



State ADU Regulations Summary - October 20, 2020

Development and Design Standards:

- A local government may apply development and design standards that include, but are not limited to parking, height, setback, landscape, architectural review, maximum size of a unit, any adverse impacts on California Register of Historic Places properties.
- Standards must be **sufficiently objective to allow for ministerial review**. Objective means that these standards must involve no personal or subjective judgment by a public official.
- ADUs under Government Code 65852.2 shall not be subject to design and development standards except for those that are noted in that section of the code.
- ADUs can exceed general plan and zoning densities.
- No minimum lot size requirement if ADU complies with Statewide Exemption ADU.
- No public improvements may be asked of the applicant (i.e. sidewalk improvements).

Statewide Exempt ADU (Subdivision E):

- Up to 800 square feet.
- 16 foot minimum height.
- 4 foot maximum rear and side yard setbacks.
- 1 ADU and 1 JADU are permitted in statewide exemption (2 total ADUs).
- Maximum size requirements must be **at least** 850 square feet for a studio, and 1,000 for a one bedroom, and 1,200 for a two bedroom.
- Up to 50% of floor area of the existing primary dwelling for an attached ADU
- No limitation on bedrooms.

Four Categories of Statewide Exempt ADUs under Subdivision E:

- One ADU or JADU per lot within the existing space of a single-family dwelling, or an ADU within an accessory structure that meets specified requirements such as exterior access and setbacks for fire and safety.
- One detached new construction ADU that does not exceed four-foot side and rear yard setbacks. This ADU may be combined on the same lot with a JADU and may be required to meet a maximum unit size requirement of 800 square feet and a height limitation of 16 feet.
- Multiple ADUs within the portions of multifamily structures that are not used as livable space. Local agencies must allow at least one of these types of ADUs and up to 25 percent of the existing multifamily structures.

- Up to two detached ADUs on a lot that has existing multifamily dwellings that are subject to height limits of 16 feet and 4-foot rear and side yard setbacks.

Definitions:

- Junior ADU (JADU): created on a lot zoned single family with one dwelling. Created within the walls of the proposed or existing single family residence (not in accessory structures), including in garages. Local governments may require replacement parking for JADUs.
- Detached ADU vs attached.

Parking:

- One space per ADU bedroom. Tandem parking (back to back in a driveway) can be considered applicable to the parking spaces required.
- Local jurisdictions are permitted to eliminate or reduce parking requirements for ADUs, such as requiring half a space per ADU.
- Exempt from parking requirements if within ½ mile of transit, or in a historic/architecturally significant district.

Impact Fees:

- ADUs exempt from impact fees incurred by local governments, special districts, and water corporations if less than 750 square feet. If larger than 750 square feet, impact fees shall be charged proportionately in relation to the square footage of the ADU vs the primary dwelling.
- Agencies can waive impact and any other fees for ADUs. They also may use fee deferrals for applicants.
- School Districts cannot charge impact fees if ADU is less than 500 square feet. School Districts are authorized to but do not have to levy impact fees for ADUs greater than 500 square feet.

Fire Sprinklers:

- Fire sprinklers not required for ADU if they are not required for the primary residence.