

### 18.43.140 Accessory Dwelling Units

- A. **Purpose and Applicability.** The purpose of this section is to comply with the Government Code of the State of California pertaining to accessory dwelling units as a means to increase the supply of smaller affordable housing and to recognize that energy-efficient accessory dwelling units are more affordable to the occupants of the dwelling. This section establishes standards for the development of accessory dwelling units to ensure that they remain compatible with the existing neighborhood.

It is not the intent of this ordinance to override lawful use restrictions as set forth in private Conditions, Covenants, and Restrictions (CC&Rs). Accessory dwelling units are not required to meet the density requirements of the General Plan or Zoning Ordinance. Any application that meets the requirements of this section will be approved ministerially without a public hearing subject to meeting all applicable California Building Codes.

- B. **Location.** An accessory dwelling unit may be constructed in any "RL" "RE" "RS" or "RM" District if the existing use of the property is a single-family dwelling. Applications for accessory dwelling units can be denied if: (1) the proposed unit would result in adverse impacts to any real property that is listed in the California Register of Historic Places; and/or (2) the accessory dwelling unit will not be in compliance with all provisions of this section.

- C. **Development Standards.** One accessory dwelling unit permit will only be issued on a lot if it complies with the following development standards. Applications for an accessory dwelling unit shall include the following information to assist the Director in determining compliance with this section: (1) elevations for all building sides which show all openings, exterior finishes, roof pitch, and siding and roof materials for the existing residence and the proposed accessory dwelling unit and (2) color photographs of the site and adjacent properties taken from the proposed location of the accessory dwelling unit in the direction of all property lines. The photographs shall be clearly labeled to identify the location and direction of the photograph.

1. **Location on Lot.** An accessory dwelling unit may be attached or detached from the existing main dwelling unit. If detached, the accessory dwelling unit shall meet the setbacks required by this code, unless the unit is contained within the existing space of a legally constructed accessory structure. If attached, the accessory dwelling unit must meet all building setbacks required of the main dwelling, unless the unit is contained within the existing space of a legally constructed main dwelling. Minimum side and rear yard building setbacks of five feet are required for an accessory dwelling unit that is constructed above a legally constructed garage.
2. **Lot Size.** Six thousand square feet, with a minimum width of forty feet, unless a zoning exception is approved or the lot was created as part of a planned development.

3. **Unit Size.**
  - a. **Detached accessory dwelling units.** Each lot meeting the requirements of this section shall be entitled to one detached accessory dwelling unit, with at least five hundred square feet of living area, although smaller accessory dwelling units meeting the requirements of the California Building Code may be approved. Detached accessory dwelling units larger than five hundred square feet may be approved provided that the floor area does not exceed one thousand feet.
  - b. **Attached accessory dwelling units.** The living area of an attached accessory dwelling unit shall not exceed fifty percent of the living area of the main dwelling unit or one thousand square feet, whichever is less.
4. **Lot Coverage.** Construction of the accessory dwelling unit shall not result in lot coverage in excess of that limited by Chapter 18.31.
5. **Height.** A detached accessory dwelling unit shall not exceed two stories, or a maximum height of twenty-two feet, unless additional height is permitted with approval of a Site Development Permit by the Director.
6. **Architectural Compatibility.** The accessory dwelling unit shall incorporate the same or similar architectural features, building materials, roof pitch, and colors as the main dwelling unit. Windows that face an adjoining residential property shall be designed/located to protect the privacy of neighbors; alternatively, fencing or landscape shall be required to provide screening.
7. **Off-Street Parking.** One off-street parking space shall be provided for the accessory dwelling unit. The required parking space may be provided as a tandem parking space located within the front-yard setback within a driveway or as a standard space located within the front-yard setback within a paved area immediately adjacent to the driveway. Additional parking shall not be required in any of the following instances:
  - a. The accessory dwelling unit is located within one-half mile of public transit.
  - b. The accessory dwelling unit is located within an architecturally and historically significant historic district.
  - c. The accessory dwelling unit is a part of the existing main dwelling unit or an existing accessory structure.
  - d. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
  - e. When there is a car share vehicle located within one block of the accessory dwelling unit.

8. **Utilities.** Separate electric meters are required for accessory dwelling units unless the unit is contained within the existing space of the main dwelling unit or an accessory structure, has independent exterior access from the main dwelling unit, and the side and rear setbacks are sufficient for fire safety. Separate water and gas meters are allowed at the option of the property owner.
- D. **Deed Restrictions.** Before obtaining a building permit, the property owner shall file with the County Recorder a declaration or agreement of restrictions which has been approved by the City Attorney as to its form and content, containing a reference to the deed under which the property was acquired by the owner stating that:
1. The accessory dwelling unit shall be considered legal only so long as either the primary residence or the accessory dwelling unit is occupied by the owner of the property;
  2. The accessory dwelling unit cannot be sold separately;
  3. The restrictions shall be binding upon any successor in ownership of the property, and lack of compliance may result in legal action against the property owner.
- E. **Preexisting Accessory Dwelling Unit.** Accessory dwelling units existing prior to adoption of this section, the use of which is nonconforming in the zoning district in which it is located, may be considered conforming if: (1) the Director issues a Zoning Clearance if it is determined that the accessory dwelling unit complies with the requirements of this section, which may include compliance with Building and Fire Codes and payment of development impact fees and/or (2) a Site Development Permit is issued by the Director for units not meeting the criteria included in this section.
- F. **Conversion of an Existing House to an Accessory Dwelling Unit.** In cases where an existing single-family residence is located on a parcel zoned "RL," "RE," "RS," or "RM," the Board of Administrative Review may approve by Site Development Permit the construction of one additional residence, which is intended to be the primary residence on the property. The existing residence, which is intended to become the lawful accessory dwelling unit, must comply with all the requirements of this Code, including size limitations. The primary residence shall be constructed in accordance with the provisions of the applicable zoning district and other requirements of this Code.