



ACCESSORY DWELLING UNITS (ADUs) & JUNIOR ACCESSORY DWELLING UNITS (JADUs) Informational Handout

BACKGROUND

The Planning and Zoning Law authorizes a local agency, such as the City of Petaluma, to provide for the creation of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs). In response to the statewide housing crisis, state legislators have adopted a series of major reforms to the processing of ADUs and JADUs. This informational handout provides clarification on general ADU/JADU permit requirements as well as clarification regarding changes from the State that became effective on January 1, 2020. For more detailed information, please see [Sections 7.030 and 7.035 of the Implementing Zoning Ordinance](#).

ADUs & JADUs

ADUs and JADUs are two different types of units and subject to different types of controls. JADUs are limited to 500 square-feet, must be within a single-family residence, may only result in minor expansions to an existing building and have very specific standards relative to how they relate or connect to the primary residence. The recent state legislation only made minor changes to the controls for JADUs. ADUs are larger units that can be attached or detached to an existing residence. See the table below for additional distinctions.

| STANDARD | THE WAY IT WAS | THE WAY IT IS NOW |
|---------------------------------|--|---|
| Zoning Districts | Both ADUs and JADUs were only allowed in the AG, R1, R2, R3, R4 and MU1C zoning districts, as well as any Planned Unit Districts (PUDs) that didn't explicitly prohibit them. | Now ADUs are also allowed in R5, MU1A, MU1B and MU2 zoning districts and all PUDs, regardless of HOA prohibitions. |
| Types of Units Permitted | Regardless of zoning, only one ADU or JADU was permitted on a lot with an <u>existing</u> single-family dwelling. JADUs could only be added through a bedroom conversion and must also be within the <u>existing</u> single-family dwelling. | ADUs are now allowed on single- and multi-family lots, as long as they are added to an <u>existing or proposed</u> primary residence. JADUs must still be on a single-family lot, but may now be part of a <u>proposed</u> single-family residence. When converting space within an existing single-family residence, JADUs are no longer limited to just bedroom conversions. They may also convert other interior spaces, such as garages. |
| Size of Units | JADUs may not be larger than 500 square-feet. ADUs were limited to 720 square-feet. | JADUs are still limited to 500 square-feet. ADUs are now limited to 1,000 square-feet. However, if the ADU is attached, it may not exceed 50 percent of the total living area of the primary residence, unless the ADU has a total living area no greater than 800 square-feet, is not taller than 16 feet, and provides minimum four-foot side & rear-yard setbacks. *Living area does not include garage space. |



| STANDARD | THE WAY IT WAS | THE WAY IT IS NOW |
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| Number of Units | Only one JADU or ADU was permitted per lot. An owner must choose. | Up to one JADU and one ADU may exist in combination on a single-family lot. On multi-family lots, ADUs are allowed within the existing building/proposed envelope so long as (1) they do not displace or convert existing residential uses and (2) the number of ADUs within the building does not exceed 25 percent of the existing number of primary residences. Up to two ADUs are allowed outside of the existing/proposed building envelope as detached structures, but are limited to 16 feet in height and must provide at least 4-foot side and rear yard setbacks. |
| Off-Street Parking | Parking was only required as replacement parking if a proposed ADU converted existing, code-complying parking for the primary residence. | If an ADU or JADU eliminates existing required parking, replacement parking is not required. |
| Side and Rear Yard Setbacks | Detached ADUs must provide a minimum 4-side yard setback and a minimum 5-foot rear yard setback. | Detached ADUs must provide a minimum 4-foot side setback and a minimum 4-foot rear setback. |
| Building Height | Where permitted, ADUs are limited to a height of 21-feet | Height limit did not change, but varies for detached structure based on existing zoning requirements. Ranging from 20 to 21 feet. *Some ADUs are limited to 16 feet in height when located on multi-family lots or seeking exceptions to development standards |
| Lot Coverage and Floor Area Ratio (FAR) | Lot coverage limitations apply to detached ADUs when located in required yards and setbacks. FAR limits did not apply. | Exemptions for ADUs that are 800 square feet or less, do not exceed 16-feet in height, provide the minimum 4-foot side and rear yard setbacks, and comply with all other local development standards. |
| Open Space | Each ADU must provide 100 square feet of usable open space. | Exemptions for ADUs that are 800 square feet or less, do not exceed 16-feet in height, provide the minimum 4-foot side and rear yard setbacks, and comply with all other local development standards. |
| Kitchen Facilities | A JADU must include an efficiency kitchen with specific standards for the size of the kitchen sink and the required voltage for cooking equipment. | The kitchen for a JADU must be consistent with the City's Building Code standards. No longer under Planning purview. |



| STANDARD | THE WAY IT WAS | THE WAY IT IS NOW |
|-------------------------------------|--|--|
| Owner/Occupancy Limitations | ADUs and JADUs must be leased for a term of more than 30 days (no Short Term Vacation Rentals). The owner of a property with a JADU must occupy either the JADU or the primary dwelling. Neither a JADU or ADU can be sold separately from the primary unit. | There is now an exception for nonprofits to sell units subject to specific requirements characteristic of standard affordable housing practices. No other changes. |
| Non-Conforming Structures | Reconstruction of a non-conforming structure, in-kind, is not allowed. | Reconstruction of non-conforming structures only allowed if the structure will become an ADU and will occupy the same location, building footprint, and height as the existing structure. If the proposal also includes an expansion to a nonconforming structure, such as adding a second story, the addition must provide setbacks of no less than four feet from the side and rear lot lines. |
| City Development Impact Fees | All ADUs subject to a flat fee for all development impact fee categories: <ul style="list-style-type: none"> - City Facilities Impact Fee - Open Space Acquisition Fee - Park Land Acquisition Fee (Quimby & Non-Quimby) - Park Land Development - Traffic Mitigation Fee | All ADUs less than 750 square feet, are exempt from development impact fees. All other ADUs must pay a fee based on the unit's size relationship to the primary residence. (See example calculations on the following page) Note that other fees and the permit application fee still apply. |
| Waste Water Capacity Fee | ADUs were assessed a flat wastewater capacity fee based on the fiscal year's fee schedule. | Projects that add up to one ADU and one JADU to an existing single-family dwelling are exempt. In all other cases, a connection charge or capacity fee may be assessed if it is proportionate to the burden of the ADU, based on square footage of the ADU unit or the number of drainage fixtures. |
| Amnesty Program | An ADU or JADU established without benefit of a permit, upon receiving a Notice of Violation from the City, must immediately take corrective action. | ADUs or JADUs established without benefit of a permit have up to five years to resolving the code violation. UNLESS there is a health and safety violation. |
| Review Timeline | A local jurisdiction has 120-days to review and approve a ministerial application for a new ADU or JADU. The timeline does not including time spent by the applicant amending plans. Additionally, the timeline does not apply to projects that require entitlement actions for other scopes of work. | The timeline is now 60-days. **Staff is currently reviewing how this impacts the review of ADUs in Historic Districts. |



Development Impact Fee Calculations

As noted in the table above all ADUs less than 750 square feet, are exempt from development impact fees. All other ADUs must pay a fee, which as required by the new state legislation, must be based on the unit's size relationship to its primary residence. To comply with state law the City Council approved a temporary fee structure for ADUs that are 750 square feet or larger that is based on existing nexus studies.

If the square footage of an ADU is 750 square-feet or more, and more than 34 percent of the primary single-family dwelling or more than 51 percent of the primary multi-family dwelling, the fee as stated in the current fee schedule applies to the new ADU.

If the square footage of an ADU is 750 square-feet or more, and proportionately less than the thresholds noted above (34 or 51 percent, depending on the type of primary unit), then the applicable fee would be prorated on a square footage basis.

The following are examples of this scenario where the City Facilities Development Impact fee is applied to a theoretical ADU. Note that the current City Facilities Development Impact fee is \$6,376.00 per single-family unit, \$4,292.00 per multi-family unit, and \$2,187.00 per accessory dwelling unit. Additionally, the City Facilities Development Impact fee is just one fee to consider. It is used here as a single example.

Example 1: If a 1,000 square-foot ADU is proposed as accessory to a 4,000 square-foot single-family home, and therefore, the size of the ADU is 25 percent of the single-family home, but greater than 750 square-feet, the City Facilities Development impact fee will be equal to 25 percent of the fee for a single-family dwelling.

$$.25 * \$6,376.00 = \$1,594.00$$

Example 2: If a 749 square-foot ADU is proposed as ancillary to a 1,000 square-foot single-family home, and therefore, the size of the ADU is 74.9 percent of the single-family home, but less than 750 square-feet, there is no impact fee per the state mandate.

Example 3: If an 800 square-foot ADU is proposed as ancillary to a 1,200 square-foot single-family home, and therefore, the size of the ADU is 75 percent of the single-family home, and 750 square-feet or larger, the impact fee is the current maximum of \$2,187.00.

Example 4: If an 800 square-foot ADU is proposed as ancillary to a 2,400 square-foot attached single-family home, such as a condominium which is considered multi-family housing, and therefore the size of the ADU is 30 percent of the multi-family unit, and 750 square-feet or larger, the impact fee would be prorated as 30% of the multi-family impact fee.

$$.3 * \$4,292 = \$1,287.60$$

Example 5: If a 600 square-foot ADU is proposed as accessory to an 1,800 square-foot duplex, and therefore the size of the ADU is 30 percent of the multi-family unit but less than 750 square-feet, there is no impact fee per the state mandate.

Example 6: If a 1,000 square-foot ADU is proposed as accessory to a 1,500 square-foot townhome, and the size of the ADU is therefore, 66 percent of the multi-family unit, and 750 square-feet or larger, the impact fee is the current maximum of \$2,187.00.