



TOWN OF ATHERTON ACCESSORY DWELLING UNIT GUIDELINES

<p><i>What is an "Accessory Dwelling Unit"</i></p>	<p>"Accessory dwelling unit" means a building or portion of a building designed for use and occupancy by people living independently of the occupants of the main residence building and containing separate kitchen, bath, sleeping, or living facilities. The term "attached accessory dwelling unit" means an accessory dwelling unit that is structurally attached to the main residence but which has independent, direct access from the exterior. The term "detached accessory dwelling unit" means an accessory dwelling unit that is not structurally attached to the main residence.</p>
<p><i>What is their purpose?</i></p>	<p>The State Legislature enacted laws allowing accessory dwelling units to address the critical shortage of affordable housing in California. Only one accessory dwelling unit shall be allowed on each lot or parcel. Accessory dwelling units are allowed in all residential zoning districts in Atherton.</p>
<p><i>Can I use part of, or add to, my existing house as an accessory dwelling unit?</i></p>	<p>Yes, however, any new accessory dwelling unit that is incorporated into an existing main residence shall have a separate entrance facing the side or rear yard.</p>
<p><i>Where can my accessory dwelling unit be located?</i></p>	<p>The accessory dwelling unit shall either be attached to the existing main residence, located within the habitable area of the existing main residence, or detached from the main residence and located on the same lot as the main residence.</p> <p>Each newly constructed attached or detached accessory dwelling unit shall be located in the main building area. In addition, a newly constructed accessory dwelling unit may encroach into the side and rear yard setbacks by not more than twenty percent of the required setback.</p> <p>Newly constructed, detached accessory dwelling units shall meet all other applicable development standards as set forth in Chapter 17.40 (Accessory Buildings and Structures).</p>

<p><i>Can I convert an existing building in to an Accessory Dwelling Unit?</i></p>	<p>No setback shall be required for an existing, legal attached or detached garage that is converted to an accessory dwelling unit. A setback of 5 feet is required from the side and rear lot lines for an accessory dwelling unit that is constructed above a garage.</p> <p>Other types of accessory buildings can be converted in to accessory dwelling units if they meet all development standards as set forth in chapter 17.40 of the Town’s Municipal Code. Under no circumstances shall the size of new accessory dwelling units exceed 1,200 square feet.</p>
<p><i>What is the maximum floor area?</i></p>	<p>The size of each such accessory dwelling unit shall not exceed one thousand two hundred square feet. The first one thousand two hundred square feet of floor area of each newly constructed accessory dwelling unit located in the main building area shall be excluded from maximum floor area calculations; provided, that the floor area exclusion <u>shall not to exceed ten percent of the allowed floor area for the lot.</u></p>
<p><i>Are parking spots required for an Accessory Dwelling Unit?</i></p>	<p>Yes, one assigned parking space is required for each bedroom within the accessory dwelling unit. Parking should be accessible from a public street and screened from view of the public street. These spaces may be provided as tandem parking on an existing driveway. No additional parking shall be required where: 1) the unit is located within ½ mile of public transit, or 2) the unit is part of the existing primary residence or an existing accessory structure.</p>
<p><i>Are there any other requirements?</i></p>	<p>A separation of at least eight feet shall be maintained between any detached accessory dwelling unit and its main residence structure.</p>

For Further Information

Contact the Planning Department at (650)752-0544 or visit us at 91 Ashfield Rd. Our offices are open Tuesday and Thursday between 8am and 11am and 1:00pm to 4:00pm.

Attachments: Chapter 17.52- ACCESSORY DWELLING UNITS

Chapter 17.52 ACCESSORY DWELLING UNITS

Sections:

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17.52.010 Purpose.

The purpose of this chapter is to regulate accessory dwelling units in residential zoning districts and on residential property consistent with state law (California Government Code Sections [65852.1](#) through [65852.2](#)). Implementation of this chapter is intended to provide for additional housing opportunities by increasing the number of units available within existing neighborhoods while maintaining the primarily single-family residential character of the area.

17.52.020 Allowed Use Provisions.

Accessory dwelling units shall be allowed in all residential zoning districts in compliance with the development standards set forth in section [17.52.030](#) (Development Standards) of this chapter.

17.53.030 Definitions.

“Accessory dwelling unit” means a building or portion of a building designed for use and occupancy by people living independently of the occupants of the main residence building and containing separate kitchen, bath, sleeping, or living facilities. The term “attached accessory dwelling unit” means an accessory dwelling unit that is structurally attached to the main residence but which has independent, direct access from the exterior. The term “detached accessory dwelling unit” means an accessory dwelling unit that is not structurally attached to the main residence.

17.52.040 Development Standards and General Requirements.

An accessory dwelling unit is permitted provided the following standards and requirements are incorporated:

A. Maximum Number. Only one accessory dwelling unit shall be allowed on each lot or parcel.

B. Location. The accessory dwelling unit shall be attached to the existing main residence or located within the habitable area of the existing main residence or detached from the main residence and located on the same lot as the main residence.

C. Setback Requirement. Each newly constructed attached or detached accessory dwelling unit shall be located in the main building area. In addition, a newly constructed accessory dwelling unit may encroach into the side and rear yard setbacks by not more than twenty percent of the required setback. Newly constructed, detached accessory dwelling units shall meet all other applicable development standards as set forth in Chapter 17.40 (Accessory Buildings and Structures).

D. Existing garage. No setback shall be required for an existing, legal attached or detached garage that is converted to an accessory dwelling unit. A setback of 5 feet is required from the side and rear lot lines for an accessory dwelling unit that is constructed above a garage.

E. Passageway. No passageway, as defined in California Government Code Section 65852.2, shall be required in conjunction with the construction of an accessory dwelling unit.

F. Maximum Square Footage. The size of each such accessory dwelling unit shall not exceed 1,200 square feet .

G. Floor area. The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area of the main residence, with a maximum increase in floor area of 1,200 square feet.

H. Owner Occupancy. Either the main residence or the accessory dwelling unit, or both, shall be occupied by the owner of the property.

I. Rental only. The accessory dwelling unit shall not be sold separate from the main residence and may be rented. Rentals must be for terms of longer than 30 days.

J. Parking Requirement.

a. Unless subject to one of the exceptions immediately below, each accessory dwelling unit shall have assigned to it 1 parking space for each bedroom in the accessory dwelling unit. Parking shall be accessible from a public street and screened from view of the public street. These spaces may be provided as tandem parking on an existing driveway.

b. No additional parking required. No additional parking shall be required where: 1) the unit is located within ½ mile of public transit, or 2) the unit is part of the existing primary residence or an existing accessory structure.

K. Exemption from Floor Area Limitations. The first 1,200 square feet of floor area of each newly constructed accessory dwelling unit shall be excluded from maximum floor area calculations; provided, that the floor area exclusion shall not to exceed ten percent of the allowed floor area for the lot.

L. Separation Requirement. A separation of at least 8 feet shall be maintained between any detached accessory dwelling unit and its main residence structure.

M. Entrance Requirements. Any new accessory dwelling unit that is incorporated into an existing main residence shall have a separate entrance facing the side or rear yard.

N. Compliance with Applicable Requirements. The accessory dwelling unit shall meet all applicable zoning, and fire regulations and shall comply with local building codes. Fire sprinklers shall not be required for the accessory dwelling unit if they are not required for the primary residence.

O. Lighting Restrictions. Any lighting associated with the accessory dwelling unit shall be shielded or downlit and shall not shine onto adjoining properties.

P. Landscape Screening. Landscape screening shall be provided in compliance with the provisions of chapter [17.50](#) (Landscape Screening).

Q. Density. The accessory dwelling unit may not exceed the allowable density for the lot upon which it is located.

R. Consistency with General Plan. The accessory dwelling unit shall be consistent with the existing general plan and zoning land use designation for the lot.

17.52.050 Conversion to an Accessory Dwelling Unit From Existing Space

An application for a building permit to create within a single-family zone 1 accessory dwelling unit per single-family lot shall be ministerially approved if the unit is contained within the existing space of a legal single-family residence or detached accessory building or structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the main residence.

17.52.060 Application Review.

A completed application for an accessory dwelling unit that complies with the provisions of this chapter shall be considered ministerial, without discretionary review or a hearing, within 120 days after receiving the application.