



State Regulations – Government Code § 65252.2

SB 1866



In the absence of a local second-unit ordinance in accordance, the State standards contained in Government Code Section 65852.2 establish the criteria for approving and denying second-unit applications. This criterion is as follows:

1. The unit is not intended for sale and may be rented.
2. The lot is zoned for single-family or multifamily use.
3. The lot contains an existing single family dwelling.
4. The second accessory unit is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing primary dwelling.
5. The increased floor area of an attached second accessory unit shall not exceed 30 percent of the existing living area.
6. The total area of floorspace for a detached second unit shall not exceed 1,200 square feet.
7. Requirements relating to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located must be satisfied.
8. Local building code requirements which apply to detached dwellings, as appropriate, must be satisfied.
9. Approval by the local health officer where a private sewage disposal system is being used, if required, must be obtained.

The City CANNOT:

- Restrict ADUs based on residential density requirements.
- Require more than one parking space per unit or bedroom; parking shall be allowed in setbacks or in tandem (one behind another) uncovered.

The City CAN:

- Include standards such as parking, height, setback, lot coverage, design review, maximum size and historic resource protection that are applicable to residential development in general.
- Require the ADU to meet certain standards, including:
 - ADU will not be sold separately and may be available for rental
 - Must be located on the same lot as the primary dwelling, attached or detached
 - Maximum floor area/occupancy
 - Meet building code requirements
 - Meet sewage disposal requirements
 - Require an owner-occupant of one of the dwellings
- Charge fees to cover the costs of review
- Require that ADUs be only a certain percentage of the size of the primary dwelling
- Provide for maximum or minimum sizes, provided that at least an efficiency unit is allowed, which is defined by CA Health and Safety Code §17958.1:

efficiency units for occupancy by no more than two persons which have a minimum floor area of 150 square feet and which may also have a partial kitchen or bathroom facilities, as specified by this ordinance.