

ACCESSORY DWELLING UNIT GUIDE

Recent amendments to state laws (Government Code Sections 65852.2 and 65852.22) have made it easier for homeowners to construct an Accessory Dwelling Unit and a Junior Accessory Dwelling Unit on their properties. Effective January 1, 2020, any conflicting regulation within the Daly City Municipal Code is superseded by state law until the City adopts a local ordinance. This handout will be updated after a local ordinance is adopted and when state laws are amended.

What is an ADU?

An Accessory Dwelling Unit (ADU) is a dwelling unit that provides complete independent living facilities for one or more persons and includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot as the single-family or multi-family dwelling in which it is located. An ADU is considered an accessory use or an accessory structure and is not included in the allowable density for the lot.

What is a JADU?

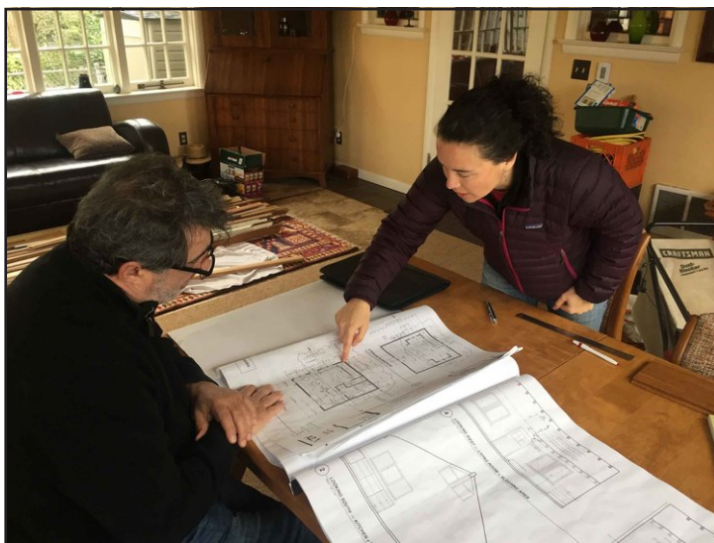
A Junior Accessory Dwelling Unit (JADU) is a dwelling unit located entirely within the walls of an existing or proposed single-family dwelling that is no more than 500 square feet in size. Compared to an ADU, a JADU only requires an efficiency kitchen and is not required to have a private bathroom as long as it has full access to a bathroom in the primary dwelling. JADUs are not considered separate dwelling units for fire protection and utility purposes.

Locations & Quantity Permitted

Location. ADUs are permitted on lots with an existing or proposed single-family or multi-family dwelling (including duplexes). JADUs are only permitted within a single-family dwelling.

For single-family dwelling lots, an ADU may be proposed within or attached to the main residence, within an existing attached or detached garage or accessory structure, or in a proposed detached accessory structure. JADUs are only permitted within the walls of an existing or proposed single-family dwelling. For multi-family dwelling lots, attached ADUs may only be proposed within existing non-living areas (e.g. storage, garage) and detached ADUs are subject to a 16-foot height limit and 4-foot rear and side yard setbacks.

For lots located within the Coastal Zone, ADUs proposed entirely within or attached to primary



Photos courtesy of buildinganadu.com

dwellings are typically exempt from Coastal Development Permit (CDP) requirements. JADUs are also exempt because they are located entirely within the walls of the primary dwelling. Detached ADUs are not exempt and a CDP may be required. Please contact the Planning Division for more information.

Quantity. No more than one ADU and one JADU are permitted on a lot with an existing or proposed single-family dwelling. On multi-family dwelling lots, attached ADUs are limited to 25% of the existing units (e.g. one ADU for a four-unit apartment building), or one ADU, whichever is greater. For detached ADUs, up to two detached ADUs are permitted.



FREQUENTLY ASKED QUESTIONS

1. Is owner occupancy required for ADUs and JADUs?

Owner occupancy (homeowner lives in either the primary dwelling or the ADU) is not required for ADUs permitted between January 1, 2020 and December 31, 2024. However, for ADUs permitted prior to this period, owner occupancy is still required. For JADUs, owner occupancy is required.

2. May I rent out my ADU or JADU as a short-term rental?

ADUs and JADUs may not be rented as a short-term rental, defined as a rental for a period of 30 consecutive days or less.

3. Is my property located within the Coastal Zone?

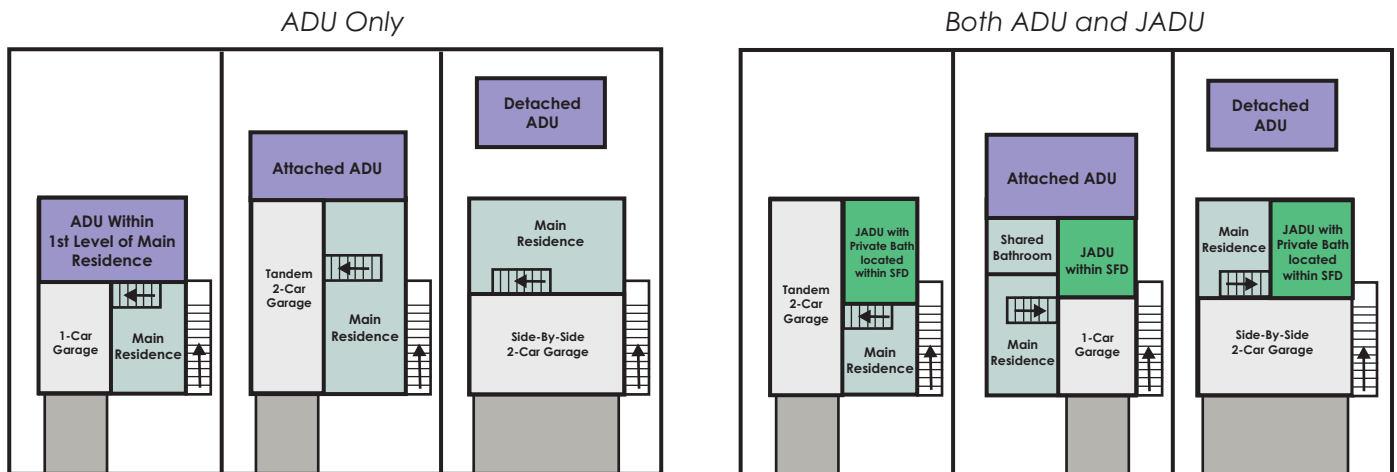
Properties west of Skyline Boulevard and west of Eastgate Drive (north of John Daly Boulevard) are located within the Coastal Zone. Please contact the Planning Division to confirm the location of your property and to determine if a Coastal Development Permit is required for your ADU or JADU proposal.

4. Are fire sprinklers required in an ADU? Are there any other requirements from other departments/agencies?

Fire sprinklers are no longer required in an ADU if they are not required in the primary residence. However, both ADUs and JADUs must comply with all other applicable building, fire, and health and safety codes including fire flow test requirements. Please contact the respective departments/agencies for more information on their requirements.

5. Do you have any examples of ADUs and JADUs that have been proposed in Daly City?

Yes! The following are examples of common ADU and JADU layouts on single-family dwelling lots in Daly City:



Notes: Illustrations are not to scale. All examples include a two-level single-family dwelling.

ADDITIONAL QUESTIONS?

Please contact the Daly City Planning Division at **(650) 991-8033** or visit the Planning Counter open Monday through Friday (excluding holidays) from 8:00am to 5:00pm.



ACCESSORY DWELLING UNIT CHECKLIST

After reviewing the *Accessory Dwelling Unit Guide*, please review the following checklist which includes the criteria for ADUs on single-family dwelling lots prior to submitting your application.

- Attached ADUs or ADUs Within the Primary Dwelling:
 - Total floor area of ADU does not exceed 50% of the floor area of the primary dwelling, or is no more than 850 sq. ft. for up to one bedroom or 1,000 sq. ft. for more than one bedroom, whichever is greater.
 - Minimum 4-foot rear yard setback
 - Complies with front and side yard setbacks, lot coverage, and building height requirements for the zoning district in which the lot is located
 - Garage Conversions: Proposal is compliant with all other zoning regulations such as trash & recycling storage areas and front yard paving. Consultation with the Engineering Division is also required to determine if the driveway curb cut must be removed or reduced.
- Detached ADUs:
 - Total floor area of the ADU does not exceed 1,200 sq. ft.
 - Minimum 4-foot rear and side yard setbacks
 - Complies with the front yard setback and lot coverage requirements for the zoning district in which the lot is located
- Exemptions:
 - Lot coverage, floor area ratio, open space, or minimum lot size cannot preclude the construction of a statewide exemption ADU, an ADU (attached or detached) up to 800 sq. ft. in size and 16 ft. in height with 4-foot side and rear yard setbacks.
 - A detached new construction ADU that is a maximum of 800 sq. ft. in size and 16 ft. in height with 4-foot side and rear yard setbacks is not subject to other zoning and development standards (Government Code Section 65852.2, subdivision (e)).
 - Minimum setbacks are not required if the ADU is constructed entirely within an existing living area or within or replaces a structure in the same location and to the same dimensions as the existing structure
- One exterior pedestrian entrance (not including a sliding glass door) to the ADU is provided at the rear elevation or same side elevation as the main entrance to the primary dwelling, unless it would result in trespassing onto adjacent property
- Paved walkway from sidewalk or driveway to ADU entrance is provided
- Complies with design review standards in Daly City Municipal Code Chapter 17.45 (Design Review)
- Complies with all applicable building, fire, and other health and safety codes (separation distance between structures, fire sprinklers, fire flow test, etc.)



JUNIOR ACCESSORY DWELLING UNIT CHECKLIST

After reviewing the *Accessory Dwelling Unit Guide*, please review the following checklist which includes the criteria for JADUs on single-family dwelling lots prior to submitting your application.

- Location entirely within the walls of the existing or proposed primary dwelling
- Total floor area does not exceed 500 sq. ft.
- One exterior pedestrian entrance (not including a sliding glass door) to the JADU is provided at the rear elevation or same side elevation as the main entrance to the primary dwelling, unless it would result in trespassing onto adjacent property
- Either a private bathroom located within the JADU or a shared bathroom located in the primary residence fully accessible to the JADU is provided
- If a shared bathroom is proposed, one interior connection to the main living area of the primary residence is provided
- An efficiency kitchen consisting of the following is provided:
 - A cooking facility with appliances
 - A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU
- Paved walkway from sidewalk or driveway to JADU entrance is provided
- Either the primary dwelling or the JADU will be owner-occupied and any rental agreement for the primary residence or JADU will include a disclosure to the renter of the owner occupancy requirement. The following documents must be submitted prior to issuance of the building permit :
 - Evidence of owner-occupancy (e.g. state issued photo identification card, driver's license)
 - A recorded deed restriction for the property as prescribed in DCMC Section 17.40.110