



What is an Accessory Dwelling Unit?

An **Accessory Dwelling Unit** (aka, “second unit,” “in-law unit,” or “granny unit”) is an additional dwelling located on the same lot as a single-family or multi-family development. An Accessory Dwelling Unit may be attached to the primary residence, detached from the primary residence, or contained within an existing residence or accessory structure. A **Junior Accessory Dwelling Unit (JADU)** is a unit that is no more than 500 square feet and contained entirely within the single-family structure

What is the Review Process?

In order to make the review process as efficient as possible, accessory dwelling unit (ADU) and junior accessory dwelling units (JADU) applications will now be submitted to the Building Division as a building permit. Prior to submitting to building, please review the Data Sheet/ Checklist for Accessory Dwelling Units and JADUs with a Planner. The Planning Division will still do an official required ministerial review during the Building Permit Plan Check timeframe and the ADU review fee (\$300) will be charged in addition to building permit fees through the building permit.

What Regulations Apply to Accessory Dwelling Units?

On January 1, 2020 new state regulations pertaining to Accessory Dwelling Units and junior accessory dwelling units (JADU) (Government Code Section 65852.2, 65852.22 and Health & Safety Code Section 17980.12) became effective and necessitate revisions to San Rafael’s existing accessory dwelling unit ordinance. Until San Rafael adopts a new ordinance, we have put together this information to help explain the state regulations that we are currently operating under. There were many changes with the new legislation. Here are a few highlights:

- Owner-occupancy is still required for a JADU but not for an ADU.
- An ADU can be at least 800 square feet.
- A JADU can now be constructed within the walls of the proposed or existing single-family residence and does not require inclusion of an existing bedroom or an interior entry into the single-family residence. A junior ADU must have a cooking facility but a city can no longer limit the nature of the electrical, gas or propane gas connections or the sink size.

What if my property isn’t zoned residential but I have a residence on it?

The rules apply to properties that are in a zoning district that allows residential use. For example, the Commercial/Office zoning district (C/O) is a commercial district but it does allow multifamily use under certain circumstances so the rules would apply to an existing residential use in the C/O district.

Can I build a new ADU in my front yard?

An ADU may only be placed between the front-facing wall of the primary structure and the front setback with administrative design review.

Are fire sprinklers required?

Fire sprinklers cannot be required in an ADU if sprinklers are not required for the primary residence. However, if the addition of the ADU incorporates a remodel of more than 50% of the main residence then sprinklers will be triggered for both the main residence and the ADU.

Is there a minimum size for the unit?

In a single-family residence: The floor area of the ADU should have at minimum a combined living, eating and sleeping room not less than 70 square feet. For a multifamily residence, an ADU should contain at minimum combined living, eating and sleeping room not less than 150 square feet. In both cases, any additional habitable rooms should be a min of 70 square feet and not less than 7 feet in any direction.

What is the maximum size for the unit?

There is no square footage limit for existing space. If you are adding square footage to create an ADU, the square footage of the unit cannot exceed 50% of the main residence. A detached ADU cannot exceed 1,200 square feet.

What if I don't comply with lot coverage, floor area ratio, open space or similar standards?

Regardless of lot coverage, floor area ratio, natural space and other standards the City must permit at least an 800 sq. ft. ADU that is up to 16 feet tall with at least a 4-foot setback.

Do I need to replace parking if I convert my covered parking at my home?

When ADUs are created through the conversion of a garage, carport or covered parking structure, replacement off-street parking is not required.

What is the max number of ADU's and JADU's I can add?

- **Single Family**
 - **Within an existing or proposed single-family home:** One ADU or one JADU per lot if exterior access is available; and side and rear setbacks are sufficient for fire and safety.
 - **Detached:** One detached, new construction ADU can be added to a property. This can be in addition to a JADU.
- **Multifamily**
 - **Within Existing Structure:** At least one ADU within portions of existing multifamily dwelling structures that are not used as livable space if each unit complies with state building standards. The number of ADUs shall allow up to 25% of the existing multifamily dwelling units. No JADUs allowed
 - **Detached:** Not more than two ADUs that are located on a lot that has an existing multifamily dwelling but are detached from the dwelling and are subject to a height limit of 16 feet and four-foot rear and side setbacks.

If I demo my detached accessory structure that is less than 3 feet from the property line, can I rebuild it as an ADU? What if I just want to add on to it?

No additional setback is required for ADU if constructed in the same location and with the same dimensions as the existing structure. An expansion of no more than 150 square feet beyond the existing dimensions can be allowed for ingress and egress purposes only.

My Covenants, conditions and restrictions (CC&Rs) don't allow an accessory dwelling unit, does that override the new California laws?

CC&Rs that either effectively prohibit or unreasonably restrict the construction or use of an ADU or JADU on a lot zoned for single-family residential use are void and unenforceable.