

NEW ACCESSORY DWELLING UNIT ORDINANCE CHANGES 2014 and 2017

- Minimum lot size – ADU are now allowed on lots of 4,500 sf and greater. (2014)
- Substandard lot – ADU on substandard lots are required to obtain a design permit. (2014)
- Unit size - The floor area of an ADU shall not exceed 10 percent of the lot area up to a maximum of 1,200 sf. The floor area for accessory dwelling units attached to the principal single family dwelling shall not exceed fifty percent (50%) of the existing habitable floor area of the principal single family dwelling and not exceed the maximum ADU floor area allowed for the lot. (2017)
- Setbacks - Newly built ADUs the setbacks remain the same. Existing accessory buildings built prior to 2017 with a valid building permit or can be identified as a legal non-conforming structure with setbacks less than what is required for a new ADU may be converted into an ADU as allowed under Section 24.16.130. (2014 and 2017)
- Setbacks – A second story ADU over an existing garage may have side and rear yard setbacks of five feet. Otherwise any other two story ADU shall still be required to have at least a side yard setback five feet and a rear yard setback of 10 feet. (2017)
- Rear Yard Coverage - Newly built ADUs the 30 percent rear yard coverage remains the same. Existing accessory buildings built prior to 2017 with a valid building permit or can be identified as a legal non-conforming structure with rear yard coverage greater than what is required for a new ADU may be converted into an ADU as allowed under Section 24.16.130. (2014 and 2017)
- Occupancy – Owner occupancy requirement is still required however an adult member of the property owner’s immediate family for whom the property owner has court appointed conservatorship may occupy one of the units. (2014)
- Occupancy - **An ADU owner occupant** may apply to the City Council to vacate his unit and rent both units on the property (main unit and ADU) for a period of two years with a possible third year allowed by the Planning Director. (2014)
- Alley or Rail Trail Orientation – ADUs are encouraged, not required to face an alley or rail trail. (2014)
- Large Home Design Permit – The square footage of a detached ADU shall not count toward a large home design permit. (2014)
- Green Building Standards – New ADUs (not conversion of existing space) shall be required to meet Green Building prioritized permit processing. Conversion of existing space into an ADU is required to meet minimum Green Building points plus 15 additional points. (2014)
- Parking Permits – ADUs in permit parking areas will not be allowed additional residential parking permits issued to them. (2014)

- Parking – Same requirements for ADUs with exceptions:
Exception: No parking shall be required for the accessory dwelling unit if any of the following instances occur:
 - a. The accessory dwelling unit is located within one-half mile of Metro Station;
 - b. The accessory dwelling unit is located within a historic district;
 - c. The accessory dwelling unit is located entirely within the existing single family dwelling or within an existing accessory structure;
 - d. When there is a car share vehicle located within one block of the accessory dwelling unit. (2017)

- Height – One story ADUs can be 15 feet tall measured to the peak of the roof. (2014)
- Height – Added under building height:
 - c. The two-story detached accessory dwelling units shall limit the major access stairs, decks, entry doors, and windows to the walls facing the principal single family dwelling, an alley, or the Monterey Bay Sanctuary Scenic Trail if applicable. Windows that impact the privacy of the neighboring side or rear yards shall be minimized. (2017)
- Ministerial Action – All ADUs are permitted ministerial. No AUP is required for a two story ADU anymore. (2017)
- Deed Restrictions – The property owner shall offer the tenant of an accessory dwelling unit a residential permit parking permit if requested by the tenant. (2017)
- Building envelope – New one story ADUs cannot encroach into a building envelope measured from the side and rear property lines seven feet high then a 45 degree angle up. (2014)
- No fire sprinklers are required for an ADU if the existing single family residence does not provide them or they are not required. (2017)
- No water or sewer connection fees are required if the ADU is built entirely within the existing single family residence or accessory structure. (2017)
- Water and sewer fees will be required for a newly constructed ADU or an ADU that is an addition to an existing single family residence or accessory structure. (2017)
- **Legalization of non-owner occupant ADUs** – A process to allow non-owner occupants (absentee property owners) with an unpermitted second unit that can meet all the requirements of the accessory dwelling unit ordinance except the owner occupied

requirement an opportunity to legalize said unpermitted unit into an accessory dwelling unit: (2014)

1. There will be a **two year period of time** to allow the absentee property owner with unpermitted second units to submit plans and obtain a building permit within the first year window of the legalization program and complete construction and obtain a Certificate of Occupancy by the end of the second year.
2. The absentee property owner would be allowed to maintain ownership of the single family home with a legal accessory dwelling unit in exchange for providing an affordability covenant on the newly permitted accessory dwelling unit. The accessory dwelling unit would be affordable at 60% of area median income. The affordability covenant shall remain as long as the absentee property owner owns the property.
3. A land use agreement with the City will be recorded prior to the issuance of the building permit that at the end of their ownership said absentee property owner would either transfer the property to an owner occupant or sell the property to an owner occupant. At that time period the regular accessory dwelling unit land use agreement would be enacted for the new property owner and the property would be there forth be required to meet the owner occupied requirement of the Ordinance.
4. Time frames for individual properties could be extended by the Planning Director depending upon staff issues.
5. All unpermitted units created prior to 4/14/15 are eligible for the program if they can prove their existence through assessor records, Sanborn Map records, bank records, etc. Any other unpermitted units created after that date on non-owner occupied properties would need to revert back to their original approved use.
6. During the absentee property owner ADU period of time the property would be required to register the property into City's residential rental inspection program and require a yearly City inspection of each unit on the property until such time as the property becomes a legal accessory dwelling unit eligible for the Accessory Dwelling Unit exemption from the rental inspection program.
7. Fee waivers for this legalization process will not be allowed.
8. The City would charge fees for agreements, income verification and monitoring.
9. Because this process is only allowed for those unpermitted second units that could meet all the requirements of the accessory dwelling unit ordinance except the owner occupied requirement, no more than two units are allow on a lot. Only one unpermitted unit can be legalized per lot with the existing legal unit.

Those single family zoned properties that may have legal non-conforming situations with more than one unit but also have an unpermitted unit(s) as well cannot legalize through this process.

10. Absentee property owners that do not take advantage of this program within that first year window or sooner will be required to comply with regular code compliance which would leave the options to the absentee property owner to: move on the property and legalize the unpermitted unit to an Accessory Dwelling Unit, sell the property to an owner occupant who would legalize the unpermitted unit to an Accessory Dwelling Unit or return the unpermitted unit back to its original approved use.
- 11. The official two year period has not started yet but absentee property owners that can meet the above requirements may start the building permit process.**

1/20/17