

CHAPTER 12.90 ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

12.90.010 Purpose.

The purpose of this Chapter is to comply with California Government Code Sections 65852.2 and 65852.22 which provides standards for the development of accessory dwelling units and junior accessory dwelling units so as to increase the supply of smaller and affordable housing while ensuring that they remain compatible with existing neighborhoods. 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.

An accessory dwelling unit that conforms to this Chapter shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot, and shall be deemed an accessory use, as defined in Section 12.80.015, and shall not be considered to exceed the allowable density for the lot upon which it is located. An accessory dwelling unit is not a recreational vehicle or an “excess housekeeping unit,” as defined in Section 12.92.030 of the San Bruno zoning ordinance, unless verified by the Planning Division to be an accessory dwelling unit.

12.90.020 Definitions.

- A. Accessory Dwelling Unit or ADU: an interior, attached or a detached residential dwelling unit located on a single lot with a proposed or existing single-family residence or existing multifamily residence which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling or multi-family dwelling. At minimum, the kitchen shall contain a sink, refrigerator, and either a cooktop or range. An accessory dwelling unit also includes the following:
1. Efficiency unit, as defined in Section 17958.1 of Health and Safety Code: a separate living space for occupancy by no more than two persons, which has a minimum floor area of one hundred fifty square feet containing partial kitchen or bathroom facilities.
 2. Manufactured home, as defined in Section 18007 of Health and Safety Code: a transportable structure which in the traveling mode is eight feet or more in width and forty feet or more in length and is a minimum of three hundred twenty square feet and which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contain therein.
- B. Junior Accessory Dwelling Unit or JADU: a residential unit that is no more than 500 square feet in size and contained entirely within a single-family dwelling unit, including an attached garage. A junior accessory dwelling unit must contain an entrance separate from the entrance for the single-family dwelling and shall either include separate sanitation facilities (bathroom containing a sink, toilet, and shower/tub) or share sanitation facilities with the single-family dwelling. An efficiency kitchen is required, which must include a sink, a cooking facility with appliances (e.g. microwave, toaster oven, hot plate), as well as a food

preparation counter and storage cabinets.

- C. Livable space: Existing space in a structure that is used for living, sleeping, eating, or cooking. This term excludes some interior areas of existing structures, including storage rooms, boiler rooms, passageways, attics, basements, or garages
- D. Efficiency Kitchen: a kitchen including all of the following: 1) a cooking facility with appliances, 2) a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
- E. Passageways: a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
- F. Public Transit: a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
- G. Tandem parking: two or more automobiles parked on a driveway or in any other location on a lot, lined up behind one another.

12.90.030 General Requirements.

- A. **Zoning.** Accessory dwelling units shall be a permitted use in any district where residential uses are permitted. Junior accessory dwelling units shall be permitted in the single-family zoning districts within an existing single-family residence, or as part of a proposed single-family residence.
- B. **Junior accessory dwelling units.** Where permitted, one 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-family residence. A junior accessory dwelling unit may be developed on the same lot as an accessory dwelling unit that meets the following standards:
 - 1. A detached, new construction accessory dwelling unit not exceeding 800 square feet in size and sixteen feet in height, with at least four-foot side and rear setbacks; or
 - 2. An accessory dwelling unit developed within:
 - a. the space of a proposed or existing single-family dwelling unit; or
 - b. a legally established existing accessory structure which may include an expansion of up to 150 square feet beyond the existing physical dimensions to accommodate ingress and egress only.
- C. **Accessory dwelling units.**
 - 1. **Multifamily residential structures.** One of the following may be permitted on a lot with an existing multifamily residential structure:
 - a. Up to twenty-five percent of the number of existing multifamily units in the building, but at least one unit, shall be allowed in existing multifamily dwelling structures within the portions of the structure that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, provided that the unit complies with California Building Code Standards. An accessory dwelling unit shall not be created within any portion of an existing dwelling unit in a multifamily structure; or

- b. Up to two detached accessory dwelling units shall be allowed on a lot with an existing multifamily residential structure, provided that the height of the detached accessory dwelling unit does not exceed sixteen feet and each unit has side yard and rear yard setbacks of at least four feet.

2. Single-family residences. One accessory dwelling unit is permitted per residential lot containing an existing or proposed single family residence. The accessory dwelling unit may be:

- a. Attached to an existing or proposed single-family residence;
 - b. Located within the walls of the existing or proposed single-family residence, including all or a portion of an attached garage;
 - c. Located within a legally-established existing accessory structure which may include an expansion of up to 150 square feet beyond the existing physical dimensions to accommodate ingress and egress only;
 - d. Detached from the existing or proposed single-family residence, but located on the same lot;
 - e. Located over a legally established detached garage.
- D. **Aircraft Noise Insulation.** Any accessory dwelling unit located in the 65 CNEL or higher areas, as shown on the Noise Compatibility Zones map of the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco Airport, is required to be designed to Aircraft Noise Insulation Program standards.

12.90.040 Permitting procedures.

Within sixty (60) days of receipt of a complete building permit application, the Community and Economic Development Department staff shall ministerially process for approval any application for an ADU or JADU permit pursuant to this Chapter. Incomplete applications will be returned with an explanation of what additional information is required. Upon finding that the ADU or JADU meets the requirements of this Chapter, the application shall be approved ministerially without discretionary review or public hearing and the applicant may proceed to acquire a building permit. Review and approval of all ADUs and JADUs is ministerial, and CEQA does not apply to ministerial permits. Prior to obtaining a building permit, submission of a completed, signed deed restriction is required, as described by Section 12.90.060.

12.90.050 Development standards.

- A. **General requirements.** 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 Bruno Municipal Code, the standards specific to this section shall take precedence.
- B. **Building and fire code requirements.** Junior accessory dwelling units and accessory dwelling units shall comply with all applicable building and fire 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 primary residence.
- C. **Entrances.** A junior accessory dwelling unit and an accessory dwelling unit shall have a separate exterior entrance from the primary dwelling unit. Interior entries from the primary

residence are allowed, but junior accessory dwelling units and accessory dwelling units must be separated and delineated from the main residence by a door.

D. Junior accessory dwelling units.

1. **Location.** Junior accessory dwelling units shall be contained entirely within the walls of an existing or proposed single-family residence, and shall contain at least an efficiency kitchen equipped with a sink, a 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 accessory dwelling unit.
2. **Size.** A junior accessory dwelling unit shall be no larger than 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.
3. **Sanitation Facilities.** 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-family residence and shall have an interior access to any shared sanitation facilities.
4. **Balconies and openings.** Balconies, decks and open stair landings shall not face the side property lines, except as needed to allow ingress and egress.
5. **Parking.** Junior accessory dwelling units shall not be required to provide for any additional parking for the unit itself, but shall replace any parking displaced by junior accessory dwelling unit construction, including full or partial conversion of an existing garage.

E. Accessory dwelling units

1. **Development Standard Waivers.** Development standards regarding lot coverage, floor area ratio, impervious surface, and lot size shall be waived to allow a maximum 800 square foot detached or attached accessory dwelling unit with a maximum of 16 feet in height, with minimum four-foot side and four-foot rear yard setbacks in compliance with all other applicable development standards. Permitted floor area and lot coverage requirements described by San Bruno Municipal Code Sections 12.96.060(D)(7) and 12.200.030 shall be waived to allow for an attached or detached ADU meeting the maximum size requirements described by subsection (4) below.
2. **Setbacks.** Attached and detached accessory dwelling units shall conform to the following setback standards:
 - a. A minimum setback of four feet is required from the side and rear property lines. However, no setbacks shall be required under the following circumstances:
 - i. Existing livable space or an existing accessory structure that is converted, in whole or in part, to an ADU; or
 - ii. The ADU is constructed in the same location and to the same dimensions as an existing structure that is demolished solely for the purpose of constructing the ADU.
 - b. There is no minimum requirement for setbacks between an accessory dwelling unit and the main residence; however, all proposals shall meet any applicable building and fire requirements.
3. **Passageway.** No passageway shall be required in conjunction with the construction of an accessory dwelling unit.
4. **Size.**

- a. The floor area of an attached or detached accessory dwelling unit on a lot with a proposed or existing single-family dwelling shall not exceed 850 square feet for a studio or one bedroom and shall not exceed 1,000 square feet for a unit that contains more than one bedroom for lots less than 7,500 square feet. For lots greater than or equal to 7,500 square feet, the floor area of an attached or detached accessory dwelling unit shall not exceed 1,200 square feet for a unit that contains more than one bedroom.
- b. 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.
- 5. **Architectural Compatibility.** An attached or detached accessory dwelling unit shall use the same architectural style, exterior materials, and colors as the existing or proposed single-family dwelling. Specifically, the architectural design, including exterior materials and colors, roof pitch and style, type of windows, and trim details of the accessory dwelling unit shall be the same as the single-family dwelling. Attached or detached accessory dwelling units shall satisfy applicable objective design review criteria and conform to any objective design guidelines. The design shall meet the objective standards of the San Bruno Residential Design Guidelines.
- 6. **Balconies and Openings.** Balconies, decks or open stair landings that face the rear or side property line nearest the accessory dwelling unit shall not be permitted, except as needed to allow ingress and egress. Windows within five feet of the property line shall utilize one of the following techniques to lessen the privacy impacts onto adjacent properties: obscured glazing, window placement above five feet, six inches (eye level), window orientation toward the existing on-site residence, or screening treatments.
- 7. **Height.** The maximum height of a one-story accessory dwelling unit shall be sixteen feet as measured in accordance with SBMC 12.80.245.
- 8. **Two-story accessory dwelling units.** Accessory dwelling units may be two stories or located over legally established detached garages subject to the following requirements:
 - a. **Maximum height.** The maximum height of an accessory dwelling unit meeting the required setbacks of the underlying zoning district shall be twenty feet as measured in accordance with SBMC 12.80.245. A maximum height of sixteen feet shall be applied to any portion of the structure that does not meet underlying zoning setbacks.
 - b. **Design.** A second story accessory dwelling unit more than sixteen feet in height shall meet the daylight plane or façade articulation requirement set forth in Section 3.6.2 of the San Bruno Residential Design Guidelines.
 - c. **Access.** 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 feet above the garage floor.
 - d. **Balconies and openings.** Balconies, decks, or open stair landings that face the rear or side property line nearest the accessory dwelling unit shall not be permitted, except as needed to allow ingress and egress. Any window or door of a second story accessory dwelling unit shall utilize one of the following techniques to lessen the privacy impacts onto adjacent properties: obscured glazing, window placement

above five feet, six inches (eye level), windows and doors located toward the existing on-site residence, or screening treatments.

9. **Off-Street Parking.** Parking for an accessory dwelling unit shall be provided in compliance with the following standards:
 - a. One parking space shall be required for each proposed accessory dwelling unit in addition to those required for the single-family dwelling units, except as provided in subsections c and d below.
 - b. The additional parking space may be provided as uncovered tandem parking located in or adjacent to the required driveway for the primary residence or in the side yard as allowed per Chapter 12.100. Parking for the accessory dwelling unit may be located within setback areas unless the Director finds that parking in setback areas is not feasible due to specific site or regional topographical conditions or fire and life safety conditions. Parking spaces shall not extend into a public sidewalk or right-of-way that would block pedestrian travel. Parking space dimensions must meet the requirements of the San Bruno Parking Design Standards.
 - c. On-site parking is not required for an accessory dwelling unit in any of the following instances:
 - i. The accessory dwelling unit is located within one-half mile of public transit.
 - ii. The accessory dwelling unit is located within an architecturally and historically significant historic district.
 - iii. The accessory dwelling unit is part of the existing or proposed primary residence or multi-family structure or an existing accessory structure.
 - iv. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
 - v. When there is a dedicated parking area for one or more car share vehicles located within one block of the accessory dwelling unit.
 - vi. The accessory dwelling unit falls under one of the categories set forth by Gov. Code, § 65852.2, subdivision (e).
 - d. Replacement parking is not required when a garage, carport, or covered parking structure is demolished for the construction of an accessory dwelling unit or converted to an accessory dwelling unit.
10. **New Address.** The San Bruno building official shall assign a new address to the accessory dwelling unit.

12.90.060 Deed restrictions.

Before obtaining a building permit for a junior accessory dwelling unit or accessory dwelling unit, the applicant shall file with the county recorder a restrictive covenant, which has been approved by the city attorney as to its form and content, containing a legal description of the property and stating that:

- A. The accessory dwelling unit or junior accessory dwelling unit shall not be sold separately from the primary residence except as provided for by Government Code Section 65852.26;
- B. The accessory dwelling unit or junior accessory dwelling unit is subject to the maximum size restriction and other development standards described in Section 12.90.050;
- C. For accessory dwelling unit applications received after January 1, 2025, the owner of record of the property must occupy either the single-family residence or the accessory dwelling unit.

- D. For all junior accessory dwelling units, the owner of record of the property must occupy either the single-family residence, or the junior accessory dwelling unit.
- E. The accessory dwelling unit or junior accessory dwelling unit shall not be rented for less than thirty days if permitted after January 1, 2020.
- F. The deed restrictions shall be binding upon any successor in interest of the property, and failure to comply with the covenant shall be a violation of the Municipal Code.

12.90.070 Delay of enforcement of building standards.

- A. Prior to January 1, 2030, the owner of an ADU that was built prior to adoption of the ordinance codified in this Chapter, may submit a written request to the Chief 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 Section 17960 of the California Health and Safety Code.
- B. The Chief Building Official will grant the application if the Chief Building Official determines that enforcement of the building standard is not necessary to protect health and safety. In making this determination, the Chief Building Official will consult with the Fire Marshal.
- C. No applications pursuant to this section shall be approved on or after January 1, 2030. However, any delay that was approved by the city 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.
- D. Until January 1, 2030, any notice to correct a violation of building standard that is issued to the owner of an ADU built prior to adoption of the ordinance codified in this Chapter shall include a statement that the owner has a right to request a delay in enforcement of the building standard for an ADU pursuant to this section.

12.90.080 Utilities and Impact Fees.

- A. 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.
- B. Except as provided in subsection (C), 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.
- C. The following 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:
 - 1. Junior accessory dwelling units.
 - 2. Accessory dwelling units converted from interior space of an existing single-family residence or an existing accessory structure.
- D. Impact Fees. No impact fees, as defined in Government Code Section 65852.2(f), shall be imposed on any junior accessory dwelling unit or accessory dwelling unit with a gross floor area of less than 750 square feet, unless the accessory dwelling unit is constructed concurrently with construction of a new single-family home. Impact fees for all other accessory dwelling units shall be charged proportionately in relation to the square footage of the single-family dwelling unit.