

23.08.169 - Residential ~~Secondary~~ Accessory Dwellings ~~Units~~ (S-8).

~~A second permanent Accessory dwellings may be allowed, pursuant to this section, on a site in the Residential Single-Family, Residential Suburban and Residential Rural land use categories, in addition to the first dwelling primary residential use on a site, as allowed by Coastal Table "O" (Allowable Uses) in the Framework for Planning Excerpts – Coastal Zone. For the purpose of this Section, primary residential use shall mean a single-family dwelling or multi-family dwelling. Section 23.04.082, provided the site and the existing primary dwelling satisfy all other applicable provisions of this title. (A caretaker residence is subject to Section 23.08.161, farm support quarters are subject to Section 23.08.167c.)~~

- a. **Authority.** ~~Secondary~~ Accessory dwellings are authorized by this title pursuant to the authority established by Sections 65852.2 et seq. of the California Government Code. Accessory Dwellings that comply with the standards and regulations contained in this section shall be subject to ministerial review, without discretionary review or public hearing. In accordance with Government Code Section 65852.2 et seq., where the standards of this Section conflict with other provisions of this Title, the standards of this Section control.
- b. **Limitations on use.**
 - (1) **Accessory unit only.** ~~A Secondary Accessory Dwellings Unit shall be accessory to a the primary residential use and are considered accessory uses. Certificates of occupancy for accessory dwellings and junior accessory dwellings shall not be issued prior to the issuance of certificates of occupancy for the primary residential use. ~~dwelling and shall not be established on any site containing a guesthouse (Section 23.08.032e) or more than one dwelling unit, except where a guesthouse is proposed to be converted to a secondary dwelling unit pursuant to this section.~~~~
 - (2) **Density.** Accessory dwellings that conform to this Section shall be deemed to be a residential accessory use and shall not be considered to exceed the allowable density for the lot upon which it is located.
 - (3) **Nonconforming primary residential use.** Subject to the requirements of this Section and in lieu of Section 23.09.030 (Nonconforming Buildings, Structures or Site Development), accessory dwellings in compliance with this Section may be established without the correction of nonconforming zone conditions, provided that (1) the degree of nonconformity will not be increased and (2) no new nonconformities will be created or established.
 - (4) **Rental of accessory dwellings.**
 - (i) **30 days or more.** An accessory dwelling may be rented separately from the primary dwelling, but shall not be sold or otherwise conveyed separately from the primary dwelling.
 - (ii) **Less than 30 days.** Rental of an entire accessory dwelling or portion of an accessory dwelling for less than 30 days shall be prohibited.
 - (iii) **Exceptions.** Rental of an entire accessory dwelling or portion of an accessory dwelling for less than 30 days may continue as approved if such use was approved prior to May 11, 2023.
 - (5) **Agriculture – Prime Soils and Agriculture – Non-Prime Soils Land Use Categories.** Accessory Dwellings must meet all applicable findings and requirements that pertain to single-family dwellings in the Agriculture – Prime Soils and Agriculture – Non-Prime Soils

[land use categories. Accessory Dwellings shall not be allowed on any site containing a guesthouse/home office established pursuant to Section 23.08.032.](#)

c. **Limitations on location.**

(1) **Excluded areas.** ~~A Secondary [Accessory Dwellings Unit](#) shall not be allowed within the following areas: In such areas, secondary dwelling units are deemed to be incompatible with existing development, or the density increase resulting from secondary units pursuant to this section would create adverse cumulative effects on essential community services and natural features. Such services and features include but are not limited to water supplies, storm drainage facilities, roadway traffic capacities, and soils with limited suitability for septic system sewage disposal or subject to erosion:~~

~~(i) **South Bay.** The South Bay urban area as defined by the Land Use Element, Estero area plan, except that where the site and secondary dwelling unit satisfy the following provisions, a detached unit may be allowed.~~

~~**a. Within the Residential Single-Family category.**~~

- ~~1. Where the site area is 12,000 square feet or larger and the site is served by community water and sewer; or~~
- ~~2. Where the site area is one acre (net) or larger and the site is served by community water and on-site sewage disposal; or~~
- ~~3. Where the site area is 2.5 acres (net) or larger and the site is served by on-site water supply and sewage disposal.~~

~~**b. Other allowed land use categories.**~~

- ~~1. Where the site is two acres (net) or larger and the site is served by community water or sewer.~~
- ~~2. Where the site area is five acres (net) or larger and the site is served by on-site water supply and sewage disposal.~~

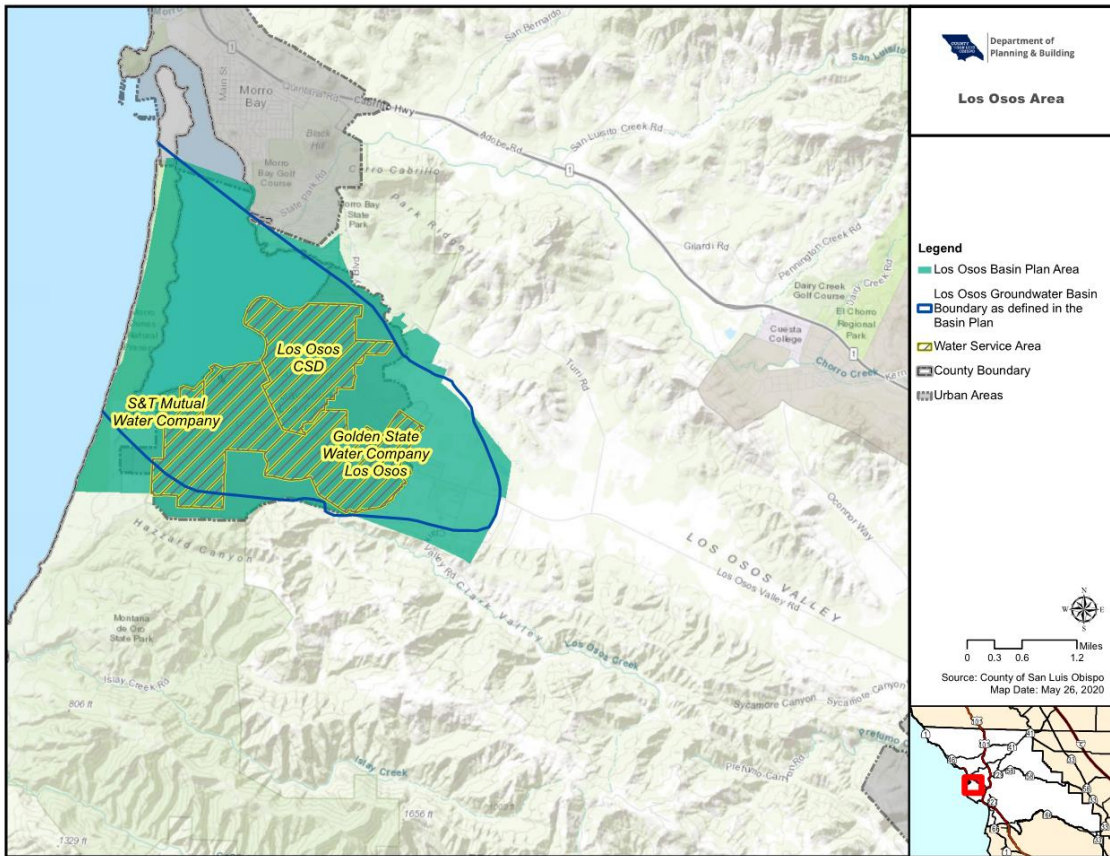
~~(ii) **Specific subdivisions.** Secondary dwelling units are not allowed within the following tract: 159.~~

(i) [Tract or parcel map conditions.](#) Any parcel within a tract or parcel map that contains conditions prohibiting accessory dwellings.

(ii) [Regional Water Quality Control Board \(RWQCB\) exclusion.](#) All areas of the county where the RWQCB has issued a notice of resource constraint through moratoria or other means.

(iii) [Within the Cambria Community Services District boundary \(see Figure 3-3 of the North Coast Area Plan\).](#)

(iv) [Within the Los Osos Groundwater Basin boundary and/or within the Los Osos Groundwater Basin Plan Area, as shown in the figure below titled "Maps of Areas within the Los Osos Groundwater Basin boundary and/or within the Los Osos Groundwater Basin Plan Area."](#)



[Maps of Areas within the Los Osos Groundwater Basin boundary and/or within the Los Osos Groundwater Basin Plan Area](#)

- d. **Permit requirement.** Plot Plan approval is required in all areas where **Secondary Accessory Dwellings Units** are allowed. For an **secondary accessory** dwelling meeting the definition of appealable development pursuant to Coastal Zone Land Use Ordinance [Section 23.01.043\(c\)](#), a public hearing is not required. Instead, a notice shall be filed in accordance with Coastal Zone Land Use Ordinance [Section 23.02.070\(b\)](#). The notice shall be provided to all property owners within 300 feet of the subject property and to all residents within 100 feet. In addition to the items listed in [23.02.070\(b\)](#), the notice shall state that the project may be appealed to the California Coastal Commission. Nothing in this section shall exempt **secondary accessory** dwellings from meeting any applicable Local Coastal Plan policies. Notice of Final County Action is required in accordance with Coastal Zone Land Use Ordinance [Section 23.02.036](#).
- e. **Establishment of accessory dwelling.** A lot or parcel shall be limited to establishing accessory dwelling(s) in accordance with Subsection g, h, i, j, or k. Only one (1) of the accessory dwelling developments described in the five (5) Subsections (g, h, i, j, or k) may be established on a single lot or parcel. To establish accessory dwelling(s) in accordance with Subsections g, h, i, j, or k, all standards of the respective Subsection shall be satisfied. The standards of Subsections g, h, i, j, or k shall not be combined or interchanged. All other provisions of this Section, including parking standards under [Section 23.08.169\(l\)](#), shall apply to all accessory dwelling developments.
- Application content.** In addition to the information required by [Section 23.02.030](#), information

submitted with the Plot Plan application shall also indicate whether or not there are conditions, covenants or restrictions applicable to the site that would prohibit a Secondary Dwelling Unit. This information will not be grounds for county denial of a permit.

- f. **Sites served by onsite wastewater treatment systems.** Sites served by onsite wastewater treatment systems shall satisfy all applicable provisions of Title 19 of this Code for onsite wastewater treatment system design and performance prior to the establishment of any accessory dwelling. ~~Minimum site area.~~ A secondary dwelling may be established pursuant to this section only on sites with the following minimum areas:
- (1) ~~6,000 square feet for sites served by community water and sewer facilities.~~
 - (2) ~~One acre (net) where on-site water supply and sewage disposal systems are proposed on an existing parcel, provided that all applicable requirements for separation between the existing septic system, new septic system for the secondary dwelling and any on-site and off-site water wells are satisfied, as well as all other applicable provisions of Title 19 of this Code for septic system design and performance.~~
 - (3) ~~One acre (gross) where community water and on-site sewage disposal systems are proposed on an existing parcel, provided that all applicable provisions of Title 19 of this Code for septic system design and performance are satisfied.~~
~~Except that where a larger minimum site area requirement is established by planning area standards of the Land Use Element, the larger area shall be required.~~
- g. ~~Design standards:~~ **Standards to establish one (1) accessory dwelling on a lot with an existing single-family dwelling.** The following apply to all land use categories where accessory dwellings are allowed.
- (1) **Size of accessory dwelling.** The following standards apply to all land use categories where secondary dwellings are allowed.
 - a. **Maximum size of accessory dwellings.** 1,200 square feet, including attics greater than six feet in height, unconditioned storage spaces, and lofts.
 - b. **Minimum size of accessory dwelling.** Efficiency unit, as defined in Section 17958.1 of the California Health and Safety Code.

SIZE OF LOT	MAXIMUM SIZE OF UNIT(1)	MAXIMUM DISTANCE FROM PRIMARY UNIT
6,000 sq. ft.— 1 acre.	800 square feet	50 feet
>1 acre— 2 acres	800 square feet	50 feet
>2 acres	1,200 square feet	250 feet

Notes:

(1) Includes attics greater than 6 feet in height, unconditioned storage space and lofts.

(2) **Driveways.** The driveways serving the primary [residential use](#) and ~~secondary~~ [accessory](#) dwelling shall be combined where possible. An adjustment may be granted in compliance with [Section 23.01.044](#) if combining driveways is ~~prohibited~~ [hindered](#) by a physical site constraint, would result in grading on slopes over 15 percent or would require the removal of oak trees or other native trees.

(3) **Within urban and village reserve lines:**

~~a. The secondary dwelling shall employ a design style compatible with the primary dwelling.~~

a. When an [secondary accessory](#) dwelling is attached to the primary dwelling, the entrances shall be designed:

- i. to maintain the character of a single [family](#) dwelling; and
- ii. to avoid ~~the attached secondary dwelling~~ changing the appearance of the primary dwelling to resemble a duplex. ~~The entrance to an attached secondary dwelling shall not be located on the same building face as the entrance to the primary dwelling unless the entrance to both the primary and secondary dwellings is shared.~~

b. ~~No more than 50 percent of the site shall be covered by structures.~~ [An accessory dwelling shall have independent exterior access separate from the primary dwelling. The entrance to an attached accessory dwelling shall not be located on the same building as the entrance to the primary dwelling.](#)

~~(4) Exceptions to design standards. Alternatives to the design standards of subsections g. of this section may be approved by the Review Authority pursuant to [Section 23.02.033](#) (Minor Use Permit). These standards are the only provisions of this section subject to such action. The maximum size of unit as set forth in Subsection g(1), and the maximum size of the garage/workshop as set by Subsection g(6), cannot be modified except by a Variance ([Section 23.01.045](#)). The maximum distance from the primary unit may be adjusted in compliance with [Section 23.02.033](#) where the secondary dwelling is proposed within an existing structure legally constructed prior to January 1, 2006 and there will be no physical change to the site (no additional footprint or garage space added to serve the secondary unit). Otherwise, the maximum distance from the primary unit may be modified only where the Review Authority first finds the following:~~

~~(i) Locating the secondary dwelling within the distance as set forth in subsection g(1) would necessitate the removal of, or impact to, any of the following:~~

~~(a) Existing improvements, such as detached accessory structures, swimming pools, wastewater disposal fields, drainage facilities, or water storage tanks.~~

~~(b) Environmentally Sensitive Habitat Areas or significant vegetation such as native trees or shrubs, riparian vegetation, vineyards, orchards, or visually prominent trees.~~

~~(c) Significant topographic features (including but not limited to, steep slopes, ridgelines, bluffs) water courses, wetlands, lakes or ponds, or rocky outcrops.~~

~~(d) Archaeological resources Alternatives to the design standards of subsections g. and c(2) of this section may be approved by the Review Authority pursuant to [Section 23.02.033](#). These standards are the only provisions of this section subject to such action.~~

~~(e) — Prime agricultural land and soils.~~

~~(f) — Significant public views.~~

(4) **Setbacks.**

- (i) **Detached accessory dwellings.** Detached accessory dwellings shall comply with the same setback requirements pertaining to distance from the property lines or alleys for residential accessory buildings and structures in Section 23.04.100 – 23.04.118 (Setbacks), however, minimum setback requirements for detached accessory dwellings shall not exceed four (4) feet from side and rear lot property lines.
- (ii) **Attached accessory dwellings.** Attached accessory dwellings shall comply with the setback requirements of the primary residential use.
- (iii) **Exception.** No additional setback shall be required for accessory dwellings or portions of accessory dwellings constructed in the same location and to the same dimensions of a permitted existing structure.

h. **Standards to Establish One (1) Accessory Dwelling or Junior Accessory Dwelling within a Proposed Single-Family Dwelling or Existing Structure.** The following apply to all land use categories where accessory dwellings are allowed.

- (1) The accessory dwelling or junior accessory dwelling will 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.
- (2) The existing accessory structure to be converted to an accessory dwelling may be expanded by a maximum of 150 square feet. Such expansion shall only be permitted to accommodate ingress and egress.
- (3) The space for an accessory dwelling or junior accessory dwelling has exterior access separate from the proposed existing single-family dwelling.
- (4) The side and rear setbacks are sufficient to satisfy fire and safety requirements.
- (5) The junior accessory dwelling complies with the requirements of Government Section 65852.22.
- (6) The maximum size of the accessory dwelling shall not exceed 1,000 square feet.

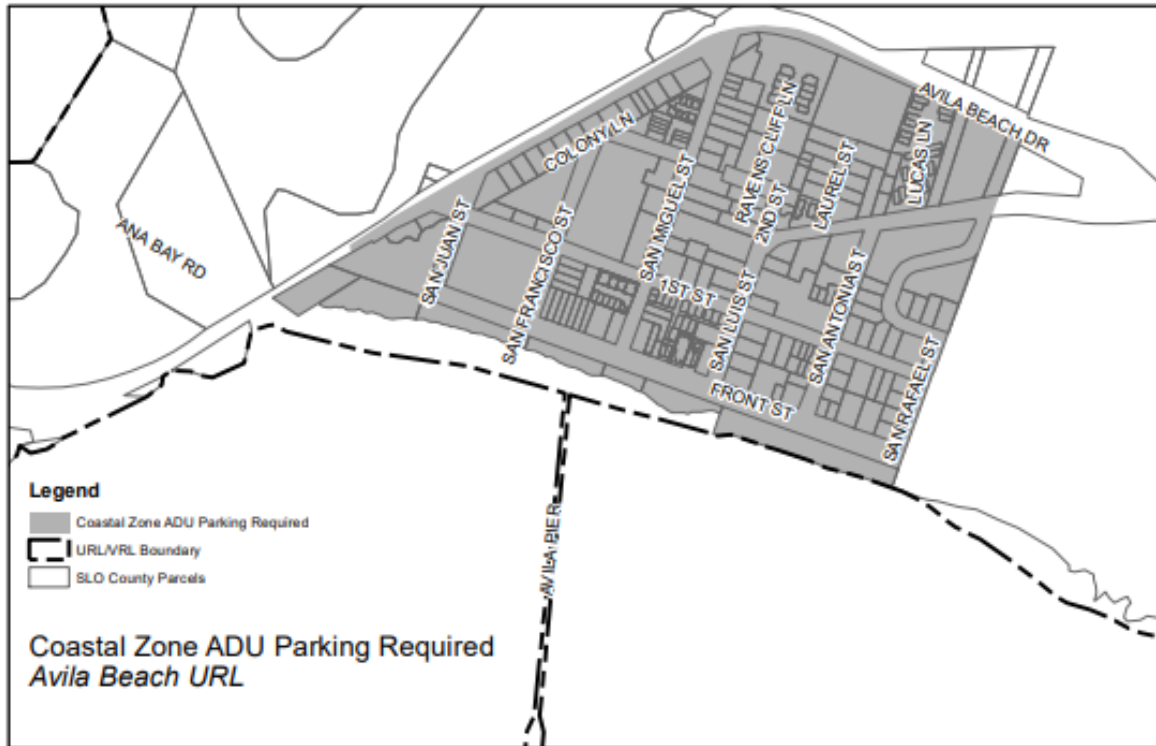
~~**Parking.** A Secondary Dwelling Unit shall be provided one off-street parking space per bedroom up to a maximum of two spaces, in addition to those required for the primary residence by Section 23.04.166c(5) (Required Parking Spaces – Residential Uses), and such parking space shall be located, designed and constructed pursuant to Sections 23.04.163, 164 and 168, except that for lots of 7,500 square feet or less, the parking may be located within the front setback and tandem with the parking required for the primary dwelling.~~

i. **Standards to Establish One (1) Detached, New Construction, Accessory Dwelling and One (1) Junior Accessory Dwelling on a Lot with a Single-Family Dwelling.** The following apply to all land use categories where accessory dwellings are allowed.

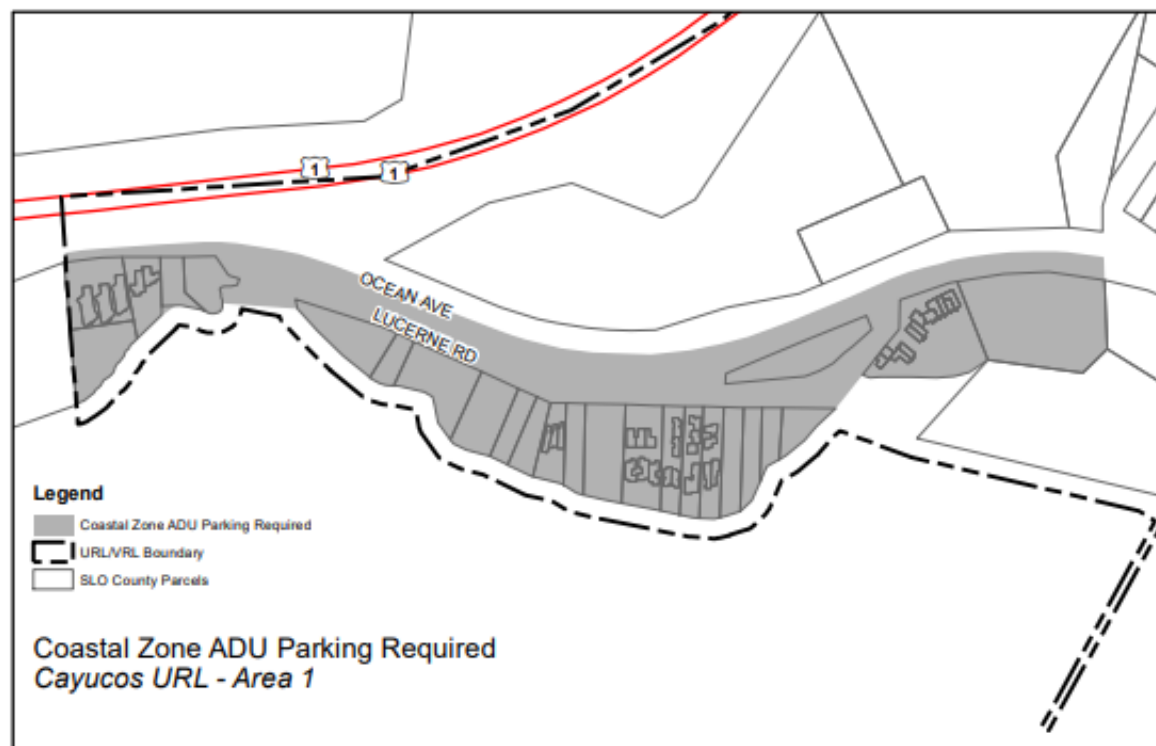
- (1) The lot contains a proposed or existing single-family dwelling.
- (2) The maximum size of the detached accessory dwelling shall not exceed 800 square feet.
- (3) The maximum height of the detached accessory dwelling shall not exceed 16 feet.
- (4) The minimum side and rear setbacks of the detached accessory dwelling shall be four (4) feet.
- (5) The junior accessory dwelling complies with the requirements of Subsection h pertaining to junior accessory dwelling.

~~**Garage / Workshop.** The garage/workshop for a secondary dwelling is limited to a maximum of 50 percent of the size of the secondary dwelling. Where the secondary dwelling is constructed on the second floor of the primary dwelling's detached garage, no additional attached or detached garage/workshop shall be permitted.~~

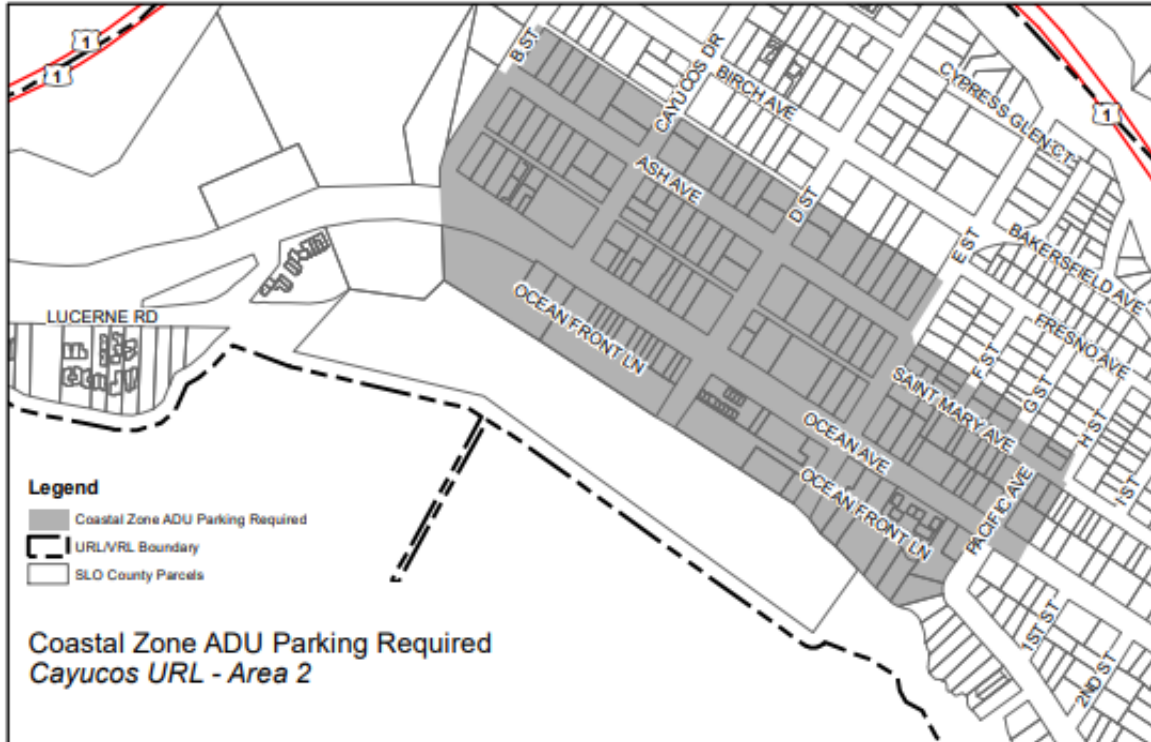
- j. **Standards to Establish Multiple Accessory Dwellings within an Existing Multi-Family Dwelling.** The following apply to all land use categories where accessory dwellings are allowed.
 - (1) Accessory dwellings shall be established completely within portions of existing multi-family dwelling structures 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.
 - (2) A minimum of one (1) accessory dwelling in accordance with this Subsection shall be allowed.
 - (3) The number of accessory dwellings allowed shall not exceed 25 percent of the existing multi-family dwelling units.
 - (4) The maximum size of the accessory dwelling(s) shall not exceed 1,000 square feet.
- k. **Standards to Establish Two (2) or Less detached Accessory Dwellings on a Lot with an Existing Multi-Family Dwelling.** The following apply to all land use categories where accessory dwellings are allowed.
 - (1) The maximum height of the accessory dwelling shall not exceed 16 feet.
 - (2) The minimum side and rear setbacks of the detached accessory dwelling(s) shall be four (4) feet.
 - (3) The maximum size of the accessory dwelling(s) shall not exceed 1,000 square feet.
- l. **Off-Street Parking.** The off-street parking standards for Accessory Dwellings are as follows (these standards do not affect the amount of required off-street parking spaces for the primary residential use):
 - (1) **Development within the designated “Coastal Zone ADU – Parking Required,” Areas as shown.**
 - (i) A minimum of one off-street parking shall be required for each accessory dwelling.
 - (ii) All off-street parking requirements associated with all other residential uses on the site shall be satisfied onsite, including replacement parking spaces if any parking spaces are removed to accommodate an accessory dwelling or junior accessory dwelling.



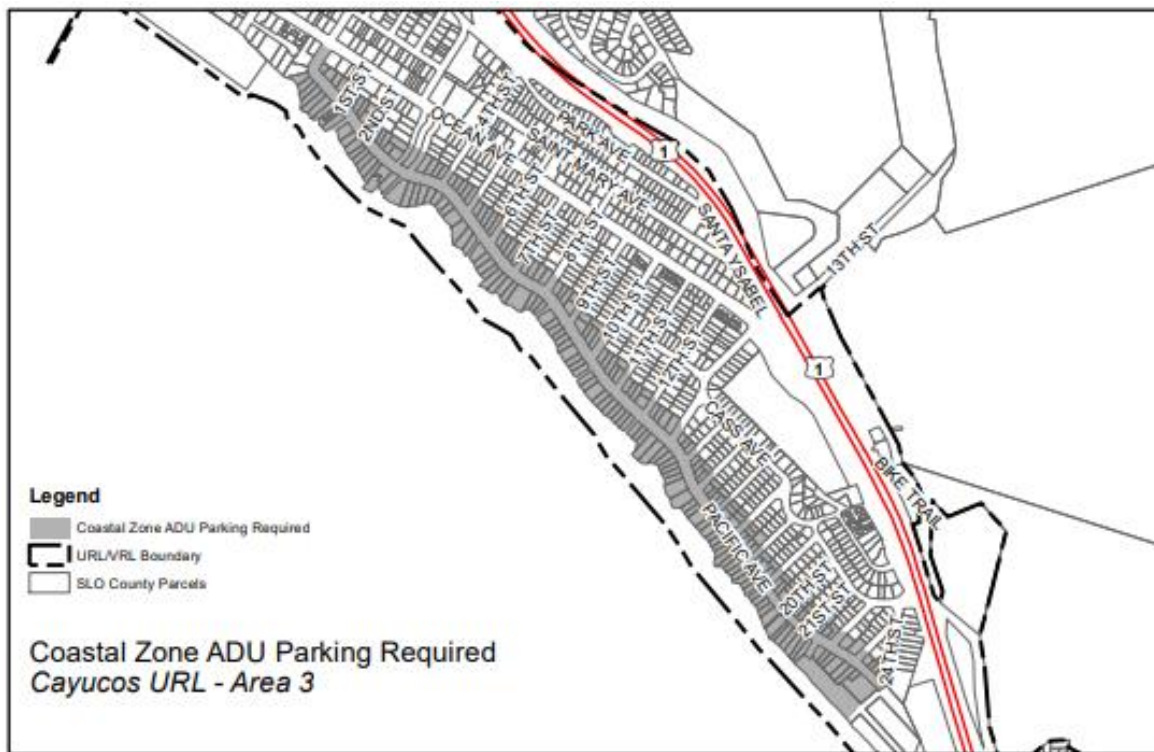
[Avila Beach URL Coastal Zone ADU – Parking Required Area](#)



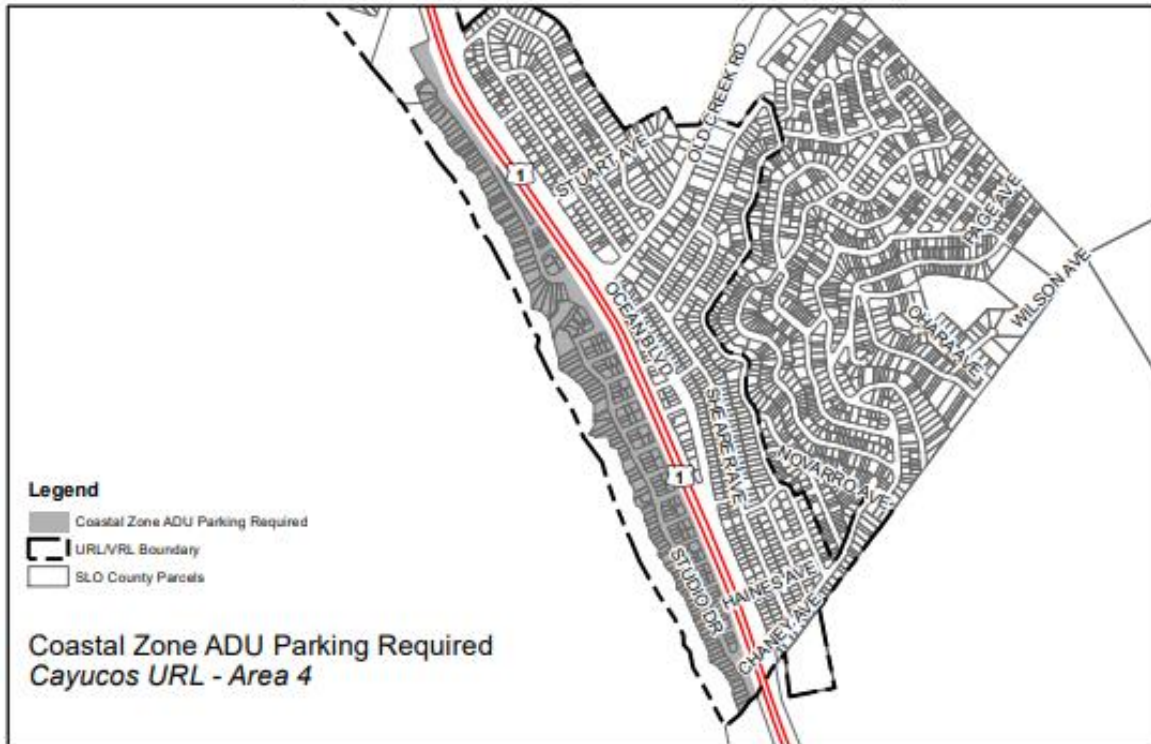
[Cayucos URL Coastal Zone ADU – Parking Required Area 1](#)



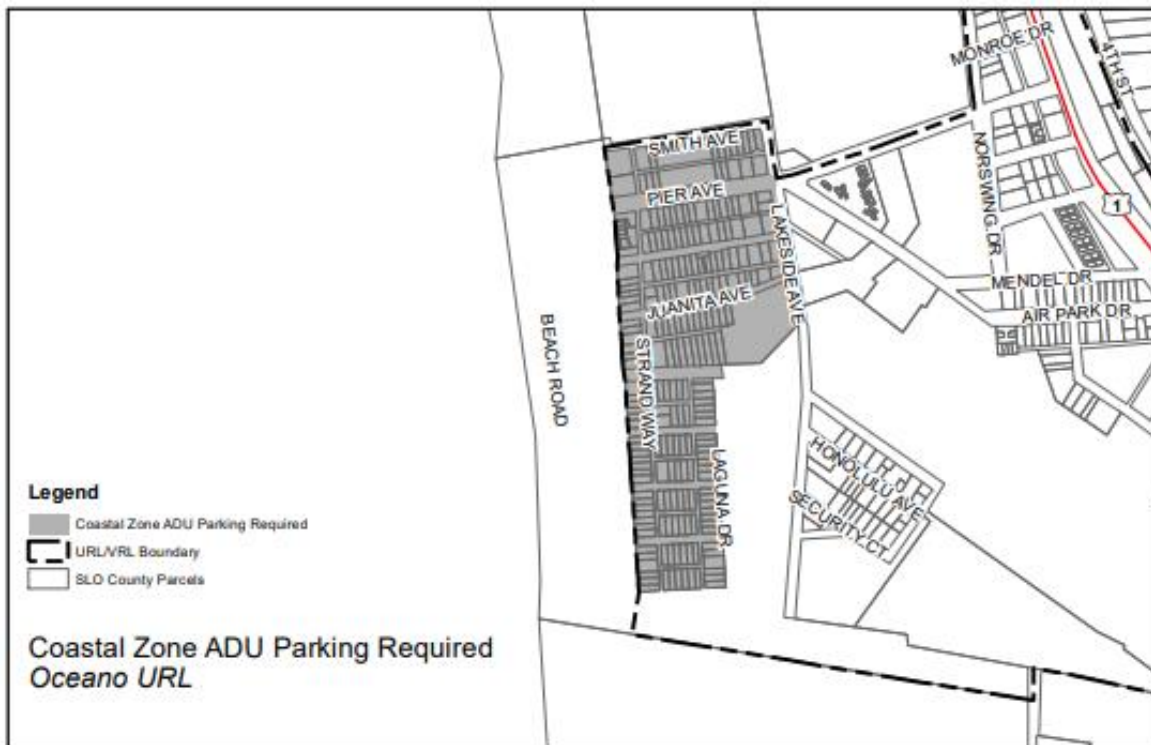
[Cayucos URL Coastal Zone ADU – Parking Required Area 2](#)



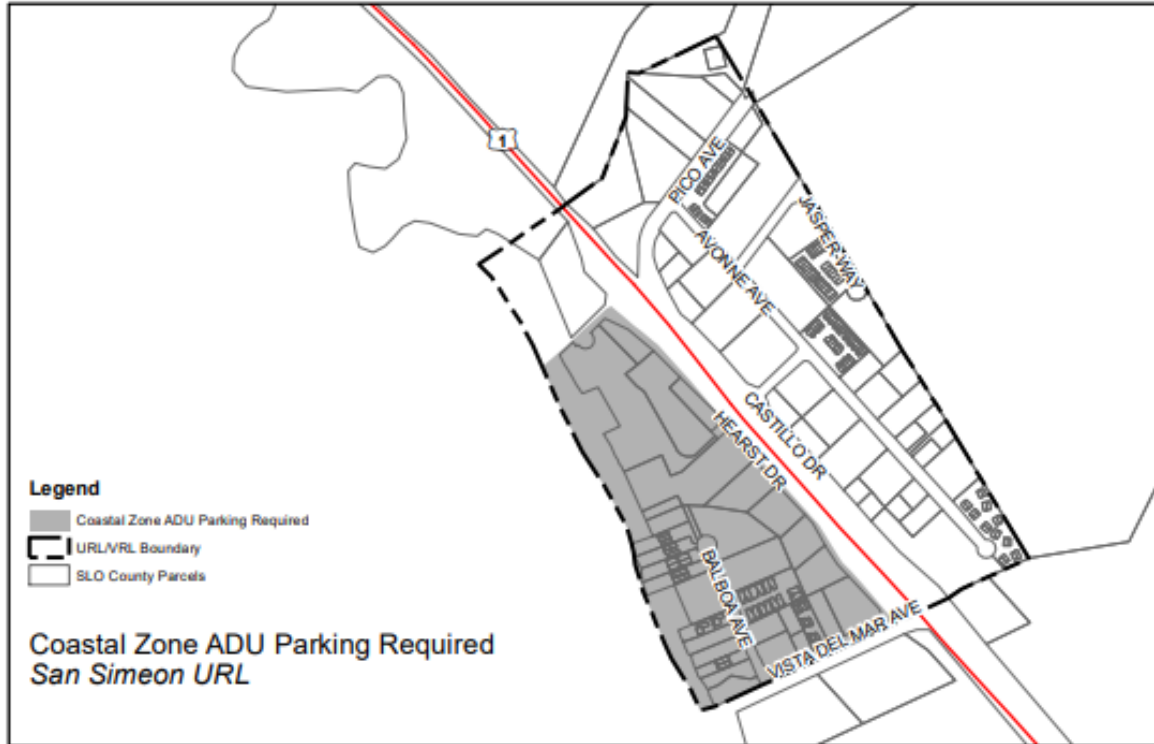
[Cayucos URL Coastal Zone ADU – Parking Required Area 3](#)



[Cayucos URL Coastal Zone ADU – Parking Required Area 4](#)



[Oceano URL Coastal Zone ADU – Parking Required Area](#)



[San Simeon URL Coastal Zone ADU – Parking Required Area](#)

- (2) **Parcels not within the “Coastal Zone ADU – Parking Required” Area.**
- (i) [Zero off-street parking spaces shall be required for each accessory dwelling.](#)
 - (ii) [Off-street parking spaces for the primary residential use shall be maintained. However, off-street parking spaces for the primary residential use that are demolished or converted in conjunction with the establishment of an accessory dwelling or junior accessory dwelling are not required to be replaced.](#)

**LAND USE CATEGORY
LOCAL COASTAL PLAN – COASTAL TABLE “O”**

	Open Space	Public Facilities	Industrial	Commercial Service	Commercial Retail	Office & Professional	Residential Multi-Family	Residential Single-Family	Residential Suburban	Residential Rural	Recreation	Rural Lands	Agriculture - Non-Prime Soils	Agriculture – Prime Soils
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USE GROUP

E) RESIDENTIAL USES														
Multi-Family Dwellings				S-8				P	S-8	S-8				
Secondary Accessory Dwelling	<u>S-8</u>	<u>S-8</u>	<u>S-8</u>	<u>S-8</u>	S-8	S-8	S-8	<u>S-8</u>	<u>S-8</u>	<u>S-8</u>				
Single-Family Dwellings	S-16	S-16-P	P	S-2-P	P	P	P	P	S-8	S-8				