

## 17.52.230 ~~Residential Second Units~~ Accessory Dwelling Units

Sections:

- A. Purpose and intent.
- B. Definitions.
- C. Locations permitted.
- D. Effect of nonconforming.
- E. ADU and JADU design standards.
- F. Legal use requirements.
- G. Off-street parking requirements.
- H. Processing.
- I. Contents of applications.

~~**A. Applicability.** Residential second units shall comply with the requirements of this section, where allowed by Article 2 (Zones, Permitted Land Uses, and Zoning Standards) and Government Code Section 65852.2. An application for a second unit that complies with the standards of this section shall be approved ministerially, without discretionary review or a public hearing.~~

**A. Purpose and intent.** The purpose of this Chapter is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with California Government Code sections 65852.2 and 65852.22, as may be amended.

~~**B. Limitation on number of units.** No more than one second unit shall be approved on a single parcel.~~

**B. Definitions.** As used in this section, terms are defined as follows:

“Accessory dwelling unit” or “ADU” means an attached or a detached residential dwelling unit located on a parcel with a proposed or existing primary residence or existing multifamily dwelling that provides a complete independent living facility containing separate kitchen, bath, sleeping, or living facilities. The term “attached accessory dwelling unit” means an accessory dwelling unit that is structurally attached to the main residence but which has independent, direct access from the exterior. The term “detached accessory dwelling unit” means an accessory dwelling unit that is not structurally attached to the main residence. An accessory dwelling unit also includes the following:

1. An efficiency unit, as defined by Section 17958.1 of the California Health and Safety Code, as may be amended; and
2. A manufactured home, as defined by Section 18007 of the California Health and Safety Code, as may be amended.
3. "Accessory structure" means a building or structure that is incidental to that of the main building on the same parcel.

"Complete independent living facilities" means permanent provisions for cooking, eating, sleeping living, and sanitation on the same parcel as the single-family or multifamily dwelling is, or will be, situated.

"Efficiency kitchen" means a kitchen that includes each of the following:

1. A cooking facility with appliances. Appliances shall mean a range, or the combination of an oven and a cooktop with a minimum of two burners;
2. A sink that facilitates hot and cold water;
3. A food preparation counter or counters that are adequate for the size of the unit;
4. Food storage cabinets adequate for the size of the unit.

"Junior accessory dwelling unit" or "JADU" means a residential unit that:

1. Is no more than 500 square feet in size;
2. Is contained entirely within an existing or proposed single-family structure;
3. Includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure; and
4. Includes an efficiency kitchen, as defined in this Chapter.

"Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any other accessory structure, other than ADUs and JADUs.

"Multi-family residential ADU" means an ADU designed for one family and allowed under Government Code Section 65852.2(e)(1)(C), as referenced in this chapter.

"Nonconforming zoning condition" means a physical improvement on a property that does not conform to current zoning standards.

"Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one exterior entrance of the ADU or JADU.

"Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

"Public transit" means a location, including, but not limited to, any fixed-route bus stop or other transit stop with transportation that runs on fixed routes, and is available to the public.

"Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a parcel, lined up behind one another.

"Tract housing" is a type of housing development in which multiple similar houses are built on a tract (area) that is subdivided into smaller lots."

~~C. Minimum site area. A parcel proposed for a second unit shall be a minimum of 6,000 square feet.~~

**C. Locations Permitted.** Accessory dwelling units are permitted on parcels of any size in conjunction with a proposed or existing residential use in any zone that allows residential uses.

~~D. Relationship to primary use.~~

~~1. Size, style. A second unit shall be incidental and subordinate to the primary single-family residential use of the site in terms of size, location, and appearance, and shall not alter the character of the primary structure. The architectural style, exterior materials, and colors of the second unit shall be compatible with the primary dwelling unit.~~

~~2. Timing of construction. A second unit may be constructed simultaneously with or after the primary dwelling. In addition, an existing dwelling that complies with the design standards for second units in Subsection E of this section may be~~

~~considered a second unit, and a new primary unit may be constructed which would then be considered the primary dwelling unit.~~

**D. Effect of Conforming.** An ADU or JADU that conforms to the requirements in this section shall not be:

1. Deemed to be inconsistent with the General Plan and zoning designation for the parcel on which the ADU or JADU is located;
2. Deemed to exceed the allowable density for the parcel on which the ADU or JADU is located;
3. Considered in the application of any ordinance, policy, or program to limit residential growth; or
4. Required to correct a legally established nonconforming zoning condition. This does not prevent the City from enforcing compliance with applicable building standards in accordance with California Health and Safety Code Section 17980.12.

**E. ADU and JADU ~~Second unit~~ design standards.** ~~A second unit~~ ADUs and JADUs shall comply with the following standards:

**1. Maximum Number.** Only one ADU and one JADU shall be allowed on each lot or parcel with a zoning designation of single-family residential. Multifamily ADUs shall comply with Government Code Section 65852.2.

**2. ~~4.~~ Height limit.** ~~A second unit shall be limited to 18 feet and one story. A second unit located over a garage may be allowed a maximum height of 22 feet with Minor Use Permit approval.~~

a. A detached ADU, accessory to a single-family dwelling, shall be limited to one story and shall not exceed a maximum overall height of sixteen feet (16') to the highest ridgeline.

b. An attached ADU, accessory to a single-family dwelling, shall have the same height limitations that apply to the main dwelling.

c. A detached ADU, accessory to a duplex or multifamily, shall be limited to one story and shall not exceed a maximum overall height of sixteen feet (16') to the highest ridgeline.

d. An attached ADU, accessory to a duplex or multifamily, shall be limited to a conversion of existing non-livable space and must maintain existing height.

e. An ADU located over a garage may be allowed to exceed the height limitations of sixteen feet (16') to a maximum height of twenty-two feet (22') with Minor Use Permit approval.

**3. ~~2~~ Setbacks.** ADUs and JADUs ~~An attached second unit shall comply with the setback requirements of the primary dwelling for the applicable zone. A detached second unit shall comply with the setback requirements of detached accessory structures under Subsection 17.52.220.E (Setback requirements). No second unit may be permitted above a detached garage unless the unit complies~~ with the following setback standards:

~~a. The second unit shall maintain a minimum 10 foot setback from a side and rear property line.~~

a. Site planning. A detached ADU shall be located behind the rear building line of the primary residence, and be clearly subordinate by location and size.

b. Rear and/or side setbacks. A minimum of four feet (4') shall be required.

c. Building separation. A minimum building separation of six feet (6') shall be maintained (wall to wall) between the primary residence and a detached ADU.

d. Fire-resistance. Exterior walls shall comply with the minimum fire-resistance ratings in relation to proximity to property lines, and building separation distance, as required by the California Building Code, and/or California Residential Code, in effect when a completed permit application has been submitted the City.

e. Existing Garage. No setback shall be required for an existing, legal, attached or detached garage and/or other existing structure that is converted to an ADU or JADU.

**4. ~~3~~ Maximum floor area.**

a. The floor area of a ~~second unit~~ newly constructed detached ADU shall not exceed 800 square feet for a studio, or one-bedroom, and 1000 square feet for units with two bedrooms. No more than two bedrooms are allowed. In no case shall a detached ADU exceed 40 percent of the floor area of the living area of the primary dwelling, whichever is less. ~~or less 40 percent of the floor area of the living area of the primary dwelling, whichever is less~~

~~b. For purposes of computing the floor area of a second unit that is detached from the primary unit, all enclosed areas accessed from within the second unit shall be included.~~

b. The floor area of a newly constructed attached ADU shall not exceed 800 square feet for a studio, or one-bedroom, and 1000 square feet for units with two bedrooms. No more than two bedrooms are allowed. In no case shall an attached ADU exceed 50% of the floor area of the proposed or existing single-family dwelling.

~~c. An on-site enclosed storage area, or garage of up to 400 square feet, shall not be included when calculating the floor area of the second unit; provided, that no internal doorway or passage connects the storage or garage and the second unit.~~

c. The floor area of a JADU shall be a maximum of 500 square feet, and shall be contained within a proposed, existing single-family dwelling, or converted garage, carport or patio.

d. The conversion of an existing detached accessory structure to an ADU shall not be subject to the floor area square footage requirements of this section, except that no such conversion shall exceed 1200 square feet.

e. The floor area for multifamily ADUs shall comply with Government Code Section 65852.2.

**5. ~~4~~ Separate entrance required.** ~~An attached second unit shall have an entrance separate from the entrance to the primary dwelling.~~ An ADU and JADU shall provide a separate exterior access from the existing primary residence. Entry doors cannot be on the same facade as the entry door of the primary residence, unless this requirement prevents creation of the accessory dwelling unit.

**6. ~~5~~ Window placement.** ~~A second unit that is placed 20 feet or less from a residential unit on the same parcel or an adjacent parcel shall not have windows that directly face windows in the other unit. A second unit that is two stories or located over a garage shall not have windows or balconies that directly face a neighboring yard. This limitation applies only to side yards, not to windows or balconies facing alleys.~~ Windows facing an adjoining residential property shall be designed to protect the privacy of neighbors; alternatively, fencing or landscaping may be required to provide screening.

~~**6. Site coverage.** Total site coverage by structures and impervious surfaces shall not exceed 50 percent of the net site area or the maximum coverage allowed by the applicable zone, whichever is less.~~

**7. Addressing.** ADUs or JADUs constructed or established on the same parcel or lot as an existing or proposed single-family dwelling shall be distinguished by utilizing the same address numbers as the primary dwelling followed by the letter “B”, then “C”, and so forth.

**8. Exterior.** ADUs or JADUs proposed in Master Planned Communities, areas regulated by Specific Plans, and any tract housing that obtained approval by the Board of Architectural Review shall substantially conform to the originally approved design elements, such as building materials, architectural style, roof pitch, height, scale, exterior colors and finishes.

**9. Vehicular Door.** A garage converted to an accessory dwelling unit shall include removal of garage door(s), which shall be replaced with architectural features, including walls, doors, windows, trim, and accent details.

**10. Lighting Restrictions.** Any lighting associated with an ADU or JADU shall be shielded or down-lit and shall not shine onto adjoining properties, while meeting the minimum building code.

**11. Landscaping.** No less than 20 percent of the lot shall be landscaped. All areas of the site that are not utilized for buildings, patios, parking, pedestrian or vehicular access shall be landscaped and provided with a permanent irrigation system. The front yard shall be landscaped, exclusive of walkways and driveways. As site conditions allow, and concurrent with each newly established ADU or JADU, a minimum of one (1) tree of not less than (5) gallon size stock, shall be planted upon the same parcel or lot as the ADU or JADU. Upon request, the Zoning Administrator shall provide property owners with a pre-approved list of acceptable tree species. The removal or loss of any tree in conjunction with an ADU or JADU shall be replaced with three (3) or more trees of the same species using at least (5) gallon size stock, as determined by the Zoning Administrator, and comply with the requirements of Chapter 8.54.040.

**12. Private Open Space/Patios and Decks.** Each ADU or JADU shall have a deck or a patio, directly adjoining individual units. The minimum private open space required for each unit shall be no less than 96 square feet with a minimum width of six feet (6') for a deck/patio and eight feet (8') for landscaped area.

**F. Use requirements.** ADUs and JADUs shall comply with the following:

1. Short-term rental prohibited. Any rental term of an ADU or JADU that was legally created on or after January 1, 2017 shall be longer than 30 days.
2. Sale of units. The accessory dwelling unit may not be sold separately from the existing single-family home or multifamily dwelling.
3. Driveway. A new driveway approach or curb cut, if needed, for an ADU or JADU, may require a separate encroachment permit from the Engineering Dept.

**G. ~~F~~ Off-street parking requirements.** At least one off-street paved parking space shall be provided for an accessory dwelling unit, ~~in addition to the parking required for~~



~~the primary dwelling by Chapter 17.34 (Parking and Loading). The parking space shall comply with the location and design requirements of Chapter 17.34, except that off-street parking spaces designated for residential second units may be located within the required interior side or rear property setback areas or in a tandem parking configuration in compliance with Chapter 17.34 (Off-Street Parking).~~ unless one or more of the following conditions apply:

1. ADU is located within one-half mile walking distance of public transit.
2. The accessory dwelling unit is located within an architecturally and historically significant historic district.
3. The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
4. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
5. When there is a car share vehicle located within one block of the accessory dwelling unit.
6. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU, or converted to an ADU, those off-street parking spaces are not required to be replaced.

**H. Processing.** The City shall provide an approval or denial of ADU and/or JADU applications within (60) sixty-days from the date such application is deemed complete. The City shall deem ADU applications complete that include all of the information and materials required in the application submittal checklist, comply with the provisions of this chapter, and include full payment of applicable review fees. Complete applications shall be considered ministerial, without discretionary review or a hearing, unless:

1. The applicant requests a processing delay, in which case the (60) sixty-day time period is tolled for the period of the requested delay; or
2. The permit application for an ADU or JADU is submitted along with a permit application to create a new primary dwelling on the same parcel or lot, the City

may delay acting on the ADU or JADU application until the City permits the new primary dwelling.

**I. Contents of Applications.** An ADU and/or JADU application shall include the following:

1. Completed Residential Building Permit Application;
2. Completed Monterey Peninsula Water Management District (MPWMD) residential water release form and permit application.
3. Plan Set - Signed and Dated (If Required). A Single PDF file containing all plan sheets, 24"x 36" minimum size, to include:
  - a. COVER SHEET: Project address; assessor parcel number; legal property owner's name, address, phone Number; plan preparer's title and license number (If Applicable), address, phone number; scope of work identifying all work proposed, clearly showing existing and proposed work and descriptions; applicable CA codes and regulations, California Building or Residential Code, Electrical, Mechanical, Plumbing, Energy, Fire, Green Building Codes and City of Seaside Municipal Code; project data, property type, type of construction, occupancy classification, square footage of existing/remodeled/new proposed structure(s) and addition(s), overall building height, fire sprinkler (Yes / No), number of stories; sheet index; deferred submittal list – trusses, sprinklers, etc. (If Applicable); special inspections noted (If Required);
  - b. SITE PLAN: North arrow; scale; setbacks; lot dimensions; property boundaries; street names; new and existing structures; building footprint and roofline with all projections dimensioned to property lines; gates; walls; fences; driveways; walks; easements; utilities; meter locations; Cal Green Mandatory Measures Checklist legibly reproduced on the plans; site improvements, including grading, drainage, and landscape irrigation;
  - c. DEMOLITION PLAN (if Applicable): Showing any existing structure(s), or portion(s) of a structure to be removed with floor plan(s) and framing details;
  - d. FLOOR PLAN (Existing/Proposed): Drawn to scale, dimensioned, rooms labeled, doors and window types, sizes, schedules; framing details;
  - e. EXTERIOR ELEVATIONS: All sides of the exterior of the building; existing & proposed exterior wall finishes and special finishes; roof materials and roof pitches; door, window, skylight, and other openings, locations, materials, and

configurations; vertical dimensions showing the height of structure(s) and heights of finished floors; locations and extent of shear walls, let-in bracing, or other methods of shear transfer;

f. FOUNDATION PLAN: Detailed and dimensioned, slabs and foundations for garages, patios, breezeways, driveways, walks; footings, piers, slabs, grade beams, retaining walls (sizes and locations); hold-downs, connections of new foundations to existing foundations; any special construction required by structure, site conditions, or expansive soils; required compressive strength of concrete; crawl access openings and screened vents under raised wood floors; North arrow;

g. ROOF FRAMING PLAN: Size and spacing of beams, rafters, headers, trusses, roof openings; layout of roof sheathing; nailing; North arrow;

h. STRUCTURAL CALCULATIONS: Signed and dated; CRC Braced Walls or CBC Shear Walls; schedule (If Modified); Soils Report (If Applicable), signed and dated;

i. PLUMBING, MECHANICAL, ELECTRICAL PLANS: Location of new or existing mechanical equipment serving the added or altered area; electrical plan with receptacles, lighting and panel schedule (If Modified); gas line diagram and calculations (If Modified); Energy Certificate of Compliance Forms reproduced on plan sheets; and

j. MPUSD release for any payment of school district fees.

### **SECTION 3.**

The City Manager is directed to execute all documents and to perform all other necessary City acts to implement effect this Ordinance.

### **SECTION 4. SEVERABILITY.**

A. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable.

B. The City Council hereby declares that it would have each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses or phrases be held unconstitutional, invalid or unenforceable.

**SECTION 5. EFFECTIVE DATE.**

This Ordinance shall become effective thirty (30) days after its final passage and adoption.

**INTRODUCED** at a regular meeting of the City Council of the City of Seaside duly held on the \_\_\_\_ day of \_\_\_\_ 2021 and passed to print.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Seaside duly held on the \_\_\_\_ day of \_\_\_\_ 2021 by the following roll call vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:

APPROVED:

\_\_\_\_\_  
Ian N. Oglesby, Mayor

ATTEST:

\_\_\_\_\_  
Dominique L. Davis, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Sheri L. Damon,  
City Attorney