

ADUs: Clearing Up the Confusion

Purpose

- Not a discussion of the pros and cons of ADUs
- Explain the new state regulations
- Explain Palo Alto's additional regulations
- Clarify what can be built for each type of ADU
- Answer frequently asked questions and concerns
- Provide resources for additional information

Background

- In September 2016, Governor Brown signed into law Senate Bill 1069, Assembly Bill 2299 and Assembly Bill 2406 relating to the creation of accessory dwelling units (ADUs) and junior accessory dwelling units.
- These new bills are intended to address the housing crisis by easing regulatory barriers for homeowners who choose to build affordable housing in their own backyards.
(Note that "affordable" is a relative term, as market forces determine rents.)
- The proposed Palo Alto ordinance is designed to comply with these new State mandates, while at the same time enacting additional incentives as well as removing perceived impediments to the the creation of ADUs.

A Brief History of ADUs in Palo Alto

September 12, 1983 -- in response to a large number of permits being issued for large second detached single-family dwelling units in the R-1 Districts, the City Council passed an ordinance effectively banning all such structures greater than 1,000 square feet for a six month period.

There was a concern that the size and placement of detached unit in single-family districts ran counter to the Comprehensive Plan's policies of maintaining the general low-density character of such neighborhoods.

On November 21, 1983, the Planning Staff presented to the City Council Ordinance No. 3489.

The Ordinance made the construction of a second dwelling unit in the R-1 district a Conditional Use. To construct a second dwelling unit, the site area must:

- Be 35% larger than the minimum lot size allowed in the R-1 district
- Be separated from the main dwelling by a distance of 12 feet
- Be limited in size to 900 square feet and 20 feet in height.

Brief History of the City of Palo Alto Zoning Ordinance

<http://www.cityofpaloalto.org/news/displaynews.asp?NewsID=873&TargetID=239>

Accessory (*non-dwelling*) Structures

- Examples are: garages, offices and studios, gazebos, green houses, storage sheds, play houses, mechanical equipment (e.g., air conditioning units)
- Regulations include setbacks and the daylight plane to preserve the characteristics of a residential neighborhood as well as privacy and daylight to each lot.
- Must have a use that is incidental to main dwelling.
- Generally, must be separated from the main dwelling by at least three feet, but depends on the type of structure and the Building Code.
- May be connected to the main dwelling by a breezeway (considered a part of the accessory building).
- May NOT have a kitchen.
- Cannot occupy an area exceeding fifty percent of the required rear yard.
- Counts toward the total lot coverage.
- Structures over 120 sq. count towards floor area.



What is an ADU

ADU = Accessory Dwelling Unit

An ADU is a secondary dwelling unit with complete independent living facilities for one or more persons.

Includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot as the single-family dwelling is situated.

ADUs generally take three forms:

- **Detached:** The unit is separated from the primary structure. Can be a new or converted structure.
- **Attached:** The unit is attached to the primary structure. Can be a garage conversion or a house addition.
- **Junior Accessory Dwelling Unit:** Must be created within the existing walls of an existing primary dwelling, and must include conversion of an existing bedroom.

