

REGULATION OF ACCESSORY DWELLING UNITS

RECOMMENDATION: It is recommended that the City Council:

1. Adopt the attached Ordinance titled, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH, CALIFORNIA, REPEALING AND REPLACING LAGUNA BEACH MUNICIPAL CODE CHAPTER 25.17 (SECOND RESIDENTIAL UNITS) AND AMENDING SECTIONS 25.10.004 (R-1 RESIDENTIAL LOW-DENSITY ZONE – USES PERMITTED), 25.15.006 (R/HP RESIDENTIAL/HILLSIDE PROTECTION ZONE – USES PERMITTED), AND 5.07.030 (BUILDING CONSTRUCTION TAX – IMPOSITION -RATES - DUE DATE) RELATING TO THE REGULATION OF ACCESSORY DWELLING UNITS, AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT,” by approving a motion to waive further reading and adopt the Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH DOES ORDAIN as follows:

SECTION 1. Chapter 25.17 of the Laguna Beach Municipal Code is hereby repealed and replaced with the following:

25.17 Accessory Dwelling Units and Junior Accessory Dwelling Units

25.17.010 Purpose. The purpose of this chapter is to establish the procedures for the development of Accessory Dwelling Units and Junior Accessory Dwelling Units on lots zoned to allow single-family or multifamily dwelling residential use and that include a proposed or existing dwelling pursuant to Government Code Sections 65852.2 and 65852.22.

25.17.020 Definitions.

- A. “Accessory Dwelling Unit” (ADU) means an attached, a detached, or converted dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An ADU

shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single- or multi-family dwelling is or will be situated. An ADU also includes the following: an efficiency unit as defined in Section 17958.1 of the Health and Safety Code and a manufactured home as defined in Section 18007 of the Health and Safety Code. Accessory dwelling units may be attached to the primary dwelling unit, detached from the primary dwelling unit or may involve the conversion of floor area of an existing structure.

- B. “ADU Ordinance” means Chapter 25.17 and all objective standards applicable to ADUs contained in Title 25.
- C. “Detached ADU” means an ADU that is within an independent structure entirely separate from the primary dwelling unit and other accessory structures.
- D. “Attached ADU” means an ADU that is constructed as a physical expansion of the primary dwelling unit and is attached to the primary dwelling unit.
- E. “Converted ADU” means an ADU that is constructed within the walls of the primary dwelling unit or an existing detached structure.
- F. “Junior Accessory Dwelling Unit” (JADU) means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence, which includes attached non-living space like a garage. A JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure. The JADU shall include a separate entrance from the main dwelling.
- G. “Public Transit” means a location, including but not limited to a bus stop or train station, where the public may access buses and other forms of transportation that charge set fares, run on fixed routes, and are available to the public. This definition includes

Laguna Beach Transit and Trolley.

- H. “Primary Dwelling” means an existing or proposed residential structure and includes both livable and non-livable areas. Detached structures, such as a detached garage is not considered part of the primary dwelling.

25.17.030 General Provisions.

(A) Effect of Consistency. An ADU or JADU that conforms to the requirements of this chapter is:

- (1) Deemed consistent with the allowable density for the lot upon which such unit is proposed to be established.
- (2) Deemed consistent with the existing general plan and zoning designations for the lot.
- (3) Not counted towards the calculation for major remodel projects.

(B) Exceptions to Ministerial Review. Discretionary review may be required as follows.

- (1) Coastal Zone. ADUs that are not exempted or excluded under Chapter 25.07 (Coastal Development Permits) require issuance of a coastal development permit, subject to the noticing and appeal requirements in that chapter.
- (2) Deviations from Objective Standards. ADU and JADU applications that deviate from the standards of this chapter may still be permitted but shall not qualify for ministerial review. Such applications shall be subject to applicable design review, variance, coastal development permit, and other entitlements pursuant to Title 25.

(C) Processing Time. Zoning plan check shall be required for compliance with applicable zoning regulations and applicable building and construction requirements set forth in Titles 14 (Buildings and Construction) and 17 (Sewers).

- (1) Ministerial Review Time. Except as set forth in paragraph (2) below, applications must be acted upon within 60 days from the date the city receives a completed application if there is an existing single-family or multifamily dwelling on the lot, or the application shall be deemed approved. Where an application deviates from the objective standards of this chapter, the application may be reviewed pursuant to the procedures of Section 25.17.030(B)(2) (Deviations).
- (2) If the applicant requests a delay, the 60-day period shall be tolled for the period of the delay.
- (3) Exception to Review Time. If the permit application to create a purely ministerial ADU or JADU is submitted with an application to construct a new dwelling, the following shall apply:
 - (a) The ADU or JADU shall not be subject to the 60-day approval period but shall instead be subject to the approval period for the new dwelling. However, the ADU or JADU itself shall be considered without a public hearing.
 - (b) An ADU or JADU may only be constructed concurrently with or after the construction of a new dwelling unit on the same lot. A certificate of occupancy for an ADU shall not be issued prior to the certificate of occupancy for the new primary dwelling unit.
- (4) The city has acted upon the application if it:
 - (a) Approves or denies the building permit for the ADU and/or JADU;
 - (b) Informs the applicant in writing that changes to the proposed project are necessary to comply with this section or any applicable regulation;
 - (c) Determines that the ADU does not qualify for ministerial approval.

(D) Precedence in Provisions. Applications shall comply with the standards outlined in this chapter and the zoning district in which the ADU or JADU is located. In the event of a conflict between the development standards set forth in the zone and the standards of this chapter, the provisions of this chapter shall take precedence.

25.17.040 Development Standards. Unless a stated exception applies, ADUs and JADUs must comply with the development standards set forth in this section.

(A) Location. ADUs and JADUs may only be located in the following locations:

- (1) Lots zoned to allow single-family or multifamily dwelling residential use and that include an existing or proposed single-family or multifamily dwelling.
- (2) Lots zoned to allow non-residential uses and developed with legal nonconforming single-family and/or multi-family dwellings.

(B) Lot Area. There is no minimum lot area to establish an ADU or JADU.

(C) Number of Units. A lot may have no more than one ADU (attached, detached or converted) and one JADU, except for multifamily lots.

(D) Guaranteed Allowance. The following types of ADUs and JADUs require compliance with this subsection D and other development standards do not apply.

- (1) Attached or Detached ADUs. One attached or detached ADU up to 800 square feet of floor area, a height of 16' or less, and 4' minimum side and rear yard setbacks.
- (2) Converted ADUs. One ADU or JADU that is within the proposed or existing space of a primary dwelling, or an accessory structure. A converted ADU may include an expansion of up to 75 square feet for any use beyond the same dimensions as the existing structure. Accessory structures may include an additional expansion of up to

150 square feet to accommodate ingress and egress. Converted ADUs or JADUs shall comply with the following:

(a) The space has exterior access from the proposed or existing single-family dwelling.

(b) The side and rear setbacks are sufficient for fire and safety.

(c) The junior accessory dwelling unit complies with the requirements of Section 65852.22.

(3) Multifamily Lots. Either converted or detached ADUs are allowed, but not both.

(a) Converted ADUs. A minimum of one ADU may be converted from livable or non-livable space. Additional ADUs may be converted within the 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, up to maximum of 25% of the existing multifamily dwelling units. Each ADU shall comply with building code standards for dwellings.

(b) Detached ADUs. Not more than two ADUs that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling, are subject to 16' maximum height and 4' side and rear setbacks.

(4) Utility Connections. ADUs and JADUs permitted under 25.17.040(D) shall not be considered new residential uses for the purposes of installing a new or separate utility connection between the ADU or JADU and the utility; or calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory structure is constructed with a new primary dwelling.

(E) ADUs and JADUs Not Subject to Section 25.17.040 Guaranteed Allowance.

(1) Minimum and Maximum Size. ADUs shall comply with the following minimum and maximum size limitations:

(a) Minimum Size for ADU and JADU: 150 square feet (“efficiency unit” per California Health and Safety Code Section 17958.1).

(b) Maximum Size for JADU: 500 square feet.

(c) Maximum Size for ADUs:

i. Detached ADUs.

1. Studios and one bedrooms: 850 square feet

2. ADUs with more than one bedroom: 1,000 square feet.

3. ADUs that are ADA compliant: 1,000 square feet

ii. Attached ADUs.

1. Studios and one bedrooms: 850 square feet or 50% of the primary dwelling unit, whichever is less

2. ADUs with more than one bedroom: 1,000 square feet or 50% of the primary dwelling unit, whichever is less.

3. ADUs that are ADA compliant: 1,000 square feet or 50% of the primary dwelling unit, whichever is less.

(2) Height for New Structures.

(a) The height limit for attached and detached ADUs is set forth in the zoning district in which the ADU is located. ADUs above 16’ in height shall be subject to design review in accordance with Section 25.05.040.

(b) Building height shall be measured from the vertical distance from any point on

the finished roof surface to the finished floor surface of the lowest floor measured directly below or to the natural or finished grade, whichever is more restrictive or lower. If the entire lowest floor, measured from the finished floor surface of the floor above, is located completely below natural or finished grade, whichever is more restrictive, then the building height shall be measured to the top of the finished floor of the next level directly above that subterranean level. The height limit shall include roof chimneys, vents, mechanical enclosure, stairways and other such structural elements required for the operation of the building.

- (3) Setbacks for attached or detached ADUs larger than 800 square feet.
 - (a) Interior side and rear setbacks. A minimum of 4’.
 - (b) Bluff Setback. A minimum of 25’ from the top of an oceanfront bluff.
 - (c) Watercourse. A minimum of 25’ from the centerline of a watercourse.
 - (d) Nonconforming Structure. ADUs that are created in the same location as an existing legally non-conforming structure may maintain the nonconforming setbacks. Any expansions beyond the footprint of the existing legally non-conforming structure shall comply with the above setbacks.
- (4) Space Between Buildings. A 10’ minimum separation shall be required between an attached or detached ADU and any other building. This building separation may be reduced to 3’, provided there are no health and safety concerns, as set forth in the Building Code.
- (5) Design Standards. Standards set forth in this section apply to the exterior of any ADU. Applications shall demonstrate compliance with the following:

- (a) Architectural Standards. The exterior materials and finish, color scheme, and roof design, and pitch of an ADU above 12' in height shall be similar to the primary dwelling building if an ADU is visible from any public or private roadways, excluding alleys.
- (b) Lighting. Outdoor lighting must be hooded, fully shielded, and aimed downward. Light trespass that results in glare is prohibited.
- (c) Outdoor Living Space. Covered exterior porches, decks, patios, and other outdoor living spaces attached to the ADU shall comply with the height, setbacks, and design standards above and are limited to 20% maximum floor area of the ADU. Elevated decks more than 3' above adjacent existing grade shall require design review. Roof decks shall be prohibited.

(6) Parking

- (a) Replacement of Existing Parking. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU/JADU, those off-street parking spaces need not be replaced.
- (b) On-Site ADU Parking. One parking space per ADU shall be provided. Parking spaces for ADUs must comply with the following requirements:
 - i. May be tandem parking on a driveway.
 - ii. Minimum 3' from side property lines. Larger setbacks may be required based on site specific or fire and life safety conditions, as determined by the Fire Department and/or the Building Division, whichever is more restrictive.
 - iii. Not within a required on-site turnaround area.
 - iv. If the Single-Family or Two-Family Dwelling unit has less than two covered spaces per dwelling unit plus an additional covered or uncovered space

when the gross floor area of each residence is 3,600 or more square feet, one new parking space must be provided for the ADU but parking for the primary dwelling unit may remain nonconforming.

(c) Exemptions. No parking shall be required for any of the following or in any of the following circumstances:

- i. In connection with the construction of a JADU.
- ii. In connection with the construction of a converted ADU.
- iii. The ADU is deed restricted as an affordable housing unit.
- iv. The ADU is an ADA compliant housing unit.
- v. The ADU is located within one-half mile walking distance of public transit or within the Downtown Specific Plan area.
- vi. The ADU is located on a lot within 100' of free on-street parking, in a neighborhood with adequate on-street parking supply, and does not degrade the existing emergency vehicle access as determined by the City.
- vii. The ADU is located within a structure listed on the California Register of Historic Resources or the City's historic register.
- viii. The ADU is located on a property within a locked gate community.
- ix. On-street parking permits are required but not offered to the occupant of the ADU.
- x. A car share vehicle is located within one block of the ADU.

25.17.050 Additional Standards.

- A. Access. The ADU or JADU shall have independent exterior access from the primary dwelling. Interior access between the ADU or JADU and the primary dwelling unit

is allowed

- B. Addresses. The addresses of both the primary building and ADU shall be clearly visible from the public right-of-way.
- C. Deed Restriction. JADUs shall require the recordation of a deed restriction, which shall run with the land, that includes the following:
 - (a) A prohibition on the sale of the JADU separate from the sale of the primary dwelling, including a statement that the deed restriction may be enforced against future purchasers.
 - (b) A restriction on the size and attributes of the JADU that conforms with this chapter.
- D. Fire Sprinklers. All types of ADUs and/or JADUs shall not be required to provide fire sprinklers if they are not required for the primary dwelling. A JADU shall not be considered a separate or new residential unit. Fire sprinklers may be utilized as mitigation in an alternate materials and methods proposal to provide equivalency when compliance with the California Fire Code requirement is not feasible.
- E. Historic Resources. ADUs and/or JADUs within or proposed to be within a structure listed on the California Register of Historic Resources or the City's Register shall meet all Secretary of the Interior Standards, as applicable.
- F. Kitchen.
 - (a) ADUs shall contain a full kitchen.
 - (b) JADU shall contain an efficiency kitchen, which includes a cooking facility with appliances and a food preparation counter and storage cabinets that are of reasonable size of the JADU.

- G. Nonconformities. Conversions or reconstruction of legal nonconforming structures to ADUs or JADUs shall not be required to correct nonconforming zoning conditions. Conversions of legal nonconforming structures shall be required to meet all current building, electrical and fire code standards.
- H. Owner Occupancy. For JADUs only, the property owner shall permanently reside, as evidenced by documentation satisfactory to the city, in either the primary dwelling or the JADU.
- I. Passageway. No passageway shall be required for ADUs and/or JADUs. For the purposes of this section, “passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADUs and/or JADU.
- J. Rental Unit. The ADU or JADU shall not be rented for a period of less than 31 consecutive calendar days.
- K. Sale. The ADU shall not be sold or otherwise conveyed separate from the primary residence, unless specifically permitted by State law.
- L. Vehicular Access.
 - (a) The ADU and JADU shall utilize the same vehicular access that serves the primary buildings, unless the Fire Department and the Public Works Department finds that a secondary access will not degrade existing safety or traffic concerns. The ADU and/or JADU with new vehicular access to streets or alleys is subject to design review.

25.17.060 Utility Connections and Fees. All ADUs and JADUs shall connect to public utilities, including but not limited to water, electric, and sewer services.

- (1) New construction. The city may require a new or separate utility connection directly between the ADU and the utility. Consistent with California Government Code Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed ADU, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the current adopted California Plumbing Code, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.
- (2) Impact Fees. No impact fees shall be imposed to an ADU less than 750 square feet in size. Any impact fees charged for an ADU of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling.
- (3) Onsite Water Treatment System. An ADU proposed to be connected to an onsite water treatment system shall require a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years prior as part of the application submittal. Approval by the local health officer may be required.

25.17.070 Affordable Housing Unit.

- (A) In order to encourage the use of ADUs to provide affordable housing as defined by the California Department of Housing and Community Development, the following described fee refunds shall be available. In order to obtain the incentive, the property owner must limit by deed restriction, covenant, and/or other instrument the occupancy of the ADU, based on the income limits and applicable rental rates established annually by the state of California. The city may impose conditions and

penalties for noncompliance with the affordability restrictions. Deed Restriction. If the owner has requested the incentives in this section, prior to the issuance of a building permit, the property owner shall record a deed restriction with the County Recorder's Office, the form and content of which is satisfactory to the City Attorney. The deed restriction document shall notify future owners of the owner occupancy requirements, prohibition restrictions on short-term rentals, and annual reporting requirements. The deed restriction shall remain in effect for a minimum of 10 years.

(B) Incentives. All city building, planning, zoning, and impact fees shall be refunded after building permit final, excluding consultant review fees.

25.17.080 Accessible Housing Unit.

Notwithstanding any ordinance or regulation mandating the payment of building, planning, and/or zoning permit fees, and in order to encourage the use of ADUs to provide accessible housing unit as defined by U.S. Department of Housing and Urban Development Section 504, all city building, planning, zoning, shall be refunded after building permit final, excluding consultant review fees and impact fees pursuant to Government Code section 66000 et seq.

25.17.90 Coastal Development Permit.

Nothing in this chapter shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the California Public Resources Code), except that the City shall not be required to hold public hearings for coastal development permit applications for ADUs.

25.17.100 Notification.

No public notice or hearing shall be required unless the ADU and/or JADU do not meet the standards of this chapter or requires a discretionary permit, including but not limited to a Coastal Development Permit. The noticing and appeal requirements shall follow the requirements of the discretionary permit.

25.17.110 Code Enforcement Amnesty.

Delay in Enforcement. The City, until January 1, 2030, shall include in a notice to correct a violation of any provision of any building standard relating to an ADU or a JADU a statement that the owner of the unit has a right to request a delay in enforcement pursuant to the following:

- (A) The ADU or JADU was built before January 1, 2020.
- (B) The ADU was built on or after January 1, 2020, at the time the ADU was built, had a noncompliant ADU ordinance, but the ordinance is compliant at the time the request is made.
- (C) The owner of such an ADU that receives a notice to correct violations or abate nuisances must apply to the City requesting that enforcement of the violation be delayed for five years on the basis that correcting the violation is not necessary to protect health and safety. Examples of violations that require correction include, but are not limited to, gas line connections, electrical wiring of improper size and terminations, no venting for mechanical equipment, no natural light and ventilation, and structural stability.
- (D) The Director shall grant the delay in enforcement if the Director determines that correcting the violation is not necessary to protect health and safety, including but not limited to building standards and fire and safety standards.

IP Amendment Clean Text including Suggested Modifications

25.17 Accessory Dwelling Units and Junior Accessory Dwelling Units

25.17.010 Purpose. The purpose of this chapter is to establish the procedures for the development of Accessory Dwelling Units and Junior Accessory Dwelling Units on lots zoned to allow single-family or multifamily dwelling residential use and that include a proposed or existing dwelling pursuant to Government Code Sections 65852.2 and 65852.22.

25.17.020 Definitions.

- A. "Accessory Dwelling Unit" (ADU) means an attached, a detached, or converted dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An ADU shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single- or multi-family dwelling is or will be situated. An ADU also includes the following: an efficiency unit as defined in Section 17958.1 of the Health and Safety Code and a manufactured home as defined in Section 18007 of the Health and Safety Code. Accessory dwelling units may be attached to the primary dwelling unit, detached from the primary dwelling unit or may involve the conversion of floor area of an existing structure.
- B. "ADU Ordinance" means Chapter 25.17 and all objective standards applicable to ADUs contained in Title 25.
- C. "Detached ADU" means an ADU that is within an independent structure entirely separate from the primary dwelling unit and other accessory structures.
- D. "Attached ADU" means an ADU that is constructed as a physical expansion of the primary dwelling unit and is attached to the primary dwelling unit.
- E. "Converted ADU" means an ADU that is constructed within the walls of the primary dwelling unit or an existing detached structure, including conversion

of an existing attached or detached garage into an ADU.

- F. "Junior Accessory Dwelling Unit" (JADU) means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence, which includes attached non-living space like a garage. A JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure. The JADU shall include a separate entrance from the main dwelling.
- G. "Public Transit" means a location, including but not limited to a bus stop or train station, where the public may access buses and other forms of transportation that charge set fares, run on fixed routes, and are available to the public. This definition includes Laguna Beach Transit and Trolley.
- H. "Primary Dwelling" means an existing or proposed residential structure and includes both livable and non-livable areas. Detached structures, such as a detached garage is not considered part of the primary dwelling.

25.17.030 General Provisions.

(A)Effect of Consistency. An ADU or JADU that conforms to the requirements of this chapter is:

- (1) Deemed consistent with the allowable density for the lot upon which such unit is proposed to be established.
- (2) Deemed consistent with the existing general plan and zoning designations for the lot.
- (3) Not counted towards the calculation for major remodel projects.

(B)Exceptions to Ministerial Review. Discretionary review may be required as follows.

- (1) Coastal Zone. ADUs that are not exempted or excluded under Chapter 25.07 (Coastal Development Permits) require issuance of a coastal development permit, subject to the noticing and appeal requirements in that chapter.
- (2) Deviations from Objective Standards. ADU and JADU applications that deviate from the standards of this chapter may still be permitted but shall not qualify for ministerial review. Such applications shall be subject to applicable design review, variance, coastal development permit, and other entitlements pursuant to Title 25.

(C)Processing Time. Zoning plan check shall be required for compliance with applicable zoning regulations and applicable building and construction requirements set forth in Titles 14 (Buildings and

Construction) and 17 (Sewers).

- (1) Ministerial Review Time. Except as set forth in paragraph (2) below, applications must be approved or denied within 60 days from the date the city receives a completed application if there is an existing single-family or multifamily dwelling on the lot, or the application shall be deemed approved. Where an application deviates from the objective standards of this chapter, the application may be reviewed pursuant to the procedures of Section 25.17.030(B)(2) (Deviations).
 - (2) If the applicant requests a delay, the 60-day period shall be tolled for the period of the delay.
 - (3) Exception to Review Time. If the permit application to create a purely ministerial ADU or JADU is submitted with an application to construct a new dwelling, the following shall apply:
 - (a) The ADU or JADU shall not be subject to the 60-day approval period but shall instead be subject to the approval period for the new dwelling. However, the ADU or JADU itself shall be considered without a public hearing.
 - (b) An ADU or JADU may only be constructed concurrently with or after the construction of a new dwelling unit on the same lot. A certificate of occupancy for an ADU shall not be issued prior to the certificate of occupancy for the new primary dwelling unit.
 - (4) If the city denies an application for an ADU or JADU, it shall provide a full set of comments with the denial listing the items that are defective or deficient and shall describe how the application can be remedied by the applicant.
 - (5) The city has acted upon the application if it:
 - (a) Approves or denies the building permit for the ADU and/or JADU;
 - (b) Informs the applicant in writing that changes to the proposed project are necessary to comply with this section or any applicable regulation;
 - (5) Determines that the ADU does not qualify for ministerial approval. The City shall not deny a permit to an unpermitted ADU or JADU that was constructed before January 1, 2018 due to violations of building standards or this chapter provided that correction of the violation is not necessary to protect the health and safety of the public or the occupants of the structure. This provision shall not apply to substandard buildings.
- (D) Precedence in Provisions. Applications shall comply with the objective standards outlined in this chapter and the zoning district in which the ADU or JADU is located. In the event of a conflict between the

development standards set forth in the zone and the standards of this chapter, the provisions of this chapter shall take precedence.

25.17.040 Development Standards. Unless a stated exception applies, ADUs and JADUs must comply with the development standards set forth in this section.

(A) Location. ADUs and JADUs may only be located in the following locations:

- (1) Lots zoned to allow single-family or multifamily dwelling residential use and that include an existing or proposed single-family or multifamily dwelling.
- (2) Lots zoned to allow non-residential uses and developed with legal nonconforming single-family and/or multi-family dwellings.

(B) Lot Area. There is no minimum lot area to establish an ADU or JADU.

(C) Number of Units. A lot may have no more than one ADU (attached, detached or converted) and one JADU, except for multifamily lots as described in Subsection (D)(3) below.

(D) Guaranteed Allowance. The following types of ADUs and JADUs require compliance with this subsection D and other development standards do not apply. Coastal resource protection policies continue to apply.

(1) Attached or Detached ADUs. One attached or detached ADU up to 800850 square feet of floor area, or 1000 square feet of floor area for ADUs providing more than one (1) bedroom, a height of 16' or less and 4' minimum side and rear yard setbacks.

(2) Converted ADUs. One ADU or and JADU that is within the proposed or existing space of a primary dwelling, or an accessory structure. A converted ADU may include an expansion of up to 75 square feet for any use beyond the same dimensions as the existing structure. Accessory structures may include an additional expansion of up to 150 square feet to accommodate ingress and egress. A converted JADU must be entirely within the existing habitable space of an existing primary dwelling unit. Converted ADUs or JADUs shall comply with the following:

(a) The space has exterior access from the proposed or existing single-family dwelling.

(b) The side and rear setbacks are sufficient for fire and safety.

(c) The junior accessory dwelling unit complies with the requirements of Section 65852.22.

(3) Multifamily Lots. Either converted or detached ADUs are allowed, but not both.

(a) Converted ADUs. A minimum of one ADU may be converted

from livable or non-livable space. Additional ADUs may be converted within the 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, up to maximum of 25% of the existing multifamily dwelling units. A converted JADU must be entirely within the existing habitable space of an existing multifamily dwelling unit. Each ADU shall comply with building code standards for dwellings.

- (b) Detached ADUs. Not more than two ADUs that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling, are subject to 18 46 foot maximum height and 4 foot side and rear setbacks.
- (4) Allowable Heights. All ADUs and JADUs shall be subject to the following height limitations:
- (a) 16 feet for a detached ADU on a lot with an existing or proposed single family or multifamily dwelling unit.
 - (b) 18 feet for a detached ADU on a lot with an existing or proposed single family or multifamily dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. An additional 2 feet in height shall be permitted to align the roof pitch with that of the primary dwelling unit
 - (c) 18 feet for a detached ADU on a lot with an existing or proposed multifamily, multistory dwelling.
 - (d) 25 feet or the zoning code height limitation applicable to the primary dwelling, whichever is lower, for an attached ADU.
- (5) Utility Connections. ADUs and JADUs permitted under 25.17.040(D) shall not be considered new residential uses for the purposes of installing a new or separate utility connection between the ADU or JADU and the utility; or calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory structure is constructed with a new primary dwelling.
- (E) ADUs and JADUs Not Subject to Section 25.17.040 Guaranteed Allowance.
- (1) Minimum and Maximum Size. ADUs shall comply with the following minimum and maximum size limitations:
- (a) Minimum Size for ADU and JADU: 150 square feet ("efficiency unit" per California Health and Safety Code Section 17958.1).
 - (b) Maximum Size for JADU: 500 square feet.
 - (c) Maximum Size for ADUs:

1. Detached ADUs.
 1. Studios and one bedrooms: 850 square feet
 2. ADUs with more than one bedroom: 1,000 square feet.
 3. ADUs that are ADA compliant: 1,000 square feet
 11. Attached ADUs.
 1. Studios and one bedrooms: 850 square feet or 50% of the primary dwelling unit, whichever is less
 2. ADUs with more than one bedroom: 1,000 square feet or 50% of the primary dwelling unit, whichever is less.
 3. ADUs that are ADA compliant: 1,000 square feet or 50% of the primary dwelling unit, whichever is less.
- (2) Height for New Structures.
- (a) The height limit for attached and detached ADUs is set forth in the zoning district in which the ADU is located in Section 25.17.040(D)(4). ADUs above 16' in height the height limitations shall be subject to design review in accordance with Section 25.05.040.
 - (b) Building height shall be measured from the vertical distance from any point on the finished roof surface to the finished floor surface of the lowest floor measured directly below or to the natural or finished grade, whichever is more restrictive or lower. If the entire lowest floor, measured from the finished floor surface of the floor above, is located completely below natural or finished grade, whichever is more restrictive, then the building height shall be measured to the top of the finished floor of the next level directly above that subterranean level. The height limit shall include roof chimneys, vents, mechanical enclosure, stairways and other such structural elements required for the operation of the building.
- (3) Setbacks for attached or detached ADUs: larger than 800 square feet.
- (a) Interior side and rear setbacks. A minimum of 4'.
 - (b) Bluff Setback. A minimum of 25' from the top of an oceanfront bluff.
 - (c) Watercourse. A minimum of 25' from the centerline of a watercourse.
 - (d) Nonconforming Structure. ADUs that are converted within created in the same location as an existing legally non-conforming structure may maintain the nonconforming setbacks. Any expansions beyond the footprint of the existing legally non-conforming structure shall comply with the above setbacks.
 - (e) Greater setbacks from resources may be imposed as necessary to protect the resources, consistent with the requirements of the certified Local Coastal Program.

Resources may include, but are not limited to, environmentally sensitive areas, wetlands, public views, and public trails and accessways. The provisions of Section 25.50.004(D) pertaining to additional building setbacks shall apply.

- (4) Space Between Buildings. A 10' minimum separation shall be required between an attached or detached ADU and any other building. This building separation may be reduced to 3', provided there are no health and safety concerns, as set forth in the Building Code. The space between a detached ADU and another structure shall be the minimum necessary to comply with Building and Fire Code.
- (5) Design Standards. Standards set forth in this section apply to the exterior of any ADU. Applications shall demonstrate compliance with the following:
 - (a) Architectural Standards. The exterior materials and finish, color scheme, and roof design, and pitch of an ADU above 12' in height shall be similar to match the primary dwelling building if an ADU is visible from any public or private roadways, excluding alleys.
 - (b) Lighting. Outdoor lighting must be hooded, fully shielded, and aimed downward. Light trespass that results in glare is prohibited.
 - (c) Outdoor Living Space. Covered exterior porches, decks, patios, and other outdoor living spaces attached to the ADU shall comply with the height, setbacks, and design standards above and are limited to 20% maximum floor area of the ADU. Elevated decks more than 3' above adjacent existing grade shall require design review. Roof decks shall be prohibited.
- (6) Parking
 - (a) Replacement of Existing Parking. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU/JADU, those off-street parking spaces need not be replaced. the demolition permit for the garage, carport, or covered parking structure shall be reviewed at the same time as the ADU application. In the Coastal Zone, the number of existing parking spaces for a single family residence or multifamily dwelling shall be replaced on site, but an applicant shall not be required to provide more spaces than the minimum number of required off-street parking spaces for the primary structure(s) pursuant to the parking standards in Section 5.52.012(G), either through construction or relocation of existing parking, which may be uncovered and/or tandem.
 - (b) On-Site ADU Parking. One parking space per ADU shall be

provided. Parking spaces for ADUs must comply with the following requirements:

- i. May be tandem parking on a driveway.
 - ii. Minimum 3' from side property lines. Larger setbacks may be required based on site specific or fire and life safety conditions, as determined by the Fire Department and/or the Building Division, whichever is more restrictive.
 - iii. Not within a required on-site turnaround area.
 - iv. If the Single-Family or Two-Family Dwelling unit has less than two covered spaces per dwelling unit plus an additional covered or uncovered space when the gross floor area of each residence is 3,600 or more square feet, one new parking space must be provided for the ADU but parking for the primary dwelling unit may remain nonconforming.
- (c) Exemptions. No parking shall be required for any of the following or in any of the following circumstances:
- i. In connection with the construction of a JADU.
 - ii. In connection with the construction of a converted ADU. Accessory dwelling units converted as part of a proposed or existing habitable space of principal residence or existing accessory structure shall not require parking; however, if parking associated with the existing residence is removed by the converted ADU, the parking shall be replaced elsewhere on the property consistent with this section.
 - iii. The ADU is deed restricted as an affordable housing unit.
 - iv. The ADU is an ADA compliant housing unit.
 - v. The ADU is located within one-half mile walking distance of public transit or within the Downtown Specific Plan area.
 - vi. The ADU is located on a lot within 100' of free on-street parking, in a neighborhood with adequate on-street parking supply, and does not degrade the existing emergency vehicle access as determined by the City.
 - vii. The ADU is located within a structure listed on the California Register of Historic Resources or the City's historic register.
 - viii. The ADU is located on a property within a locked gate community.
 - ix. On-street parking permits are required but not offered to the occupant of the ADU.
 - x. A car share vehicle is located within one block of the ADU. For the purposes of this section, "car-share vehicle" shall mean part of an established program intended to remain in effect at a fixed location, and available to the public.
 - xi. The ADU is proposed as part of an existing primary structure.
 - xii. The ADU application is submitted with an application for a new primary structure on the same lot.

25.17.050 Additional Standards.

- A. Access. The ADU or JADU shall have independent exterior access from the primary dwelling. Interior access between the ADU or JADU and the primary dwelling unit is allowed
- B. Addresses. The addresses of both the primary building and ADU shall be clearly visible from the public right-of-way.
- C. Deed Restriction. JADUs shall require the recordation of a deed restriction, which shall run with the land, that includes the following:
 - (a) A prohibition on the sale of the JADU separate from the sale of the primary dwelling, including a statement that the deed restriction may be enforced against future purchasers.
 - (b) A restriction on the size and attributes of the JADU that conforms with this chapter.
- D. Fire Sprinklers. All types of ADUs and/or JADUs shall not be required to provide fire sprinklers if they are not required for the primary dwelling. A JADU shall not be considered a separate or new residential unit. Fire sprinklers may be utilized as mitigation in an alternate materials and methods proposal to provide equivalency when compliance with the California Fire Code requirement is not feasible.
- E. Historic Resources. ADUs and/or JADUs within or proposed to be within a structure listed on the California Register of Historic Resources or the City's Register shall meet all Secretary of the Interior Standards, as applicable.
- F. Kitchen.
 - (a) ADUs shall contain a full kitchen.
 - (b) JADU shall contain an efficiency kitchen, which includes a cooking facility with appliances and a food preparation counter and storage cabinets that are of reasonable size of the JADU.
- G. JADU Bathrooms. JADUs without a separate bathroom must have a separate entrance from the main entrance to the structure and an interior entry to the main living area.
- H. Nonconformities. Conversions or reconstruction of legal nonconforming structures to ADUs or JADUs shall not be required to correct nonconforming zoning conditions. Conversions of legal nonconforming structures shall be required to meet all current building, electrical and fire code standards. Nonconformities in the existing primary structures shall not be required to be corrected during or as a condition of approval of an application for an ADU or JADU.
- I. Owner Occupancy for JADUs. For JADUs only, the property owner shall permanently reside, as evidenced by documentation satisfactory to the city, in either the primary dwelling or the JADU.

- J. Passageway. No passageway shall be required for ADUs and/or JADUs. For the purposes of this section, "passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADUs and/or JADU.
- K. Rental Unit. The ADU or JADU shall not be rented for a period of less than 31 consecutive calendar days.
- L. Sale. The ADU shall not be sold or otherwise conveyed separate from the primary residence, unless specifically permitted by State law.
- M. Vehicular Access.
 - (a) The ADU and JADU shall utilize the same vehicular access that serves the primary buildings, unless the Fire Department and the Public Works Department finds that a secondary access will not degrade existing safety or traffic concerns. An ADU and/or JADU with new vehicular access to streets or alleys is subject to design review.

25.17.060 Utility Connections and Fees. All ADUs and JADUs shall connect to public utilities, including but not limited to water, electric, and sewer services.

- (1) New construction. The city may require a new or separate utility connection directly between the ADU and the utility. Consistent with California Government Code Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed ADU, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the current adopted California Plumbing Code, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.
- (2) Impact Fees. No impact fees shall be imposed to an ADU less than 750 square feet in size. Any impact fees charged for an ADU of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling.
- (3) Onsite Water Treatment System. An ADU proposed to be connected to an onsite water treatment system shall require a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years prior as part of the application submittal. Approval by the local health officer may be required.

25.17.070 Affordable Housing Unit.

- (A) In order to encourage the use of ADUs to provide affordable housing as defined by the California Department of Housing and Community Development, the following described fee refunds shall be available. In order to obtain the incentive, the property owner must limit by deed

restriction, covenant, and/or other instrument the occupancy of the ADU, based on the income limits and applicable rental rates established annually by the state of California. The city may impose conditions and penalties for noncompliance with the affordability restrictions. Deed Restriction. If the owner has requested the incentives in this section, prior to the issuance of a building permit, the property owner shall record a deed restriction with the County Recorder's Office, the form and content of which is satisfactory to the City Attorney. The deed restriction document shall notify future owners of the owner occupancy requirements, prohibition restrictions on short-term rentals, and annual reporting requirements. The deed restriction shall remain in effect for a minimum of 10 years.

(B) Incentives. All city building, planning, zoning, and impact fees shall be refunded after building permit final, excluding consultant review fees.

25.17.080 Accessible Housing Unit.

Notwithstanding any ordinance or regulation mandating the payment of building, planning, and/or zoning permit fees, and in order to encourage the use of ADUs to provide accessible housing unit as defined by U.S. Department of Housing and Urban Development Section 504, all city building, planning, zoning, shall be refunded after building permit final, excluding consultant review fees and impact fees pursuant to Government Code section 66000 et seq.

25.17.90 Coastal Development Permit.

Nothing in this chapter shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the California Public Resources Code), except that the City shall not be required to hold public hearings for coastal development permit applications for ADUs. This chapter shall not be implemented in a way that would be inconsistent with some or all other coastal resource protection policies within the certified LCP and/or the Coastal Act.

25.17.100 Notification.

No public notice or hearing shall be required unless the ADU and/or JADU do not meet the standards of this chapter or requires a discretionary permit, including but not limited to a Coastal Development Permit. The noticing and appeal requirements shall follow the requirements of the discretionary permit.

25.17.110 Code Enforcement Amnesty.

Delay in Enforcement. The City, until January 1, 2030, shall include in a notice to correct a violation of any provision of any building standard relating to an ADU or a JADU a statement that the owner of the unit has a right to request a delay in enforcement pursuant to the following:

- (A) The ADU or JADU was built before January 1, 2020.
- (B) The ADU was built on or after January 1, 2020, at the time the ADU was built, had a noncompliant ADU ordinance, but the ordinance is compliant at the time the request is made.
- (C) The owner of such an ADU that receives a notice to correct violations or abate nuisances must apply to the City requesting that enforcement of the violation be delayed for five years on the basis that correcting the violation is not necessary to protect health and safety. Examples of violations that require correction include, but are not limited to, gas line connections, electrical wiring of improper size and terminations, no venting for mechanical equipment, no natural light and ventilation, and structural stability.
- (D) The Director shall grant the delay in enforcement if the Director determines that correcting the violation is not necessary to protect health and safety, including but not limited to building standards and fire and safety standards.