

RESIDENTIAL ACCESSORY DWELLING UNITS

Accessory Dwelling Units (ADUs) have been known by many names: granny flats, in-law units, backyard cottages, secondary units and more. No matter what you call them, ADUs can be an effective means of adding much needed housing in Marin County.

There are four categories of ADUs in unincorporated Marin County, each with different standards that apply. ADUs are allowable in any zoning district where primary residences are allowable. An ADU may be rented but shall not be sold separately from the primary residence and ADUs can only be rented for terms longer than 30 consecutive days. When creating an ADU in the coastal zone requires a Coastal Permit, it can usually be issued administratively with no public hearing. However, if the project involves unrelated development that independently requires a Coastal Permit or a change from an agricultural or commercial use to a residential ADU, then a public hearing will normally be required.

Each of the four categories of ADUs is discussed below, and the details can be found in Development Code section 22.32.120 (Residential ADUs) and Chapter 22.56 (Residential ADU Permits).

Category 1 ADUs

Single-family Development. The requirements for Category 1 ADUs that are accessory to single-family development are provided below.

- The ADU is contained entirely within the legal building area of an existing single-family dwelling.

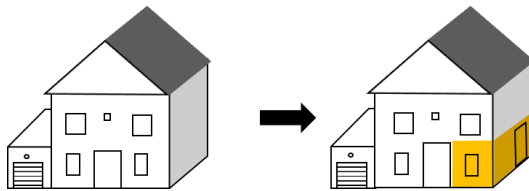


Image: A residence with an attached garage as compared to the residence with portion of the building area converted into an ADU.

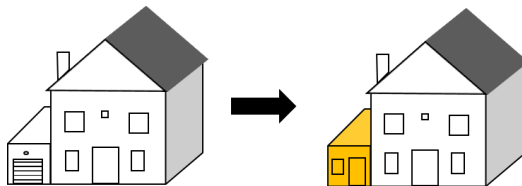


Image: A residence with an attached garage as compared to the residence with the garage converted into an ADU.

- ❑ The ADU is contained entirely within the legal building area of an existing outbuilding; except that the project may include an addition of not more than 150 square feet of floor area to provide access to the unit, provided the access addition meets minimum rear and side setbacks of four feet.

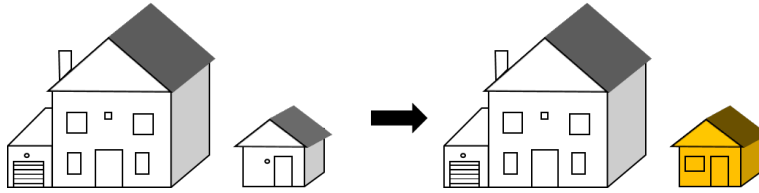


Image: A residence with an existing outbuilding as compared to the residence with the building area of the outbuilding converted into an ADU.

- ❑ The ADU is contained entirely within proposed new construction building area of an outbuilding that does not exceed a floor area of 800 square feet, a height of 16 feet above grade, and has minimum rear and side yard setbacks of four feet.

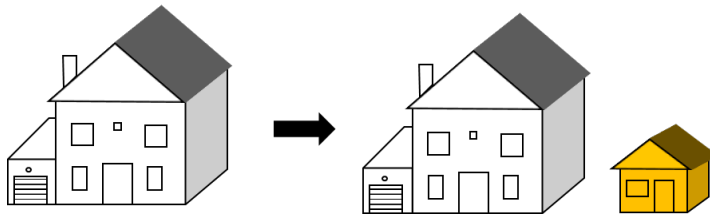


Image: A residence with no outbuilding as compared to the residence with a new construction outbuilding.

Multi-Family Development. Below are the general requirements for Category 1 ADUs proposed for multi-family development:

- ❑ Two detached ADUs are allowed to be built on a lot that has an existing multi-family dwelling but are detached from that multi-family dwelling and are subject to a height limit of 16 feet above grade and minimum side and rear setbacks of four feet.
- ❑ Multiple ADUs are allowed to be built within those portions of the existing legal building area of a multi-family dwelling that are not conditioned to be habitable, such as boiler rooms, storage rooms, passageways, attics, basements, and garages.
- ❑ At least one ADU is allowed to be built within an existing multi-family dwelling, with the maximum allowed in multi-family dwellings of five units or more being 25 percent of the total existing legal units.

Planning Permit Requirements. Category 1 ADUs can be created with no discretionary review or ADU Permit outside of the coastal zone. Within the coastal zone, Category 1

ADUs can be created entirely within the legal building area of an existing residence or residential outbuilding without any Coastal Permit or ADU Permit. Building a new residential outbuilding or changing the use of an outbuilding from either agricultural or commercial to residential to create an ADU will require a Coastal Permit but will not require an ADU Permit.

Category 2 ADUs

The criteria for Category 2 ADUs are provided below.

- The ADU does not exceed a floor area of 800 square feet, a height of 16 feet above grade, has a minimum front yard setback of 25 feet and has minimum side and rear yard setbacks of four feet.

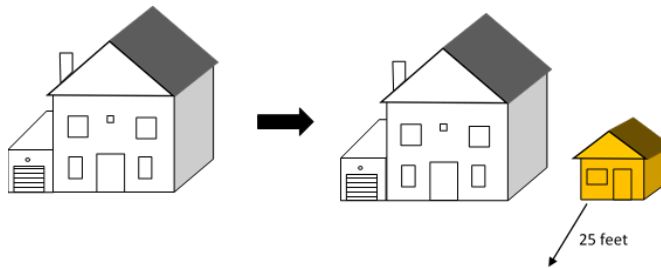


Image: A residence as compared to the residence with an ADU that has a minimum front yard setback of 25 feet.

- The ADU shall be located outside of any sensitive habitat areas.
- If an ADU is to be located on a property in a very high fire hazard severity zone, then it must have direct vehicle access to a street network with a continuous minimum paved width of at least 20 feet from the property to an arterial street or highway

Planning Permit Requirements. Category 2 ADUs can be created with no discretionary review outside of the coastal zone but will require an ADU Permit. Within the coastal zone, Category 2 ADUs will require a Coastal Permit as well as an ADU Permit.

Category 3 ADUs

The criteria for Category 3 ADUs are provided below.

- An attached ADU contained entirely within an addition to an existing single-family residence shall not exceed 50 percent of the floor area of the existing residence, except that a one-bedroom unit that is up to 850 square feet shall be allowed and a two or more-bedroom unit that is up to 1,000 square feet shall be allowed, even if it exceeds the maximum floor area ratio standard.

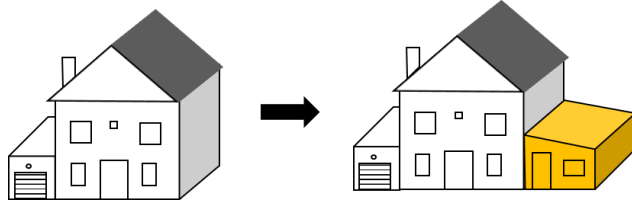


Image: A residence as compared to the residence with an ADU contained entirely within an addition to the residence.

- ❑ A detached ADU shall not exceed a floor area of 1,200 square feet. A detached one-bedroom unit that is up to 850 square feet shall be allowed and a detached two or more-bedroom unit that is up to 1,000 square feet shall be allowed even if it exceeds the maximum floor area ratio standard.

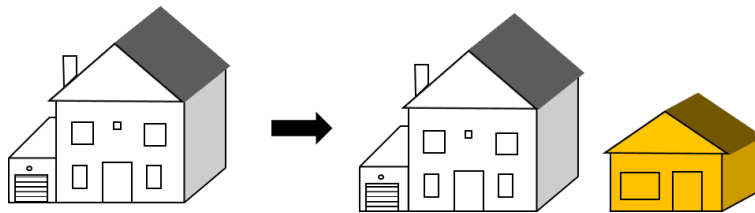


Image: A residence as compared to the residence with a detached ADU.

- ❑ An ADU in a conventional zoning district shall comply with all development standards for that district and shall be located within any applicable building envelopes. Notwithstanding any floor area restrictions, a one-bedroom unit that is up to 850 square feet shall be allowed and a two or more-bedroom unit that is up to 1,000 square feet shall be allowed, even if it exceeds the maximum floor area ratio standard.
- ❑ An ADU in a Planned zoning district shall comply with all the development standards for the R1:B3 zoning district (C-R1:B3 in the coastal zone), except that a numerical development restriction established by a Master Plan shall govern where applicable, and the unit shall be located within any applicable building envelopes. Notwithstanding any floor area restrictions, a one-bedroom unit that is up to 850 square feet shall be allowed and a two or more-bedroom unit that is up to 1,000 square feet shall be allowed even if it exceeds the maximum floor area ratio standard.
- ❑ The ADU shall be located outside of any sensitive habitat areas.
- ❑ If an ADU is to be located on a property in a very high fire hazard severity zone, then the property must have direct vehicle access to a street network with a continuous minimum paved width of at least 20 feet from the property to an arterial street or highway.

Planning Permit Requirements. Category 3 ADUs can be created with no discretionary review outside of the coastal zone but will require an ADU Permit. Within the coastal zone, Category 3 ADUs will require a Coastal Permit as well as an ADU Permit.

Category 4 ADUs

The criteria for Category 4 ADUs are provided below.

- An attached ADU contained entirely within an addition to an existing single-family residence shall not exceed 50 percent of the floor area of the existing residence.
- A detached ADU shall not exceed a floor area of 1,200 square feet.
- The ADU shall be located outside of any sensitive habitat areas.
- If an ADU is to be located on a property in a very high fire hazard severity zone, then the property must have direct vehicle access to a street network with a continuous minimum paved width of at least 20 feet from the property to an arterial street or highway. However, this standard shall not apply when the Marin County Fire Department or the responsible local fire protection district determines that adequate emergency access and evacuation routes will be provided.
- The development of the ADU shall comply with all applicable zoning requirements, including Master Plan criteria and discretionary review.

Planning Permit Requirements. Category 4 ADUs are subject to any discretionary review that would normally be required for the development, including Coastal Permits, Design Reviews, and Variances, and will also require an ADU Permit.

KEY DEFINITIONS

Accessory Dwelling Unit. A residential dwelling unit, which is accessory to a primary dwelling unit, that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary dwelling. It shall provide permanent provisions for living, sleeping, eating cooking, sanitation, and independent exterior access, on the same lot as the single-family or multi-family dwelling is or will be situated. An Accessory Dwelling Unit also includes the following: (1) an efficiency unit as defined in section 17958.1 of the California Health and Safety Code and (2) a manufactured home as defined in section 18007 of the California Health and Safety Code.

Accessory Dwelling Unit, Attached. An Accessory Dwelling Unit contained entirely within an addition to an existing legal primary dwelling.

Accessory Dwelling Unit, Detached. An Accessory Dwelling Unit contained entirely within a detached accessory structure (outbuilding).

Accessory Structure, Detached. There are two types of accessory structures: (1) buildings, and (2) affixed improvements including fences, retaining walls, septic systems, utility lines, outdoor appliances, back-up generators, propane tanks, fountains and other water features, and other similar structures that do not fit the definition of a building. A structure is considered to be accessory when it is secondary and incidental to, and commonly associated with the primary structure or use.

A detached accessory building lacks any type of substantial physical connection with the primary structure with roofs between the primary building and the accessory building separated by a horizontal distance of at least five feet. If the roofs are separated by a horizontal distance of less than five feet, then the buildings are considered attached.

Accessory structures that are not buildings are always considered detached regardless of the degree of proximity and physical connection, provided they are located outside of the building footprint.

Building Area. The sum of the floor area of all floors in all buildings on a site. Unlike "Floor Area", building area includes garages, carports, storage buildings, and other attached or detached accessory structures.

Kitchenette. An interior area that accommodates a bar sink and small food preparation appliances, such as a toaster, microwave, hotplate, coffee maker, and mini-refrigerator. The bar sink shall not exceed a maximum dimension of 12-inches by 12-inches and adjoining cabinets and counters shall not exceed an aggregate length of six feet. Kitchenettes are not considered kitchens.

Outbuilding. See definitions for "Accessory Structures, Detached" and "Building".

Sensitive Habitat. Stream Conservation Areas and Wetland Conservation Areas. (See Environmentally Sensitive Habitat Area for properties in the coastal zone.)