

LEGISLATION:

State Assembly Bill 2299 & Senate Bill 1069

DEVELOPMENT CODE SECTION:

Division V, Chapter 18.200, Section 18.200.180

DESCRIPTION:

Standards for Specific Uses: Accessory Dwelling Units

What is an Accessory Dwelling Unit?

An accessory dwelling **unit** is an independent dwelling located on the same lot as an existing single-family residence. The unit may be created by converting existing floor space, converting an existing accessory structure, attaching the unit to the main residence, or building a separate structure. The purpose of allowing Accessory Dwelling Units is to provide the opportunity for the development of small rental housing units designed to meet the special needs of families and individuals.

Where are Accessory Dwelling Units permitted?

Accessory dwelling units are allowed in all single-family residential (RR, RS) districts, low-density residential districts (RL), and in other districts where a legal single family residences exists. An accessory dwelling unit shall meet all provisions of the district in which they are located (Zoning information can be found at: <http://www.concordprospector.com>)

What are the required setbacks?

Accessory dwelling units established through a new addition to an existing dwelling or newly constructed detached building must typically be setback a minimum of 15-20 feet from the rear property line (depending on zoning district) and at least five feet from the side property line in most cases. Required setbacks can be found in the Residential Districts section of the Development Code (see the following: <http://www.codepublishing.com/ca/concord/?concord18/Concord1830.html#18.30.030>).

For accessory dwelling units proposed as a conversion* of existing living space within a principal dwelling or through the conversion¹ of an existing accessory structure (must meet definition below²), no additional setback is required so long as the distance is sufficient for fire safety. For second-story accessory dwelling units proposed above a garage or above a principal dwelling a minimum of 5 feet from the side and rear property line is required.

How large can the accessory dwelling unit be?

Between 150 sq. ft. and 640 sq. ft. for lots less than 12,000 sq. ft. in net area and up to 1,200 sq. ft. for lots greater than 12,000 sq. ft. in net area. An accessory dwelling unit constructed through an addition to an existing residence shall not exceed 50

¹ "Conversion" means the act of modifying an existing legal building or a portion of an existing legal building from its existing use to an accessory dwelling unit.

² "Existing Accessory Building" means any legally built accessory building that passed a final building inspection by or before January 1, 2017.

percent of the existing floor area of the principal residence. The floor area ratio for an attached accessory dwelling unit shall not exceed 50% of the principal dwelling unit.

How many rooms can I have?

A maximum of one bedroom for units measuring between 150 sq. ft. and 640 sq. ft. and a maximum of two bedrooms for units between 640 and 1,200 sq. ft.

How should the accessory dwelling unit look?

Accessory dwelling units must be subordinate to the primary structure by size, location, and appearance, and must comply with the following criteria:

1. Roofing and siding materials shall be the same style, color, and materials as the roofing and siding materials predominant on the primary structure.
2. Accessory dwelling units shall be painted the same color, or be complementary to, the color scheme of the primary structure.
3. Architectural detailing, including but not limited to fascia, window trim, and door trim, shall replicate and be complementary to the trim detailing of the primary structure.

How much parking is required?

A one bedroom unit shall provide one (1) covered or uncovered space and a two bedroom unit shall provide two (2) spaces in addition to the required off-street parking for the principal residential dwelling. The parking space may be an uncovered space or tandem space and may be located in the front yard setback if contained within the space of an existing paved driveway. When a garage, carport, or covered parking structure for the principal dwelling unit is demolished in conjunction with the construction of an accessory dwelling unit, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces or tandem spaces contained within the space of an existing paved driveway. Additional parking may not be required in certain situations. Please review the Compliance Checklist for parking exemptions.

Are there additional general requirements?

No subdivision of land or air rights shall be allowed.

What are the permit requirements?

New accessory dwelling units require Planning Ministerial Approval and a Building Division Permit. A checklist for submittal requirements for the Planning Ministerial Approval is attached for reference.