



ACCESSORY DWELLING UNIT AND JUNIOR ACCESSORY DWELLING UNIT INTERIM STANDARDS

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The State of California recently adopted six legislative bills aimed at promoting the creation of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) (SB 13, AB 68, AB 587, AB 670, AB 671 and AB 881). These guidelines focus primarily on AB 881 and AB 68, which define the standards local jurisdictions can apply to ADUs and JADUs, as contained in California State Government Code Sections 65852.2 and 65852.22, respectively.

This state legislation supersedes the City's provisions for ADUs and JADUs as outlined in City of Los Altos Municipal Code *Chapter 14.14 Accessory Dwelling Units*. The City's specific requirements will be examined in early 2020. However in the meantime, the provisions of state law, as outlined below, will be used to evaluate applications for ADUs and JADUs.

The approval process for ADUs and JADUs is ministerial, which means that only a building permit and related permits are required, no discretionary approval with public notice is required. Both ADU's and JADU's are permitted in all zoning districts that allow single-family or multi-family dwelling residential use.

I. Accessory Dwelling Unit (ADU) General Provisions

- a. Floor area of an attached ADU cannot exceed 50% of the floor area of the existing or proposed primary dwelling, up to a maximum of 1,200 square feet. Please see subsection (c) of this section for minimum floor area provision exception.
- b. Floor area for a detached ADU cannot exceed 1,200 square feet.
- c. Even if requirements such as floor area ratio, proportionality (i.e. 50% threshold) to the existing or proposed primary dwelling unit's floor area, or other zoning standards cannot be met, the City must still allow an 800 square foot unit with setbacks of 4 feet from side and rear property lines, and up a maximum building height of 16 feet (as measured from the existing grade to the top of the highest roof ridge) permitted by the

underlying zoning district.

- d. No additional setbacks will be required for an ADU if it is contained within an existing structure, or constructed in the same location and with the same dimensions as an existing structure.
- e. The requirement for owner occupancy of one of the ADU units for the property is suspended and not required. An owner occupancy deed restriction is still required for JADUs (see below).
- f. A deed restriction is required and must include the following stipulations:
 - i. Prohibition on the sale of the ADU separate from the sale of the single-family residence
 - ii. Restriction on the size and attributes of the ADU
 - iii. Prohibitions on rental less than 30 consecutive calendar days.

II. Junior Accessory Dwelling Unit (JADU) General Provisions

- a. The JADU shall be constructed within walls of a proposed or existing single-family residence.
- b. Maximum size is 500 square feet.
- c. The JADU shall include a separate entrance from the main entrance to the proposed or existing single-family residence.
- d. The JADU shall include an efficiency kitchen, which includes:
 - i. Cooking facility with appliances (240-volt service outlets now permitted)
 - ii. Food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU
 - iii. No restriction on maximum waste line diameter
- e. A deed restriction is required and must include the following stipulations:
 - i. Prohibition on the sale of the JADU separate from the sale of the single-family residence
 - ii. Restriction on the size and attributes of the JADU
 - iii. If a JADU is rented, the unit shall not be rented for a period of less than 30 consecutive calendar days
 - iv. Owner occupancy is required for the JADU. Please note, owner occupancy is not required for a JADU if the owner is another governmental agency, land trust or housing organization.
- f. The JADU may share sanitation facilities (i.e. bathroom/shower) with primary residence.

III. Accessory Dwelling Units and Junior Accessory Dwelling Units on the Same Lot

- a. Both a JADU in the proposed or existing space of a single-family dwelling and a new detached ADU up to 800 square feet, with a maximum height of 16 ft., may occur on a lot zoned for residential or mixed-use, with some limitations (see CA Gov Code 65852.2.(e)(1)(A) and (B)).

IV. Accessory Dwelling Units and Junior Accessory Dwelling Units on Multi-Family Residentially Zoned Properties

- a. Multi-family buildings may add ADUs up to 25% of the existing unit space (example: 4-unit building would be allowed one ADU), or at least one (1) ADU. These ADUs must meet building code requirements and the existing space must not be current livable space (storage units and garages would qualify).
- b. Portions of existing multifamily dwelling structures that are not used as livable space (including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages), but excluding any residential amenities required to be provided for the facility by the zoning ordinance, or as a condition of project approval, may be converted for use as accessory dwelling units.
- c. An owner may also construct up to a maximum of two detached accessory dwelling units on a lot that has an existing multifamily dwelling, subject to a height limit of sixteen (16) feet and four (4) foot rear yard and side setbacks.
- d. Spaces required as part of a condition of approval or zoning requirement (e.g. long-term bike storage room) cannot be converted.

V. Parking Requirements

- a. No parking for an ADU is required if:
 - i. ADU is within ½ mile walking distance of public transit.
 - ii. ADU is located within an architecturally and historically significant historic district.
 - iii. ADU is part of the proposed or existing primary residence or accessory structure.
 - iv. On-street parking permits are required but not offered to the ADU occupant.
 - v. There is a car share vehicle located within one block of the ADU.
- b. No additional parking is required for a JADU.
- c. No replacement parking for the primary residence is required when a garage, carport or covered parking is converted to an ADU or is demolished to provide an area for an ADU. However, future development of the main residence may require parking spaces.

VI. Other Standards and Additional Considerations

- a. Correction of nonconforming structures is not permitted as condition of approval for ADUs.
- b. Rentals for fewer than 30 days are prohibited.
- c. No impact fees can be charged for an ADU units less than 750 square feet. Impact fees for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

- d. For attached ADU's located within an existing single-family dwelling or proposed to be constructed within a single-family dwelling, no utility connection or additional capacity can be required, nor a related connection fee imposed unless the ADU is constructed along with a new single-family dwelling.
- e. For all other attached or detached ADU's, the City may require a new or separate utility connection directly between the accessory dwelling unit and the utility. The new connection may be subject to a connection fee or capacity charges based on either square footage or number of drainage fixtures as required. However, any connection fee or capacity charge shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size, square footage or the number of its plumbing fixtures.
- f. Fire sprinklers are not required for an ADU unless they are also required for the primary dwelling.
- g. Covenants, conditions, and restrictions (CC&Rs) shall not prohibit or unreasonably restrict the construction or use of an ADU or JADU on a lot zoned for single-family residential use (AB 670).

VII. BUILDING CODE REQUIREMENTS

- a. An ADU may have separate utility meters installed, or it can utilize the primary residence's services if added loads allow. ADUs require electrical load calculations to justify required panel sizes and/or added electrical loads imposed on the main residences electrical service.
- b. An ADU is only required to have fire sprinklers if the primary residence is required to have fire sprinklers, or as determined by the Santa Clara County Fire Department.
- c. If utilized, gas piping requires a one-line isometric gas pipe diagram be provided to meet the current California Plumbing Code, Chapter 12.
- d. A detached ADU shall have the sewer connection placed downstream of the main house's building drain (connect to the existing main sewer lateral outside of the main residence). Attached ADUs may share the same building drain.
- e. An ADU that is attached to the primary residence shall have common occupancy separation walls constructed as necessary (protected openings are allowed).
- f. An ADU shall have an independent electrical sub-panel, water heating and space heating equipment. *Note: All other current California Code of Regulations apply.*
- g. Existing accessory structures constructed with permits that are changing use and occupancy shall be designed to meet the current California Code of Regulations for ADUs
- h. An ADU shall provide at least one egress door that meets California Residential Code R311.
- i. A new address will be assigned to all ADUs prior to issuance of a building permit. Generally, the new address assigned to the ADU will be the property address + A (i.e. 1234A Main St). Posting of the ADU's address number, as specified by the Building Division and Santa Clara County Fire Department, is required prior to final occupancy of the unit.

- j. An ADU shall be designed to provide permanent provisions for living, sleeping, eating, cooking, and sanitation.
- k. An ADU shall meet a maximum 1,500 (psf) Vertical Bearing Pressure and a 100 (psf/below natural grade) Lateral Bearing Pressure, or provide Geotechnical Soils Investigation report. In areas of liquefaction verified by the USGS, a Geotech report is required.