



# ACCESSORY DWELLING UNITS

The State of California adopted State Assembly Bill 2299 in 2016 which 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 main changes to the standards include the replacement of the existing "Second Dwelling Unit" terminology to "Accessory Dwelling Unit", a reduction of parking requirements for ADUs, and the ability to convert existing garages and accessory buildings to ADUs.

## **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.

## **What is the maximum size allowed for an ADU?**

The maximum allowable size for an ADU remains at 650 square feet. The ADU counts towards the maximum allowable parcel coverage for a property.

## **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 is limited to a maximum size of 250 square feet, requires five-foot side and rear setbacks, and is subject to applicable development standards for two-story accessory buildings [SMMC Section 9.21.020(D)]. 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.

**Will new ADUs be subject to any development fees?**

New ADUs are subject to the following development fees in addition to standard permitting fees:

- Childcare Linkage Fee (SMMC Chapter 9.65)
- Transportation Impact Fee (SMMC Chapter 9.66)
- Parks and Recreation Development Impact Fee (SMMC Chapter 9.67)

**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.

**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.

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

- 1. Conversion of an existing one-story detached accessory building (e.g. office, game room, pool house, etc.):**
  - Permitted in the existing building in its existing location
  
- 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 accessory buildings (SMMC Section 9.21.020)
  - Five-foot side and rear setbacks required for second story of 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
  - New detached ADUs are subject to applicable development standards for one and two-story accessory buildings (SMMC Section 9.21.020)

## **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.

## **Accessory Dwelling Units (SMMC Section 9.31.300)**

Accessory Dwelling Units shall be developed, located, and operated in accord with the following standards.

- A. **Purpose.** The purpose of this Section is to:
1. Allow Accessory Dwelling Units as an accessory use to Single Unit Dwellings, consistent with California Government Code Section 65852.2, and provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located;
  2. Establish that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot upon which it is located;
  3. Allow for an increase in the supply of affordable housing in the City; and
  4. Maintain the single unit character of neighborhoods in the City.
- B. **Permit Requirements.**
1. **Zoning Conformance Review.** An Accessory Dwelling Unit that conforms to all standards of this Section not to exceed 650 square feet of floor area is permitted by right. A Zoning Conformance Review shall be conducted to verify compliance with all applicable standards.
- C. **Location.** An Accessory Dwelling Unit may be established on any legal parcel that contains 4,000 square feet or more in any District where a primary Single Unit Dwelling has been previously established or is proposed to be established in

conjunction with construction of the Accessory Dwelling Unit. Only one Accessory Dwelling Unit is permitted per parcel.

D. **Type of Unit and Relation to Main Dwelling.** The Accessory Dwelling Unit shall provide separate, independent living quarters for one household. The Accessory Dwelling Unit may be attached, detached, or located within the living area of the primary Single Unit Dwelling on the parcel, subject to the standards of this Section.

E. **Conversion or Demolition of Existing Structures.**

1. **Garage Conversions.** Conversion of all or a portion of a garage to an Accessory Dwelling Unit is permitted, provided that alternate parking for the primary dwelling is provided that meets the requirements of Chapter 9.28, Parking, Loading, and Circulation, and the District within which the parcel is located. Notwithstanding Chapter 9.28, such alternate parking may be located in any configuration on the same lot as the Accessory Dwelling Unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. No setback shall be required for an existing garage that is converted to an Accessory Dwelling Unit, and a setback of five feet from the side and rear property lines shall be required for an Accessory Dwelling Unit that is constructed above a garage.
2. **Demolition of Existing Structure.** When an existing garage, carport, or covered parking structure is demolished in conjunction with the construction of an Accessory Dwelling Unit, alternate parking for the primary dwelling shall be provided in a form that meets the requirements of Chapter 9.28, Parking, Loading, and Circulation and the District within which the parcel is located. Notwithstanding Chapter 9.28, such alternate parking may be located in any configuration on the same lot as the Accessory Dwelling Unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts.
3. **Conversion of Existing Floor Area of the Main Dwelling.** The creation of an Accessory Dwelling Unit through conversion of part of the existing floor area of the main dwelling shall be allowed, provided it does not result in the floor area of the main dwelling being less than 150 percent of the floor area of the Accessory Dwelling Unit, or in violation of the standards of the California Building Code.
4. **Conversion of an Existing House to an Accessory Dwelling Unit.** In cases in which an existing Single Unit Dwelling has an area 650 square feet or less, the Review Authority may approve the construction of one additional residence that is intended to be the primary residence (a Single Unit Dwelling) on the property. The existing residence, which is intended to become the lawful Accessory Dwelling Unit, must comply with all the requirements of this Section. The primary residence shall be constructed in accordance with the provisions of the applicable District standards and other requirements of this Ordinance.

- F. **Development Standards.** An Accessory Dwelling Unit shall conform to the height, setbacks, parcel coverage and other zoning requirements of the District in which it is located, other requirements of this Ordinance, and other applicable City codes, except as provided in this Section.
1. **Attached Accessory Dwelling Units.** An Accessory Dwelling Unit that is attached to the primary dwelling shall comply with all the property development standards for the primary dwelling.
  2. **Detached Accessory Dwelling Units.** A detached Accessory Dwelling Unit located within a new or existing one story accessory structure shall comply with all requirements applicable to one-story accessory structures up to 14 feet in height in Section 9.21.020, Accessory Buildings and Structures, unless it is located within a new or existing accessory structure over one story or 14 feet in height, upon which it shall comply with all requirements applicable to accessory structures over one story or 14 feet in height in Section 9.21.020, Accessory Buildings and Structures.
- G. **Design Standards.** The exterior design of the Accessory Dwelling Unit, including building forms, materials, colors, exterior finishes, and landscaping, shall be compatible with the primary single unit dwelling.
1. The Accessory Dwelling Unit shall be clearly subordinate to the main dwelling unit on the parcel in terms of size, location, and appearance.
  2. The entrance to the Accessory Dwelling Unit shall not be on the front or street side setback unless it is a shared entrance with the primary unit.
- H. **Parking.**
1. **Required Parking.** One on-site parking space, which may be unenclosed, shall be provided for the Accessory Dwelling Unit. This space shall comply with all development standards set forth in Chapter 9.28, Parking, Loading, and Circulation, and the requirements for the District. A tandem parking space may also be used to meet the parking requirement for the Accessory Dwelling Unit and may be provided on an existing driveway. Required parking for the primary Single Unit Dwelling may not be removed for the creation of an Accessory Dwelling Unit or allocated to meet the parking requirement for the Accessory Dwelling Unit unless replacement parking is provided in accord with this Ordinance.
  2. **Exemptions.** Notwithstanding any other parking required by this Section or Chapter 9.28 of this Ordinance, no parking spaces shall be required for an Accessory Dwelling Unit in any of the following instances:
    - a. The Accessory Dwelling Unit is located within one-half mile of public transit;
    - b. The Accessory Dwelling Unit is an individually designated historic resource or is located within an architecturally and historically significant historic district;
    - c. The Accessory Dwelling Unit is part of the existing primary residence or an existing accessory structure;

- d. When on-street parking permits are required but not offered to the occupant of the Accessory Dwelling Unit; or
  - e. When there is a car share vehicle located within one block of the Accessory Dwelling Unit.
- I. **Owner Occupancy, Rental, and Sale Limitations.** Either the primary Single Unit Dwelling or the Accessory Dwelling Unit shall be owner-occupied. Either unit may be rented, but both may not be rented at the same time. An Accessory Dwelling Unit shall not be offered for sale separately from the primary dwelling unit. The primary Single Unit Dwelling or the Accessory Dwelling Unit shall only be offered for residential occupancy for more than thirty (30) days.