

NEW STATE LAWS MAKE IT EASIER THAN EVER TO BUILD ADUS

As of January 1, 2020 the following new California laws override inconsistent local laws to encourage property owners to build ADUs and “Junior ADUs” (JADUs). *Note: these may not apply in the Coastal Zone, and may occasionally be modified elsewhere when necessary for safety, traffic, or infrastructure reasons, so always check with your local planning department before starting to plan any ADU project.*

Allowed Locations:

- ADUs can now generally be built on **any lot with an existing, or proposed, single family or multifamily building** in a residential or mixed use zone regardless of lot size.
- **BOTH a detached ADU and an interior JADU can be built on a single family lot.**
- **At least 2 ADUs can be built on a multifamily or mixed-use lot** including two detached ADUs (up to 800 sf, up to 16 feet high, with at least 4 feet setbacks), **PLUS** non-living space can be converted into ADUs up to a quarter of the existing apartment count.
- **Homeowners associations cannot ban ADUs or JADUs**, regardless of any existing rules or covenants. However, HOAs can set reasonable design guidelines for ADUs and JADUs.

Application Process, Fees, Occupancy Restrictions and Amnesty:

- **The approval process for ADUs is ministerial** - if it meets the standards, it must be approved without any public hearings.
- Permitting agencies have no more than 60 days to review an application.
- **No impact fees on ADUs less than 750 sf.** If larger than 750 sf, impact fees (for schools, roads, parks, etc.) must be proportional to the main house. Permit fees can still be charged.
- Charges for upgraded utility capacity must be proportionate to the new demand.
- ADUs that receive building permits between 1/1/2020 and 12/31/2024 are **exempt from owner occupancy rules.** JADUs still require owner occupancy.
- Mandatory 5-year stay of enforcement on unpermitted ADUs if they meet health and safety standards.

Unit Sizes and Design Standards:

- Must allow freestanding and attached ADUs up to 800 sf, up to 16 feet high, with at least 4 feet side and rear yard setbacks. Construction standards apply but not typical zoning standards (i.e., lot coverage, floor area ratios, or open space).
- No setbacks will be required if the ADU is the conversion or replacement of an existing structure such as a garage or shed that is closer than 4 feet to the property line.

Parking:

- **No more than one parking space can be required per ADU**, and it can be uncovered and tandem
- **No replacement parking is required for garage conversions.**
- **No new parking is required** if existing space is converted, or if within ½ mile walk of transit (including bus stops), or within a block of a car share, or if required parking permits are not offered for ADUs.

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