
17.30.040 Accessory dwelling units.

Accessory dwelling units shall comply with all provisions of the base, overlay, or specific plan district, except as modified by this section.

- A. **Residential Density.** An accessory dwelling unit is a residential use that is consistent with the existing general plan and zoning designations for the parcel and any accessory dwelling unit constructed pursuant to this section shall not be considered as a dwelling unit in density calculations.
- B. **Primary Dwelling Unit Required.** The lot must be in a zoning district that allows single-unit, two-unit, or multi-unit dwellings and contain an existing primary dwelling unit at the time an application for an accessory dwelling unit is submitted, or the application for the accessory dwelling unit may be made in conjunction with the development of the primary dwelling. Covenants, conditions, and restrictions that either effectively prohibit or unreasonably restrict the construction or use of an accessory dwelling unit or a junior accessory dwelling unit in such a zoning district are void and unenforceable per Civic Code Section 4751.
- C. **Number and Type of Units.**
 - 1. ***Lots with Existing or Proposed Single-Unit Dwellings.***
 - a. One detached accessory dwelling unit ~~or one accessory dwelling unit within the existing or proposed space of a single-unit dwelling;~~ and
 - b. One accessory dwelling unit converted from existing space within a proposed or existing primary home or within the existing space of an accessory structure; and
 - ~~c.b.~~ One junior accessory dwelling unit within the existing or proposed space of a single-unit dwelling, including an attached garage.
 - 2. ***Lots with Existing or Proposed ~~Two-Unit or Two Unit or Multi-Unit Dwellings.~~***
 - a. Accessory dwelling units up to the number of existing multi-unit dwellings, with a maximum of eight, that must be detached from the primary units; or
 - b. Up to two accessory dwelling units on properties with a proposed multi-family dwelling; and
~~Two detached accessory dwelling units; or~~
 - ~~c.b.~~ Up to twenty-five percent the number of units within a multi-unit structure, with a minimum of one accessory dwelling unit, constructed within portions of the multi-unit structure that are not used as livable space.
 - c. Junior accessory dwelling units are prohibited on multi-family properties.
- D. **Standards for Attached and Detached Accessory Dwelling Units.**
 - 1. ***Floor Area.***
 - a. *Detached Accessory Dwelling Units.* Maximum one thousand square feet of interior livable space for studio and one-bedroom accessory dwelling units, up to one thousand two hundred square feet of interior livable space for accessory dwelling units with two or more bedrooms.

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2. **Parking.** If enclosed or covered parking for the primary dwelling is converted or demolished in conjunction with the construction of an accessory dwelling unit, replacement parking is not required, except as provided in Section 17.14.040 B.
 - G. **Required Parking.** Automobile parking is not required for an accessory dwelling unit, except as provided in Section 17.14.040 B. Required parking for the primary dwelling shall be provided pursuant to Chapter 17.27, Parking and Loading.
 - H. **Sale Limitations.** Accessory dwelling units may be rented separately from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence, except as allowed pursuant to Government Code Section 65852.2. Junior accessory dwelling units are prohibited from being sold separately from the primary residence.
 - I. **Rental Limitations.** Rental terms shall be a minimum of thirty consecutive days.
 - J. **Permit Review.**
 1. Permit applications for accessory dwelling units shall be considered and approved ministerially without discretionary review or a hearing within sixty days from receipt of a completed application if there is an existing single-family or multifamily dwelling on the lot or when the permit application for a proposed single-unit or multi-unit dwelling is acted upon. All agencies involved in the review of an accessory dwelling unit permit, including utility districts, city departments, and special corporations, shall be subject to the sixty-day review period.
 2. In the coastal resource protection (CRP) overlay district, a coastal development permit pursuant to Chapter 17.39, Coastal Development Permits (IP) may be required.
 3. Permit applications for accessory dwelling units and junior accessory dwelling units shall not require, as a condition of approval, the correction of nonconforming zoning conditions, building code violations, or unpermitted structures on the property that do not present an imminent threat to public health and safety and are not affected by the construction of the new unit.
 - K. **Development Impact Fees.** Payment of development impact fees are required as follows:
 1. ADUs with a floor area of 750 square feet of interior livable space or less shall not pay development impact fees.
 2. JADUs with a floor area of 500 square feet or less of interior livable space shall not pay development impact fees.
 3. ADUs with floor area greater than 750 square feet shall be charged development impact fees that are proportional in relation to the square footage of the primary structure, shown on the Master Fee Schedule.
 4. ADUs and JADUs with a floor area of 500 square feet or less of interior livable space shall not pay school impact fees.

(Ord. No. 662, § 2, 12-13-23)