

## Chapter 17.15 ACCESSORY DWELLING UNITS (ADUs) AND JUNIOR ACCESSORY DWELLING UNITS (JADUs)

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### 17.15.010. Purpose.

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The purpose of this Chapter is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with Government Code Sections 65852.2 and 65852.22.

### 17.15.020. Applicability.

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- A. This Chapter establishes standards for ADUs and JADUs throughout the city.
- B. Where this Chapter does not contain a particular standard or procedure, applicable standards and procedures in this Zoning Code shall apply unless otherwise stated.
- C. An ADU or JADU that conforms to the development standards in this Chapter is deemed to be an accessory use and shall not count towards the overall density for the lot on which it is located.

### 17.15.030. Number of Unit Types Allowed.

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- A. Single-Family Dwellings. On lots with an existing or proposed single-family dwelling, up to one ADU and one JADU shall be allowed.
- B. Multifamily Dwellings. On lots with existing or proposed attached multifamily dwellings, the following shall be allowed:
  1. Up to two detached ADUs, provided each detached ADU is no more than 16 feet in height and has side and rear yard setbacks of at least four feet; and
  2. Non-habitable portions of the existing main structure may be converted to an ADU(s) provided that the maximum number of such ADUs shall not exceed 25 percent of the number of multifamily units, and each ADU complies with Building Code standards.

### 17.15.040. Permit Process, Timing, and Fees.

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- A. *Administrative Plot Plan Required.* ADUs and JADUs shall require plot plan approval by the Community Development Director subject to the finding that the ADU or JADU complies with this Zoning Code and Government Code Sections 65852.2 and 65852.22 as applicable. A building permit shall also be required for construction of an ADU or JADU.
- B. *Ministerial Review Required.*

1. The City shall act on an application to create an ADU or JADU, either by approving the application or sending a notice of deficiency, within 60 days of receipt of a complete application. Such applications resubmitted in response to a notice of deficiency shall be approved or a notice of deficiency sent within 60 days.
  2. When an 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 permit application for the ADU or JADU until the City acts on the permit application to create the new single-family dwelling, but the application to create the ADU or JADU shall be considered ministerially without discretionary review or a hearing.
- C. *Impact and Utility Fees.* Prior to issuance of a building permit for an ADU or JADU, the applicant shall pay all applicable fees.
1. No impact fees shall be imposed on a JADU or an ADU less than 750 square feet in size.
  2. Impact fees charged for ADUs greater than or equal to 750 square feet shall be charged proportionately in relation to the square footage of the primary unit (e.g., the floor area of the ADU, divided by the floor area of the primary dwelling, times the typical fee amount charged for a new dwelling).
  3. For the purposes of this section, "impact fee" means a "fee" as defined in Government Code Section 66000(b) and a fee specified in Government Code Section 66477. Impact fees do not include any connection fee or capacity charge for water or sewer service.
  4. If an ADU or JADU is constructed with a new single-family home, a separate utility connection directly between the ADU or JADU and the utility and payment of the normal connection fee and capacity charge for a new dwelling shall be required.
  5. Installation of a separate direct connection between an ADU or JADU contained within an existing structure and the utility shall not be required. ADUs not within an existing structure shall be required to install a new or separate utility connection and be charged a connection fee and/or capacity charge. These charges shall be proportionate to the burden imposed by the ADU on the water or sewer system based upon either its size or number of plumbing fixtures as determined by the City.

#### **17.15.050. General ADU and JADU Requirements.**

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- A. *No Separate Conveyance.* An ADU or JADU may be rented, but no ADU and JADU may be sold or otherwise conveyed separately from the primary dwelling unit, nor shall the lot containing the ADU or JADU be subdivided, unless the property was built or developed by a qualified nonprofit corporation and all provisions of Government Code Section 65852.26 are met.
- B. *Short-Term Rental Use Prohibited.* No ADU or JADU may be rented for a term that is shorter than 30 days.

- C. *No Minimum Parcel Size.* No minimum parcel size shall be required to establish an ADU or JADU.
- D. *Minimum Unit Size.* The minimum size of an ADU or JADU is 150 square feet ("efficiency unit" per Health and Safety Code Section 17958.1).
- E. *Entrances.* The main entrance to an attached ADU or the exterior entry of a JADU may not be located on the front of the primary unit.
- F. *Second Story Units.* New second-story windows in an ADU or JADU that are 25 feet or less from a property line shall incorporate at least one of the following:
  - 1. The proposed second-story window of the ADU or JADU shall be positioned such that the window sill is at least five feet above finished floor; or
  - 2. The proposed second-story window of the ADU or JADU shall utilize frosted or obscured glass in the glazing portion of the window (i.e., glass that is patterned or textured such that objects, shapes, and patterns beyond the glass are not easily distinguishable).
- G. *Colors and Materials.* An ADU shall have matching colors and materials as the primary dwelling unit (i.e., use of the same wall and trim material or wall and trim material that visually appears the same as the primary dwelling unit, including color and texture).
- H. *Fire Sprinkler Requirements.* ADUs and JADUs shall not be required to include fire sprinklers if they are not required for the primary residence.
- I. *Existing Nonconforming Conditions.* An ADU or JADU shall not be required to correct a nonconforming zoning condition. This does not prevent the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code Section 17980.12.
- J. *Rental Data.* The owner of the lot on which an ADU or JADU is located will be requested to participate in the City's monitoring program to determine rent levels of ADUs and JADUs for the City's Regional Housing Needs Allocation reporting.
- K. *Deed Restriction.* A deed restriction shall be recorded against the lot containing the ADU or JADU with the Riverside County recorder's office prior to issuance of any certificate of occupancy for the ADU or JADU. The deed restriction shall run with the land and may be enforced against future property owners. Among other requirements, the deed restriction shall state that the ADU or JADU may not be transferred or sold separately from the primary dwelling. The form of the deed restriction shall be provided by the City.
- L. *ADU Removal.* If an ADU or JADU is removed or converted to another use after a certificate of occupancy has been issued for the ADU or JADU, any deviations from development standards (e.g., setbacks, parking) or exemptions granted specific to the ADU or JADU use (e.g., reduced or exempt fees) shall be brought into compliance with the standards and regulations in effect at the time. Upon approval of the reversion request by the City, the deed restriction applicable to the ADU or JADU shall be rescinded from title.

### 17.15.060. Additional Accessory Dwelling Unit (ADU) Standards

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- A. *Maximum Size.* The maximum size of a detached or attached ADU is 850 square feet for a studio or one-bedroom unit and 1,200 square feet for an ADU with two or more bedrooms.
1. ADUs created from the conversion of existing space may exceed these size limits.
  2. An addition of up to 150 square feet to accommodate ingress and egress for an ADU created from the conversion of an existing accessory structure shall be exempt from the maximize size standard.
- B. *Setbacks*
1. Front setbacks shall be those established by the applicable zone district.
  2. Minimum side and rear setbacks shall be four feet or the setback for the applicable zone district, whichever is less.
  3. If a detached ADU would be constructed in the same location and to the same dimensions as an existing structure, the ADU may maintain the same setbacks as the existing structure.
- C. *Height.* Height shall not exceed the height of the main unit or 16 feet, whichever is greater.
- D. *Parking.*
1. One off-street parking space shall be provided for each ADU. The parking space may be provided as tandem parking and may be located in setbacks, but not in the front yard unless on the driveway.
  2. When a garage, carport, or covered parking structure is demolished in conjunction with construction of an ADU or is converted to an ADU, those off-street parking spaces shall not be required to be replaced.
  3. Parking for an ADU shall not be required in the following situations:
    - a. The ADU is located within one-half mile walking distance of public transit.
    - b. The ADU is located within an architecturally and historically significant historic district.
    - c. The ADU is part of the proposed or existing primary residence or an existing accessory structure.
    - d. When on-street parking permits are required but not offered to the occupant of the ADU.
    - e. When there is an established car share vehicle stop located within one block of the ADU.
- E. *Design.*
1. A newly constructed detached ADU shall be located behind the street-facing façade of the primary unit.

2. When a garage is converted to an ADU, the garage door shall be removed and replaced with either windows or a door (provided the door does not face the street if it is an attached ADU). Windows and doors shall be of the same size, proportion, and spacing as the primary dwelling unit.
  3. A solid fence six feet in height or vegetative screening/plantings of species with a mature height of at least 10 feet shall be located or constructed along interior side and rear property lines adjacent to the ADU if the ADU is located less than 10 feet from respective property lines.
- F. *Other Standards.* Lot coverage, open space, and floor area ratio limitations, where applicable, shall not preclude the development of an ADU of up to 800 square feet and 16 feet in height with a minimum of four-foot side and rear setbacks.

#### **17.15.070. Additional Junior Accessory Dwelling Unit (JADU) Standards**

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- A. JADUs shall be subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property shall reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence. However, this owner-occupancy requirement does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.
- B. JADUs shall have both interior access to the primary dwelling unit and an exterior door.
- C. Parking shall not be required for a JADU.