



Accessory Dwelling Units (ADU)

What is an ADU?

An ADU is a secondary dwelling unit with complete independent living facilities for one or more persons and generally takes three forms:

- **Detached:** The unit is separated from the primary structure
- **Attached:** The unit is attached to the primary structure
- **Repurposed Existing Space:** Space (e.g., master bedroom) within the primary residence is converted into an independent living unit
- **Junior Accessory Dwelling Units:** Similar to repurposed space with various streamlining measures

In 2017, changes to ADU laws will further reduce barriers, better streamline approve and expand capacity to accommodate the development of ADUs. When a single family residence or accessory structure exists in any single family residential zone, an ADU is allowed.

Are Owner Occupants Required?

No, however, a local government can require an applicant to be an owner occupant.

Are Fire Sprinklers Required for ADUs?

Depends, ADUs shall not be required to provide fire sprinklers if they are not or were not required of the primary residence.

Are Setbacks Required When an Existing Garage Is Converted to an ADU?

No, setbacks must not be required when a garage is converted or when existing space (e.g., game room or office) above a garage is converted. Conversion of an existing garage into an ADU can also allow more flexibility in the required parking spaces needed.

Is Replacement Parking Required When the Parking Area for the Primary Structure Is Used for an ADU?

Yes, but only if the local government requires off-street parking to be replaced in which case flexible arrangements such as tandem, including existing driveways and uncovered parking are allowed.

How Are Fees Charged to ADUs?

Fees on ADUs, must proportionately account for impact on services based on the size of the ADU or number of plumbing fixtures.

Can Local Governments Establish Minimum and Maximum Unit Sizes?

Yes, a local government may establish minimum and maximum unit sizes (GC Section 65852.2(c)). However, like all development standards (e.g., height, lot coverage, lot size), unit sizes should not burden the development of ADUs. Specifically, attached ADUs shall not exceed 50 percent of the existing living area or 1,200 square feet and detached ADUs shall not exceed 1,200 square feet.

Can ADUs Exceed General Plan and Zoning Densities?

An ADU is an accessory use for the purposes of calculating allowable density under the general plan and zoning. For example, if a zoning district allows one unit per 7,500 square feet, then an ADU would not be counted as an additional unit. Minimum lot sizes must not be doubled (e.g., 15,000 square feet) to account for an ADU. Further, local governments could elect to allow more than one ADU on a lot.

Are Existing Ordinances Null and Void?

Yes, any local ordinance adopted prior to January 1, 2017 that is not in compliance with the changes to ADU law will be null and void. Until an ordinance is adopted, local governments must apply “state standards” (See Attachment 4 for State Standards checklist).

What are the Requirements for JADUs?

AB 2406 (Chapter 755, Statutes of 2016) creates more flexibility for housing options by authorizing local governments to permit junior accessory dwelling units (JADU) through an ordinance.

- JADUs are a unit that cannot exceed 500 square feet and must be completely contained within existing structure of the single-family residence and have its own separate entrance.
- The JADU must include an efficiency kitchen which includes a sink, cooking appliance, counter surface, and storage cabinets that meet minimum building code standards. No gas or 220V circuits are allowed.
- The JADU may share a bath with the primary residence or have its own bath.
- The owner must record a deed restriction stating that the JADU cannot be sold separately from the single family residence and restricting the JADU to the size limitations and other requirements of the JADU ordinance.
- The single-family residence in which the JADU is created or JADU must be occupied by the owner of the residence.

AB2406 prohibits a local JADU ordinance from requiring:

- Additional parking as a condition to grant a permit.
- Applying additional water, sewer and power connection fees. No connections are needed as these utilities have already been accounted for in the original permit for the home.

We hope this summary has been helpful. Please give us a call if you need information specific to your property.

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