



# ACCESSORY DWELLING UNITS

The State of California has adopted regulations that recently became effective and eased restrictions on the development of Accessory Dwelling Units (ADUs). The standards for ADUs in the City's Zoning Ordinance were recently amended to be consistent with the recent changes to State law.

The purpose of this hand-out is to provide guidance to homeowners interested in creating new ADUs on their properties and to answer frequently asked questions. ADUs have also been referred to as second dwelling units, in-law units, or granny flats.

## **What's new with the revised ADU regulations?**

The City Council adopted further modifications to the ADU standards on May 22, 2018. These revised standards become effective on July 12, 2018. The key differences between the existing and revised ADU standards are as follows:

1. The ADU standards in SMMC Section 9.31.300 have been separated from the Accessory Building and Structures standards found in SMMC Section 9.21.020 to avoid any confusion and conflicts between the standards. The Zoning Ordinance had previously cross referenced both sets of standards in both sections of the Zoning Ordinance.
2. The previous Accessory Building and Structures standards limited the overall size of any two-story accessory building to 650 SF in size. The proposed ADU standards for a two-story ADU would remove this limitation and replace it with new standards for overall ADU size. The ADU would need to comply with all other development standards (e.g. height, setbacks, parcel coverage\*, subordinate to the primary dwelling).

*\*note that Council temporarily exempted ADUs from parcel coverage calculations as part of the R1 IZO*

3. Other key differences:

ADU DEVELOPMENT STANDARD	PREVIOUS	REVISED
Maximum Size	650 SF	<i>For parcels 6,000 SF and smaller: 650 SF For parcels greater than 6,000 SF: 800 SF</i>
Maximum Size of 2 <sup>nd</sup> Story	250 SF	No limit but cannot have greater floor area than the 1 <sup>st</sup> story
Conversion of Existing Non-Garage Accessory Building to ADU	Not addressed	Allowed

**Can an ADU always be built to these new maximum allowable sizes?**

ADUs must still be clearly subordinate to the main dwelling unit on the parcel in terms of size (i.e. floor area), location, and appearance.

**Are ADUs allowed in both Single-Unit and Multi-Unit Residential districts?**

Yes. Only one ADU may be located on a parcel with another primary, Single-Unit Dwelling.

**Are setbacks required for the conversion of an existing garage to an ADU?**

No.

**Can an ADU be two-stories in height?**

Yes. The second story of a new detached ADU requires additional setbacks and is subject to applicable development standards for two-story ADUs (SMMC Section 9.31.300). No setbacks are required when existing space above a garage (e.g. office, game room, etc.) is converted.

**Is parking required for ADUs?**

While the revised standards require one new parking space for any new ADU, parking is not required if the ADU meets certain conditions. One such condition is that if an ADU is located within a half mile from public transit, parking is not required for the ADU. All parcels within the City of Santa Monica are located within a half mile of public transit; therefore, parking for new ADUs is not required.

**If a garage is converted to an ADU, does the garage parking need to be replaced?**

Yes, if the garage was constructed as required parking for the single-unit dwelling, the garage parking spaces are required to be replaced. The replacement parking is subject to the standards of SMMC Chapter 9.28 including location requirements (e.g., located in the rear half of the parcel in Single-Unit Residential districts). However, the replacement parking may be located in any configuration on the same lot as the ADU including, but not limited to, as covered spaces, uncovered spaces, tandem spaces, or by the use of mechanical automobile lifts.

**Is the property owner required to occupy either the primary residence or ADU?**

Yes, either the primary Single-Unit Dwelling or the ADU must be owner-occupied.

**Can an ADU be rented?**

Either the primary Single-Unit Dwelling or the ADU may be rented, but both may not be rented at the same time.

**Can an ADU be offered for sale separately from the primary residence?**

No.

**Do separate utility connections need to be installed for an ADU?**

No.

**Why are some of the City standards for ADUs different than the State standards?**

For ADUs that require an addition or a new accessory structure, State law allows local governments to apply development standards such as height, parcel coverage, minimum parcel size, and maximum unit size.

**What are potential common scenarios for new ADUs?**

**1. Conversion of an existing detached accessory building (e.g. office, game room, pool house, etc.):**

- Permitted in the existing building in its existing location provided the existing setbacks are sufficient for fire safety

**2. Conversion of an existing one-story garage to an ADU:**

- Subject to the ADU standards in SMMC Section 9.31.300
- Permitted in the existing garage
- No setbacks required for the garage conversion
- If the garage was constructed as required parking for the single-unit dwelling, the garage parking spaces are required to be replaced
- The replacement parking may be located in any configuration on the same lot as the ADU including, but not limited to, as covered spaces, uncovered spaces, tandem spaces, or by the use of mechanical automobile lifts

**3. Conversion of an existing one-story garage to an ADU and addition of floor area to the converted garage:**

- Subject to the ADU standards in SMMC Section 9.31.300
- Permitted in the existing garage
- No setbacks required for the garage conversion
- New additions to the converted garage must meet applicable development standards for ADUs (SMMC Section 9.31.300)
- The same minimum side setback for the principal building (no less than five feet) and a 15-foot rear setback (from the centerline of the alley or from the rear parcel line if no alley exists) are required for the second story of an ADU added above a garage
- If the garage was constructed as required parking for the single-unit dwelling, the garage parking spaces are required to be replaced
- The replacement parking may be located in any configuration on the same lot as the ADU including, but not limited to, as covered spaces, uncovered spaces, tandem spaces, or by the use of mechanical automobile lifts

**4. Construction of a new detached one-story or two-story ADU:**

- Subject to the ADU standards in SMMC Section 9.31.300

**If I have further questions about ADUs, who can I contact?**

You can contact any planner in the City Planning Division at (310) 458-8341.

## **Zoning Ordinance Definitions (SMMC Section 9.51.020)**

**“Accessory Dwelling Unit”** – A dwelling unit providing complete independent living facilities for one or more persons that is located on a parcel with another primary, single-unit dwelling as defined by State law. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-unit dwelling’s location. An accessory unit may be within the same structure as the primary unit, in an attached structure, or in a separate structure on the same parcel. This use is distinguished from a duplex.

**“Duplex”** – A single building that contains two dwelling units or two single unit dwellings on a single parcel. This use is distinguished from an Accessory Dwelling Unit, which is an accessory residential unit as defined by State law and this Ordinance.

**“Single-Unit Dwelling”** – A dwelling unit that is designed for occupancy by one household, located on a single parcel that does not contain any other dwelling unit (except an accessory dwelling unit, where permitted), and not attached to another dwelling unit on an abutting parcel. This classification includes individual manufactured housing units installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code.

## PLAN REVIEW TYPES

1. **Medium Plan Check Review** (3 weeks for initial review) - Construction of new ADU structure, or an ADU project that involves adding floor area to an existing structure.
2. **Minor Plan Check Review** (5 days for initial review) - Conversion of existing floor area (including garage) to an ADU.

### FEES (as of July 2018)

#### Medium Plan Check Review Fees

- Building & Safety review - \$619.60
- City Planning review - \$233.00
- Public Works review - \$210.03
- Fire Dept. review - \$511.20
- Green Building Title 24 review - 10% of Building & Safety plan check review fee.
- Energy Compliance review - \$447.79

#### Minor Plan Check Review Fees\*

- Building & Safety review - \$619.60
- City Planning review - \$117.00
- Public Works review - \$210.03
- Fire Dept. review (deferred review up to five days) - \$511.20

\*Approval from Building & Safety, City Planning, and/or Public Works may be obtained at the public counter to facilitate the review process. Fire Department review requires upload to City's Electronic Plan Review system.

#### Potential Additional Plan Check Fees

- Electrical review - \$884.34;
- Mechanical review - \$884.34;
- Plumbing review - \$884.34;
- Construction & Demolition Waste Management Plan review - \$569.56;
- Public Landscape review - \$276.34 for every 50 feet (or fraction thereof) of street frontage.

#### Permit Fees

- Permit fees - \$167.52 + 1.7143/SF
- Plan and permit maintenance fee – 13% of Permit and Inspection fees
- Fire Dept. inspection fee - \$586.95
- Strong Motion & Seismic Hazard Mapping (State mandated fee) - \$13 per \$100K of project valuation
- Green Building (State mandated fee) - \$1 for every \$25k of project valuation.

#### Potential Additional Permit Fees

- Construction & Demolition Performance Security Deposit – 3% of project valuation up to a maximum deposit of \$3,000;
- School fees - \$2.63/SF for any ADU (new or converted) over 500SF in size.

## APPLICABILITY OF POTENTIAL ADDITIONAL PLAN CHECK AND/OR PERMIT FEES

### City Planning Division

Project may require or be subject to:

- A land use entitlement (e.g. [Variance](#)), per the land use regulations and development standards of the [Zoning Ordinance](#);
- [Landmarks or historic preservation requirements](#).

### Public Works Department

#### Water /

#### Stormwater

- [Water Neutrality](#) requirements if new development;
- [Urban runoff mitigation](#) if new structure of 500SF or more, or addition of 50% or more to an existing 500SF or more structure.

#### Energy

- Subject to [Zero Net Energy](#) requirements if new development;
- Undergrounding of overhead utilities required if proposed ADU is a new structure, or if project valuation exceeds 50% of the replacement value of the existing structures on the property. A waiver can be obtained if 1) average cost of three contractors' bids to underground utilities exceeds 15% of the project's valuation, or 2) if servicing power pole is on a property where property owner declines to provide utility easement on their property to serve ADU.

#### Resource Recovery and Recycling

- [Resource Recovery & Recycling standards](#) for new construction or project valuation over \$238,000.
- [Construction & Demolition Waste Management Plan](#) approval and security deposit if project includes more than 1,000 square feet of area or project valuation exceeds \$50,000.

#### Urban Forestry

- Project may be subject to compliance with [Tree Protection requirements](#) if property does not have alley access.