18.23.210 Accessory dwelling units/junior accessory dwelling units.

A. Purpose and applicability.

The purpose of this section is to:

1. Provide for accessory dwelling units and junior accessory dwelling units in accordance with the provisions of state law.

2. Maintain the character of single-family residential neighborhoods in the City to the greatest extent possible.

3. In cases of conflict between this chapter and any other provision of this title, the provisions of this chapter shall prevail. To the extent that any provision of this chapter is in conflict with State law, the applicable provision of State law shall control, but all other provisions of this chapter shall remain in full force and effect.

B. Land use regulations. Accessory dwelling units shall be a permitted use in residential (R) zoning districts, mixed use (MU) zoning districts and in any planned development (PD) zoning district where residential uses are permitted or conditionally permitted as part of an approved Planned Development Plan. Junior accessory dwelling units shall be permitted in the single-family (RS) zoning districts within an existing single-family residence, or as part of a proposed new single-family residence.

C. Number of units and location.

1. Junior accessory dwelling units.
   a. Where permitted, one junior accessory dwelling unit may be developed on any legally created lot and shall be located within the walls of an existing or proposed primary residence.

2. Accessory dwelling units.
   a. Multi-family dwelling structures, accessory dwelling units inside an existing multi-family dwelling structure. Up to twenty-five percent of the number of existing multifamily units in the building, but at least one unit, shall be allowed in existing multifamily dwelling structures within the portions of the structure that are not used as livable space provided that
the unit complies with the California Building Standards Code as set forth in Title 15 of this Code for dwellings. An accessory dwelling unit shall not be created within any portion of the habitable area of an existing dwelling unit in a multifamily structure.

b. Multi-family dwelling structures, detached accessory dwelling units. Up to two detached accessory dwelling units on a lot with an existing multifamily dwelling structure, provided that the height of the detached accessory dwelling unit does not exceed sixteen feet and has no less than four-foot side and four-foot rear yard setbacks.

c. Single-family residential lots. One accessory dwelling unit is permitted per residential lot containing an existing or proposed primary residence. An accessory dwelling unit may be allowed in conjunction with a junior accessory dwelling unit when the requirements of 18.23.210.E (Development Standards) are met.

3. Accessory dwelling units, location. Where permitted, one accessory dwelling unit may be located in any of the following places on a legally created lot:
   a. Attached to an existing or proposed primary residence;
   b. Located within the walls of the existing or proposed primary residence, including all or a portion of an attached garage;
   c. Located within an existing accessory structure;
   d. Detached from the existing primary residence, but located on the same lot as the existing or proposed primary residence;
   e. Located over a legally established detached garage.

D. Rental standards.

1. Junior accessory dwelling units.
   a. Junior accessory dwelling units shall not be sold separately from the primary residence.
   b. Junior accessory dwelling units shall be rented independently of the primary residence.
c. Junior accessory dwelling units shall not be rented for fewer than 30 consecutive calendar days.

d. Either the primary dwelling unit or the junior accessory dwelling unit shall be owner-occupied.

2. Accessory dwelling units.
   a. Accessory dwelling units shall not be sold separately from the primary residence.
   b. Accessory dwelling units shall be rented independently of the primary residence.
   c. Accessory dwelling units shall not be rented for fewer than 30 consecutive calendar days.
   d. Either the primary residence or the accessory dwelling unit shall be owner-occupied. For applications received prior to January 1, 2025 there is no owner-occupancy requirement for accessory dwelling units.

E. Development standards.

1. Junior accessory dwelling units and accessory dwelling units shall conform to the height, setbacks, lot coverage and any other development or supplemental standards of any applicable zoning district(s), the development standards below, other requirements of the Zoning Ordinance, and other applicable City codes. In any case of conflict between this section and any other part of the San Carlos Municipal Code, the standards specific to this section shall take precedence.

2. Building code requirements. Junior accessory dwelling units and accessory dwelling units shall comply with all applicable building code requirements, except fire sprinklers shall not be required in a junior accessory dwelling unit or accessory dwelling unit if they are not required for the primary dwelling unit.

3. Junior accessory dwelling units.
   a. Junior accessory dwelling units shall be contained entirely within the walls of a single-family residence, and shall contain at least an efficiency kitchen equipped with a sink, a cooking facility with appliances (e.g. microwave, toaster oven, hot plate) as well as a food preparation counter and storage
cabinets that are of reasonable size in relation to the junior accessory dwelling unit.

b. A junior accessory dwelling unit shall be no larger than 500 sq. ft. in size; and no junior accessory dwelling unit shall be smaller than the size required to allow an efficiency unit pursuant to Health and Safety Code Section 17958.1.

c. A junior accessory dwelling unit may, but is not required to, include separate sanitation facilities. If separate sanitation facilities are not provided, the junior accessory dwelling unit shall share sanitation facilities with the primary residence.

d. A junior accessory dwelling unit shall have a separate entrance from the primary dwelling unit. The entrance of a junior accessory dwelling unit shall not be located along any street-facing façade unless infeasible as determined by the Community Development Director.

e. Any expansion beyond the existing physical structure of the primary residence is allowed solely to accommodate ingress and egress for the junior accessory dwelling unit, but is limited to 150 square feet. The primary residence first floor side and rear setbacks may be reduced to no less than four feet to accommodate access to a ground floor junior accessory dwelling unit, or an exterior stair and landing that provide required access to the unit if it is located on the second story.

f. The architectural design, exterior materials and colors, roof pitch and style, type of windows, and trim details of the junior accessory dwelling unit shall be substantially the same as and visually compatible with the primary residence. Junior accessory dwelling units shall satisfy applicable design criteria and conform to any design guidelines. The appearance of the residence shall be maintained as determined by the Community Development Director.

g. Balconies, decks and open stair landings shall not face the side property lines, except as needed to allow ingress and egress.

h. Junior accessory dwelling units shall not be required to provide for any additional parking or make up for any parking displaced by their construction, including full or partial conversion of an existing garage.

4. Accessory dwelling units.
a. Limits on Lot Coverage, Maximum Floor Area (MFA), and Natural State. Accessory dwelling units shall comply with Lot Coverage requirements, Maximum Floor Area (MFA) and natural state requirements when applicable, as well as other applicable development standards.

b. Notwithstanding the development standards set forth in subsection (a) of this section, if there is no alternative to constructing an accessory dwelling unit in accordance with the development standards listed in subsection (a), one or more of these development standards may be waived only to the extent necessary to allow a maximum 800 square foot detached or attached accessory dwelling unit with a maximum of 16 feet in height, with minimum four foot side and four foot rear yard setbacks. The proposal must meet all other development standards, including but not limited to front yard setbacks. The applicant must also demonstrate that an accessory dwelling unit cannot be constructed in accordance with applicable development standards.

c. Entrances. An accessory dwelling unit shall have a separate entrance from the primary dwelling unit. To respect the privacy of adjacent properties, the entrance of an accessory dwelling unit shall not be street-facing, nor face the side yard or rear yard if feasible, as determined by the Community Development Director.

d. Setbacks. Except as indicated, an accessory dwelling unit shall be required to comply with the setback requirements of the zone in which the unit is to be located. Detached accessory dwelling units must be setback a minimum of four feet from rear and four feet from the side property lines. Accessory dwelling units must meet the required front setback unless located within a legal, non-conforming structure. No setback is required for an existing living area or an existing accessory structure converted to an accessory dwelling unit, or for a new accessory dwelling unit constructed in the same location and built to the same dimensions as an existing structure. There is no minimum requirement for setbacks between and accessory dwelling unit and the main residence; however, all proposals shall meet any applicable building and fire requirements.

e. Maximum size. The floor area of an accessory dwelling unit shall not exceed 850 square feet for a studio or one bedroom,
and shall not exceed 1,000 square feet for a unit that contains more than one bedroom when the accessory dwelling unit meets all development standards of any applicable zoning districts. If the accessory dwelling unit does not meet all development standards of the applicable zoning district, the maximum floor area permitted is 800 square feet, regardless of number of bedrooms subject to the provisions of subsection (b) of this section. No accessory dwelling unit shall be smaller than the size required to allow an efficiency unit pursuant to Health and Safety Code Section 17958.1.

f. Architectural Compatibility. An accessory dwelling unit, whether attached or detached, shall use the same architectural style, exterior materials, and colors as the existing or proposed primary dwelling, and the quality of the materials shall be the same or exceed that of the primary dwelling. Specifically, the architectural design, including exterior materials and colors, roof pitch and style, type of windows, and trim details of the accessory dwelling unit shall be substantially the same as and visually compatible with the primary dwelling. Accessory dwelling units shall be satisfy applicable design review criteria and conform to any design guidelines. The appearance of the residence shall remain that of a single-family residence, as determined by the Community Development Director.

g. Balconies and Openings. Balconies, decks or open stair landings that face the rear or side property line nearest the accessory dwelling unit shall not be permitted, except as needed to allow ingress and egress. Windows within five feet of the property line shall be obscured or have high sills to maximize privacy for neighbors.

h. Detached accessory dwelling units shall be no greater than sixteen feet in height and have a maximum of one story as measured in accordance with SCMC 18.03.050 (Measuring Height).

5. Additional development standards for accessory dwelling units located above detached garages. Accessory dwelling units may be located over detached garages subject to the following requirements:

a. The accessory dwelling unit must meet the minimum required front setback of the zoning district in which the lot is located.

b. The footprint of the accessory dwelling unit may not extend past the footprint of the garage with the exception of stairs or
entryway to access the unit. No portion of the accessory dwelling unit may be located at ground level except for stairs or an entryway to access the unit above the garage.

c. Balconies and decks shall not face rear and side property lines.

d. The maximum height of the structure shall be twenty feet as measured in accordance with SCMC 18.03.050 (Measuring Height).

e. Stairs or access to the accessory dwelling unit shall not encroach into any required parking area. Stairs may encroach into the parking area of a garage provided that the front end of a standard size automobile can fit under the stair projection. The bottom of the stairwell (including exterior finish) shall be a minimum of five feet above the garage floor.

**F. Parking.** Parking for a junior accessory dwelling unit and an accessory dwelling unit shall be provided in compliance with the following standards:

1. Except as provided in subsection (3) below, one parking space shall be provided per accessory dwelling unit. Accessory dwelling unit parking requirements are in addition to the parking required for the primary residence as provided in Chapter 18.20.

2. Parking spaces may be provided as tandem parking on a driveway or in setback areas unless the Director finds that tandem parking and parking in setback areas is not feasible because of specific topographical conditions and/or other conditions that would pose a risk to health and safety. No parking may extend into a public sidewalk nor right-of-way that would require walking into the street. A minimum of eight and one-half feet in width and eighteen feet in depth is required for any uncovered parking space.

3. No parking shall be required for an accessory dwelling unit if any of the following apply:
   a. The accessory dwelling unit is contained within an existing primary residence or accessory structure or proposed primary residence.
   b. The accessory dwelling unit is located within one-half mile walking distance of public transit. For purposes of this section, "public transit" means a bus stop or train station where public transportation runs on fixed routes.
c. The accessory dwelling unit is located within an architecturally and historically significant district.

d. Where on-street parking permits are required but not offered to the occupants of the accessory dwelling unit; or

e. When a designated parking area for one or more car-share vehicles is located within one block of the accessory dwelling unit.

f. When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an accessory dwelling unit, the parking spaces for the primary residence need not be replaced.

4. Junior accessory dwelling units shall not be required to provide for any additional parking or make up for any parking displaced by their construction, including full or partial conversion of an existing garage.

G. Utilities and Impact Fees.

1. No junior accessory dwelling unit or accessory dwelling unit shall be permitted if it is determined that there is not adequate water or sewer service to the property.

2. Except as provided in subsection (3), an accessory dwelling unit may be required to have a new or separate utility connection, including a separate sewer lateral, between the accessory dwelling unit and the utility. A connection fee or capacity charge may be charged that is proportionate to the size in square feet of the accessory dwelling unit or its drainage fixture unit (DFU) values. Separate electric and water meters shall be required for the accessory dwelling unit.

3. The following accessory dwelling units shall be exempt from any requirement to install a new or separate utility connection and to pay any associated connection or capacity fees or charges:

   a. Junior accessory dwelling units.

   b. Standard accessory dwelling units converted from interior space unless the unit is constructed within a new single-family home.

4. All utility extensions shall be placed underground if required for the main residence.

5. Impact fees.
a. No impact fees may be imposed on a junior accessory dwelling unit or accessory dwelling unit that is less than 750 sq. ft. in size. For purposes of this section, “impact fees” include the fees specified in Sections 66000 and 66477 of the Government Code, but do not include utility connection fees or capacity charges.

b. For accessory dwelling units that have a floor area of 750 square feet or more, impact fees shall be charged proportionately in relation to the square footage of the primary dwelling unit.

H. Delay of enforcement of building standards.

1. Prior to January 1, 2030, the owner of an accessory dwelling unit that was built before January 1, 2020, may submit an application to the building official requesting that correction of any violation of building standards be delayed for five years. For purposes of this section, “building standards” refers to those standards enforced by local agencies under the authority of Section 17960 of the California Health and Safety Code.

2. The building official shall grant the application if the building official determines that enforcement of the building standard is not necessary to protect health and safety. In making this determination, the Director shall consult with the Fire Marshal and Building Official.

3. No applications pursuant to this section shall be approved on or after January 1, 2030. However, any delay that was approved by the City of San Carlos before January 1, 2030, shall be valid for the full term of the delay that was approved at the time of the approval of the application.

4. Until January 1, 2030, any notice to correct a violation of building standard that is issued to the owner of an accessory dwelling unit built before January 1, 2020, shall include a statement that the owner has a right to request a delay in enforcement of the building standard for an accessory dwelling unit pursuant to this section.

5. This section shall remain in effect until January 1, 2035, and as of that date is repealed.