. ***Zoning Requirements.*** All property development regulations of the base district in which the property is located shall apply, except as otherwise specified in this article. In the P-D and H-P-D districts, where no standards are specified, the Planning Manager shall apply development standards based on the district that most closely matches existing development in regards to land use and lot size. The following exception shall apply in all base districts:

1. The minimum setbacks and courts shall be waived for a junior accessory dwelling unit constructed entirely within the footprint of an existing building, and for up to 150 square feet outside of the footprint of an existing building if the additional area is limited to accommodating ingress and egress; however, the accessory dwelling unit must still comply with all applicable provisions of Title 9. **Building Regulations.**

2. The maximum lot coverage, floor area ratio, and building height shall be waived for a junior accessory dwelling unit constructed entirely within the footprint of an existing building, and for up to 150 square feet outside of the footprint of an existing building if the additional area is limited to accommodating ingress and egress; however, the accessory dwelling unit must still comply with all applicable provisions of Title 9. **Building Regulations.** In no case shall the additional floor area have a building height greater than the existing building or sixteen (16) feet, whichever is greater.

B. ***Size.*** The maximum gross floor area for a junior accessory dwelling unit shall be 500 square feet.



C. **Design.** The junior accessory dwelling unit shall be designed to be architecturally consistent with the main building, including building form, exterior siding and/or trim, roof form and materials, and window placement/type. Any new exterior entrances to a junior accessory dwelling unit that is located in the same building as a single family dwelling shall be located on the side or in the rear of the building.

D. **Additional Design Standards for Garage Conversions.** In cases where a junior accessory dwelling unit is created through the conversion of an existing private garage, the garage conversion shall be architecturally consistent with the main building through one (1) of the following options:

1. The garage door is left operational to provide access to a storage space that is separated from the junior accessory dwelling unit by an interior partition wall. The partition wall shall not be constructed in such a manner as to fully or partially prevent the operation of the garage door. The installation of new window openings or pass doors not integral to the original design of the garage door is prohibited.

2. The garage door is removed entirely and replaced with fenestration elements of the existing dwelling designed to be architecturally consistent with the principal structure, including form, exterior siding and/or trim and window placement/type. A landscaped area shall be installed to provide a minimum of three (3) feet of separation between the driveway and the former garage door. This landscaped area may be reduced to a depth as little as one (1) foot if needed to maintain a minimum driveway length of eighteen (18) feet, as measured from the street line. This option may not be used when the existing driveway is less than nineteen (19) feet in length, as measured from the street line.

E. **Interior Connection.** Junior accessory dwelling units located within the same building as a single family dwelling shall include an interior connection to the single family dwelling. This interior connection may be secured by a locking door.

F. **Off-Street Parking.** No parking spaces are required.

G. **One Junior Accessory Dwelling Unit per Lot.** On any one (1) lot, no more than one (1) junior accessory dwelling unit shall be permitted.

H. **Second-Story Windows.** Second-story windows located within ten (10) feet of a side or rear property line in an R, D-3, or SFH-PD1 districts, or on a lot containing a single family dwelling in an M-3, H-P-D, or P-D district, shall have a sill height of not less than five (5) feet above the second-story floor.

I. **Owner Occupancy.** The owner of a lot containing a junior accessory dwelling unit shall occupy the single family dwelling, junior accessory dwelling unit, or an accessory dwelling unit, located on the same lot.

J. **Sale Prohibited.** A junior accessory dwelling unit shall not be sold or otherwise conveyed separately from the main building.

K. **Deed Restriction.** A deed restriction, approved by the City Attorney, shall be recorded setting forth the provisions of this Section 10-2.3.504. **Property Development Standards for Junior Accessory Dwelling Units**, and that the deed restriction may be enforced against future purchasers.

## **Design Review Exemption**

### ***10-2.4.1202. Requirement for Design Review Approval.***

No person shall erect, construct or alter the exterior of any building, structure or sign, or substantially alter any landscaping or other features required pursuant to any City approval, or alter any parking layout or dimensions, or obtain any building or site development permit for such activities, without first obtaining design review approval of the design plan and the site plan pursuant to this article. All departments of the City vested with the duty of authority to issue permits or licenses shall conform to the provisions of this chapter and shall issue no permit or license for uses, buildings or purposes in conflict with the provisions of this chapter. Any such permit or license issued in conflict with the provisions of this chapter shall be null and void. Refer to Section 10-2.4.1203.1 for the applicability of this article to single family dwellings, additions to single family dwellings and other buildings on single family lots. Notwithstanding the foregoing, this article shall not apply to accessory dwelling units or junior accessory dwelling units.