

Chapter 18.33
ACCESSORY DWELLING UNITS

18.33.010 Purpose.

The purpose of this chapter is to:

- A. Increase the supply of smaller units and rental housing units by allowing accessory dwelling units and junior accessory dwelling units to locate on lots that contain existing or proposed single-family dwellings and existing two-family and multifamily dwellings;
- B. Establish standards for accessory dwelling units and junior accessory dwelling units to ensure that they are compatible with existing neighborhoods; and
- C. Comply with state law regarding accessory dwelling units and junior accessory dwelling units (California Government Code Sections 65852.2 and 65852.22) and the California Coastal Act (California Public Resources Code Sections 30000 through 30900).

18.33.020 Review and approval.

- A. Accessory Dwelling Unit Applications. Accessory dwelling unit applications, including applications for junior accessory dwelling units, shall be submitted to and processed by the community development director as follows:
 - 1. Residential Dwelling Unit Allocation. Accessory dwelling units require a residential dwelling unit allocation pursuant to Chapters 17.06 and 18.04.
 - 2. Coastal Development Permit. All accessory dwelling units shall conform to Chapter 18.20, as provided below.
 - a. No coastal development permit is required for an accessory dwelling unit that is wholly within an existing single-family dwelling and that does not constitute “development” as defined in Public Resources Code Section 30106 and Section 18.20.020(C).
 - b. No coastal development permit is required for an accessory dwelling unit that is contained within or attached to an existing single-family dwelling unit or accessory structure and that is exempt pursuant to Chapter 18.20 and Public Resources Code Section 30610(a) or 30610(b).
 - c. Any other accessory dwelling unit shall obtain an administrative coastal development permit, as defined in Public Resources Code Section 30624. Such an administrative coastal development permit shall be processed as a “local coastal development permit” per Chapter 18.20 except:
 - i. The community development director is the approval authority for an administrative coastal development permit;
 - ii. The city shall not be required to publish any notice in a newspaper; and
 - iii. Any administrative coastal development permit issued by the community development director shall be listed on the planning commission and city council agendas at their first scheduled meetings after the permit is issued. If, at either meeting, one-third of the planning commission or city council so

request, the permit issued by the community development director shall not go into effect and the applicant shall instead obtain a coastal development permit pursuant to Chapter 18.20. Administrative coastal development permits shall not become effective until after the planning commission and city council have had an opportunity to complete this review and any applicable appeal periods have ended.

d. No hearing shall be required for the issuance of the administrative coastal development permit, the issuance of a standard coastal development permit pursuant to Chapter 18.20, or any appeal, for any accessory dwelling unit.

e. The accessory dwelling unit shall comply with any existing coastal development permit issued for the property, unless an amendment thereof is obtained.

3. Building Permit. Accessory dwelling units require a building permit issued in conformance with this code, including Section 17.06.050.

4. Unless otherwise required by the Coastal Act, the community development director shall act on all required permits within sixty days of receipt of a complete application.

B. Noncompliant Proposals. If the requirements in this chapter are not met, the proposed accessory dwelling unit or junior accessory dwelling unit cannot be approved under this Chapter. Notwithstanding the foregoing, applicants may seek approval of the unit, addition, or renovation under the city's generally applicable standards and procedures, including a variance pursuant to Chapter 18.23.

C. Conversion of Existing Residence. An existing residence, in conformance with the above regulations, may be converted to an accessory dwelling unit in conjunction with development of a new primary dwelling unit.

D. Existing Accessory Dwelling Unit. An existing accessory dwelling unit or junior accessory dwelling unit may be enlarged or modified only in accordance with the requirements of this Chapter.

E. Density. To the extent required by California Government Code Section 65852.2, an accessory dwelling unit or junior accessory dwelling unit built in conformance with this Chapter does not count toward the allowed density for the lot upon which the unit is located.

F. General Plan and Zoning Designations. Accessory dwelling units and junior accessory dwelling units approved in compliance with this chapter are a residential use that is consistent with the city's general plan, local coastal land use plan, and zoning ordinance.

18.33.030 Standards for streamlined accessory dwelling units.

Pursuant to California Government Code Section 65852.2(e), the City shall approve the following streamlined accessory dwelling units, including junior accessory dwelling units, if the specified development standards and use restrictions are met:

A. Within Existing Space (Single-Family) – ADUs and JADUs

1. The accessory dwelling unit is located in an R-1, R-2, R-3, C-D, C-R, C-VS, C-G, or PUD zoning district.

2. The lot on which the accessory dwelling unit or junior accessory dwelling unit is located contains an existing or proposed single-family dwelling. In the substantially undeveloped PUD zoning districts, the lot must be already developed with an existing single-family dwelling.
3. The lot on which the accessory dwelling unit or junior accessory dwelling unit is located does not contain another accessory dwelling unit, junior accessory dwelling unit, or guest house, unless a junior accessory dwelling unit is built pursuant to this Subsection (A) and an accessory dwelling unit is built pursuant to this Subsection (A) or Subsection (B).
4. The accessory dwelling unit or junior accessory dwelling unit is wholly within the existing or proposed space of a single-family dwelling or the existing space of an accessory structure, or, for an accessory dwelling unit, requires an addition of no more than 150 square feet to accommodate ingress and egress. In Ocean Colony, accessory dwelling units and junior accessory dwelling units are not permitted in garages.
5. The accessory dwelling unit has exterior access independent from the single-family dwelling.
6. The single-family dwelling or accessory structure has side and rear setbacks sufficient for fire and safety. If the dwelling or structure complies with the city's setback requirements as described in this code, it shall automatically meet this standard.
7. If a junior accessory dwelling unit is proposed, it complies with the requirements of California Government Code section 65852.22.
8. If the accessory dwelling unit or junior accessory dwelling unit is to be included in a proposed single-family dwelling, then the single-family dwelling (including the accessory dwelling unit and junior accessory dwelling unit) shall meet all applicable development standards, including lot coverage and floor area ratio requirements.

B. Detached, New Construction (Single-Family) – ADUs

1. The accessory dwelling unit is located in: an R-1, R-2, R-3, C-D, C-R, C-VS, or C-G zoning district; a PUD zoning district where detached accessory dwelling units are permitted pursuant to a PUD Plan or Specific Plan; or, a substantially undeveloped PUD zoning district.
2. The lot on which the accessory dwelling unit is located contains an existing or proposed single-family dwelling. In the substantially undeveloped PUD zoning districts, the lot must be already developed with an existing single-family dwelling.
3. The lot on which the accessory dwelling unit is located does not contain another accessory dwelling unit or guest house, but may contain a junior accessory dwelling unit.
4. The accessory dwelling unit is detached from the single-family dwelling.
5. The accessory dwelling unit is new construction.
6. The accessory dwelling unit is located at least four feet from the side and rear lot lines, is no greater than eight-hundred square feet in gross floor area, and has a height of no more than sixteen feet.
7. The accessory dwelling unit complies with the front yard, street facing side, and double frontage setbacks applicable to the primary dwelling, unless

such setback would preclude development of a unit pursuant to this Subsection (B) on the lot.

C. Wholly Within Existing Space (Two-Family or Multifamily) - ADUs

1. The accessory dwelling unit is located in an R-1, R-2, R-3, C-D, C-R, C-VS, or C-G zoning district.
2. The lot on which the accessory dwelling unit is already developed with an existing two-family or multifamily dwelling.
3. The accessory dwelling unit is located within a portion of the two-family or multifamily dwelling structure that is not used as livable space.
4. The total number of accessory dwelling units within the dwelling will not exceed twenty-five percent of the existing number of primary dwelling units within the dwelling, provided that all two-family or multifamily dwellings shall be permitted at least one accessory dwelling unit.

D. Detached, New Construction (Two-Family or Multifamily) – ADUs

1. The accessory dwelling unit is located in an R-1, R-2, R-3, C-D, C-R, C-VS, or C-G zoning district.
2. The lot on which the accessory dwelling unit is already developed with an existing two-family or multifamily dwelling.
3. The accessory dwelling unit is detached from the two-family or multifamily dwelling.
4. The accessory dwelling unit is located at least four feet from the side and rear lot lines and has a height of no more than sixteen feet.
5. The accessory dwelling unit complies with the front yard, street facing side, and double frontage setbacks applicable to the primary dwelling, unless such setback would preclude development of a unit pursuant to this Subsection (D) on the lot.
6. No more than two detached accessory dwelling units are permitted per lot pursuant to this Subsection (D).

18.33.040 Standards for other accessory dwelling units.

Any accessory dwelling unit that does not meet the criteria of Section 18.33.030 shall meet the following development standards and use restrictions:

- A. The accessory dwelling unit is located in: an R-1, R-2, R-3, C-D, C-R, C-VS, or C-G zoning district; a PUD zoning district where accessory dwelling units are permitted pursuant to a PUD Plan or Specific Plan; or a substantially undeveloped PUD zoning district.
- B. The lot on which the accessory dwelling unit is located contains an existing or proposed dwelling unit. In the substantially undeveloped PUD zoning districts, the lot must be already developed with an existing dwelling.
- C. The lot on which the accessory dwelling unit is located does not contain another accessory dwelling unit, junior accessory dwelling unit, or guest house.
- D. The accessory dwelling unit meets all nondiscretionary requirements for any single-family dwelling located on the same lot in the same zoning district. These requirements include, but are not limited to, building height, setback, site coverage, floor area ratio, building envelope, payment of any applicable fee, and building code requirements. The following exceptions to these requirements apply:

1. No setback is required for an accessory dwelling unit located within existing living area or an existing accessory structure, or an accessory dwelling unit that replaces an existing structure and is located in the same location and to the same dimensions as the structure being replaced. Side and rear yard setbacks may be reduced to four feet for all other accessory dwelling units, but all other standard setbacks (including front, street facing side, and double frontage setbacks) still apply.
2. The distance between buildings on the same lot must be a minimum of six feet, unless sufficient fire restrictive improvements can be made to existing structures with a distance of less than six (6) feet.
3. The minimum lot area per dwelling unit required by the applicable district shall not apply.
4. The maximum building envelope required by Section 18.060.040(G) shall not be imposed to limit the height of an accessory dwelling unit below sixteen feet.
5. The only architectural and design standards that apply to accessory dwelling units are as follows:
 - a. If the accessory dwelling unit is attached to a primary dwelling or visible from any public sidewalk or right-of-way, the accessory dwelling unit shall use similar exterior siding materials, colors, window types, door and window trims, roofing materials, and roof pitch as the primary dwelling.
 - b. If the accessory dwelling unit is directly accessible from an alley or a public street, the entrance to the accessory dwelling unit shall face the alley or public street. Otherwise, the entrance shall be located at least 10 feet from any property line.
 - c. For accessory dwelling units attached to the primary dwelling unit, new entrances and exits are allowed on the side and rear of the structures only.
6. Pursuant to California Government Code Section 65852.2, no passageway is required in conjunction with the construction of an accessory dwelling unit. “Passageway” is defined as a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
7. If the proposed accessory dwelling unit is a manufactured home, as defined in Health and Safety Code Section 18007, it shall comply with Section 18.06.060 (Manufactured homes), except Sections 18.06.060(B) (Approval), (C) (Location), (D)(1) (Width) and (D)(10) (Covered Parking).
- E. The gross floor area of the accessory dwelling unit shall not exceed eight hundred and fifty square feet (for studios or one bedroom accessory dwelling units) or one thousand square feet (for accessory dwelling units that provide more than one bedroom).
- F. Development standards, including limits on lot coverage, floor area ratio, open space, and lot size, shall not be used to reduce the gross floor area of the accessory dwelling unit below eight-hundred square feet or the height of the accessory dwelling unit below sixteen feet.

G. The minimum gross floor area of the accessory dwelling unit shall be no less than one hundred fifty square feet or the minimum required for an efficiency dwelling unit as defined in Health and Safety Code Section 17958.1, as may be amended from time to time.

18.33.050 All accessory dwelling units and junior accessory dwelling units.

The following apply to all accessory dwelling units and junior accessory dwelling units:

A. The accessory dwelling unit or junior accessory dwelling unit complies with applicable building codes and health and safety regulations; however, the accessory dwelling unit or junior accessory dwelling unit is not required to provide fire sprinklers unless fire sprinklers are required for the primary dwelling.

B. Accessory dwelling units and junior accessory dwelling units shall not be approved absent a finding of adequate water supply and wastewater treatment capacity. The accessory dwelling unit or junior accessory dwelling unit can be accommodated with the existing water service and existing sewer lateral or private sewage disposal system, insofar as evidence is provided that the existing water service and existing sewer lateral or private sewage disposal system has adequate capacity to serve both the primary residence and accessory dwelling unit. No additional water meter shall be required, unless requested by the applicant.

C. If the accessory dwelling unit or junior accessory dwelling unit will be connected to an onsite water treatment system, the applicant may be required to submit a percolation test completed within the last five years, or if the percolation test has been recertified, within the last ten years.

D. If the unit involves construction of new floor area, the applicant shall be required to submit a drainage plan pursuant to local coastal program land use plan policy 6-84.

E. The accessory dwelling unit or junior accessory dwelling unit may be rented in full or in part for the purpose of overnight lodging for terms of thirty or more consecutive days, but it shall not be rented for shorter terms or subleased. Neither the primary dwelling nor the accessory dwelling unit or junior accessory dwelling unit shall be sold or otherwise conveyed separately from the other unit, except pursuant to California Government Code Section 65852.26.

1. Notwithstanding the above, an existing accessory dwelling unit may be rented in full or in part for the purpose of overnight lodging for a term of fewer than thirty consecutive days if (a) the accessory dwelling unit had been rented as a short-term rental for at least thirty nights in the six months prior to December 12, 2018, (b) the single-family dwelling is owner occupied, and (c) the short-term rental was in full compliance with all city requirements as of December 12, 2018. In the event of discontinued use of the accessory dwelling unit as a short-term rental for a period of six months, the short-term rental use shall be deemed discontinued and this exception shall no longer apply.

F. No impact fees, as defined in Government Code Section 65852.2(f), shall be imposed on any accessory dwelling unit or junior accessory dwelling unit with a gross floor area of less than 750 square feet. Impact fees for all other accessory dwelling units shall be charged proportionately in relation to the square footage of the primary dwelling unit.

G. The special setback allowances in this Chapter apply only to the accessory dwelling unit or junior accessory dwelling unit. They do not apply to ancillary structures proposed in conjunction with the unit, such as decks, balconies, or garages, unless necessary for ingress or egress to the unit.

H. Parking.

1. A minimum of one off-street parking space for the accessory dwelling unit, in addition to the spaces required for the primary dwelling, shall be provided for units within the following portions of neighborhood areas, as depicted in Figure 18.33-1:

- a. Miramar: Bounded by Mirada Road to the north, the California Coastal Trail and Naples Avenue to the west, Pullman Ditch to the south, and Highway 1 to the east.
- b. Casa del Mar: Parcels with frontage on either side of Pilarcitos Avenue and parcels with frontage on the south side of Wave Avenue.
- c. Alsace Lorraine: Parcels with frontage on either side of Kelly Avenue between Balboa Boulevard and Pilarcitos Avenue; and parcels bounded by Kelly Avenue to the north, the former railroad right-of-way to the west, Central Avenue to the south, and Potter Avenue to the east.
- d. Arleta Park: Parcels with frontage on either side of Poplar Street between Pacific Avenue and Third Avenue, and parcels bounded by Central Avenue to the north, Railroad Avenue to the west, Seymour Street to the south, and First Avenue/Alsace Lorraine Avenue to the east.

No parking space shall be required for any accessory dwelling unit located outside these areas.

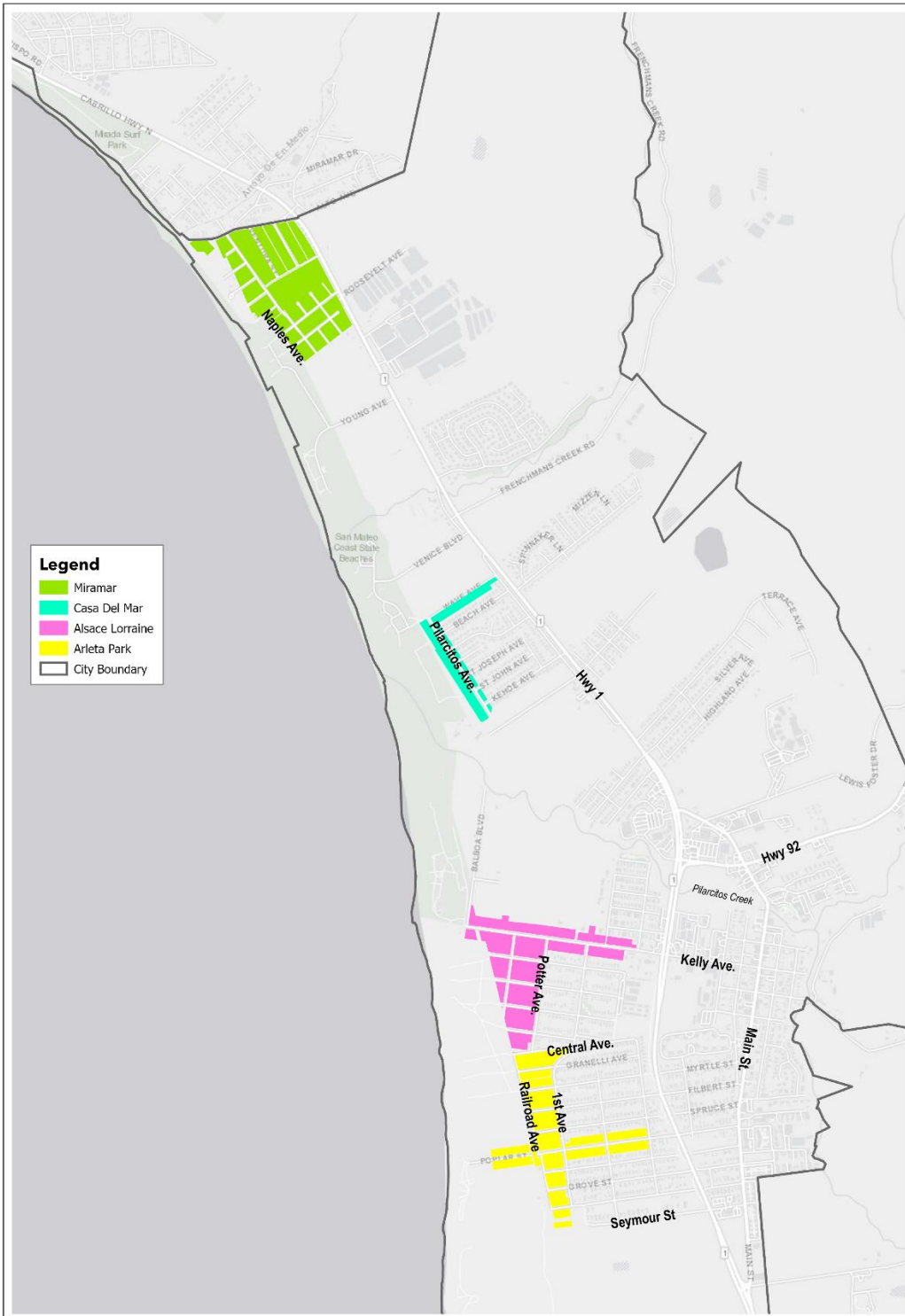
2. Notwithstanding Subsection (H)(1), a parking space shall not be required within the areas depicted in Figure 18.33-1 for an accessory dwelling unit that is on the same lot as a historic resource listed on or eligible for listing on the California Register of Historical Resources, if the applicant demonstrates that the required parking cannot be provided on-site without adversely impacting aspects of the resource that have made it eligible for such listing.

3. Notwithstanding any other provisions of this code, the required parking space may be located as a tandem space in an existing driveway or in the required setbacks.

4. When a private garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an accessory dwelling unit within the areas depicted in Figure 18.33-1, or a junior accessory dwelling unit anywhere in the city, the spaces contained in such structures shall be replaced to the extent they are required to meet the numerical parking requirements in Chapter 18.36. The replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, enclosed spaces, unenclosed spaces, or tandem spaces, or by the use of mechanical automobile parking lifts; provided, that the spaces and driveway comply with the requirements found in Sections 18.06.040(D) and (E), to the extent those requirements do not conflict with this chapter.

I. After January 1, 2025 and if permitted by state law, either the primary dwelling or the accessory dwelling unit shall be occupied by the owner of record as his or her principal residence.

Figure 18.33-1: Map of Required ADU Parking Areas



HALF MOON BAY

Figure 18.33-1: Map of Required ADU Parking Areas

0 0.15 0.3 0.6 Miles



18.33.060 Combination proposals.

When an accessory dwelling unit or junior accessory dwelling unit is proposed in conjunction with another proposal for which city approval is required under this code, the following options apply:

- A. The applicant is encouraged to submit the accessory dwelling unit or junior accessory dwelling unit and other proposal(s) for combined review by the city. If the applicant makes this election, he or she voluntarily forgoes the streamlining procedures described in Section 18.33.020.
- B. The applicant may elect to have the city process the accessory dwelling unit or junior accessory dwelling unit separately from the other proposal(s). If the applicant makes this election, the streamlining procedures described in Section 18.33.020 would apply to the accessory dwelling unit or junior accessory dwelling unit proposal after the applicant obtains city approval for the other proposal(s).

For either option, the certificate of occupancy for the accessory dwelling unit or junior accessory dwelling unit shall not be issued before the certificate of occupancy for the primary dwelling unit.

18.33.070 Conformance with certified local coastal program.

New accessory dwelling units and junior accessory dwelling units shall conform to all applicable requirements of the city's local coastal program, the zoning code, this chapter, and any existing coastal development permit, including that the proposed unit will avoid environmental hazards and will not adversely impact any coastal resources including any of the following:

- A. Environmentally sensitive habitat areas, riparian corridors, wetlands, or riparian or wetland buffers.
- B. Significant topographic features, including but not limited to steep slopes, ridgelines or bluffs, watercourses, streams or wetlands or any areas as designated in the local coastal program.
- C. Significant public views including Heritage Downtown, upland slopes or broad ocean views from Highway 1 as designated in the local coastal program.
- D. Areas of public access to the coastal trail or beach areas including those as designated in the local coastal program.
- E. Archaeological resources.
- F. Prime agricultural land or soil.

18.33.080 Declaration of restrictions.

Any declaration of restrictions regarding owner occupancy previously recorded in conjunction with development of an accessory dwelling unit remains valid and binding on any successor in ownership of the property, unless the accessory dwelling unit is removed. If permitted by state law, Any property owner obtaining a building permit for an accessory dwelling unit after January 1, 2025 shall file with the county recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:

- A. Neither the single-family dwelling nor the accessory dwelling unit shall be sold or otherwise conveyed separately from the other unit, either directly or indirectly.

- B. The accessory dwelling unit is a permitted use only so long as either the main residence or the accessory dwelling unit is occupied by the owner of record as his or her principal residence, pursuant to Section 18.33.050(H).
- C. The restriction is binding on any successor in ownership of the property; lack of compliance will result in the accessory dwelling unit becoming an illegal, nonconforming use subject to the code enforcement and abatement proceedings established by this code.
- D. The restrictions shall lapse upon removal of the accessory dwelling unit.

18.33.090 Incentives.

The following incentives are to encourage construction of accessory dwelling units:

- A. **Affordability Requirements for Fee Waiver.** Accessory dwelling units proposed to be rented at rents affordable to very low or low income households for at least five years may request a waiver of all city fees, subject to the sole discretion and approval of the city council. The city and applicant shall enter into an affordable housing agreement governing the accessory dwelling unit and that agreement shall be recorded against the property.
- B. **Parking.** The covered parking requirement for a proposed primary residence shall be limited to one covered parking space and one uncovered parking space if an accessory dwelling unit is also proposed in areas outside of those designated in Section 18.33.050(H) and depicted in Figure 18.33-1. The uncovered parking space may be provided in the side yard setback (if on a corner lot) or front yard setback under this incentive with the parking design subject to approval of the community development director. The maximum impervious surfaces devoted to the parking area shall be no greater than the existing driveway surfaces at time of application. Not more than fifty percent of the front yard width shall be allowed to be parking area.

18.02.040 Definitions.

“Accessory building” or “accessory structure” means a detached subordinate building, the uses of which are incidental to a permitted principal use conducted within the main or principal structure on a parcel. An accessory building or use is not permitted without a permitted use on the property. An accessory dwelling unit is not considered an accessory building or accessory structure. For purposes of Chapter 18.33 (Accessory Dwelling Units), an accessory structure must be fully enclosed.

“Accessory dwelling unit” means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons on the same parcel as a primary dwelling unit. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation. An accessory dwelling unit also includes the following: (1) an efficiency unit, as defined in Health and Safety Code Section 17958.1, and (2) a manufactured home, as defined in Health and Safety Code Section 18007.

“Efficiency Unit” has the same meaning as set forth in California Health and Safety Code Section 17958.1.

“Junior accessory dwelling unit” means a unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure, including an attached garage. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure, as defined in California Government Code Section 65852.22.

Yard, Corner Side. “Corner side yard” means a yard between the street facing side lot line on a corner lot and the nearest line of building.

18.06.050 Exceptions to development standards.

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E. Development Standards for Exceptional, Substandard and Severely Substandard Lots. This section sets forth standards for development on substandard or severely substandard lots, which are defined in the zoning code definitions in Section 18.02.040.

1. Exceptional lots shall be subject to the R-1 development standards set forth in Table B of this chapter, unless otherwise specified.

2. Development on substandard or severely substandard lots, other than exceptional lots, shall meet all standards set forth in Tables E and F of this chapter, respectively, unless otherwise specified. Project design review pursuant to Chapter 14.37 is required for all development, including additions and accessory structures but not including any streamlined accessory dwelling unit, as defined in Section 18.33.030, on any substandard or severely substandard lot or building site except as provided in subsection (E)(3) of this section.

3. Coastal Act Consistency. The exception to development standards for substandard, severely substandard, and exceptional lots set forth in this subsection shall only be applied in full conformity with coastal development permitting requirements pursuant to Sections 30600 and 30610 of the Coastal Act and Title 14 Sections 13250, 13252, and 13253 of the California Code of Regulations and Sections 18.20.025 and 18.20.030 of the zoning code.

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