

## **CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT  
455 MARKET STREET, SUITE 300  
SAN FRANCISCO, CA 94105-2219  
PHONE: (415) 904-5200  
FAX: (415) 904-5400  
WEB: WWW.COASTAL.CA.GOV



# **W10b**

**LCP-2-HMB-21-0068-1 (Accessory Dwelling Unit Regulations)**

**November 17, 2021**

### **EXHIBITS**

**Table of Contents**

### **EXHIBITS**

**Exhibit 1: Proposed IP Amendment**

**ORDINANCE NO. C-2021-01**  
**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HALF MOON BAY**  
**AMENDING CHAPTER 18.33 "ACCESSORY DWELLING UNITS" AND RELATED PROVISIONS OF**  
**THE ZONING TITLE OF THE HALF MOON BAY MUNICIPAL CODE**

THE CITY COUNCIL OF THE CITY OF HALF MOON BAY DOES ORDAIN AS FOLLOWS:

**Section 1. Findings.** The City Council of the City of Half Moon Bay hereby amends Chapter 18.33 "Accessory Dwelling Units" and related provisions of the Zoning Title of the Half Moon Bay Municipal Code ("ADU Ordinance Amendment"). The City Council finds and declares as follows:

- (a) The State of California enacted changes to Government Code section 65852.2 to impose specific requirements on local government regulation of accessory dwelling units (ADUs), which became effective on January 1, 2020; and
- (b) The California Coastal Commission issued memos on April 18, 2017, November 20, 2017, March 11, 2020, and April 21, 2020 to provide guidance to jurisdictions located within the California Coastal Zone for implementing amendments to their Local Coastal Programs (LCPs) to be consistent with revised Government Code section 65852.2; and
- (c) The California Department of Housing and Community Development (HCD) issued an Accessory Dwelling Unit Handbook to assist jurisdictions in implementing Government Code section 65852.2 and 65852.22 (related to Junior Accessory Dwelling Units); and
- (c) The City of Half Moon Bay, which is located fully within the Coastal Zone, seeks to revise its regulations as they pertain to ADUs for them to be consistent with Government Code section 65852.2 and the California Coastal Act, pursuant to the guidance from the Coastal Commission and HCD; and
- (d) ADUs provide a community benefit by expanding the number and type of residential facilities available and assist ADU owners by providing additional affordable space for housing family or friend and/or revenue that may be used for maintenance, upgrades and other costs; and
- (e) If not regulated, ADUs can create nuisances such as overcrowding, illegal vehicle parking, and traffic-flow disruptions. The restrictions of the ADU Ordinance Amendment are necessary to prevent a burden on City services and potential adverse impacts on residential neighborhoods posed by ADUs; and
- (f) The Planning Commission conducted a duly noticed public hearing on the ADU Ordinance Amendment on December 10, 2019, at which time all those desiring to be heard on the matter were given an opportunity to be heard, and recommended the proposed ADU Ordinance Amendment for adoption by the City Council; and

(g) The City Council conducted a duly noticed public hearing on the ADU Ordinance Amendment on January 21, 2019, at which time all those desiring to be heard on the matter were given an opportunity to be heard, and continued the hearing to a date uncertain; and

(g) The ADU Ordinance Amendment is consistent with Government Code section 65852.2 and the Coastal Act in so far as it attempts to comply with the standards in section 65852.2 to the greatest extent feasible while including several limited modifications to protect coastal resources; and

(h) Requiring ADUs to provide ADU-specific and any necessary replacement parking within certain narrowly tailored neighborhoods adjacent to publicly accessible beaches will protect coastal act resources, namely coastal access; and

(i) Requiring ADUs to comply with Measure D is consistent with the City's LCP, which includes residential growth allocations to protect coastal resources, and the Coastal Act; and

(j) Requiring ADUs to obtain administrative coastal development permits, subject to limited exemptions enacted as part of the ADU Ordinance Amendment, is necessary to implement the California Coastal Act, as explained in the coastal commission guidance; and

(k) Limiting ADUs in certain developed Planned Unit Development zoning districts, where developments were planned to take into account visual resources identified for protection pursuant to the Coastal Act, to units within existing structures is necessary to support the City's LCP; and

(l) Limiting ADUs in substantially undeveloped PUD zoning districts to lots containing existing primary dwelling units is necessary to support the City's LCP, which requires a master planning process to protect natural resources, coastal access, scenic and visual resources, and cultural resources before most development is permitted; and

(m) Requiring all ADUs to provide drainage plans is necessary to protect the quality and hydrological functions of the City's coastal waters, as provided in the City's LCP.

(m) The ADU Ordinance Amendment is consistent with the City's Local Coastal Land Use Plan, in that it includes mechanisms to ensure protection of coastal resources and requires ADUs to comply with the Plan's limitations on residential growth; and

(n) The ADU Ordinance Amendment is consistent with the City's Housing Element, which contains a policy to "encourage the development of affordable second units," because the ADU Ordinance Amendment is intended to reduce barriers to the creation of ADUs.

**Section 2. Amendments.** The following sections of the Municipal Code are amended as specified below and in Attachment A. Attachment A generally shows additions with underlined text and deletions with ~~strike-out text~~.

Municipal Code Provision	Action
Chapter 18.33	Amendments as shown in Attachment A
Section 18.02.040	Amendments as shown in Attachment A
Section 18.06.050	Amendments as shown in Attachment A

**Section 3. Severability.** If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

**Section 4. CEQA.** The City Council finds that the Ordinance is exempt from CEQA under Public Resources Code section 21080.17, as it implements the provisions of Government Code section 65852.2, as well as CEQA Guidelines sections 15305 (minor alterations to land use limitations) and 15061(b)(3) (common sense exemption).

**Section 5. Publication.** The City Clerk of the City of Half Moon Bay is hereby directed to publish this Ordinance pursuant to Government Code section 36933.

**Section 6. Effective date.** This Ordinance shall take effect and be in force on the thirtieth (30th) day from and after its final passage and upon certification by the California Coastal Commission.

**INTRODUCED** at a regular meeting of the City Council of the City of Half Moon Bay, California, held on the 20th of July, 2021.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Half Moon Bay, California, held on the 17th of August, 2021, by the following vote:

Ayes, Councilmembers: Jimenez, Penrose, Rarback, Ruddock, Brownstone

Noes, Councilmembers:

Absent, Councilmembers:

Abstain, Councilmembers:

ATTEST:



Jessica Blair, City Clerk

APPROVED:



Robert Brownstone, Mayor

## Chapter 18.33 ACCESSORY DWELLING UNITS

### 18.33.010 Purpose.

The purpose of this chapter is to:

- A. Increase the supply of smaller units and rental housing units by allowing accessory dwelling units and junior accessory dwelling units to locate on lots ~~which that~~ contain an existing or proposed single-family dwellings and existing two-family and multifamily dwellings;
- B. Establish standards for accessory dwelling units and junior accessory dwelling units to ensure that they are compatible with existing neighborhoods; and
- C. Comply with state law regarding accessory dwelling units and junior accessory dwelling units (California Government Code Sections 65852.2 and 65852.22) and the California Coastal Act (California Public Resources Code Sections 30000 through 30900).

### 18.33.020 Review and approval.

- A. Accessory Dwelling Unit Applications. Accessory dwelling unit applications, including applications for junior accessory dwelling units, shall be submitted to and processed by the community development director as follows:
  1. Residential Dwelling Unit Allocation. Accessory dwelling units require a residential dwelling unit allocation pursuant to Chapters 17.06 and 18.04; ~~provided, that no processing fee pursuant to Section 17.06.040 shall be required.~~
  2. Coastal Development Permit. All accessory dwelling units shall conform to Chapter 18.20, as provided below.
    - a. No coastal development permit is required for Aa ~~wholly within existing development~~ accessory dwelling unit that is wholly within an existing single-family dwelling, as defined in Section 18.33.030, ~~that does not involve the removal or replacement of major structural components (e.g., roofs, exterior walls, foundations), and that does not change the size of the structure or intensity of use, and that does not constitute "development" as defined in Public Resources Code Section 30106 and Section 18.20.020(C) and does not require a coastal development permit. A wholly within existing development accessory dwelling unit changes the intensity of use if it primarily involves the creation of new habitable space.~~
    - b. No coastal development permit is required for Aa accessory dwelling unit that is contained within or attached to an existing single-family dwelling unit or accessory structure ~~and that does not change the intensity of use or expand the floor area, height, or bulk of the existing unit or structure by more than ten percent is and that is exempt from the requirement to secure approval of a coastal development permit pursuant to Chapter 18.20 and Public Resources Code Section 30610(a) or, for existing guest houses, Section~~

~~30610(b). An accessory dwelling unit changes the intensity of use if it primarily involves the creation of new habitable space. This exemption shall not be granted if one or more of the criteria in Subchapter 7, Title 14, Section 13250(b) or, for existing guest houses, Section 13253(b) of the California Code of Regulations, as may be amended from time to time, are met. If any criteria are met, the applicant shall obtain a coastal development permit pursuant to Chapter 18.20 rather than an administrative coastal development permit pursuant to this section.~~

c. Any other accessory dwelling unit shall obtain an administrative coastal development permit, as defined in Public Resources Code Section 30624. Such an administrative coastal development permit shall be processed as a "local coastal development permit" per Chapter 18.20 except:

- i. The community development director is the approval authority for an administrative coastal development permit;
- ii. The city shall not be required to publish any notice in a newspaper; and
- iii. Any administrative coastal development permit issued by the community development director shall be listed on the planning commission and city council agendas at their first scheduled meetings after the permit is issued. If, at either meeting, one-third of the planning commission or city council so request, the permit issued by the community development director shall not go into effect and the applicant shall instead obtain a coastal development permit pursuant to Chapter 18.20. Administrative coastal development permits shall not become effective until after the planning commission and city council have had an opportunity to complete this review and any applicable appeal periods have ended.

d. No hearing shall be required for the issuance of the administrative coastal development permit, the issuance of a standard coastal development permit pursuant to Chapter 18.20, or any appeal, for any accessory dwelling unit.

e. The accessory dwelling unit shall comply with any existing coastal development permit issued for the property, unless an amendment thereof is obtained.

3. Building Permit. Accessory dwelling units require a building permit issued in conformance with this code, including Section 17.06.050.

4. Unless otherwise required by the Coastal Act, the community development director shall act on all required permits within ~~one hundred and twenty~~sixty days of receipt of a complete application.

B. Noncompliant Proposals. If the requirements in this chapter are not met, the proposed accessory dwelling unit or junior accessory dwelling unit cannot be approved under this ~~e~~Chapter. Notwithstanding the foregoing, applicants may seek approval of the unit, addition, or renovation under the city's generally applicable standards and procedures, including a variance pursuant to Chapter 18.23.

C. Conversion of Existing Residence. An existing residence, in conformance with the above regulations, may be converted to an accessory dwelling unit in conjunction with development of a new primary dwelling unit.

D. Existing Accessory Dwelling Unit. An existing accessory dwelling unit or junior accessory dwelling unit may be enlarged or modified only in accordance with the requirements of this ~~Chapter~~section.

E. Density. To the extent required by California Government Code Section 65852.2, an accessory dwelling unit or junior accessory dwelling unit built in conformance with this ~~Chapter~~section does not count toward the allowed density for the lot upon which the ~~accessory dwelling unit~~ is located.

F. General Plan and Zoning Designations. Accessory dwelling units and junior accessory dwelling units approved in compliance with this chapter are a residential use that is consistent with the city's general plan, local coastal land use plan, and zoning ordinance.

### **18.33.030 Standards for wholly within existing development accessory dwelling units streamlined accessory dwelling units.**

~~Any accessory dwelling unit that is wholly contained within the existing space of a single-family dwelling or accessory structure shall meet the following~~Pursuant to California Government Code Section 65852.2(e), the City shall approve the following streamlined accessory dwelling units, including junior accessory dwelling units, if the specified development standards and use restrictions are met:

#### **A. Within Existing Space (Single-Family) – ADUs and JADUs**

1. The accessory dwelling unit is located in an R-1, R-2, R-3, C-D, C-R, C-VS, or C-G, or PUD zoning district.

2. B.—The lot on which the accessory dwelling unit or junior accessory dwelling unit is located contains an existing or proposed single-family dwelling. In the substantially undeveloped PUD zoning districts, the lot must be already developed with an existing single-family dwelling.

3. C.—The lot on which the accessory dwelling unit or junior accessory dwelling unit is located does not contain another accessory dwelling unit, junior accessory dwelling unit, or guest house, unless a junior accessory dwelling unit is built pursuant to this Subsection (A) and an accessory dwelling unit is built pursuant to this Subsection (A) or Subsection (B).

4. The accessory dwelling unit or junior accessory dwelling unit is wholly within the existing or proposed space of a single-family dwelling or the existing space of an accessory structure, or, for an accessory dwelling unit, requires an addition of no more than 150 square feet to accommodate ingress and egress. In Ocean Colony, accessory dwelling units and junior accessory dwelling units are not permitted in garages.

5. The accessory dwelling unit has exterior access independent from the existing single-family dwelling.

6. The existing single-family dwelling or accessory structure has side and rear setbacks sufficient for fire and safety. If the existing dwelling or structure complies with the city's setback requirements as described in this code, it shall automatically meet this standard.

7. If a junior accessory dwelling unit is proposed, it complies with the requirements of California Government Code section 65852.22.
8. If the accessory dwelling unit or junior accessory dwelling unit is to be included in a proposed single-family dwelling, then the single-family dwelling (including the accessory dwelling unit and junior accessory dwelling unit) shall meet all applicable development standards, including lot coverage and floor area ratio requirements.

B. Detached, New Construction (Single-Family) – ADUs

1. The accessory dwelling unit is located in: an R-1, R-2, R-3, C-D, C-R, C-VS, or C-G zoning district; a PUD zoning district where detached accessory dwelling units are permitted pursuant to a PUD Plan or Specific Plan; or, a substantially undeveloped PUD zoning district.
2. The lot on which the accessory dwelling unit is located contains an existing or proposed single-family dwelling. In the substantially undeveloped PUD zoning districts, the lot must be already developed with an existing single-family dwelling.
3. The lot on which the accessory dwelling unit is located does not contain another accessory dwelling unit or guest house, but may contain a junior accessory dwelling unit.
4. The accessory dwelling unit is detached from the single-family dwelling.
5. The accessory dwelling unit is new construction.
6. The accessory dwelling unit is located at least four feet from the side and rear lot lines, is no greater than eight-hundred square feet in gross floor area, and has a height of no more than sixteen feet.
7. The accessory dwelling unit complies with the front yard, street facing side, and double frontage setbacks applicable to the primary dwelling, unless such setback would preclude development of a unit pursuant to this Subsection (B) on the lot.

C. Wholly Within Existing Space (Two-Family or Multifamily) - ADUs

1. The accessory dwelling unit is located in an R-1, R-2, R-3, C-D, C-R, C-VS, or C-G zoning district.
2. The lot on which the accessory dwelling unit is already developed with an existing two-family or multifamily dwelling.
3. The accessory dwelling unit is located within a portion of the two-family or multifamily dwelling structure that is not used as livable space.
4. The total number of accessory dwelling units within the dwelling will not exceed twenty-five percent of the existing number of primary dwelling units within the dwelling, provided that all two-family or multifamily dwellings shall be permitted at least one accessory dwelling unit.

D. Detached, New Construction (Two-Family or Multifamily) – ADUs

1. The accessory dwelling unit is located in an R-1, R-2, R-3, C-D, C-R, C-VS, or C-G zoning district.
2. The lot on which the accessory dwelling unit is already developed with an existing two-family or multifamily dwelling.
3. The accessory dwelling unit is detached from the two-family or multifamily dwelling.



4. The accessory dwelling unit is located at least four feet from the side and rear lot lines and has a height of no more than sixteen feet.

5. The accessory dwelling unit complies with the front yard, street facing side, and double frontage setbacks applicable to the primary dwelling, unless such setback would preclude development of a unit pursuant to this Subsection (D) on the lot.

6. No more than two detached accessory dwelling units are permitted per lot pursuant to this Subsection (D).

~~F. The accessory dwelling unit complies with applicable building codes and health and safety regulations; however, the accessory dwelling unit is not required to provide fire sprinklers if fire sprinklers are not required for the single family dwelling.~~

~~G. The single family dwelling or accessory structure was constructed in compliance with all then applicable city requirements or was in existence on December 12, 2018.~~

~~H. The accessory dwelling unit may be rented in full or in part for the purpose of overnight lodging for terms of thirty or more consecutive days, but it shall not be rented for overnight lodging for shorter terms or subleased. Neither the single family dwelling nor the accessory dwelling unit shall be sold or otherwise conveyed separately from the other unit.~~

~~1. Notwithstanding the above, the accessory dwelling unit may be rented in full or in part for the purpose of overnight lodging for a term of fewer than thirty consecutive days if (a) the accessory dwelling unit had been rented as a short term rental for at least thirty nights in the six months prior to December 12, 2018, (b) the single family dwelling is owner occupied, and (c) the short term rental was in full compliance with all city requirements as of December 12, 2018. In the event of discontinued use of the accessory dwelling unit as a short term rental for a period of six months, the short term rental use shall be deemed discontinued and this exception shall no longer apply.~~

~~I. Either the single family dwelling or the accessory dwelling unit is occupied by the owner of record as his or her principal residence.~~

#### **18.33.040 Standards for new development~~other~~ accessory dwelling units.**

~~Any accessory dwelling unit that involves the addition of square footage to an existing single family dwelling or accessory structure or the construction of a new detached structure, or is proposed in conjunction with a new single family dwelling,~~Any accessory dwelling unit that does not meet the criteria of Section 18.33.030 shall meet the following development standards and use restrictions:

A. The accessory dwelling unit is located in: an R-1, R-2, R-3, C-D, C-R, C-VS, or C-G zoning district; a PUD zoning district where accessory dwelling units are permitted pursuant to a PUD Plan or Specific Plan; or a substantially undeveloped PUD zoning district.

B. The lot on which the accessory dwelling unit is located contains an existing or proposed single family dwelling unit. In the substantially undeveloped PUD zoning districts, the lot must be already developed with an existing dwelling.

C. The lot on which the accessory dwelling unit is located does not contain another accessory dwelling unit, junior accessory dwelling unit, or guest house.

D. The accessory dwelling unit meets all nondiscretionary requirements for any single-family dwelling located on the same ~~parcel lot~~ in the same zoning district. These requirements include, but are not limited to, building height, setback, site coverage, floor area ratio, building envelope, payment of any applicable fee, and building code requirements. The following exceptions to these requirements apply:

1. No setback is required for an accessory dwelling unit located within existing living area or an existing accessory structure, or an accessory dwelling unit that replaces an existing structure and is located in the same location and to the same dimensions as the structure being replaced. Side and rear yard setbacks may be reduced to four feet for all other accessory dwelling units, but all other standard setbacks (including front, street facing side, and double frontage setbacks) still apply. Detached accessory dwelling units shall have a minimum side setback of five feet and minimum rear setback of ten feet. If any portion of the accessory dwelling unit is located in front of the main building, then the front and side yard setbacks shall be the same as a single-family dwelling in the zoning district.

2. The distance between buildings on the same lot must be a minimum of six feet, unless sufficient fire restrictive improvements can be made to existing structures with a distance of less than six (6) feet.

2. ~~Notwithstanding subsection (D)(1) of this section, if the proposed accessory dwelling unit is an addition to an existing private garage:~~

a. ~~No setback shall be required for any portion of the existing private garage that is converted to the accessory dwelling unit; and~~

b. ~~Standard setbacks shall apply to the new floor area, unless the accessory dwelling unit is constructed above the existing private garage, in which case the side and rear setbacks for the accessory dwelling unit shall not be less than five feet, and the front setback shall not be less than twenty feet.~~

3. ~~The minimum lot area per dwelling unit required by the applicable district shall not apply, provided the minimum building site requirements shall be met.~~

4. The maximum building envelope required by Section 18.060.040(G) shall not be imposed to limit the height of an accessory dwelling unit below sixteen feet.

54. The only architectural and design standards that apply to accessory dwelling units are as follows:

a. If the accessory dwelling unit is attached to a single-family primary dwelling or visible from any public sidewalk or right-of-way, the accessory dwelling unit shall use similar exterior siding materials, colors, window types, door and window trims, roofing materials, and roof pitch as the single-family primary dwelling.

b. If the accessory dwelling unit is directly accessible from an alley or a public street, the entrance to the accessory dwelling unit shall face the alley or public street. Otherwise, the entrance shall be located at least 10 feet from any property line the interior of the lot unless the accessory dwelling unit is directly accessible from an alley or a public street.

c. For accessory dwelling units attached to the single-family primary dwelling unit, new entrances and exits are allowed on the side and rear of the structures only.

65. Pursuant to California Government Code Section 65852.2, no passageway is required in conjunction with the construction of an accessory dwelling unit. "Passageway" is defined as a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

~~6.—The accessory dwelling unit is not required to provide fire sprinklers if fire sprinklers are not required for the single family dwelling.~~

7. If the proposed accessory dwelling unit is a manufactured home, as defined in Health and Safety Code Section 18007, it shall comply with Section 18.06.060 (Manufactured homes), except Sections 18.06.060(B) (Approval), (C) (Location), (D)(1) (Width) and (D)(10) (Covered Parking).

E. The gross floor area of the accessory dwelling unit shall not exceed eight hundred and fifty square feet (for studios or one bedroom accessory dwelling units) or one thousand square feet (for accessory dwelling units that provide more than one bedroom). ~~and the gross floor area of the accessory dwelling unit and other buildings on the lot shall not exceed the maximum floor area ratio.~~

F. Development standards, including limits on lot coverage, floor area ratio, open space, and lot size, shall not be used to reduce the gross floor area of the accessory dwelling unit below eight-hundred square feet or the height of the accessory dwelling unit below sixteen feet.

GF. The minimum gross floor area of the accessory dwelling unit shall be no less than one hundred fifty square feet or the minimum required for an efficiency dwelling unit as defined in Health and Safety Code Section 17958.1, as may be amended from time to time.

G.—Parking.

~~1.—A minimum of one off-street parking space for the accessory dwelling unit, in addition to the spaces required for the single-family dwelling, shall be provided for units within the following portions of neighborhood areas, as depicted in Figure 18.33-1:~~

~~a.—Miramar: Bounded by Mirada Road to the north, the California Coastal Trail and Naples Avenue to the west, Pullman Ditch to the south, and Highway 1 to the east.~~

~~b.—Casa del Mar: Parcels with frontage on either side of Pilarcitos Avenue and parcels with frontage on the south side of Wave Avenue.~~

~~c.—Alsace Lorraine: Parcels with frontage on either side of Kelly Avenue between Balboa Boulevard and Pilarcitos Avenue; and parcels bounded by Kelly Avenue to the north, the former railroad right-of-way to the west, Central Avenue to the south, and Potter Avenue to the east.~~

~~d.—Arleta Park: Parcels with frontage on either side of Poplar Street between Pacific Avenue and Third Avenue, and parcels bounded by Central Avenue to the north, Railroad Avenue to the west, Seymour Street to the south, and First Avenue/Alsace Lorraine Avenue to the east.~~

No parking space shall be required for any accessory dwelling unit located outside these areas.

2. Notwithstanding subsection (G)(1) of this section, a parking space shall not be required within the areas depicted in Figure 18.33-1:

a. For a unit that is on the same lot as a historic property listed on or eligible for listing on either the National Register of Historic Places or the California Register of Historical Resources;

b. For a unit that is part of a proposed primary residence;

c. When a parking exception has been granted in accordance with Section 18.36.080.

3. Notwithstanding any other provisions of this code, the required parking space may be located as a tandem space in an existing driveway or in the required setbacks, and may have a permeable, all-weather surface.

### **18.33.050 All accessory dwelling units and junior accessory dwelling units.**

The following apply to all accessory dwelling units and junior accessory dwelling units:

A. The accessory dwelling unit or junior accessory dwelling unit complies with applicable building codes and health and safety regulations; however, the accessory dwelling unit or junior accessory dwelling unit is not required to provide fire sprinklers unless fire sprinklers are required for the primary dwelling.

BH. Accessory dwelling units and junior accessory dwelling units shall not be approved absent a finding of adequate water supply and wastewater treatment capacity. The accessory dwelling unit or junior accessory dwelling unit can be accommodated with the existing water service and existing sewer lateral or private sewage disposal system, insofar as evidence is provided that the existing water service and existing sewer lateral or private sewage disposal system has adequate capacity to serve both the primary residence and accessory dwelling unit. No additional water meter shall be required, unless requested by the applicant.

C. If the accessory dwelling unit or junior accessory dwelling unit will be connected to an onsite water treatment system, the applicant may be required to submit a percolation test completed within the last five years, or if the percolation test has been recertified, within the last ten years.

D. If the unit involves construction of new floor area, the applicant shall be required to submit a drainage plan pursuant to local coastal program land use plan policy 6-84.

El. The accessory dwelling unit or junior accessory dwelling unit may be rented in full or in part for the purpose of overnight lodging for terms of thirty or more consecutive days, but it shall not be rented for shorter terms or subleased. Neither the single-family primary dwelling nor the accessory dwelling unit or junior accessory dwelling unit shall be sold or otherwise conveyed separately from the other unit, except pursuant to California Government Code Section 65852.26.

1. Notwithstanding the above, ~~the~~ an existing accessory dwelling unit may be rented in full or in part for the purpose of overnight lodging for a term of fewer than thirty consecutive days if (a) the accessory dwelling unit had been rented as a short-term rental for at least thirty nights in the six months prior to December 12, 2018, (b) the single-family dwelling is owner occupied, and (c) the short-term rental was in full compliance with all city requirements as of

December 12, 2018. In the event of discontinued use of the accessory dwelling unit as a short-term rental for a period of six months, the short-term rental use shall be deemed discontinued and this exception shall no longer apply.

~~J. Either the single family dwelling or the accessory dwelling unit is occupied by the owner of record as his or her principal residence.~~

F. No impact fees, as defined in Government Code Section 65852.2(f), shall be imposed on any accessory dwelling unit or junior accessory dwelling unit with a gross floor area of less than 750 square feet. Impact fees for all other accessory dwelling units shall be charged proportionately in relation to the square footage of the primary dwelling unit.

G. The special setback allowances in this Chapter apply only to the accessory dwelling unit or junior accessory dwelling unit. They do not apply to ancillary structures proposed in conjunction with the unit, such as decks, balconies, or garages, unless necessary for ingress or egress to the unit.

H. Parking.

1. A minimum of one off-street parking space for the accessory dwelling unit, in addition to the spaces required for the primary dwelling, shall be provided for units within the following portions of neighborhood areas, as depicted in Figure 18.33-1:

a. Miramar: Bounded by Mirada Road to the north, the California Coastal Trail and Naples Avenue to the west, Pullman Ditch to the south, and Highway 1 to the east.

b. Casa del Mar: Parcels with frontage on either side of Pilarcitos Avenue and parcels with frontage on the south side of Wave Avenue.

c. Alsace Lorraine: Parcels with frontage on either side of Kelly Avenue between Balboa Boulevard and Pilarcitos Avenue; and parcels bounded by Kelly Avenue to the north, the former railroad right-of-way to the west, Central Avenue to the south, and Potter Avenue to the east.

d. Arleta Park: Parcels with frontage on either side of Poplar Street between Pacific Avenue and Third Avenue, and parcels bounded by Central Avenue to the north, Railroad Avenue to the west, Seymour Street to the south, and First Avenue/Alsace Lorraine Avenue to the east.

No parking space shall be required for any accessory dwelling unit located outside these areas.

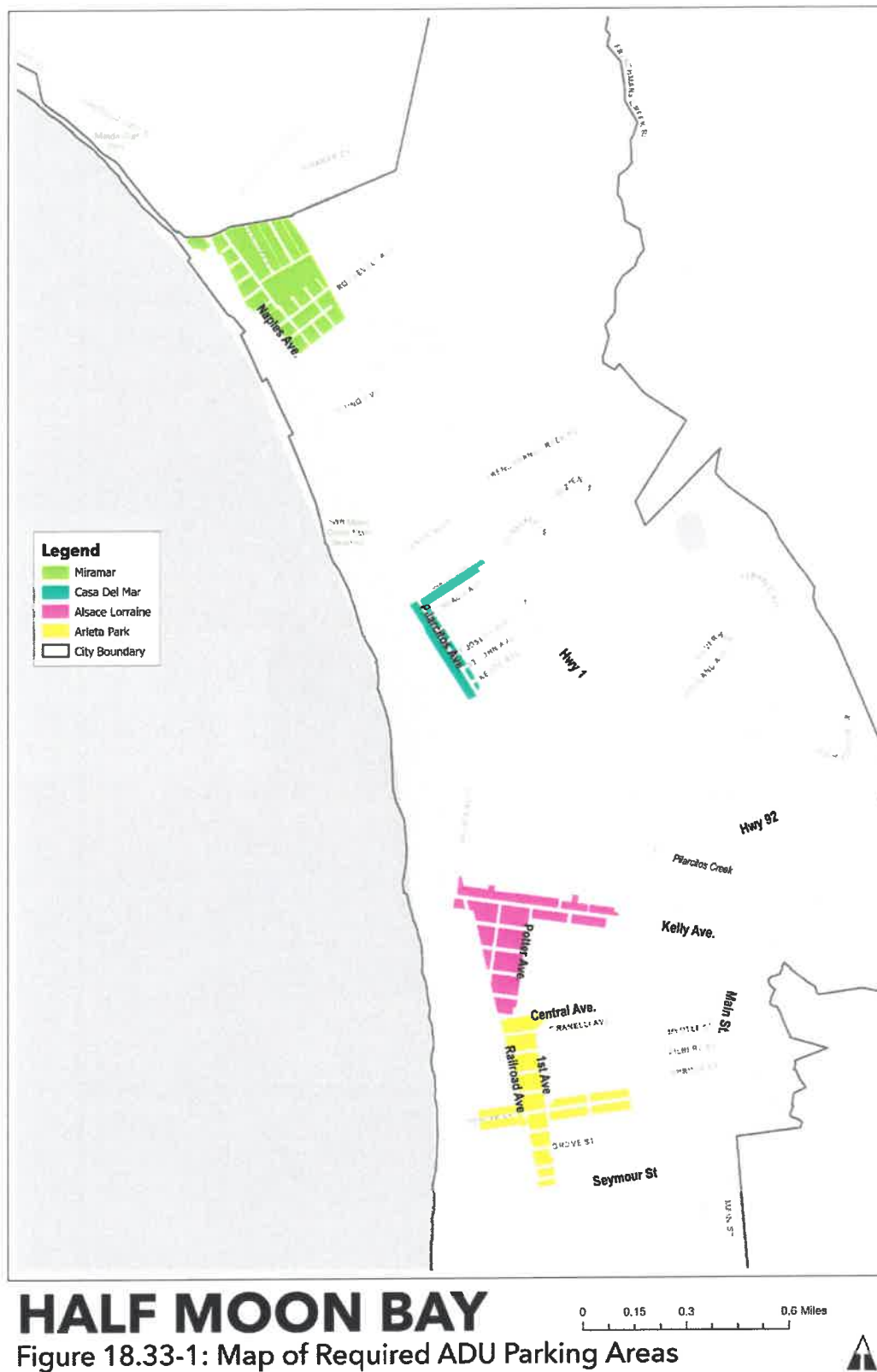
2. Notwithstanding Subsection (H)(1), a parking space shall not be required within the areas depicted in Figure 18.33-1:

a. For an accessory dwelling unit or junior accessory dwelling unit that is on the same lot as a historic property listed on or eligible for listing on either the National Register of Historic Places or the California Register of Historical Resources;

b. When a parking exception has been granted in accordance with Section 18.36.080.

3. Notwithstanding any other provisions of this code, the required parking space may be located as a tandem space in an existing driveway or in the required setbacks.
4. When a private garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an accessory dwelling unit within the areas depicted in Figure 18.33-1, or a junior accessory dwelling unit anywhere in the city, the spaces contained in such structures shall be replaced to the extent they are required to meet the numerical parking requirements in Chapter 18.36. The replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, enclosed spaces, unenclosed spaces, or tandem spaces, or by the use of mechanical automobile parking lifts; provided, that the spaces and driveway comply with the requirements found in Sections 18.06.040(D) and (E), to the extent those requirements do not conflict with this chapter.
- I. After January 1, 2025 and if permitted by state law, either the primary dwelling or the accessory dwelling unit shall be occupied by the owner of record as his or her principal residence.

Figure 18.33-1: Map of Required ADU Parking Areas



### **18.33.0650 Combination proposals.**

When an accessory dwelling unit or junior accessory dwelling unit is proposed in conjunction with another proposal for which city approval is required under this code, the following options apply:

- A. The applicant is encouraged to submit the accessory dwelling unit or junior accessory dwelling unit and other proposal(s) for combined review by the city. If the applicant makes this election, he or she voluntarily forgoes the streamlining procedures described in Section 18.33.020.
- B. The applicant may elect to have the city process the accessory dwelling unit or junior accessory dwelling unit separately from the other proposal(s). If the applicant makes this election, the streamlining procedures described in Section 18.33.020 would apply to the accessory dwelling unit or junior accessory dwelling unit proposal after the applicant obtains city approval for the other proposal(s).

For either option, the certificate of occupancy for the accessory dwelling unit or junior accessory dwelling unit shall not be issued before the certificate of occupancy for the primary dwelling unit.

### **~~18.33.060 Converted parking.~~**

~~When a private garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an accessory dwelling unit, the spaces contained in such structures shall be replaced to the extent they are required to meet the numerical parking requirements in Chapter 18.36. The replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, enclosed spaces, unenclosed spaces, or tandem spaces, or by the use of mechanical automobile parking lifts; provided, that the spaces and driveway comply with the requirements found in Sections 18.06.040(D) and (E), to the extent those requirements do not conflict with this chapter.~~

### **18.33.070 Conformance with certified local coastal program.**

New accessory dwelling units and junior accessory dwelling units shall conform to all applicable requirements of the city's local coastal program, the zoning code, this chapter, and any existing coastal development permit, including that the proposed ~~accessory dwelling unit~~ will avoid environmental hazards and will not adversely impact any coastal resources including any of the following:

- A. Environmentally sensitive habitat areas, ~~or significant vegetation such as native trees, vegetation, riparian corridors~~ areas, wetlands, or riparian or wetland buffers ~~or visually prominent tree stands as designated in the local coastal program or the zoning code.~~
- B. Significant topographic features, including but not limited to steep slopes, ridgelines or bluffs, water-courses, streams or wetlands or any areas as designated in the local coastal program.
- C. Significant public views including Heritage ~~old~~ Downtown, upland slopes ~~seenie hillsides~~ or broad ocean views from Highway 1 as designated in the local coastal program.
- D. Areas of public access to the coastal trail or beach areas including those as designated in the local coastal program.
- E. Archaeological resources.



F. Prime agricultural land or soil.

**18.33.080 Declaration of restrictions.**

Any declaration of restrictions regarding owner occupancy previously recorded in conjunction with development of an accessory dwelling unit remains valid and binding on any successor in ownership of the property, unless the accessory dwelling unit is removed. If permitted by state law, Before obtaining a building permit for an accessory dwelling unit, theany property owner obtaining a building permit for an accessory dwelling unit after January 1, 2025 shall file with the county recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:

- A. Neither the single-family dwelling nor the accessory dwelling unit shall be sold or otherwise conveyed separately from the other unit, either directly or indirectly.
- B. The accessory dwelling unit is a permitted use only so long as either the main residence or the accessory dwelling unit is occupied by the owner of record as his or her principal residence, pursuantsubject to Section 18.33.050(H)30(I) or 18.33.040(J).
- C. The restriction is binding on any successor in ownership of the property; lack of compliance will result in the accessory dwelling unit becoming an illegal, nonconforming use subject to the code enforcement and abatement proceedings established by this code.
- D. The ~~deed~~ restrictions shall lapse upon removal of the accessory dwelling unit.

**18.33.090 Incentives.**

The following incentives are to encourage construction of accessory dwelling units:

- A. Affordability Requirements for Fee Waiver. Accessory dwelling units proposed to be rented at rents affordable to very low or low income households for at least five years may request a waiver of all city fees, subject to the sole discretion and approval of the city council. The city and applicant shall enter into an affordable housing agreement governing the accessory dwelling unit and that agreement shall be recorded against the property.
- B. Parking. The covered parking requirement for ~~the a proposed~~ primary residence shall be limited to one covered parking space and one uncovered parking space if an accessory dwelling unit is also proposedprovided. The uncovered parking space may be provided in the side yard setback (if on a corner lot) or front yard setback under this incentive with the parking design subject to approval of the community development director. The maximum impervious surfaces devoted to the parking area shall be no greater than the existing driveway surfaces at time of application. Not more than fifty percent of the front yard width shall be allowed to be parking area.

**~~18.33.100 Owner occupied exception.~~**

~~The owner occupancy requirement in Sections 18.33.030(I), 18.33.040(J) and 18.33.080(B) may be waived by the community development director for a period not to exceed two years in any ten year period upon a finding of hardship due to medical, family, employment or other special circumstances provided the owner retains ownership and establishes his or her intent to maintain the single family dwelling or accessory dwelling unit as his or her primary residence.~~

## 18.02.040 Definitions.

“Accessory building” or “accessory structure” means a detached subordinate building, the uses of which are incidental to a permitted principal use conducted within the main or principal structure on a parcel. An accessory building or use is not permitted without a permitted use on the property. An accessory dwelling unit is not considered an accessory building or accessory structure. For purposes of Chapter 18.33 (Accessory Dwelling Units), an accessory structure must be fully enclosed.

“Accessory dwelling unit” means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons on the same parcel as a single-family primary dwelling unit. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation. An accessory dwelling unit also includes the following: (1) an efficiency unit, as defined in Health and Safety Code Section 17958.1, and (2) a manufactured home, as defined in Health and Safety Code Section 18007.

“Efficiency Unit” has the same meaning as set forth in California Health and Safety Code Section 17958.1.

~~Dwelling, Accessory or Second. “Second or accessory dwelling” means a detached or attached dwelling unit located on a single-family residential lot that contains a one-family dwelling.~~

~~“Second dwelling unit” means a detached or attached permanent dwelling unit located within a residential zone on a lot which contains a single family dwelling. A second unit provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, sanitation, and parking. A second unit may be attached to or detached from the primary dwelling. Second dwelling units are governed by Chapter 18.33, titled “Second Dwelling Units.”~~

“Junior accessory dwelling unit” means a unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure, including an attached garage. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure, as defined in California Government Code Section 65852.22.

Yard, Corner Side. “Corner side yard” means a yard between the street facing side lot line ~~abutting the street~~ on a corner lot and the nearest line of building.

## **18.06.050 Exceptions to development standards.**

...

E. Development Standards for Exceptional, Substandard and Severely Substandard Lots. This section sets forth standards for development on substandard or severely substandard lots, which are defined in the zoning code definitions in Section 18.02.040.

1. Exceptional lots shall be subject to the R-1 development standards set forth in Table B of this chapter, unless otherwise specified.

2. Development on substandard or severely substandard lots, other than exceptional lots, shall meet all standards set forth in Tables E and F of this chapter, respectively, unless otherwise specified. Project design review pursuant to Chapter 14.37 is required for all development, including additions and accessory structures but not including any ~~wholly within existing developments~~ streamlined accessory dwelling unit, as defined in Section 18.33.030, on any substandard or severely substandard lot or building site except as provided in subsection (E)(3) of this section.

3. Coastal Act Consistency. The exception to development standards for substandard, severely substandard, and exceptional lots set forth in this subsection shall only be applied in full conformity with coastal development permitting requirements pursuant to Sections 30600 and 30610 of the Coastal Act and Title 14 Sections 13250, 13252, and 13253 of the California Code of Regulations and Sections 18.20.025 and 18.20.030 of the zoning code.

...

## **Chapter 18.33**

### **ACCESSORY DWELLING UNITS**

#### **18.33.010 Purpose.**

The purpose of this chapter is to:

- A. Increase the supply of smaller units and rental housing units by allowing accessory dwelling units and junior accessory dwelling units to locate on lots that contain existing or proposed single-family dwellings and existing two-family and multifamily dwellings;
- B. Establish standards for accessory dwelling units and junior accessory dwelling units to ensure that they are compatible with existing neighborhoods; and
- C. Comply with state law regarding accessory dwelling units and junior accessory dwelling units (California Government Code Sections 65852.2 and 65852.22) and the California Coastal Act (California Public Resources Code Sections 30000 through 30900).

#### **18.33.020 Review and approval.**

- A. Accessory Dwelling Unit Applications. Accessory dwelling unit applications, including applications for junior accessory dwelling units, shall be submitted to and processed by the community development director as follows:
  - 1. Residential Dwelling Unit Allocation. Accessory dwelling units require a residential dwelling unit allocation pursuant to Chapters 17.06 and 18.04.
  - 2. Coastal Development Permit. All accessory dwelling units shall conform to Chapter 18.20, as provided below.
    - a. No coastal development permit is required for an accessory dwelling unit that is wholly within an existing single-family dwelling and that does not constitute “development” as defined in Public Resources Code Section 30106 and Section 18.20.020(C).
    - b. No coastal development permit is required for an accessory dwelling unit that is contained within or attached to an existing single-family dwelling unit or accessory structure and that is exempt pursuant to Chapter 18.20 and Public Resources Code Section 30610(a) or 30610(b).
    - c. Any other accessory dwelling unit shall obtain an administrative coastal development permit, as defined in Public Resources Code Section 30624. Such an administrative coastal development permit shall be processed as a “local coastal development permit” per Chapter 18.20 except:
      - i. The community development director is the approval authority for an administrative coastal development permit;
      - ii. The city shall not be required to publish any notice in a newspaper; and
      - iii. Any administrative coastal development permit issued by the community development director shall be listed on the planning commission and city council agendas at their first scheduled meetings after the permit is issued. If, at either meeting, one-third of the planning commission or city council so

request, the permit issued by the community development director shall not go into effect and the applicant shall instead obtain a coastal development permit pursuant to Chapter 18.20. Administrative coastal development permits shall not become effective until after the planning commission and city council have had an opportunity to complete this review and any applicable appeal periods have ended.

d. No hearing shall be required for the issuance of the administrative coastal development permit, the issuance of a standard coastal development permit pursuant to Chapter 18.20, or any appeal, for any accessory dwelling unit.

e. The accessory dwelling unit shall comply with any existing coastal development permit issued for the property, unless an amendment thereof is obtained.

3. Building Permit. Accessory dwelling units require a building permit issued in conformance with this code, including Section 17.06.050.

4. Unless otherwise required by the Coastal Act, the community development director shall act on all required permits within sixty days of receipt of a complete application.

B. Noncompliant Proposals. If the requirements in this chapter are not met, the proposed accessory dwelling unit or junior accessory dwelling unit cannot be approved under this Chapter. Notwithstanding the foregoing, applicants may seek approval of the unit, addition, or renovation under the city's generally applicable standards and procedures, including a variance pursuant to Chapter 18.23.

C. Conversion of Existing Residence. An existing residence, in conformance with the above regulations, may be converted to an accessory dwelling unit in conjunction with development of a new primary dwelling unit.

D. Existing Accessory Dwelling Unit. An existing accessory dwelling unit or junior accessory dwelling unit may be enlarged or modified only in accordance with the requirements of this Chapter.

E. Density. To the extent required by California Government Code Section 65852.2, an accessory dwelling unit or junior accessory dwelling unit built in conformance with this Chapter does not count toward the allowed density for the lot upon which the unit is located.

F. General Plan and Zoning Designations. Accessory dwelling units and junior accessory dwelling units approved in compliance with this chapter are a residential use that is consistent with the city's general plan, local coastal land use plan, and zoning ordinance.

### **18.33.030 Standards for streamlined accessory dwelling units.**

Pursuant to California Government Code Section 65852.2(e), the City shall approve the following streamlined accessory dwelling units, including junior accessory dwelling units, if the specified development standards and use restrictions are met:

A. Within Existing Space (Single-Family) – ADUs and JADUs

1. The accessory dwelling unit is located in an R-1, R-2, R-3, C-D, C-R, C-VS, C-G, or PUD zoning district.

2. The lot on which the accessory dwelling unit or junior accessory dwelling unit is located contains an existing or proposed single-family dwelling. In the substantially undeveloped PUD zoning districts, the lot must be already developed with an existing single-family dwelling.
3. The lot on which the accessory dwelling unit or junior accessory dwelling unit is located does not contain another accessory dwelling unit, junior accessory dwelling unit, or guest house, unless a junior accessory dwelling unit is built pursuant to this Subsection (A) and an accessory dwelling unit is built pursuant to this Subsection (A) or Subsection (B).
4. The accessory dwelling unit or junior accessory dwelling unit is wholly within the existing or proposed space of a single-family dwelling or the existing space of an accessory structure, or, for an accessory dwelling unit, requires an addition of no more than 150 square feet to accommodate ingress and egress. In Ocean Colony, accessory dwelling units and junior accessory dwelling units are not permitted in garages.
5. The accessory dwelling unit has exterior access independent from the single-family dwelling.
6. The single-family dwelling or accessory structure has side and rear setbacks sufficient for fire and safety. If the dwelling or structure complies with the city's setback requirements as described in this code, it shall automatically meet this standard.
7. If a junior accessory dwelling unit is proposed, it complies with the requirements of California Government Code section 65852.22.
8. If the accessory dwelling unit or junior accessory dwelling unit is to be included in a proposed single-family dwelling, then the single-family dwelling (including the accessory dwelling unit and junior accessory dwelling unit) shall meet all applicable development standards, including lot coverage and floor area ratio requirements.

**B. Detached, New Construction (Single-Family) – ADUs**

1. The accessory dwelling unit is located in: an R-1, R-2, R-3, C-D, C-R, C-VS, or C-G zoning district; a PUD zoning district where detached accessory dwelling units are permitted pursuant to a PUD Plan or Specific Plan; or, a substantially undeveloped PUD zoning district.
2. The lot on which the accessory dwelling unit is located contains an existing or proposed single-family dwelling. In the substantially undeveloped PUD zoning districts, the lot must be already developed with an existing single-family dwelling.
3. The lot on which the accessory dwelling unit is located does not contain another accessory dwelling unit or guest house, but may contain a junior accessory dwelling unit.
4. The accessory dwelling unit is detached from the single-family dwelling.
5. The accessory dwelling unit is new construction.
6. The accessory dwelling unit is located at least four feet from the side and rear lot lines, is no greater than eight-hundred square feet in gross floor area, and has a height of no more than sixteen feet.
7. The accessory dwelling unit complies with the front yard, street facing side, and double frontage setbacks applicable to the primary dwelling, unless

such setback would preclude development of a unit pursuant to this Subsection (B) on the lot.

C. Wholly Within Existing Space (Two-Family or Multifamily) - ADUs

1. The accessory dwelling unit is located in an R-1, R-2, R-3, C-D, C-R, C-VS, or C-G zoning district.
2. The lot on which the accessory dwelling unit is already developed with an existing two-family or multifamily dwelling.
3. The accessory dwelling unit is located within a portion of the two-family or multifamily dwelling structure that is not used as livable space.
4. The total number of accessory dwelling units within the dwelling will not exceed twenty-five percent of the existing number of primary dwelling units within the dwelling, provided that all two-family or multifamily dwellings shall be permitted at least one accessory dwelling unit.

D. Detached, New Construction (Two-Family or Multifamily) – ADUs

1. The accessory dwelling unit is located in an R-1, R-2, R-3, C-D, C-R, C-VS, or C-G zoning district.
2. The lot on which the accessory dwelling unit is already developed with an existing two-family or multifamily dwelling.
3. The accessory dwelling unit is detached from the two-family or multifamily dwelling.
4. The accessory dwelling unit is located at least four feet from the side and rear lot lines and has a height of no more than sixteen feet.
5. The accessory dwelling unit complies with the front yard, street facing side, and double frontage setbacks applicable to the primary dwelling, unless such setback would preclude development of a unit pursuant to this Subsection (D) on the lot.
6. No more than two detached accessory dwelling units are permitted per lot pursuant to this Subsection (D).

**18.33.040 Standards for other accessory dwelling units.**

Any accessory dwelling unit that does not meet the criteria of Section 18.33.030 shall meet the following development standards and use restrictions:

- A. The accessory dwelling unit is located in: an R-1, R-2, R-3, C-D, C-R, C-VS, or C-G zoning district; a PUD zoning district where accessory dwelling units are permitted pursuant to a PUD Plan or Specific Plan; or a substantially undeveloped PUD zoning district.
- B. The lot on which the accessory dwelling unit is located contains an existing or proposed dwelling unit. In the substantially undeveloped PUD zoning districts, the lot must be already developed with an existing dwelling.
- C. The lot on which the accessory dwelling unit is located does not contain another accessory dwelling unit, junior accessory dwelling unit, or guest house.
- D. The accessory dwelling unit meets all nondiscretionary requirements for any single-family dwelling located on the same lot in the same zoning district. These requirements include, but are not limited to, building height, setback, site coverage, floor area ratio, building envelope, payment of any applicable fee, and building code requirements. The following exceptions to these requirements apply:

1. No setback is required for an accessory dwelling unit located within existing living area or an existing accessory structure, or an accessory dwelling unit that replaces an existing structure and is located in the same location and to the same dimensions as the structure being replaced. Side and rear yard setbacks may be reduced to four feet for all other accessory dwelling units, but all other standard setbacks (including front, street facing side, and double frontage setbacks) still apply.
2. The distance between buildings on the same lot must be a minimum of six feet, unless sufficient fire restrictive improvements can be made to existing structures with a distance of less than six (6) feet.
3. The minimum lot area per dwelling unit required by the applicable district shall not apply.
4. The maximum building envelope required by Section 18.060.040(G) shall not be imposed to limit the height of an accessory dwelling unit below sixteen feet.
5. The only architectural and design standards that apply to accessory dwelling units are as follows:
  - a. If the accessory dwelling unit is attached to a primary dwelling or visible from any public sidewalk or right-of-way, the accessory dwelling unit shall use similar exterior siding materials, colors, window types, door and window trims, roofing materials, and roof pitch as the primary dwelling.
  - b. If the accessory dwelling unit is directly accessible from an alley or a public street, the entrance to the accessory dwelling unit shall face the alley or public street. Otherwise, the entrance shall be located at least 10 feet from any property line.
  - c. For accessory dwelling units attached to the primary dwelling unit, new entrances and exits are allowed on the side and rear of the structures only.
6. Pursuant to California Government Code Section 65852.2, no passageway is required in conjunction with the construction of an accessory dwelling unit. "Passageway" is defined as a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
7. If the proposed accessory dwelling unit is a manufactured home, as defined in Health and Safety Code Section 18007, it shall comply with Section 18.06.060 (Manufactured homes), except Sections 18.06.060(B) (Approval), (C) (Location), (D)(1) (Width) and (D)(10) (Covered Parking).
- E. The gross floor area of the accessory dwelling unit shall not exceed eight hundred and fifty square feet (for studios or one bedroom accessory dwelling units) or one thousand square feet (for accessory dwelling units that provide more than one bedroom).
- F. Development standards, including limits on lot coverage, floor area ratio, open space, and lot size, shall not be used to reduce the gross floor area of the accessory dwelling unit below eight-hundred square feet or the height of the accessory dwelling unit below sixteen feet.



G. The minimum gross floor area of the accessory dwelling unit shall be no less than one hundred fifty square feet or the minimum required for an efficiency dwelling unit as defined in Health and Safety Code Section 17958.1, as may be amended from time to time.

**18.33.050 All accessory dwelling units and junior accessory dwelling units.**

The following apply to all accessory dwelling units and junior accessory dwelling units:

A. The accessory dwelling unit or junior accessory dwelling unit complies with applicable building codes and health and safety regulations; however, the accessory dwelling unit or junior accessory dwelling unit is not required to provide fire sprinklers unless fire sprinklers are required for the primary dwelling.

B. Accessory dwelling units and junior accessory dwelling units shall not be approved absent a finding of adequate water supply and wastewater treatment capacity. The accessory dwelling unit or junior accessory dwelling unit can be accommodated with the existing water service and existing sewer lateral or private sewage disposal system, insofar as evidence is provided that the existing water service and existing sewer lateral or private sewage disposal system has adequate capacity to serve both the primary residence and accessory dwelling unit. No additional water meter shall be required, unless requested by the applicant.

C. If the accessory dwelling unit or junior accessory dwelling unit will be connected to an onsite water treatment system, the applicant may be required to submit a percolation test completed within the last five years, or if the percolation test has been recertified, within the last ten years.

D. If the unit involves construction of new floor area, the applicant shall be required to submit a drainage plan pursuant to local coastal program land use plan policy 6-84.

E. The accessory dwelling unit or junior accessory dwelling unit may be rented in full or in part for the purpose of overnight lodging for terms of thirty or more consecutive days, but it shall not be rented for shorter terms or subleased. Neither the primary dwelling nor the accessory dwelling unit or junior accessory dwelling unit shall be sold or otherwise conveyed separately from the other unit, except pursuant to California Government Code Section 65852.26.

1. Notwithstanding the above, an existing accessory dwelling unit may be rented in full or in part for the purpose of overnight lodging for a term of fewer than thirty consecutive days if (a) the accessory dwelling unit had been rented as a short-term rental for at least thirty nights in the six months prior to December 12, 2018, (b) the single-family dwelling is owner occupied, and (c) the short-term rental was in full compliance with all city requirements as of December 12, 2018. In the event of discontinued use of the accessory dwelling unit as a short-term rental for a period of six months, the short-term rental use shall be deemed discontinued and this exception shall no longer apply.

F. No impact fees, as defined in Government Code Section 65852.2(f), shall be imposed on any accessory dwelling unit or junior accessory dwelling unit with a gross floor area of less than 750 square feet. Impact fees for all other accessory dwelling units shall be charged proportionately in relation to the square footage of the primary dwelling unit.

G. The special setback allowances in this Chapter apply only to the accessory dwelling unit or junior accessory dwelling unit. They do not apply to ancillary structures proposed in conjunction with the unit, such as decks, balconies, or garages, unless necessary for ingress or egress to the unit.

H. Parking.

1. A minimum of one off-street parking space for the accessory dwelling unit, in addition to the spaces required for the primary dwelling, shall be provided for units within the following portions of neighborhood areas, as depicted in Figure 18.33-1:

- a. Miramar: Bounded by Mirada Road to the north, the California Coastal Trail and Naples Avenue to the west, Pullman Ditch to the south, and Highway 1 to the east.
- b. Casa del Mar: Parcels with frontage on either side of Pilarcitos Avenue and parcels with frontage on the south side of Wave Avenue.
- c. Alsace Lorraine: Parcels with frontage on either side of Kelly Avenue between Balboa Boulevard and Pilarcitos Avenue; and parcels bounded by Kelly Avenue to the north, the former railroad right-of-way to the west, Central Avenue to the south, and Potter Avenue to the east.
- d. Arleta Park: Parcels with frontage on either side of Poplar Street between Pacific Avenue and Third Avenue, and parcels bounded by Central Avenue to the north, Railroad Avenue to the west, Seymour Street to the south, and First Avenue/Alsace Lorraine Avenue to the east.

No parking space shall be required for any accessory dwelling unit located outside these areas.

2. Notwithstanding Subsection (H)(1), a parking space shall not be required within the areas depicted in Figure 18.33-1:

- a. For an accessory dwelling unit or junior accessory dwelling unit that is on the same lot as a historic property listed on or eligible for listing on either the National Register of Historic Places or the California Register of Historical Resources;
- b. When a parking exception has been granted in accordance with Section 18.36.080.

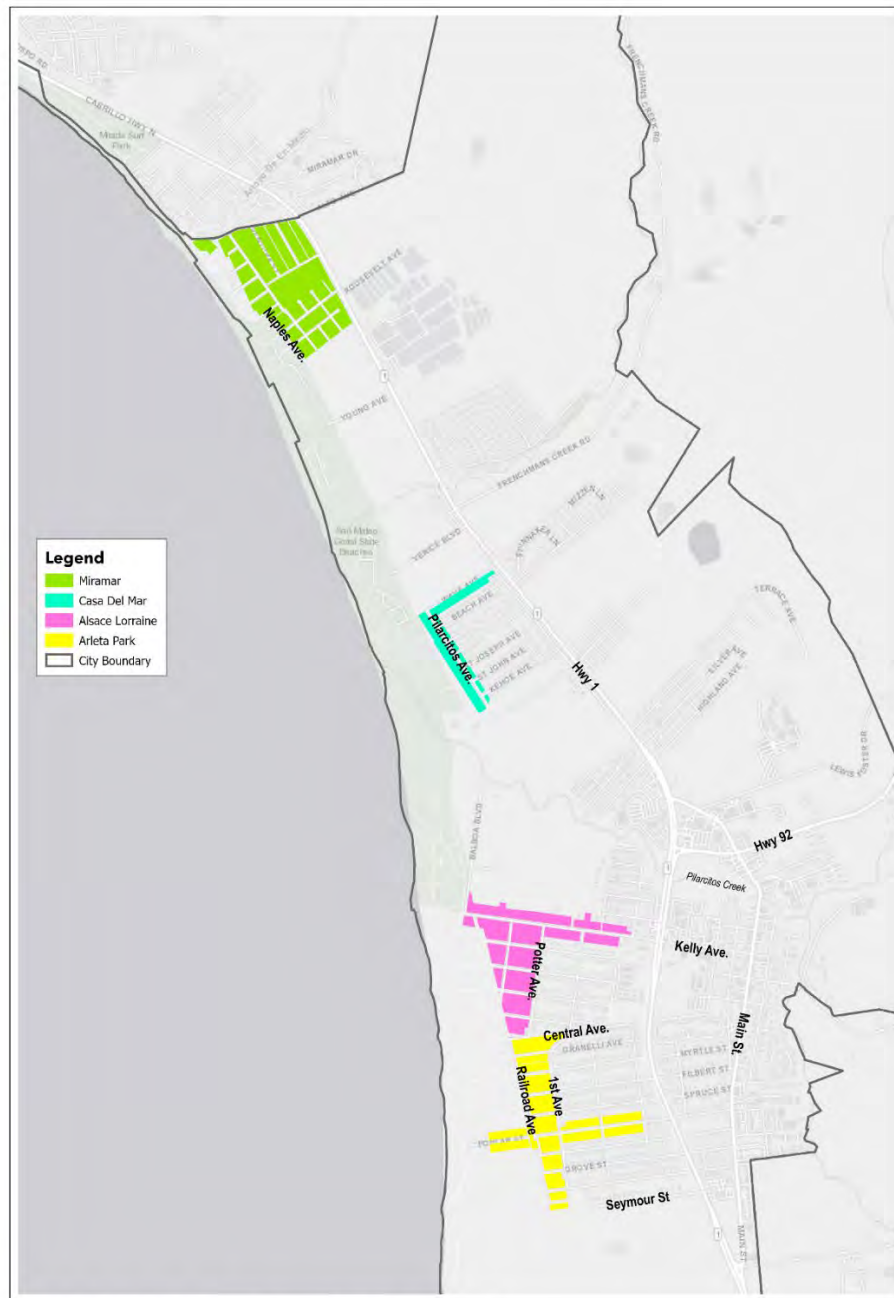
3. Notwithstanding any other provisions of this code, the required parking space may be located as a tandem space in an existing driveway or in the required setbacks.

4. When a private garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an accessory dwelling unit within the areas depicted in Figure 18.33-1, or a junior accessory dwelling unit anywhere in the city, the spaces contained in such structures shall be replaced to the extent they are required to meet the numerical parking requirements in Chapter 18.36. The replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, enclosed spaces, unenclosed spaces, or tandem spaces, or by the use of mechanical automobile parking lifts; provided, that the spaces

and driveway comply with the requirements found in Sections 18.06.040(D) and (E), to the extent those requirements do not conflict with this chapter.

I. After January 1, 2025 and if permitted by state law, either the primary dwelling or the accessory dwelling unit shall be occupied by the owner of record as his or her principal residence.

Figure 18.33-1: Map of Required ADU Parking Areas



## HALF MOON BAY

Figure 18.33-1: Map of Required ADU Parking Areas

**18.33.060 Combination proposals.**

When an accessory dwelling unit or junior accessory dwelling unit is proposed in conjunction with another proposal for which city approval is required under this code, the following options apply:

- A. The applicant is encouraged to submit the accessory dwelling unit or junior accessory dwelling unit and other proposal(s) for combined review by the city. If the applicant makes this election, he or she voluntarily forgoes the streamlining procedures described in Section 18.33.020.
- B. The applicant may elect to have the city process the accessory dwelling unit or junior accessory dwelling unit separately from the other proposal(s). If the applicant makes this election, the streamlining procedures described in Section 18.33.020 would apply to the accessory dwelling unit or junior accessory dwelling unit proposal after the applicant obtains city approval for the other proposal(s).

For either option, the certificate of occupancy for the accessory dwelling unit or junior accessory dwelling unit shall not be issued before the certificate of occupancy for the primary dwelling unit.

**18.33.070 Conformance with certified local coastal program.**

New accessory dwelling units and junior accessory dwelling units shall conform to all applicable requirements of the city's local coastal program, the zoning code, this chapter, and any existing coastal development permit, including that the proposed unit will avoid environmental hazards and will not adversely impact any coastal resources including any of the following:

- A. Environmentally sensitive habitat areas, riparian corridors, wetlands, or riparian or wetland buffers.
- B. Significant topographic features, including but not limited to steep slopes, ridgelines or bluffs, water-courses, streams or wetlands or any areas as designated in the local coastal program.
- C. Significant public views including Heritage Downtown, upland slopes or broad ocean views from Highway 1 as designated in the local coastal program.
- D. Areas of public access to the coastal trail or beach areas including those as designated in the local coastal program.
- E. Archaeological resources.
- F. Prime agricultural land or soil.

**18.33.080 Declaration of restrictions.**

Any declaration of restrictions regarding owner occupancy previously recorded in conjunction with development of an accessory dwelling unit remains valid and binding on any successor in ownership of the property, unless the accessory dwelling unit is removed. If permitted by state law, any property owner obtaining a building permit for an accessory dwelling unit after January 1, 2025 shall file with the county recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:

- A. Neither the single-family dwelling nor the accessory dwelling unit shall be sold or otherwise conveyed separately from the other unit, either directly or indirectly.

- B. The accessory dwelling unit is a permitted use only so long as either the main residence or the accessory dwelling unit is occupied by the owner of record as his or her principal residence, pursuant to Section 18.33.050(H).
- C. The restriction is binding on any successor in ownership of the property; lack of compliance will result in the accessory dwelling unit becoming an illegal, nonconforming use subject to the code enforcement and abatement proceedings established by this code.
- D. The restrictions shall lapse upon removal of the accessory dwelling unit.

### **18.33.090 Incentives.**

The following incentives are to encourage construction of accessory dwelling units:

- A. **Affordability Requirements for Fee Waiver.** Accessory dwelling units proposed to be rented at rents affordable to very low or low income households for at least five years may request a waiver of all city fees, subject to the sole discretion and approval of the city council. The city and applicant shall enter into an affordable housing agreement governing the accessory dwelling unit and that agreement shall be recorded against the property.
- B. **Parking.** The covered parking requirement for a proposed primary residence shall be limited to one covered parking space and one uncovered parking space if an accessory dwelling unit is also proposed. The uncovered parking space may be provided in the side yard setback (if on a corner lot) or front yard setback under this incentive with the parking design subject to approval of the community development director. The maximum impervious surfaces devoted to the parking area shall be no greater than the existing driveway surfaces at time of application. Not more than fifty percent of the front yard width shall be allowed to be parking area.

#### **18.02.040 Definitions.**

“Accessory building” or “accessory structure” means a detached subordinate building, the uses of which are incidental to a permitted principal use conducted within the main or principal structure on a parcel. An accessory building or use is not permitted without a permitted use on the property. An accessory dwelling unit is not considered an accessory building or accessory structure. For purposes of Chapter 18.33 (Accessory Dwelling Units), an accessory structure must be fully enclosed.

“Accessory dwelling unit” means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons on the same parcel as a primary dwelling unit. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation. An accessory dwelling unit also includes the following: (1) an efficiency unit, as defined in Health and Safety Code Section 17958.1, and (2) a manufactured home, as defined in Health and Safety Code Section 18007.

“Efficiency Unit” has the same meaning as set forth in California Health and Safety Code Section 17958.1.

“Junior accessory dwelling unit” means a unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure, including an attached garage. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure, as defined in California Government Code Section 65852.22.

Yard, Corner Side. “Corner side yard” means a yard between the street facing side lot line on a corner lot and the nearest line of building.

#### 18.06.050 Exceptions to development standards.

...

E. Development Standards for Exceptional, Substandard and Severely Substandard Lots. This section sets forth standards for development on substandard or severely substandard lots, which are defined in the zoning code definitions in Section 18.02.040.

1. Exceptional lots shall be subject to the R-1 development standards set forth in Table B of this chapter, unless otherwise specified.

2. Development on substandard or severely substandard lots, other than exceptional lots, shall meet all standards set forth in Tables E and F of this chapter, respectively, unless otherwise specified. Project design review pursuant to Chapter 14.37 is required for all development, including additions and accessory structures but not including any streamlined accessory dwelling unit, as defined in Section 18.33.030, on any substandard or severely substandard lot or building site except as provided in subsection (E)(3) of this section.

3. Coastal Act Consistency. The exception to development standards for substandard, severely substandard, and exceptional lots set forth in this subsection shall only be applied in full conformity with coastal development permitting requirements pursuant to Sections 30600 and 30610 of the Coastal Act and Title 14 Sections 13250, 13252, and 13253 of the California Code of Regulations and Sections 18.20.025 and 18.20.030 of the zoning code.

...