

18.23.210 Accessory dwelling units/junior accessory dwelling units.

A. Purpose and Applicability. The purpose of this section is to:

1. Provide for accessory dwelling units and junior accessory dwelling units in accordance with the provisions of State law.
2. Maintain the character of single-family residential neighborhoods in the City to the greatest extent possible.
3. In cases of conflict between this chapter and any other provision of this title, the provisions of this chapter shall prevail. To the extent that any provision of this chapter is in conflict with State law, the applicable provision of State law shall control, but all other provisions of this chapter shall remain in full force and effect.

B. Land Use Regulations. Accessory dwelling units shall be a permitted use [within an existing single-unit dwelling or multi-unit dwelling](#), in residential (R) zoning districts, [in](#) mixed-use (MU) zoning districts and in any planned development (PD) zoning district where residential uses are permitted or conditionally permitted as part of an approved planned development plan. Junior accessory dwelling units shall be permitted in the single-family (RS) zoning districts within an existing single-unit dwelling, or as part of a proposed new single-unit dwelling.

C. Number of Units and Location.

1. Junior Accessory Dwelling Units, Number [and Location](#).
 - a. Where permitted, one (1) junior accessory dwelling unit may be developed on any legally created lot and shall be located within the walls of an existing or proposed single-unit dwelling. ~~New additions to an existing residence shall not contain JADUs.~~ [Enclosed uses within the residence, such as attached garages and crawlspaces, are considered part of the existing or proposed single-unit dwelling.](#)
2. Accessory Dwelling Units, Number [and Location](#)
 - a. Multifamily Dwelling Structures, Accessory Dwelling Units Inside an Existing [or Proposed](#) Multifamily Dwelling Structure. Up to twenty-five percent (25%) of the number of existing [or proposed](#) multifamily units in the building, but at least one (1) unit, shall be allowed in existing [or proposed](#) multifamily dwelling structures within the portions of the structure that are not used as livable space; provided, that the unit complies with the California Building Standards

Code as set forth in Title [15](#) for dwellings. An accessory dwelling unit shall not be created within any portion of the habitable area of an existing dwelling unit in a multifamily structure.

b. Multifamily Dwelling Structures, Detached Accessory Dwelling Units. Up to two (2) detached accessory dwelling units on a lot with an existing [or proposed](#) multifamily dwelling structure; ~~provided, that the height of the detached accessory dwelling unit does not exceed sixteen (16) feet and has no less than four (4) foot side and four (4) foot rear yard setbacks.~~

c. Single-Family Residential Lots [or Dwellings](#). One (1) accessory dwelling unit is permitted per residential lot containing an existing or proposed single-unit dwelling. An accessory dwelling unit may be allowed in conjunction with a junior accessory dwelling unit when the requirements of subsection E of this section, Development Standards, are met. Where permitted, an accessory dwelling unit may be located in any of the following places on a legally created lot:

- a. Attached to an existing or proposed single-unit dwelling;
- b. Located within the walls of the existing or proposed single-unit dwelling, including all or a portion of an attached garage;
- c. Located within [or added onto](#) an existing accessory structure;
- d. Located over [or below](#) a legally established detached garage.

~~3. Accessory Dwelling Units, Location. Where permitted, one (1) accessory dwelling unit may be located in any of the following places on a legally created lot:~~

- ~~a. Attached to an existing or proposed single-unit dwelling;~~
- ~~b. Located within the walls of the existing or proposed single-unit dwelling, including all or a portion of an attached garage, or an existing multifamily structure;~~
- ~~c. Located within [or added onto](#) an existing accessory structure;~~
- ~~d. Detached from the existing [or proposed](#) single-unit dwelling or multifamily structure, but located on the same lot as the existing or proposed single-unit dwelling or multifamily structure;~~
- ~~e. Located over [or below](#) a legally established detached garage.~~

D. Rental [and Ownership](#) Standards.

1. Junior Accessory Dwelling Units.

- a. Junior accessory dwelling units shall not be sold separately from the primary residence.
- b. Junior accessory dwelling units may be rented independently of the primary residence.
- c. Junior accessory dwelling units shall not be rented for fewer than thirty (30) consecutive calendar days.
- d. Either the single-unit dwelling or the junior accessory dwelling unit shall be owner-occupied.

2. Accessory Dwelling Units.

- a. Accessory dwelling units shall not be sold separately from the primary residence, unless permitted by State Law.
- b. Accessory dwelling units may be rented independently of the primary residence.
- c. Accessory dwelling units shall not be rented for fewer than thirty (30) consecutive calendar days.
- d. Either the single-unit dwelling or the accessory dwelling unit shall be owner-occupied. For applications received prior to January 1, 2025, there is no owner-occupancy requirement for accessory dwelling units.

E. Development Standards.

- 1. Junior accessory dwelling units and accessory dwelling units shall conform to the height, setbacks, lot coverage, and any other development or supplemental standards of any applicable zoning district(s), the development standards below, other requirements of the Zoning Ordinance, and other applicable City codes. In any case of conflict between this section and any other part of the San Carlos Municipal Code, the standards specific to this section shall take precedence.
- 2. Building Code Requirements. Junior accessory dwelling units and accessory dwelling units shall comply with all applicable building code requirements, except fire sprinklers shall not be required in a junior accessory dwelling unit or accessory dwelling unit if they are not required for the single-unit

dwelling, and fire sprinklers shall not be required for the single-unit dwelling due only to the proposed construction of an accessory dwelling unit or junior accessory dwelling unit.

3. Junior Accessory Dwelling Units (JADUs).

- a. Interior Requirements. Junior accessory dwelling units ~~shall be contained entirely within the walls of a single-unit dwelling, and~~ shall contain at least an efficiency kitchen equipped with a sink, a built-in cooking facility with appliances (e.g., microwave, toaster oven, hot plate) as well as a food preparation counter and storage cabinets that are of reasonable size in relation to the junior dwelling unit. ~~New additions to an existing residence shall not contain JADUs.~~
- b. Maximum Size. A junior accessory dwelling unit shall be no larger than five hundred (500) square feet in size; and no junior accessory dwelling unit shall be smaller than the size required to allow an efficiency unit pursuant to Health and Safety Code Section 17958.1.
- c. Bathroom Access. A junior accessory dwelling unit may, but is not required to, include separate sanitation facilities. If separate sanitation facilities are not provided, the junior accessory dwelling unit shall share sanitation facilities with the single-unit dwelling and shall provide an direct entry from the JADU to the main unit.
- d. Entrances. A junior accessory dwelling unit shall have a separate external entrance from the primary dwelling unit. ~~The entrance of a junior accessory dwelling unit shall not be located along any street-facing facade unless infeasible as determined by the Community Development Director.~~
- e. Setbacks. ~~The maximum size of a junior accessory dwelling unit shall maintain a limit in size of five hundred (500) square feet.~~ The single-family unit first floor side and rear setbacks may be reduced to no less than four (4) feet to accommodate access to a ground floor junior accessory dwelling unit, or an exterior stair and landing that provide required access to the unit if it is located on the second story.
- f. Architectural Compatibility. The architectural design, exterior materials and colors, roof pitch and style, type of windows, and trim details of the junior accessory dwelling unit shall be substantially the same as the single-unit dwelling. Junior accessory dwelling units shall satisfy applicable objective design criteria and conform to any applicable objective design guidelines of the underlying zoning district.

g. [Balconies and Openings](#). Balconies, decks, and open stair landings above the first floor shall not face the side property lines, except as needed to meet minimum requirements to allow ingress and egress, ~~as determined by the Building Official.~~

~~h. Junior accessory dwelling units shall not be required to provide for any additional parking and, unlike accessory dwelling units, are required to provide replacement parking for any parking displaced by their construction, including full or partial conversion of an existing garage.~~

i. [Non-Conformities](#). Junior accessory dwelling units must be allowed within a single-unit dwelling, including nonconforming single-unit dwellings. A permit to construct a junior accessory dwelling unit in a nonconforming single-unit dwelling shall not require nonconforming conditions to be corrected, unless otherwise required for health and safety.

4. Accessory Dwelling Units (ADUs).

[a. Interior Requirements](#). An accessory dwelling unit shall include a separate external entrance and permanent provisions for living, sleeping, eating, cooking, and sanitation (at minimum, a sink, toilet, and shower) on the same parcel as the single-family or multifamily dwelling. At a minimum, the kitchen shall contain a sink, standard refrigerator (24 inch width), and either a built-in cooktop or range, as well as a food preparation counter and storage cabinets.

~~ba.~~ Limits on Lot Coverage, Maximum Floor Area (MFA), [Front Setbacks](#), and Natural State. Accessory dwelling units shall comply with lot coverage requirements, MFA, [required front setbacks of the underlying zoning district](#), and natural state and open space requirements when applicable, as well as other applicable development standards, except that: a maximum of eight hundred (800) square feet of ADU floor area is exempt from the MFA requirement that applies to the RS-6 zoning district; an ADU of up to eight hundred (800) square feet and up to sixteen (16) feet in height ([except as specified in subsection \(E\)\(4\)\(h\) of this section](#)), and with minimum four (4) foot side and minimum four (4) foot rear yard setbacks is not required to meet lot coverage standards, MFA, [front setbacks](#), ~~and~~ floor area standards, and natural state or open space requirements (which is defined as a “statewide exemption ADU”); front yard setbacks shall not preclude a statewide exemption ADU, and must not unduly constrain the creation of all types of accessory dwelling units.

~~cb.~~ Notwithstanding the development standards set forth in subsection (E)(4)(~~ba~~) of this section, if there is no alternative to constructing an accessory dwelling unit in accordance with the development standards listed in subsection (E)(4)(a) of this section, one (1) or more of these

development standards may be waived only to the extent necessary to allow a statewide exemption ADU of up to eight hundred (800) square feet with a maximum of sixteen (16) feet in height [\(except as specified in subsection \(E\)\(4\)\(h\) of this section\)](#), with minimum four (4) foot side and four (4) foot rear yard setbacks. The proposal must meet all other [objective](#) development standards. The applicant must also demonstrate that an accessory dwelling unit cannot be constructed in accordance with applicable development standards.

[de](#). Entrances. An accessory dwelling unit shall have a separate external entrance from the single-unit dwelling.

[ed](#). Setbacks. Except as indicated in this subsection, an accessory dwelling unit shall be required to comply with the setback requirements of the zone in which the unit is to be located.

[\(return, return\) Detached ADUs](#). Detached accessory dwelling units must be set back a minimum of four (4) feet from rear and four (4) feet from the side property lines. Accessory dwelling units that are not classified as statewide exemption ADUs must meet the required front setback unless located within a legal, nonconforming structure.

[\(return, return\) Conversions of Existing Living Area or Accessory Structures](#). No setback is required for an existing living area or an existing accessory structure converted to an accessory dwelling unit, or for a new accessory dwelling unit constructed in the same location and built to the same dimensions as an existing structure.

[\(return, return\) Attached Accessory Dwelling Units](#). There is no minimum requirement for setbacks between an accessory dwelling unit and the ~~single-unit~~ [primary](#) dwelling; however, all proposals shall meet any applicable building and fire requirements. Newly constructed attached ADUs shall meet minimum four (4) feet side and four (4) feet rear setbacks on the first floor. [Newly constructed ADUs on the second floor shall conform to the required setbacks of the underlying zoning district, unless classified as a statewide exemption ADU, and Newly constructed ADUs](#) shall meet the required front setback for the main residence, unless classified as a statewide exemption ADU. ~~Accessory dwelling units attached to the main residence, and located on the second floor shall conform to the minimum second floor setbacks for the main residence.~~ On reversed corner lots (as defined in Section [18.41.020](#)), the rear setback for an attached ADU located on the second floor shall be a minimum of five (5) feet, [unless classified as a statewide exemption ADU](#).

f.e. Maximum Size. The floor area of an accessory dwelling unit shall not exceed eight hundred fifty (850) square feet for a studio or one (1) bedroom, and shall not exceed one thousand (1,000) square feet for a unit that contains more than one (1) bedroom when the accessory dwelling unit meets all development standards of any applicable zoning districts, except that: conversions of garages, sheds, barns, and other existing accessory structures, either attached or detached from a single-unit dwelling, are not subject to any additional development standard, such as unit size, height, and lot coverage requirements. If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling. If the accessory dwelling unit does not meet all development standards of the applicable zoning district, the maximum floor area permitted is eight hundred (800) square feet, regardless of number of bedrooms, subject to the provisions of subsection (E)(4)(b) of this section. No accessory dwelling unit shall be smaller than the size required to allow an efficiency unit pursuant to Health and Safety Code Section 17958.1.

g.f. Architectural Compatibility. An accessory dwelling unit, whether attached or detached, shall use any combination of the following elements to maintain architectural and design compatibility between the single-unit dwelling and the proposed accessory dwelling unit: architectural style, exterior materials, fenestration (windows and openings), and colors of the existing or proposed single-unit dwelling; however, the quality of the materials shall be the same or exceed that of the single-unit dwelling. Accessory dwelling units shall conform to any applicable objective design guidelines of the underlying zoning district.

h.g. Balconies and Openings. Balconies, decks or open stair landings above the first floor and within ten (10) feet of a side or rear property line shall not be permitted, except as needed to meet minimum requirements to allow ingress and egress, as determined by the Building Official, but in no case shall be less than three (3) feet from the property line.

~~Windows above the first floor and within ten (10) feet of the property line may be required to be obscured or have at least five (5) foot sills depending on the existing and proposed conditions, to the satisfaction of the Director.~~

i.h. Maximum Height. Except as provided by Subsections (h)(i-iii) below, detached accessory dwelling units shall be no greater than sixteen (16) feet in height as measured in accordance with Section 18.03.050 (Measuring height).

i. A detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit that is within one-half (1/2) mile walking distance of public transit shall be no greater than eighteen (18) feet in height. An additional two (2) feet in height shall be permitted to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.

ii. A detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling shall be no greater than eighteen (18) feet in height regardless of proximity to public transit.

iii. An attached accessory dwelling unit shall not exceed twenty-five (25) feet in height.

Alternative: iii. An attached accessory dwelling unit shall not exceed the maximum height of the underlying zoning district, or twenty-five feet, whichever is greater.

j. Accessory dwelling units developed within an existing accessory structure on a lot with a single-unit dwelling may include an expansion of up to one hundred fifty (150) square feet beyond the existing physical structure of the accessory structure only to accommodate ingress and egress if the side and rear setbacks are sufficient for safety. Any other additions to an existing accessory structure shall comply with all other standards in effect including but not limited to setbacks, height, and lot coverage.

Table 18.23.210(E)(4): Accessory Dwelling Unit Development Standards

Detached ADUs	Non-Statewide Exemption	Statewide Exemption
Maximum Height (ft.)	16 18 if within ½ mile of public transit + 2' to match main building roof pitch 18 if on same lot as a multistory multifamily building 20 if located above a detached garage	16 18 if within ½ mile of public transit + 2' to match main building roof pitch 18 if on same lot as a multistory multifamily building 20 if located above a detached garage
Maximum Size	850 sq ft for 1 bedroom 1,000 sq. ft. for 2+ bedrooms Up to 800 sq. ft. exempt from Maximum Floor Area of Underlying Zoning District No larger than 50% of existing dwelling unit	800 sq. ft. Exempt from Maximum Floor Area of Underlying Zoning District
Lot Coverage	Non-exempt from Lot Coverage requirement of underlying zoning district	800 sq. ft. Exempt from Lot Coverage requirement of underlying zoning district
Minimum Setbacks (ft.)		
Front	Underlying District	0' if no other location is feasible

Interior Side	1 st Story: 4 2 nd Story: Underlying District	1 st Story: 4 2 nd Story: 4
Street Side	1 st Story: 4 2 nd Story: Underlying District	1 st Story: 4 2 nd Story: 4
Rear	1 st Story: 4 2 nd Story: Underlying District	1 st Story: 4 2 nd Story: 4
Building Separation	Defer to Building Code	Defer to Building Code
Balconies, Decks, Open Stair Landings (2 nd Story and Up)	10; up to 3 if needed to meet minimum ingress and egress	10; up to 3 if needed to meet minimum ingress and egress
Windows (2 nd Story and Up)	Not objective, suggest strike	
Attached ADUs	Non-Statewide Exemption	Statewide Exemption
Maximum Height (ft.)	25 or Underlying?	
Maximum Size	850 sq ft for 1 bedroom 1,000 sq. ft. for 2+ bedrooms Up to 800 sq. ft. exempt from Maximum Floor Area of Underlying Zoning District No larger than 50% of existing dwelling unit	800 sq. ft. Exempt from Maximum Floor Area of Underlying Zoning District
Lot Coverage	Non-exempt from Lot Coverage requirement of underlying zoning district	800 sq. ft. Exempt from Lot Coverage requirement of underlying zoning district
Minimum Setbacks (ft.)		
Front	Underlying District	0' if no other location is feasible
Interior Side	1 st Story: 4 2 nd Story: Underlying District	1 st Story: 4 2 nd Story: 4
Street Side	1 st Story: 4 2 nd Story: Underlying District	1 st Story: 4 2 nd Story: 4
Rear	1 st Story: 4 2 nd Story: Underlying District; Reverse Corner Lots 5	1 st Story: 4 2 nd Story: 4
Building Separation	Defer to Building Code	Defer to Building Code
Balconies, Decks, Open Stair Landings (2 nd Story and Up)	10; up to 3 if needed to meet minimum ingress and egress	10; up to 3 if needed to meet minimum ingress and egress
Windows (2 nd Story and Up)	Not objective, suggest strike	
Existing Space Converted to ADU (attached or detached); or new accessory dwelling unit constructed in the same location and built to the same dimensions as an existing structure	Non-Statewide Exemption	Statewide Exemption
Maximum Height (ft.)	None	None
Maximum Size	No larger than 50% of existing dwelling unit Up to 800 sq. ft. exempt from Maximum Floor Area of Underlying Zoning District	800 sq. ft. Exempt from Maximum Floor Area of Underlying Zoning District
Lot Coverage	Non-exempt from Lot Coverage requirement of underlying zoning district	800 sq. ft. Exempt from Lot Coverage requirement of underlying zoning district
Minimum Setbacks (ft.)		
Front	None	None
Interior Side	None	None
Street Side	None	None
Rear	None	None

Building Separation	Defer to Building Code	Defer to Building Code
Balconies, Decks, Open Stair Landings (2 nd Story and Up)	10; up to 3 if needed to meet minimum ingress and egress	10; up to 3 if needed to meet minimum ingress and egress
Windows (2 nd Story and Up)	Not objective, suggest strike	

5. Additional Development Standards for Accessory Dwelling Units Located Above [or Below](#) Detached Garages. In addition to the standards specified in subsections (E)(4)(a) through (i) of this section, accessory dwelling units that are located over [or beneath](#) detached garages are subject to the following additional requirements:

- a. The accessory dwelling unit must meet the minimum required front setback of the zoning district in which the lot is located, unless it meets the criteria of a statewide exemption ADU. [See Section 18.04.030-H for requirements to locate a detached garage in the front half of a single-family-zoned lot.](#)
- b. The footprint of the accessory dwelling unit may not extend past the footprint of the garage with the exception of stairs or entryway to access the unit. ~~No portion of the accessory dwelling unit may be located at ground level except for stairs or an entryway to access the unit above the garage.~~
- c. Balconies and decks shall not face rear and side property lines [except as needed to meet minimum requirements to allow ingress and egress.](#)
- d. The maximum height of the structure shall be twenty (20) feet as measured in accordance with Section [18.03.050](#) (Measuring height).
- e. Stairs or access to the accessory dwelling unit shall not encroach into any required parking area. Stairs may encroach into the parking area of a garage; provided, that the front end of a standard size automobile can fit under the stair projection. The bottom of the stairwell (including exterior finish) shall be a minimum of five (5) feet above the garage floor.

F. Parking. Parking for a junior accessory dwelling unit and an accessory dwelling unit shall be provided in compliance with the following standards:

1. Except as provided in subsection (F)(3) of this section, one (1) parking space shall be provided per accessory dwelling unit. Accessory dwelling unit parking requirements are in addition to the parking required for the single-unit dwelling as provided in Chapter [18.20](#).

2. Parking spaces may be provided as tandem parking on a driveway or in setback areas ~~unless the Community Development Director finds that tandem parking and parking in setback areas are not feasible because of specific topographical conditions and/or other conditions that would pose a risk to health and safety.~~ No parking may extend into a public sidewalk or right-of-way that would require walking into the street. A minimum of eight and one-half (8 1/2) feet in width and eighteen (18) feet in depth is required for any uncovered parking space.

3. No parking shall be required for an accessory dwelling unit if any of the following apply:

- a. The accessory dwelling unit is contained within an existing single-unit dwelling, [multiunit dwelling](#), or accessory structure, or proposed single-unit dwelling [or multiunitdwelling](#).
- b. The accessory dwelling unit is located within one-half (1/2) mile walking distance of public transit. For purposes of this section, "public transit" means a bus stop or train station where public transportation runs on fixed routes.
- c. The accessory dwelling unit is located within an architecturally and historically significant district.
- d. Where on-street parking permits are required but not offered to the occupants of the accessory dwelling unit.
- e. When a designated parking area for one (1) or more car-share vehicles is located within one (1) block of the accessory dwelling unit.
- f. When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an accessory dwelling unit, the parking spaces for the primary residence need not be replaced.

4. Junior accessory dwelling units shall not be required to provide for any additional parking, except that any parking displaced by their construction, including full or partial conversion of an existing garage, shall be replaced.

G. Utilities and Impact Fees.

1. No junior accessory dwelling unit or accessory dwelling unit shall be permitted if it is determined that there is not adequate water or sewer service to the property.

2. Except as provided in subsection (G)(3) of this section, an accessory dwelling unit may be required to have a new or separate utility connection, including a separate sewer lateral, between the accessory dwelling unit and the utility. A connection fee or capacity charge may be charged that is proportionate to the size in square feet of the accessory dwelling unit or its drainage fixture unit (DFU) values. Separate electric and water meters shall be required for the accessory dwelling unit.
3. The following accessory dwelling units shall be exempt from any requirement to install a new or separate utility connection and to pay any associated connection or capacity fees or charges:
 - a. Junior accessory dwelling units.
 - b. Standard accessory dwelling units converted from interior space unless the unit is constructed within a new single-unit dwelling.
4. All utility extensions shall be placed underground if required for the single-unit dwelling.
5. Impact Fees.
 - a. No impact fees may be imposed on a junior accessory dwelling unit or accessory dwelling unit that is less than seven hundred fifty (750) square feet in size. For purposes of this section, "impact fees" includes the fees specified in Government Code Sections [66000](#) and [66477](#), but does not include utility connection fees or capacity charges.
 - b. For accessory dwelling units that have a floor area of seven hundred fifty (750) square feet or more, impact fees shall be charged proportionately in relation to the square footage of the single-unit dwelling.

H. Delay of Enforcement of Building Standards.

1. Prior to January 1, 2030, the owner of an accessory dwelling unit that was built before November 25, 2020, may submit an application to the Building Official requesting that correction of any violation of building standards be delayed for five (5) years. For purposes of this section, "building standards" refers to those standards enforced by local agencies under the authority of California Health and Safety Code Section [17960](#).
2. The Building Official shall grant the application if the Building Official determines that enforcement of the building standard is not necessary to protect health and safety. In making this determination, the Community Development Director shall consult with the Fire Marshal and Building Official.

3. No applications pursuant to this section shall be approved on or after January 1, 2030. However, any delay that was approved by the City of San Carlos before January 1, 2030, shall be valid for the full term of the delay that was approved at the time of the approval of the application.
4. Until January 1, 2030, any notice to correct a violation of building standards that is issued to the owner of an accessory dwelling unit built before November 25, 2020, shall include a statement that the owner has a right to request a delay in enforcement of the building standard for an accessory dwelling unit pursuant to this section.
5. This section shall remain in effect until January 1, 2035, and as of that date is repealed. (Ord. 1584 § 4 (Exh. A), 2022)