

6.85.050 - Accessory Dwelling Units

- A. Purpose.** The purpose of this section is to provide regulations for the development of accessory dwelling units and junior accessory dwelling units through a ministerial process consistent with California Government Code sections 65852.2 and 65852.22, as may be amended from time to time. Accessory dwelling units expand housing opportunities by increasing the number of housing units available within existing neighborhoods and provide housing generally at lower cost. This section provides standards to minimize adverse impacts on the public health, safety, and general welfare that may be associated with accessory dwelling units.
- B. Secondary Units versus Accessory Dwelling Units.** Secondary units as defined by TRPA that are permitted on parcels greater than one acre in size and are not subject to the requirements in this section. Pursuant to state regulations that prevent local jurisdictions from imposing further restrictions on accessory dwelling units, applicants for all accessory dwelling unit permits must obtain authorization from both the city (in accordance with applicable provisions of this code and state law), and TRPA (in accordance with applicable Regional Plan requirements).
- C. Applicability.** Any construction, establishment, alteration, enlargement, or modification of an accessory dwelling unit shall comply with the requirements of this section and the building code. An accessory dwelling unit or junior accessory dwelling unit that conforms to the standards of this section 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. This does not prevent the city from enforcing compliance with applicable building standards in compliance with California Health and Safety Code Section 17980.12, as may be amended from time to time.
- D. Types.** An accessory dwelling unit approved under this section may be one of the following types:

1. **Attached.** An accessory dwelling unit that is created in whole or in part from newly constructed space that is attached to the proposed or existing primary dwelling, such as through a shared wall, floor, or ceiling.
2. **Detached.** An accessory dwelling unit that is created in whole or in part from newly constructed space that is detached or separated from the proposed or existing primary dwelling, including an existing stand-alone garage converted into an accessory dwelling unit. The detached accessory dwelling unit shall be located on the same parcel as the proposed or existing primary dwelling.
3. **Converted.** An accessory dwelling unit that meets the following requirements:
 - a. Is entirely located within the proposed or existing primary dwelling or accessory structure, including but not limited to attached garages, storage areas, or similar uses; or an accessory structure including but not limited to studio, pool house, or other similar structure. Such conversion may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing structure if the expansion is for the sole purpose of accommodating ingress and egress to the converted structure.
 - b. An accessory dwelling unit that does not satisfy the requirements of subsection D.3.a shall be defined to be either an attached or detached accessory dwelling unit or a junior accessory dwelling unit.
4. **Junior Accessory Dwelling Unit.**
 - a. An accessory dwelling unit that meets all the following qualifies as a junior accessory dwelling unit:
 - i. Is entirely located within a single-family detached primary dwelling and consists of the conversion of an existing bedroom.
 - ii. Is less than 500 square feet.
 - iii. Has independent exterior access from the primary dwelling.
 - iv. Has sanitation facilities that are either shared with or separate from those of the primary dwelling.
 - v. Includes an efficiency kitchen, which includes a cooking facility with appliances, food preparation counter, and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
 - b. **Owner Occupancy Requirements.** All junior accessory dwelling units shall be subject to an owner-occupancy requirement. A person with legal or equitable title to the property shall reside on the property in either the primary dwelling or junior accessory dwelling unit as that person's legal domicile and primary residence. However, the owner-occupancy requirement of this subsection does not apply if the property is owned by another governmental agency, land trust, or housing organization.
 - c. **Deed Restriction.**
 - i. Prior to issuance of a building permit for a junior accessory dwelling unit, a deed restriction shall be recorded against the title of the property in the County Recorder's office and a copy filed with the director. The deed restriction shall run

with the land and bind all future owners. The form of the deed restriction will be provided by the city and shall provide that:

ii. The junior accessory dwelling unit shall not be sold separately from the primary dwelling, except as may otherwise be permitted by state law.

iii. The junior accessory dwelling unit is restricted to the approved size and other attributes allowed by this subsection D.4.

iv. The deed restriction runs with the land and is enforceable against future property owners.

v. The deed restriction may be removed if the owner eliminates the junior accessory dwelling unit. To remove the deed restriction, an owner may make a written request of the director, providing evidence that the junior accessory dwelling unit has in fact been eliminated. If the junior accessory dwelling unit is not entirely physically removed but is only eliminated by virtue of having a necessary component of a junior accessory dwelling unit removed, for example removing the kitchen facilities, the remaining structure and improvements shall otherwise comply with applicable provisions of this code.

vi. The deed restriction is enforceable by the director or designee for the benefit of the city. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the city is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the junior accessory dwelling unit in violation of the recorded restrictions or abatement of the illegal unit.

E. Location and Number.

1. An accessory dwelling unit shall only be allowed on a parcel zoned to allow single-family or multi-family dwelling residential uses and that includes a proposed or existing dwelling.

2. **Single-Family Areas.** accessory dwelling units are permitted in areas zoned for single-family use as follows:

a. **Single-Family Parcel.** Only one attached accessory dwelling unit or junior accessory dwelling unit shall be allowed on a parcel with a proposed or existing single-family dwelling, where the accessory dwelling unit or junior accessory dwelling unit:

i. Is either within a proposed single-family dwelling, within the existing space of an existing single-family dwelling, or within the existing space of an accessory structure, plus up to 150 additional square feet if such expansion is for the sole purpose of accommodating ingress and egress to the converted structure;

ii. Has exterior access that is independent of that for the single-family dwelling; and

iii. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.

b. **Limited Detached.** One detached new construction accessory dwelling unit shall be allowed on a parcel with a proposed or existing single-family dwelling, in addition to a junior accessory dwelling unit, if the accessory dwelling unit meets all the following requirements:

- i. Is detached from the primary dwelling;
- ii. Is 800 square feet or smaller in size;
- iii. Has a peak height above grade of 16 feet or less; and
- iv. Has side and rear setbacks of at least four feet.

3. Limitation on Types and Number of Units. In any area zoned for single-family residences, only the following combination of accessory dwelling units may be provided on a single parcel:

- a. Detached accessory dwelling unit and junior accessory dwelling unit
- b. Detached accessory dwelling unit and attached accessory dwelling unit

4. Multi-Family Areas. Accessory dwelling units are permitted in multi-family residences as follows:

a. Converted Spaces within a Multi-Family Development.

i. Within any multi-family structure used exclusively for residential use, portions of such structures that are not used as livable space may be converted to accessory dwelling units, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, provided that any such space converted to an accessory dwelling unit complies with minimum state building standards for dwellings.

ii. At least one accessory dwelling unit shall be allowed within an existing multi-family structure as long as the total number of accessory dwelling units within the structure does not exceed 25 percent of the existing units.

b. Limited Detached. Up to two detached accessory dwelling units shall be allowed on a parcel where a multi-family structure exists if each of the detached accessory dwelling units meet all the following requirements:

- i. Have side and rear setbacks of at least four feet; and
- ii. Are 800 square feet or smaller in size.

F. Standards Applicable to All Accessory Dwelling Units. The following standards apply to all accessory dwelling units and junior accessory dwelling units constructed on or moved to a new site and to the remodeling or rebuilding of existing single-family dwelling or multi-family structure to create an accessory dwelling unit.

- 1. Parcel Size and Width.** No minimum parcel size or parcel width shall apply for the construction of an accessory dwelling unit.
- 2. Access.** Every accessory dwelling unit shall have direct exterior access independent of the exterior access of the primary dwelling.
- 3. Fire Sprinklers.** Fire sprinklers are required in an accessory dwelling unit if they are required in the primary dwelling.
- 4. Permanent Foundations.**
 - a. All accessory dwelling units shall be permanently attached to a permanent foundation as described in subsection 6.85.030(A)(5)(b).

b. A recreational vehicle, commercial coach, trailer, motor home, camper, camping trailer, or boat shall not be used as an accessory dwelling unit.

5. Nonconforming Conditions. The correction of nonconforming zoning conditions is not required in order to establish an accessory dwelling unit on a parcel with a primary dwelling.

6. Design.

a. Accessory dwelling units shall be designed and constructed to architecturally and aesthetically match the existing single-family dwelling in terms of exterior materials and colors, building elements, structure mass, and roof pitch, as well as any applicable design guidelines.

b. Within any historic district zone or historic district overlay zone, the design of accessory dwelling units shall be consistent with the design and development guidelines applicable to such zones.

c. If the accessory dwelling unit is a manufactured home, the manufactured home shall be erected and permanently attached on a permanent foundation and shall be made to match the primary dwelling in terms of architectural style, exterior materials and colors, and roof pitch.

7. No Separate Conveyance. An accessory dwelling unit may be rented, but no accessory dwelling unit, unless otherwise permitted by state law, may be sold or otherwise conveyed separately from the parcel and the primary dwelling in the case of a single-family parcel or from the parcel and all of the dwellings in the case of a multi-family parcel.

8. Rental Term. No accessory dwelling unit may be rented for a term that is shorter than 30 days.

9. Impact Fees. No impact fees (including school fees) shall be charged to an accessory dwelling unit that is less than 750 square feet in size. Any impact fee charged to an accessory dwelling unit 750 square feet or greater shall be charged proportionately in relation to the square footage of the primary dwelling unit (e.g., accessory dwelling unit divided by the floor area of the primary dwelling, multiplied by the typical fee amount charged for a new dwelling). For the purposes of this paragraph, impact fees do not include any connection fee or capacity charge for water or sewer service.

G. Additional Standards Applicable to Attached and Detached Accessory Dwelling Units.

The following standards apply only to attached and detached accessory dwelling units.

1. Size.

a. **Detached.** May not exceed 850 square feet if it has fewer than two bedrooms or 1,000 square feet if it has two bedrooms. No more than two bedrooms are allowed.

b. **Attached.** May not exceed 850 square feet if it has fewer than two bedrooms or 1,000 square feet if it has two bedrooms. No more than two bedrooms are allowed. An attached accessory dwelling unit shall not exceed 50 percent of the floor area of the primary dwelling.

2. Height.

a. **Single-Story.** A single-story accessory dwelling unit shall not exceed 16 feet in height above grade, measured to the peak of the structure.

- b. Two-Story.** An accessory dwelling unit that is constructed with a second story shall not exceed the maximum allowable structure height for the area in which it is located.
- 3. Passageways.** No passageway, breezeway, or similar connection between structures on the parcel shall be required in conjunction with the construction of an accessory dwelling unit.
- 4. Utilities.** New utility connections are required consistent with State Law.
- 5. Parking.**
 - a.** One off-street parking space is required for each accessory dwelling unit. The parking requirement for an accessory dwelling unit shall be in addition to the parking requirement for the existing residence on the property. This space may be provided as tandem parking, including on an existing driveway. No parking shall be permitted in the front yard other than on the paved driveway. Parking spaces may also be provided through a mechanical vehicle parking lift.
 - b. No Replacement.** When a garage, carport, or covered parking structure providing required parking for the primary residence or residences is demolished to allow for the construction of an accessory dwelling unit or is converted to an accessory dwelling unit, those parking spaces are not required to be replaced.
 - c.** Additional parking for the accessory dwelling unit is not required in the following instances:
 - i. The accessory dwelling unit is located within one-half mile walking distance of public transit, including transit stations and bus stations.
 - ii. The accessory dwelling unit is located within a historic district.
 - iii. The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
 - iv. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
 - v. When there is a designated car share vehicle parking space located within one block of the accessory dwelling unit.

6. Permits.

- a. Ministerial Accessory Dwelling Unit Permit.** Prior to constructing any attached or detached accessory dwelling unit, the property owner shall obtain a building permit from the city. The city shall issue the permit within 60 days from the date that the city receives a completed application, unless:
 - i. the applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay;
 - ii. the city requires corrections to the building permit application; in which case the 60-day time period is tolled until the applicant resubmits a corrected application; or
 - iii. the building permit application is submitted with a permit application to construct a new single-family or multifamily dwelling on the parcel, in which case the city may delay acting on the building permit application until the city has acted on the permit application to construct the new single-family or multifamily dwelling, in

which case the building permit for the accessory dwelling unit will be issued in conjunction with the other permit.

- b. Application and Processing Fees.** A schedule of fees for the application and processing of a building permit for an accessory dwelling unit will be established by city council resolution.

H. Standards Applicable to Converted Accessory Dwelling Units. The following standards apply only to converted accessory dwelling units:

- 1. Setback.** No setback is required for a legally existing structure that is converted to an accessory dwelling unit.
- 2. Parking.** No additional off-street parking is required for a converted accessory dwelling unit, regardless of if a garage, carport, or covered parking structure is converted into an accessory dwelling unit. If replacement parking is provided, the replacement spaces shall be located in any configuration on the same parcel as the accessory dwelling unit and may include but is not limited to covered spaces, uncovered spaces, or tandem spaces. Replacement parking may only occur on driveways leading to a required parking space or in rear yard on a paved surface, provided such paved area can be easily accessed via the driveway or an alley. No parking shall be permitted in the front yard other than on the paved driveway. Parking spaces may also be provided through a mechanical vehicle parking lift.
- 3. Building Permit.** The property owner shall obtain a valid building permit for the converted accessory dwelling unit, subject to all the standard application and processing fees and procedures that apply to building permits generally.

I. Standards Applicable to Junior Accessory Dwelling Units. The following standards apply only to junior accessory dwelling units.

- 1. Size.** The total area of floor space for a junior accessory dwelling unit shall not exceed 500 feet and shall not expand the size of an existing single-family dwelling by more than 150 square feet, provided such expansion is provided solely for the purpose of accommodating ingress and egress.
- 2. Efficiency Kitchen.** A junior accessory dwelling unit shall include an efficiency kitchen, requiring and limited to the following components:
 - a.** A sink with a maximum waste line drain of one-and-on-half inches.
 - b.** A cooking facility with appliances which do not require electrical service greater than one 120 volts or natural or propane gas.
 - c.** A food preparation counter or counters that total at least 15 square feet in area.
 - d.** Food storage cabinets that total at least 30 square feet of shelf space.
- 3. Parking.** No additional off-street parking is required for a junior accessory dwelling unit.
- 4. Permits.**
 - a. Ministerial Junior Accessory Dwelling Unit Permit.** The property owner shall obtain a building permit for the junior accessory dwelling unit, subject to all standard application and processing fees and procedures that apply to building permits generally. The city shall issue a building permit within 60 days from the date that the City received a completed application, unless either:

- i. The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay;
- ii. the city requires corrections to the building permit application, in which case the 60-day time period is tolled until the applicant resubmits a corrected application; or
- iii. The application to create a junior accessory dwelling unit is submitted with a permit application to construct a new single-family dwelling on the parcel. The city may delay acting on the permit application for the junior accessory dwelling unit until the city acts on the permit application to construct the new single-family dwelling, but the application to construct the junior accessory dwelling unit will still be considered ministerial without discretionary review or a hearing.