









ACCESSORY DWELLING UNIT ORDINANCE SUMMARY

Effective January 1, 2020

Processing + Land Use Development Standards

Ministerial land use approval for ADUs will be issued within 60-days of a **complete** Administrative Permit Review application determination. A Notice of Completeness shall be provided within 30 days of application submittal.

	JADU ¹	SINGLE – FAMILY ADU			MULTIFAMILY ADU	
ADU Type	 Conversion JADU² <i>[interior conversion of some portion of a single-family dwelling]</i>	 Conversion ADU² <i>[interior conversion of existing habitable or non-habitable area within a single-family dwelling, or conversion of a legally built detached accessory structure or accessory building.]</i>	 Detached ADU <i>[new construction]</i>	 Attached ADU <i>[addition/new construction]</i>	 Conversion ADU <i>[interior conversion of existing non-habitable are of multifamily building]</i>	 Detached ADU <i>[new construction]</i>
Zoning	Allowed on all lots zoned for <u>residential uses</u>					
Number of Permitted Units	1 (Can be on same lot as an ADU)	1 (Can be on same lot as a JADU)			At least one and no more than 25% of the existing unit count in multifamily building ^{3,4}	2 ⁴
Minimum Size	220 SF for an efficiency unit (+100 SF additional for each occupant of such unit in excess of 2)					
Maximum Size	500 SF	1,200 SF OR No more than 50% of the floor area of an existing or proposed primary dwelling unit	1,200 SF ⁵	1,200 SF ⁵ OR No more than 50% of the floor area of an existing or proposed primary dwelling unit	1,200 SF	1,200 SF ⁵
Maximum Height	As Zoned. See Section 17.04.030	As Zoned. See Section 17.04.030	16 feet	As Zoned. See Section 17.04.030	As Zoned. See Section 17.04.030	16 feet
Side Setback	As Zoned. See Section 17.04.030	As Zoned. See Section 17.04.030	4 feet		As Zoned. See Section 17.04.030	4 feet
Rear Setback	As Zoned. See Section 17.04.030	As Zoned. See Section 17.04.030	4 feet		As Zoned. See Section 17.04.030	4 feet
Setback to Primary Unit	N/A	N/A	10 feet	N/A	N/A	10 feet
Entrance(s)	Exterior entrance required. ⁶	Exterior entrance required.			Independent entrance required. ⁷	
Kitchen	Efficiency kitchen required. ⁸	Efficiency kitchen required at minimum.				
Parking Requirements	N/A	One parking space required for an ADU. Replacement parking for existing dwelling unit(s) not required when a garage, carport, or covered parking structure is physically replaced by an accessory dwelling unit.				
Deed Restrictions	The owner of the property must record a deed restriction to include the requirements listed in Government Section 65852.2 and 658582.22.	The owner of the property must record a deed restriction with San Benito County that restricts the sale of the ADU from the existing dwelling unit(s) and prohibits Short Term Rentals.				
Owner Occupancy	Required	Not required for ADUs permitted between January 1, 2020 and January 1, 2025.				
Short Term Rentals	Prohibited					
Impact Fees	None	ADUs less than or equal to 749 SF – None ¹⁰ ADUs equal to or greater than 750 SF – Impact fees collected must be proportional to square footage of existing dwelling unit(s) ¹⁰				
Utility Fees and Connections	No separate utility connection required between ADU or JADU ⁹		Separate utility connection required A water meter connection fee for the cost of the installation of the meter shall be required			

¹ A Junior ADU (JADU) is a small dwelling unit created from some portion of a single-family dwelling. These units can have their own bathroom facilities or share with the single-family dwelling.

² Conversions do not allow modifications to building footprint / dimensions of legally built structures or buildings, except where sufficient egress and ingress requires modifications – in which case, an expansion of up to 150 square feet is allowed for JADUs and legally built accessory buildings and structures.

³ When calculating, round down to the nearest integer.

⁴ An existing multifamily dwelling may have both conversion ADUs and detached ADUs in accordance with this chart.

⁵ For an ADU with a setback of between 4 and 5 feet, the maximum unit size shall be 800 SF.

⁶ Interior entrance between primary unit and JADU also required for units with shared bathroom facilities.

⁷ Exterior entrance not required, but independent entrance (e.g. off hallway, stairwell or other common space) is required.

⁸ An efficiency kitchen includes 1) a sink; 2) a cooking facility with appliances; 3) food preparation counter; and 4) storage cabinets.

⁹ A separate utility connection may be installed if desired. A connection fee in the amount of the cost of installation of the meter shall be required. Contact the Engineering Department at 831-636-4340 for the most current water meter connection fee.

¹⁰ Square footage measurements will be rounded to the nearest square foot.