



ACCESSORY DWELLING UNITS and JUNIOR ACCESSORY DWELLING UNITS (In-Law Units)

New state legislation pertaining to Accessory Dwelling Units (Effective January 1, 2020)

In October 2019, the Governor signed into legislation several bills pertaining to the development of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs). The new legislation, effective January 1, 2020 requires a more streamlined review process and lessens certain development standards and restrictions that may have been applied in the past.

What are **major changes resulting from new state legislation?**

- New ADUs and JADUs must be reviewed through a Building Permit within 60-days.
- ADUs and JADUs must be allowed in all residential zoning districts including Multi-Family, Mixed-Use, and residential Planning Development zoning districts.
- For maximum size of an attached or detached ADU please see attached *Criteria Checklists*. However, city regulations cannot prohibit an ADU up to 800 square feet in size, up to 16-feet in height, and with side and rear setbacks of at least 4-feet.
- Owner occupancy is not required for either the primary dwelling or the ADU or JADU (this section to be repealed January 2025).
- Impact fees can no longer be charged for units less than 750 square feet in size. Impact fees for units 750 square feet or larger shall be proportional to the main house.

Please note: Existing city regulations for ADUs that do not conflict with the new state legislations are still in effect. The City is in the process of updating its ADU Ordinance to reflect changes resulting from new legislation. Until the Ordinance is revised, applicable development criteria are outlined detail in the attached Criteria Checklists for both ADUs and JADUs.

What is the difference between an ADU and JADU?

- An **Accessory Dwelling Unit** can be either an attached or detached residential 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. ADUs must include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling.
- A **Junior Accessory Dwelling Unit** is a unit that is not more than 500 square feet in size and contained entirely within an existing single-family structure. A JADU may include separate sanitation facilities or share sanitation facilities within the existing structure.

What application documents must I submit to obtain a Building Permit?

- ☐ A completed **Building Permit Application**. See Attachment 1.
Please Note: Building staff will determine application completeness at the permit counter. Incomplete applications will not be processed.
- ☐ **Elevations and photos** of all sides of existing home that demonstrate new ADU matches roof design, exterior paint color, and style of primary dwelling unit.
- ☐ Two (2) sets of **Construction Drawings**, minimum size 11" x 17" (including Site Plan that clearly shows setback dimensions from property liens and square footages).
- ☐ Three (3) sets of **Fire Sprinkler Plans** (only if required for primary dwelling).
- ☐ One (1) **Floor Plan** to scale with exterior dimensions on 11" x 17".
- ☐ Two (2) sets of **Structural Calculations** (Exception: Existing buildings and additions that meet conventional light-frame construction are not required to be engineered. Permit Center Staff can determine if this exception applies to your project).
- ☐ Two (2) sets of **Energy Calculations** (Title-24 documentation).
- ☐ Two (2) sets of **Truss Calculations** (if manufactured trusses are being utilized).
This can be deferred submittal.

Process and Timeframe

- ☐ Complete applications will be acted on within 60-days of submittal.
- ☐ **Proposals on single-family lots with existing primary dwelling:** Complete applications will be reviewed by Planning and Engineering staff for compliance with requirements. Following their review, the project will be routed for Building Permit review.
- ☐ **Proposals on multi-family lots with existing primary dwelling:** Complete applications will be reviewed by Planning and Engineering staff for compliance with requirements. Following their review, the project will be routed for Building Permit review.
- ☐ If the permit application to create an ADU or JADU is submitted with a permit application to create a new single-family dwelling on the lot, the City may delay acting on the ADU permit until the permit for the new single-family dwelling is approved.

Criteria Checklist for **Junior Accessory Dwelling Units (JADUs)**

Definition of JADU: a unit not more than 500 square feet in size and contained entirely within an existing single-family structure. A JADU may include separate sanitation facilities or share sanitation facilities within the existing structure.

	CRITERIA
LOCATION	
	☐ Permitted in all residential zoning districts (this includes mixed-use and residential Planned Developments).
	☐ Located entirely within existing walls of primary single-family structure.
SIZE	
	☐ No minimum lot size.
	☐ No more than 500 square feet in size.
ATTRIBUTES	
Separate Entrance	☐ Includes separate entrance (from main entrance)
Efficiency Kitchen	☐ Must include efficiency kitchen with following: ☐ Sink with maximum waste line diameter of 1.5 inches. ☐ Cooking facility with appliances that do not require electrical service greater than 120 volts, or manual or propane gas. ☐ Food preparation counter and storage cabinets.
PARKING	
	☐ No Additional spaces required.
DEED RESTRICTIONS	
	Requires recordation of a deed restriction, which shall run with the land, to be filed with the permitting agency and which includes: ☐ A prohibition on the sale of the unit separate from the sale of the single-family residence. ☐ Statement that deed restriction may be enforced against future purchasers. ☐ Restriction on size and attributes of JADU consistent with state legislation.

Criteria Checklist for **Accessory Dwelling Units (ADUs)**

Definition of ADU: a detached or attached residential 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. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multi-family dwelling is or will be situated.

CRITERIA	
ALLOWED USE	☐ Permitted in all residential zoning districts (this includes mixed-use and residential Planned Developments).
LOCATION	☐ Must be located on same lot with an existing or proposed primary dwelling unit.
	☐ Must be detached or located in attached garages, storage areas, or similar uses, or an accessory structure.
	☐ May be located in portions of existing multi-family dwelling not used as livable space such as storage rooms, boiler rooms, passageways, attics, basements, or garages so long as complies with state building standards for dwellings.
	☐ Detached ADUs must be located to the rear of the existing primary dwelling.
NUMBER PERMITTED	
<i>With Single-family dwelling</i>	☐ One (1) attached ADU OR one (1) JADU, or (1) detached ADU AND one (1) JADU subject to following (JADU can only be conversion of existing interior space): ○ Located within space of single-family dwelling or within accessory structure <u>and</u> includes expansion of not more than 150 square feet for ingress or egress only. ○ Space has exterior access from single-family unit. ○ Setbacks sufficient for fire and safety. ○ JADU complies with state requirements.
<i>With Multi-family dwelling</i>	☐ Must allow up to 25% of existing multi-family units to convert existing space. For example, if 20 existing multi-family units, up to five (5) ADU's could be established within the existing living space.
	☐ No more than 2 detached ADU's per Multi-Family lot.
<i>Minimum ADU unit size</i>	☐ Must be no less than 150 square feet.
<i>Attached unit</i>	☐ Cannot exceed 50% of primary structures (excluding accessory and garage structures of the primary unit) subject to lot coverage and/or FAR requirements of underlying zoning district. City must allow up to 800 square feet in size regardless of existing house size or lot coverage or lot coverage or FAR requirements of underlying zoning district.

<i>Detached unit</i>	☐ Cannot exceed 1,200 square feet subject to lot coverage and/or FAR requirements of underlying zoning district. <i>City must allow up to 800 square feet in size regardless of lot coverage or lot coverage or FAR requirements of underlying zoning district.</i>
LOT SIZE	
	☐ No minimum lot size is required.
SETBACKS	
<i>Existing living area or converted accessory structure</i>	☐ No additional setback beyond existing. <i>Note: This also applies to structures constructed in same location and to same dimensions as an old structure (rebuild).</i> ☐ Statement that deed restriction may be enforced against future purchasers. ☐ Restriction on size and attributes of JADU consistent with state legislation.
<i>New Structure</i>	☐ 4-foot rear and side. ☐ Street Side: 10-Feet ☐ If new garage is constructed with and attached to ADU (whether one or two story), garage portion must meet all Accessory Structure standards (e.g., setbacks, size, etc.) per LDC Section 4.02.030.
<i>Building separation</i>	☐ Minimum 10-foot separation between detached ADU and primary dwelling.
HEIGHT	
<i>Single-story, detached</i>	☐ 16-foot maximum height. ☐ Measured to highest point of roof.
<i>Single-story, attached</i>	☐ Subject to underlying zoning district but must allow at least 16-feet in height.
<i>Two-story, detached or unit above existing garage</i>	☐ Subject to underlying zoning height limit. ☐ Height is measured per PMC 18.62.040 standards.
PARKING	
	☐ 1 space per unit or bedroom, whichever is less.
	☐ No parking required for ADUs within: ○ ½ - mile walking distance of transit (includes local bus stops and ACE Train). ○ A historic district . ○ An existing primary residence or existing accessory structure. Or where: ○ On-Street parking permit is required but not offered to the inhabitant of the ADU. ○ A documented carshare vehicle is located within one block.
	☐ Maybe a tandem on driveway or in setback areas (unless finding is made that proposed parking area is not feasible due to life safety reasons).
<i>Garage, carport or parking</i>	☐ No replacement parking required.

<i>structure conversion</i>	
DESIGN	
	☐ Colors, materials, roof forms, and window trim to match those of existing primary dwelling. ☐ Entrance to the ADU shall be setback from the front of the primary dwelling.
OTHER GENERAL CRITERIA	
Sales and Renting	☐ ADUs SHALL NOT BE SOLD SEPARATELY from the property and primary dwelling but may be rented. ☐ ADUs may be rented for a period no less than 30-days
Occupancy	☐ Owner Occupancy is not required for either the primary dwelling or the ADU or JADU (this section of new legislation to be repealed January 2025). ☐ For new units, the City cannot issue a Certificate of Occupancy for an ADU before it issues one for the primary dwelling.
Impact Fees	☐ For units <u>less than 750 square feet in size</u> , no impact fees will be charged. ☐ For units <u>750 square feet or larger</u> , impact fees will be charged proportionately in relation to the square footage of the ADU to the square footage of the primary dwelling unit. ☐ School District Impact Fees: Yes , school districts are authorized to, but do not have to, levy impact fees for ADU's greater than 500 square feet pursuant to Section 17620 of the Education Code.
Fire Sprinklers	☐ Fire sprinklers cannot be required if they are not required for the primary dwelling.