

Chapter 9.54 Accessory Dwelling Units and Junior Accessory Dwelling Units

9.54.010. Purpose, Applicability, Definitions, Effect of Conforming, Interpretation.

- A. Purpose. The purpose of this chapter is to provide for and regulate the development of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in a manner consistent with state law.
- B. Applicability. Except as otherwise provided by state law, the standards and limitations set forth in this chapter apply to the development of new ADUs and JADUs in the City.
- C. Definitions. As used in this chapter, the following terms shall have the following meanings:
1. The terms “accessory dwelling unit”, “accessory structure”, “efficiency unit”, “living area”, “nonconforming zoning condition”, “passageway”, “proposed dwelling”, “public transit”, and “tandem parking” all have the same meaning as that stated in Government Code section 65852.2 as that section may be amended time to time. The terms “accessory dwelling unit” and “ADU” shall have the same meaning.
 2. The term “junior accessory dwelling unit” shall have same meaning as that stated in Government Code section 65852.22(h)(1) as that section may be amended time to time. The terms “junior accessory dwelling unit” and “JADU” shall have the same meaning.
 3. The term “attached ADU” means an ADU, other than a converted ADU, that is physically attached to a primary dwelling structure.
 4. The term “detached ADU” means an ADU, other than a converted ADU, that is physically separated from, but located on the same lot as, a primary dwelling structure.
 5. The term “converted ADU” means an ADU that is constructed within all or a portion of the permitted existing interior space of an accessory structure or within all or a portion of the permitted existing interior space of a dwelling structure, including bedrooms, attached garages, storage areas, or similar uses. A converted ADU also includes an ADU that is constructed in the same location and to the same dimensions as a permitted existing structure or portion of a permitted existing structure.
 6. The term “Director” means the City of Garden Grove Director of Community and Economic Development, or his or her designee.

- D. Effect of Conforming. An ADU that conforms to the provisions of this chapter shall:
1. Be deemed an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located;
 2. Be deemed a residential use that is consistent with the existing General Plan and zoning designation for the lot upon which it is located; and
 3. Not be considered in the application of any local ordinance, policy, or program to limit residential growth.
- E. Interpretation. The provisions of this chapter shall be interpreted to be consistent with the provisions of Government Code sections 65852.2 and 65855.22 and shall be applied in a manner that is consistent with state law.

9.54.020 Locations Permitted.

- A. Permitted ADU Locations. ADUs conforming to the provisions in this chapter may be located on any lot in the City that is zoned to allow single-family or multiple-family residential uses and that includes a proposed or existing legally developed single-family or multiple-family dwelling.
- B. Permitted JADU Locations. JADUs conforming to the provisions in this chapter may be located within a proposed or existing legally developed single-family dwelling on any lot in the City that is zoned to allow single-family residential uses.
- C. Exception. Notwithstanding the foregoing, an ADU or JADU may not be developed on a lot if the construction required to create the ADU or JADU would otherwise be prohibited on the lot because the lot is located in an area in which the development of new residential dwelling units or residential additions, the addition of bathrooms, or new or additional connections to the water or sewer system is prohibited due to inadequate water or sewer capacity, as determined by reference to objective and generally applicable rules, regulations, or maps adopted and/or maintained by the water service or sewer service provider, as applicable.

9.54.030. Number of ADUs and JADUs Permitted.

- A. Single-Family Lots. No more than one (1) ADU and/or one (1) JADU is permitted on a lot developed or proposed to be developed with a single-family dwelling.
- B. Multiple-Family Lots.
1. No more than a total of two (2) attached or detached ADUs are permitted on a lot developed or proposed to be developed with one or more multiple-family dwelling structures. If two (2) detached ADUs are constructed, they may be attached to one another as part of a single structure.

2. One or more converted ADUs may be constructed within portions of existing multiple-family dwelling structures that are not used as livable space. No converted ADUs may be constructed within the existing livable space of a multiple-family structure. The number of ADUs permitted under this subsection shall not exceed twenty-five (25) percent of the existing multiple-family dwelling units on the lot. For the purpose of calculating the number of allowable accessory dwelling units: (a) previously approved ADUs shall not count towards the existing number of multiple-family dwelling units; and (b) fractions shall be rounded down to the next lower number of dwelling unit, except that at least one (1) converted ADU shall be allowed.
3. For purposes of this subsection, multiple-family developments approved and built as a single complex shall be considered one lot, regardless of the number of parcels.

9.54.040. ADU Requirements.

- A. Development Standards. Except as modified by this section or as otherwise provided by state law, an ADU shall conform to the development standards applicable to the lot on which it is located as set forth in this Title and/or in an applicable specific plan or planned unit development ordinance or resolution. Pursuant to sections 9.12.040.030 and 9.18.110.040, lots located in multiple-family residential and mixed-use zoning districts that are improved with single-family residential uses are subject certain single-family residential development standards. Notwithstanding the foregoing, when the application of a development standard related to floor area ratio, lot coverage, open-space, or minimum lot size would prohibit the construction of an attached or detached ADU of at least 800 square feet, such standard shall be waived to the extent necessary to allow construction of an ADU of up to 800 square feet.
- B. Unit Size.
 1. Bedrooms. No more than ~~two~~^{three} (2~~3~~³) bedrooms are allowed in an ADU.
 2. Minimum Size. An ADU shall be at least the following minimum sizes based on the number of bedrooms provided:
 - a. Studio or Efficiency Units: 220 square feet.
 - b. One bedroom: 500 square feet.
 - c. Two bedrooms: 700 square feet.
 - ~~d. Three bedrooms: 900 square feet.~~

3. Maximum Size.

a. Attached ADUs: The total floor area of an attached ADU shall not exceed the following:

i. Studio or One bedroom: ~~1,200~~850 square feet or (ii) fifty (50) percent of the floor area of the primary dwelling unit, whichever is less; provided; however, that, ~~Notwithstanding the foregoing,~~ if the size of the primary dwelling unit is less than 1,600 square feet, an attached ADU may have a total floor area of at least up to 800 square feet.

ii. Two bedrooms: 1,000 square feet or (ii) fifty (50) percent of the floor area of the primary dwelling unit, whichever is less, provided, however that if the size of the primary dwelling unit is less than 1,600 square feet, an attached ADU may have a total floor area of at least up to 800 square feet.

b. Detached ADUs: The total floor area of a detached ADU shall not exceed 1,200 square feet; the following:

i. Studio or One bedroom: 850 square feet.

ii. Two bedrooms: 1,000 square feet.

c. ADU and JADU on same site: ADUs may not exceed 800 square feet in size in cases where both an ADU and JADU are developed or proposed on a site.

ed. Converted ADUs: The maximum size limitations set forth in this subsection do not apply to converted ADUs that do not increase the existing floor area of a structure. In addition, a converted ADU created within an existing accessory structure may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure to extent necessary to accommodate ingress and egress.

4. Porches, Patios, and Garages.

a. An attached or detached ADU may include an attached covered patio and/or porch, which, if provided, shall be integrated into the design of the ADU and shall not exceed 80 square feet in size.

b. An attached or detached ADU may include an attached one-car garage, which, if provided, shall be integrated into the design of the ADU and shall not exceed 250 square feet in size.

c. In no event shall the total combined area of an ADU and attached porch, patio, and/or garage exceed 1,5301,330 square feet.

C. Setbacks.

1. Front Yard Setbacks. New attached and detached ADUs are subject to the same minimum front yard setback requirements applicable to other structures on the lot on which the ADU is located.
2. Side and Rear Yard Setbacks. Minimum setbacks of no less than four (4) feet from the side and rear lot lines are required for new attached and detached ADUs.
3. Converted ADUs. No setbacks are required for converted ADUs, provided the side and rear yard setbacks of the existing converted structure are sufficient for fire and safety, as determined by the City's building official.

D. Building Separation.

1. A minimum separation of ~~five (5)~~six (6) feet is required between a detached ADU and the primary dwelling unit.
2. A minimum separation of ~~five (5)~~six (6) feet is required between attached or detached ADU and all other structures, including garages, on the property.
3. Building separation requirements do not apply to converted ADUs that do not include an expansion of the floor area of the existing structure.

E. Height.

1. New attached and detached ADUs shall be one story, constructed at ground level, and shall not be more than 17 feet in height measured from ground level to the highest point on the roof.
2. Converted ADUs are not subject to a height limitation.

F. Design.

1. The design, color, material, and texture of the roof of an attached or detached ADU shall be substantially the same as the primary unit.
2. The color, material, and texture of all building walls of an attached or detached ADU shall be similar to and compatible with the primary unit.
3. The design of an attached or detached ADU shall be architecturally compatible with the primary unit and shall maintain the scale and appearance of the primary unit.
4. In order to facilitate the development of ADUs in a manner that ensures reasonable consistency and compatibility of design, the Director is authorized to develop standard design plans and criteria for ADUs. ADUs developed in

conformance with such standard plans and criteria shall be deemed to comply with this subsection.

G. Off-street Parking.

1. One off-street parking space must be provided for a new attached or detached ADU. The required parking space may be permitted in setback areas, or through tandem parking on a driveway, unless specific findings are made by the Director that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety concerns.
2. Parking for a new attached or detached ADU is in addition to the required parking for the primary unit. However, when a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.
3. Off-street parking is not required in the following instances:
 - a. The ADU is located within one-half mile walking distance of public transit, including transit stations and bus stations;
 - b. The ADU is located within an architecturally and historically significant historic district;
 - c. The ADU is part of the primary residence or accessory structure (i.e., a converted ADU);
 - d. When on-street parking permits are required but not offered to the occupant of the ADU; and/or
 - e. When there is a car share vehicle located within one block of the ADU.

H. Exterior Access Required. An attached or converted ADU must have independent exterior access that is separate from the access to the proposed or existing primary dwelling.

I. Passageway. No passageway shall be required in conjunction with the construction of an ADU.

J. Access for Public Safety Required. Reasonable access to an ADU from the public right of way for public safety and emergency purposes shall be maintained and not unreasonably restricted.

K. Accessibility Standards. Any new ground level accessory dwelling unit shall be designed and constructed to meet applicable disability/accessibility standards.

Plans shall demonstrate future entrance capability and actual construction shall include adequate door and hallway widths, maneuvering space in kitchens and bathrooms, and structural reinforcements for grab bars.

9.54.050. JADU Requirements.

- A. Footprint. A JADU may only be constructed within the walls of a proposed or existing single-family dwelling.
- B. Unit Size. A JADU shall not be less than 220 square feet and shall not exceed 500 square feet in size.
- C. Separate Entrance. A JADU must include a separate entrance from the main entrance of the proposed or existing single-family residence in which it located.
- D. Kitchen Requirements. A JADU must include an efficiency kitchen, including 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.
- E. Bathroom Facilities. A JADU may include separate sanitation facilities or may share sanitation facilities with the proposed or existing single-family dwelling in which it is located.
- F. Parking. No additional off-street parking is required for a JADU beyond that required at the time the existing primary dwelling was constructed.
- G. Fire Protection. For purposes of any fire or life protection ordinance or regulation, a JADU shall not be considered a separate new dwelling unit.
- H. Utility Service. For purposes of providing service for water, sewer, or power, including a connection fee, a JADU shall not be considered a separate or new dwelling unit.
- I. Deed Restriction. Prior to the issuance of a building permit for a JADU, the owner of record of the property shall record a deed restriction against the title of the property in the County Recorder's office with a copy filed with the Director. The deed restriction shall run with the land and shall bind all future owners, heirs, successors, or assigns. The form of the deed restriction shall be provided by the City and shall provide that:
 - 1. The property shall include no more than one JADU and/or ADU.
 - 2. The JADU may not be sold, mortgaged, or transferred separately from the primary residence.

3. The owner of record of the lot upon which a JADU is located, or a person or persons representing no less than fifty percent (50%) of the ownership interest in the lot, shall occupy either the JADU or the remaining portion of the primary single-family dwelling as his/her/their principal residence. In the event owner occupancy of the property ceases, the JADU shall automatically become unhabitable space, shall not be used as a separate dwelling unit, and shall not be separately rented or leased for any purpose.
4. The JADU may be rented, but may not be rented on a short-term basis of less than 30 days.
5. A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.
6. The deed restriction may not be modified or terminated without the prior written consent of the Director.

9.54.060 Other Requirements.

- A. **No Separate Conveyance.** Except as otherwise provided in Government Code section 65852.26 or by other applicable law, an ADU or JADU may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence, and a lot shall not be subdivided in any manner which would authorize such separate sale or ownership.
- B. **No Short-Term Rental Permitted.** An ADU or JADU that is rented shall be rented for a term that is longer than thirty (30) days. Short-term rental (i.e., 30 days or less) of an ADU or a JADU is prohibited.
- C. **Owner Occupancy Requirements.**
 1. **ADUs.** Owner occupancy of a primary dwelling or ADU is not required.
 2. **JADUs.** The owner of record of the lot upon which a JADU is located, or a person or persons representing no less than fifty percent (50%) of the ownership interest in the lot, must occupy either the JADU or the remaining portion of the primary single-family dwelling as his/her/their principal residence. Notwithstanding the foregoing, owner-occupancy is not be required if the owner is another governmental agency, land trust, or housing organization.

9.54.070. Permit Application and Review Procedures.

- A. **Building Permit Required.** A building permit is required prior to construction of an ADU or JADU. Except as otherwise provided in this chapter or by state law, all building, fire, and related code requirements applicable to habitable dwellings apply

to ADUs and JADUs. However, fire sprinklers shall not be required if they are not required for the primary dwelling.

- B. Application. Prior to the issuance of a building permit for an ADU or JADU, the applicant shall submit an application on a form prepared by the City, along with all information and materials proscribed by such form. No application shall be accepted unless it is completed as prescribed and is accompanied by payment for all applicable fees.
- C. Review. The Director shall consider and approve or disapprove a complete application for an ADU or JADU ministerially without discretionary review or public hearing within the time prescribed by law. Review is limited to whether the proposed ADU or JADU complies with the requirements of this chapter. If an applicant requests a delay, the time period for the City to review of an application shall be tolled for the period of the requested delay. If the application to create an ADU or a JADU unit is submitted with an application to create a new single-family dwelling on the lot, the Director may delay acting on the application for the ADU or the JADU until the City acts on the application to create the new single-family dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.
- D. Zoning Conformity. The City shall not require the correction of nonconforming zoning conditions as a condition of approval of a permit application for the creation of an ADU or JADU.
- E. Conformity with State Law. The City shall not apply any requirement or development standard provided for in this chapter to an ADU or a JADU to the extent prohibited by any provision of state law, including, but not limited to, subdivision (e)(1) of Government Code section 65852.2.

9.54.080. Utilities

- A. ADUs. Unless otherwise mandated by applicable law or the utility provider or determined by the City's Public Works Director to be necessary, an ADU may be served by the same water, sewer, and other utility connections serving the primary dwelling on the property, and the installation of a new or separate utility connection directly between an ADU and a utility is not required. However, separate utility connections and meters for ADUs may be installed at the property owner's option, when permitted by the utility provider, and subject to the payment of all applicable fees.
- B. JADUs. A JADU shall be served by the same water, sewer, and other utility connections serving the primary single-family dwelling in which it is located, and no separate utility meters shall be permitted for a JADU.

9.54.090. Impact Fees.

- A. Construction of an ADU is subject to applicable development impact fees adopted by the City pursuant to California Government Code, Title 7, Division 1, Chapter 5 (commencing with § 66000) and Chapter 7 (commencing with § 66012).
- B. No impact fee as required by this Code is required for an ADU or JADU that is less than 750 square feet in size.
- C. Any impact fee that is required for an ADU that is 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling.
- D. For purposes of this section, “impact fee” does not include any connection fee, capacity charge for water or sewer service, planning application fee, plan check fee, or building permit fee.