ACCESSORY DWELLING UNIT HANDOUT

July 9, 2024

Many individual homeowners would like to help provide more housing. This handout can help you do your part. **Accessory Dwelling Units** (sometimes called “granny flats”, “casitas” or “second dwelling units”) have been identified as a way to increase housing in areas currently zoned for housing.

Over the last couple of years, the California Legislature enacted a set of reform bills to reduce restrictions on accessory dwelling unit construction. As a result, San Bernardino County has worked to remove barriers that have impeded the development of accessory dwelling units. The changes include relaxed standards for parking requirements, utility connections, fees, lot density, and unit size. High land costs and permitting concessions have made the idea of building an accessory dwelling unit popular among homeowners and want-to-be homeowners. If you have ever thought about building an accessory dwelling unit, then this handout should help you get started.



WHAT IS AN ACCESSORY DWELLING UNIT?

An accessory dwelling unit is defined as a detached or attached dwelling unit that provides complete independent living facilities for one or more persons, and that includes permanent provisions for living, sleeping, eating, cooking, and sanitation. An accessory dwelling unit may be attached, detached, or converted from an existing accessory structure.

WHAT IS A JUNIOR DWELLING UNIT?

A junior accessory dwelling unit is a unit no more than 500 square feet in size and entirely contained within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.

This handout is intended as an informational document only. Please refer to Chapter 13, Division1, Title 7 of the Government Code and Chapter 84.01 of the San Bernardino County Code for state and local regulations on Accessory Dwelling Units.

2024 UPDATE TO ACCESSORY DWELLING UNIT STANDARDS

Development Standards	Unless modified by State law the number of Accessory Residential Units per lot include: A single-family residence and up to two of the following additional accessory units shall be allowed; parcels five acres in size or greater shall be allowed to have three of the following: • Accessory Dwelling Unit • Junior Accessory Dwelling Unit (only one JADU per parcel) • Guest House (As defined in section § 810.01.090 (r)) Multiple attached ADUs may be permitted within the portions of existing multifamily dwelling structures that are not used as livable space. A minimum of one ADU and a maximum of 25 percent of the existing multifamily dwelling units is allowed. Not more than two detached ADUs for an existing or proposed multifamily dwelling is allowed.
	One parking space is required for an ADU. Spaces may be provided as tandem parking on a driveway. Parking Exemption: • When a garage, carport, or covered parking structure is demolished in conjunction with an ADU or converted into an ADU, the parking spaces do not need to be replaced. • An ADU within ½ mile WALKING DISTANCE of public transit. Public Transit is defined as a bus stop or train station where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routs, and available to the public. • Additional parking exemptions can be found in section 84.01.060 (f) (5)
	Location: • ADUs and JADUs must be located on the same parcel as the proposed or existing single-family dwelling unit.
Application and Fees	**Permitting:** • ADU Permit: The County is required to approve or deny an ADU application within 60 days from the date the County receives a complete application if there is an existing single-family or multifamily dwelling on the lot. If the application for an ADU is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the County may delay approving or denying the ADU application until the County approves or denies the permit application to create the new single-family or multifamily dwelling. • Utility Permits: For a by-right ADU constructed within existing primary dwelling, the County may not require the applicant to install a new or separate utility connection or impose related connection fee unless the ADU is constructed with a new single-family dwelling or upon separate conveyance of the ADU. The County may require a new or separate utility connection for all other ADUs. • Percolation Report: The County may require as part of a permit application for an ADU, on a lot with an onsite water treatment system, a percolation test completed within the last 5 years or if the percolation test has been recertified, within the last 10 years.

	Transportation Fees:
	• Provides for a tiered schedule of impact fees based on the size of the ADU as follows:
	  • Zero fees for an ADU of less than 750 square feet.
	  • Proportionately in relation to square feet of primary dwelling for an ADU of 750 square feet or more.

	School fees: • Zero fees for an ADU of 500 square feet or less. • School fees for ADUs greater than 500 square feet. will vary depending on the school district.
Code Enforcement	**Enforcement Actions:** • Notice of a violation of any building standard to an ADU owner to include a statement of the owner's right to request a delay in enforcement for five-years if correction is not necessary to protect health and safety and the ADU was built before January 1, 2020 or the ADU was built prior to that date in a local jurisdiction that had a compliant ADU ordinance at that time. Sunsets this provision on January 1, 2035.

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ACCESSORY DWELLING UNIT COMPARISON

	ACCESSORY DWELLING UNIT (ADU) DEVELOPMENT STANDARDS	JUNIOR ACCESSORY DWELLING UNIT (JADU) DEVELOPMENT STANDARDS
Number	Up to two may be allowed per parcel. If a parcel is greater than five acres, up to three are allowed.	One per residential lot. May occur on the same lot as an ADU.
Maximum Unit Size Allowed	New ADU may be a maximum of 1,200 square feet. If lot coverage is exceeded, the maximum size allowed is 800 sq ft. If converted from an existing accessory structure, it may exceed 1,200 sq ft. If attached to an existing primary dwelling, total floor area cannot exceed 50 percent of the existing primary unit.	500 square feet maximum.
Maximum Height (Two Story Maximum)	If the unit is converted from an existing structure, the same height as the existing structure will apply. All else; • Detached ADU on a lot with an existing single-family or multifamily unit: 16 feet • Detached ADU on a lot with an existing single-family or multifamily unit within ½ mile walking distance of a major transit stop: 18 feet. • Detached ADU on a lot with an existing or proposed multistory multifamily dwelling: 18 feet • ADU attached to primary dwelling: 25 feet or height of zoning district for primary dwelling, whichever is lower.	N/A
Lot Coverage	Based on existing zoning, but an 800 sq ft, ADU is permitted regardless of lot coverage.	N/A
Conversion of an Existing Accessory Structure	Conversion of an accessory structure is allowed provided the structure received building permits.	N/A
Setbacks & Easements	No setback for an existing living area or accessory structure, or a structure constructed in the same location and to the same dimension as an existing structure that is converted. Attached by-right ADU side and rear setbacks determined as sufficient for fire and safety. Detached by-right ADU not to exceed 4 ft side and rear yard setbacks. All else: • Front: Per underlying zone, not to preclude construction of an 800 sq. ft. unit. • Street Side: 4ft. • Interior Side: 4ft. • Rear: 4ft. EASEMENTS • Setbacks from all easements, including but not limited to Utility and SCE easements	All structures are to be located outside of any easements and compliant with setback standards if applicable.

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Separate Entrance	A separate exterior entrance from the primary dwelling is required.	• A separate exterior entrance from the main residence is required. • If the unit does not include a separate bathroom, the unit shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.
Kitchen	Full kitchen, separate from the primary residence.	Efficiency kitchen.
Sanitation	Separate sanitation facility from the primary residence. Where the property is less than 0.50 acres with an existing primary residence, an Advanced Treatment System for the additional dwelling is required.	It may include separate sanitation facilities or may share sanitation facilities with the existing or proposed primary structure.
Deed Restriction	Not required.	Required.
Rental Allowance	Subject to short-term rental restrictions, can be rented for both short or long term rentals.	Subject to short-term rental restrictions, it can be rented for both short or long-term rentals.
Short-Term Rental	Allowed in the Mountain or Desert Region with a Short-Term Rental Permit and the unit is not constructed pursuant to subdivision 84.01.060 (g).	Allowed in the Mountain or Desert Region with a Short-Term Rental Permit and the unit is not constructed pursuant to subdivision 84.01.060 (g).
Owner-Occupancy Requirement	Not required.	Required for either the JADU or primary residence unless the owner is another governmental agency, land trust, or housing organization.
Other Development Service Fees	Other review fees related to drainage or fire protection may be applicable.	Other review fees related to drainage or fire protection may be applicable.

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