



ACCESSORY DWELLING UNIT HANDOUT

March 2021

Many individual homeowners would like to help provide more housing. This publication 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 sets of reform bills seeking to reduce restrictions on accessory unit construction. As a result, the County of San Bernardino 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 for accessory dwelling units. High land costs and permitting concessions have made the thought 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 broadly 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, and cooking. An accessory dwelling unit shall be located on the same parcel as the primary dwelling unit and may be attached, detached or converted from an existing structure.

WHAT IS A JUNIOR DWELLING UNIT?

A junior accessory dwelling unit is no more than 500 square feet or less and entirely contained within the main residential unit and no more than 16 feet in height. Can only add up to 150 square feet to an existing single-family structure. A junior accessory dwelling unit shall be located on the same parcel as the primary dwelling unit. Only one junior accessory dwelling unit shall be allowed per parcel.

2021 UPDATE TO ACCESSORY DWELLING UNIT STANDARDS

Development Standards	<p>Number of Accessory Residential Units:</p> <p>In addition to a single-family, 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:</p> <ul style="list-style-type: none"> • Accessory Dwelling Unit • Junior Accessory Dwelling Unit (only one JADU per parcel) • Guest House <p>Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space. A minimum of one accessory dwelling unit and a maximum of 25 percent of the existing multifamily dwelling units is allowed.</p>
	<p>Parking Exemption:</p> <ul style="list-style-type: none"> • 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. • To qualify for the exemption an ADU must be within ½ mile in WALKING DISTANCE of public transit. Public Transit is defined as defines public transit as a bus stop, bus line, light rail, streetcar, car share drop off or pickup, or heavy rail stop. • Additional parking exemptions can be found in section 84.01.060 (f) (5)
	<p>Location:</p> <ul style="list-style-type: none"> • ADUS and JADUs must be located on the same parcel as the proposed or existing single-family dwelling unit.
	<p>Setbacks:</p> <ul style="list-style-type: none"> • Allows all new construction ADUs to have a setback of four-foot interior side and rear yard for structures and 16 feet in height. • If converted from an existing structure-same setback as the structure apply. • If located within the Fire Safety Overlay, side yard setbacks can vary from a 5' minimum to 15' maximum. See San Bernardino County Development Code Section 82.13.050(o)(1) for guidance.
Application and Fees	<p>Permitting:</p> <ul style="list-style-type: none"> • Review of a complete application for an ADU must be completed within 60 days or the application shall be deemed approved. • Utility Permits: For ADUs w/in existing primary dwelling, local agency etc. shall not require the applicant to install a new or separate utility connection or impose related connection fee. • Percolation Report: Allows a local agency to 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.
	<p>Transportation Fees:</p> <ul style="list-style-type: none"> • Provides for a tiered schedule of impact fees based on the size of the ADU as follows: <ul style="list-style-type: none"> • 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.
	<p>School fees:</p> <ul style="list-style-type: none"> • Zero fees for an ADU of less than five hundred (500) square feet. • School fees for ADUs five hundred (500) or larger will vary depending on the school district.
Code Enforcement	<p>Enforcement Actions:</p> <ul style="list-style-type: none"> • 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, 2025.

ACCESSORY DWELLING UNIT COMPARISON

	ACCESSORY DWELLING UNIT (ADU) DEVELOPMENT STANDARDS	JUNIOR ACCESSORY DWELLING UNIT (JADU) DEVELOPMENT STANDARDS
Number	Up to two ADUs may be allowed per single-family dwelling. If parcel is greater than five acres up to three ADUS are allowed.	One JADU may be allowed per existing single- family residence. A JADU may occur on the same lot as an ADU.
Maximum Size Allowed	New ADUs may be a maximum of 1,200 square feet. If lot coverage is being exceeded, the maximum size allowed is 800 square feet. If converted from an existing accessory structure, it may exceed 1,200 square feet.	500 square feet maximum.
Height	Based on existing zoning. If setbacks have been reduced to 4 ft., the maximum allowed height is 16 ft.	N/A.
Lot Coverage	Based on existing zoning, but an 800 square foot 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.
Interior Side and Rear Setbacks	Four (4) feet.	N/A.
Front and Streetside Setbacks	Same as existing zoning.	N/A.
Separate Entrance	Attached units may have a separate entrance or share a common entrance with the primary dwelling.	Although JADUs are required to be within the walls of the primary dwelling, they are not required to have an interior connection to the primary dwelling. That said, JADUs may share a significant interior connection to the primary dwelling, as they are allowed to share bathroom facilities with the primary dwelling.
Kitchen	A full kitchen, separate from the primary residence is required.	An efficiency kitchen is required.
Sanitation	An ADU has separate sanitation facilities from the primary residence.	A JADU may share bath/sanitation facilities with the primary residence or have separate facilities.
Deed Restriction	Not required.	Recordation of a deed restriction is required when the unit is not owner occupied. See section 84.01.060 (c) (2).
Rental Allowance	Can be rented for periods of 30 days or more.	Can be rented for periods of 30 days or more.

Short-Term Rental	Can be allowed in the Mountain or Desert Region with a Short Term Rental Permit and is not a unit constructed pursuant to subdivision 84.01.060 (g).	JADUs cannot be used as short-term rentals.
Owner-Occupancy Requirement	Owner-occupancy is not required for the accessory dwelling unit or main residence.	Owner-occupancy is required for either the JADU, main residence or deed restricted.
Other Development Service Fees	Other review fees related drainage or fire protection may be applicable.	Other review fees related drainage or fire protection may be applicable.