



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING**

ADU Development Guide
"State Regs"

This guide serves to help you determine whether an accessory dwelling unit ("ADU") can be established on a parcel or lot ("site") under "State Regs". An application under "State Regs" must comply with the State ADU Law (California Government Code Section 65852.2 et seq.) effective on January 1, 2020.

For an application to be considered under "State Regs", a complete Zoning Clearance (Inland Areas) or Plot Plan (Coastal Zone) application to establish ADUs must be received by the Planning Division on or after January 1, 2020, but before the County of San Luis Obispo adopts new ADU standards applicable to the subject site (Inland or Coastal).

Although most of the factors that must be considered in ADU development are addressed in this guide, on any given site, there may be circumstances specific to the site or requirements from other agencies/departments that may require attention or prevent ADU development. Nothing in this guide shall be misconstrued or interpreted to guarantee approval of an application to establish ADU(s).

DEFINITIONS

Accessory Dwelling Unit ("ADU")

An attached or detached residential dwelling unit that provides complete independent living facilities for one (1) or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multi-family dwelling is or will be situated. An ADU also includes the following:

- (A) An efficiency unit.
- (B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

Junior Accessory Dwelling Unit ("JADU")

A unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure.

LAND USE CATEGORY (ZONE)

ADUs may be permitted in the following land use categories:

- AG CR OP REC RL RMF RR RS RSF

EXCLUSION AREAS

ADUs are not allowed within the following exclusion areas:

- The South Bay urban area (Los Osos), as defined by the Land Use Element, Estero area plan;
 - All areas of the county where the Regional Water Quality Control Board has issued a notice of resource constraints through moratoria or other means; and
 - Any parcel within a tract or parcel map that contains conditions prohibiting accessory or secondary dwellings.
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WATER

COMMUNITY WATER

A will-serve letter from the water purveyor will be required.

Note: Some water purveyors, such as Cambria CSD, may not be issuing any new water connections. Please contact the water purveyor directly for more information.

ONSITE WELL

A well test in compliance with Section 19.07.040(b) will be required.

WASTEWATER

SITES SERVED BY COMMUNITY SEWER

A will-serve letter from the wastewater service provider will be required.

Note: Some wastewater service providers, such as Cambria CSD, may not be issuing any new wastewater connections. Please contact the wastewater service provider directly for more information.

SITE SERVED BY ONSITE WASTEWATER TREATMENT SYSTEMS

Sites served by onsite wastewater treatment systems (such as septic systems) will have to satisfy the requirements of the Building Code (Title 19), which may include standards for lot size. For sites served by onsite wastewater treatment systems, such as septic systems, please contact Michael Byrd to determine if those requirements, which may include lot size standards, can be satisfied.

Michael Byrd
Environmental Health Specialist I
Phone: (805) 781-1537
Email: mbyrd@co.slo.ca.us

GENERAL ADU INFORMATION

Minimum Lot Size Requirement: None, except that sites served by onsite wastewater treatment systems may be required to satisfy specific Building Code standards.

Vacation Rental: Rental of an entire ADU or portion of an ADU for less than 30 days shall be prohibited.

Owner-Occupancy Requirement: ADU – Not Required
JADU – Required (The property owner may reside in either the remaining portion of the residence or the newly created JADU)

Nonconforming Conditions: ADUs in compliance with State ADU Law, effective on January 1, 2020, may be established without the correction of nonconforming zoning conditions, provided that (1) the degree of nonconformity will not be increased and (2) no new nonconformities will be created or established.

For the purpose of ADU applications under “State Regs”, “nonconforming zoning condition” means a physical improvement on a property that does not conform with current zoning standards.

Fire Sprinkler Requirement: The installation of fire sprinklers will not be required in an ADU if fire sprinklers are not required for the primary residence. However, if the ADU is attached to other structures that require fire sprinklers, installation of fire sprinklers may be required. Please contact the Building Division at (805) 781-5600 for more information.

Impact Fees: Impact fees are not charged on the development of an ADU less than 750 square feet. Any impact fees charged for an ADU of 750 square feet or more will be charged proportionately in relation to the square footage of the primary dwelling unit.

For the purpose of ADU applications under “State Regs”, “impact fee” has the same meaning as the term “fee” is defined in subdivision (b) of Government Code Section 66000, except that it also includes fees specified in Government Code Section 66477. “Impact fee” does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

TYPES OF ADU DEVELOPMENT

ADUs may be allowed as an ancillary use on a site with a single-family dwelling or multi-family dwelling.

The below table provides the types of ADU development that the site may be eligible for. Each site shall be limited to establishing ADUs in accordance with ONE (1) of the “types” described in the table. The standards of each “type” shall not be combined or interchanged, unless explicitly indicated.

ADU DEVELOPMENT TYPES		
	Sites with existing or proposed SINGLE-FAMILY DWELLING (SFD)	Sites with existing or proposed MULTI-FAMILY DWELLING (MFD)
One (1) Additional Unit	1 ADU or JADU within: <ul style="list-style-type: none"> • A proposed SFD; • An existing SFD; or • An existing accessory structure, such as a garage Max. ADU size: 1,000 sq. ft. Max. JADU size: 500 sq. ft. <p style="text-align: center;">See “TYPE A” for development type specific standards</p>	<p style="text-align: center;">See “TYPE C” or “Type D”</p>
	1 attached or detached ADU Max. size: 1,200 sq. ft. <p style="text-align: center;">See “TYPE E” for development type specific standards</p>	
Up to Two (2) Additional Units	1 attached JADU and 1 detached ADU Max. ADU size: 800 sq. ft. Max. JADU size: 500 sq. ft. <p style="text-align: center;">See “TYPE B” for development type specific standards</p>	2 or less detached ADUs Max. size: 1,000 sq. ft. <p style="text-align: center;">See “TYPE D” for development type specific standards</p>
More Than Two (2) Additional Units	-----	Multiple ADUs within existing MFD Min. number of ADUs: 1 Max. number of ADUs: 25% of existing dwellings Max. ADU size: 1,000 sq. ft. <p style="text-align: center;">See “TYPE C” for development type specific standards</p>

TYPE A

Standards to establish one (1) ADU or JADU within a proposed single-family dwelling, existing single-family dwelling, or existing accessory structure

General Standards

The ADU or JADU must be completely within the (1) proposed space of a single-family dwelling, (2) existing space of a single-family dwelling, or (3) existing space of an accessory structure. Except that, an existing accessory structure to be converted to an ADU may be expanded by a maximum of 150 square feet. Such expansion shall only be permitted to accommodate ingress and egress.

Maximum Size

ADU: 1,000 square feet
JADU: 500 square feet

Minimum ADU Setbacks

Front: Comply with the setback requirements applicable to the proposed single-family dwelling, existing single-family dwelling, or existing accessory structure
Side and Rear: Must be sufficient to satisfy fire and safety requirements

Minimum Off-Street Parking

ADU or JADU: None
Primary: The existing off-street parking spaces for the primary residential use shall be maintained for automobile parking. However, off-street parking spaces for the primary residential use that are demolished or converted in conjunction with the establishment of accessory dwellings are not required to be replaced.

Exterior Access

The space for an ADU must have exterior access separate from the proposed or existing single-family dwelling.

THE BELOW STANDARDS ONLY APPLY TO THE ESTABLISHMENT OF A JUNIOR ACCESSORY DWELLING UNIT

General

The JADU:

- Must be constructed within the walls of an existing or proposed single-family dwelling;
- Must include a separate entrance from the main entrance to the single-family dwelling; and
- May include separate sanitation facilities or shared sanitation facilities with the existing structure.

Efficiency Kitchen

The JADU is required to include an efficiency kitchen, which shall include all of the following:

- A cooking facility with appliances; and
- A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.

Deed Restriction

Prior to the issuance of building permits for a JADU, a deed restriction shall be recorded with the Office of the County Clerk-Recorder. The deed restriction shall include all of the following:

- Disclose the status as a "junior accessory dwelling unit";
- Agree that the property must be owner-occupied;
- Prohibit the sale of the JADU separate from the sale of the single-family dwelling;
- Provide a restriction on the size and attributes of the JADU that conforms with California Government Code Section 65852.22; and
- Provide a statement that the deed restriction may be enforced against future purchasers.

TYPE B

Standards to establish one (1) detached, new construction, ADU and one (1) JADU on a lot with an existing or proposed single-family dwelling

Maximum Size

ADU: 800 square feet
JADU: 500 square feet

Minimum ADU Setback

Front: Comply with the setback requirements applicable to residential accessory buildings and structures
Side and Rear: 4 feet

Maximum Height

ADU: 16 feet

Minimum Off-Street Parking

ADU or JADU: None
Primary: The existing off-street parking spaces for the primary residential use shall be maintained for automobile parking. However, off-street parking spaces for the primary residential use that are demolished or converted in conjunction with the establishment of accessory dwellings are not required to be replaced.

THE BELOW STANDARDS ONLY APPLY TO THE ESTABLISHMENT OF A JUNIOR ACCESSORY DWELLING UNIT

General

The JADU:

- Must be constructed within the walls of an existing or proposed single-family dwelling;
- Must include a separate entrance from the main entrance to the single-family dwelling; and
- May include separate sanitation facilities or shared sanitation facilities with the existing structure.

Efficiency Kitchen

The JADU is required to include an efficiency kitchen, which shall include all of the following:

- A cooking facility with appliances; and
- A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.

Deed Restriction

Prior to the issuance of building permits for a JADU, a deed restriction shall be recorded with the Office of the County Clerk-Recorder. The deed restriction shall include all of the following:

- Disclose the status as a "junior accessory dwelling unit";
- Agree that the property must be owner-occupied;
- Prohibit the sale of the JADU separate from the sale of the single-family dwelling;
- Provide a restriction on the size and attributes of the JADU that conforms with California Government Code Section 65852.22; and
- Provide a statement that the deed restriction may be enforced against future purchasers.

TYPE C

Standards to establish multiple ADUs within an existing multi-family dwelling

General Standard

ADUs shall be established completely within portions of existing multi-family dwelling structures that are not used as livable spaces, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each accessory dwelling complies with the building standards for dwellings.

Number of ADUs

Minimum: 1

Maximum: The number of accessory dwellings allowed shall not exceed 25 percent of the existing multi-family dwelling units

Maximum Size

ADU: 1,000 square feet

Minimum Off-Street Parking

ADU: None

Primary: The existing off-street parking spaces for the primary residential use shall be maintained for automobile parking. However, off-street parking spaces for the primary residential use that are demolished or converted in conjunction with the establishment of accessory dwellings are not required to be replaced.

TYPE D

Standards to establish two (2) or less detached ADUs on a lot with an existing multi-family dwelling

Maximum Size

ADU: 1,000 square feet

Minimum Setback

Front: Comply with the setback requirements applicable to residential accessory buildings and structures

Side and Rear: 4 feet

Maximum Height

ADU: 16 feet

Minimum Off-Street Parking

ADU: None

Primary: The existing off-street parking spaces for the primary residential use shall be maintained for automobile parking. However, off-street parking spaces for the primary residential use that are demolished or converted in conjunction with the establishment of accessory dwellings are not required to be replaced.

TYPE E

Standards to establish one (1) attached or detached ADU on a lot with an existing single-family dwelling

Maximum Size

ADU: 1,200 square feet

Minimum ADU Setback

Front: Detached – Comply with the setback requirements applicable to residential accessory buildings and structures

Attached – Comply with the setback requirements applicable to the attached single-family dwelling

Side and Rear: Detached – 4 feet

Attached – Comply with the setback requirements applicable to the attached single-family dwelling

Minimum Off-Street Parking

ADU: None

Primary: The existing off-street parking spaces for the primary residential use shall be maintained for automobile parking. However, off-street parking spaces for the primary residential use that are demolished or converted in conjunction with the establishment of accessory dwellings are not required to be replaced.