

ACCESSORY DWELLING UNIT POLICIES IN MONTEREY COUNTY: AN OPPORTUNITY FOR GREATER IMPACT

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Executive Summary:

Accessory Dwelling Units (ADUs) are infill units that can be built in or near single-family homes that allow for additional income for homeowners, while also providing a naturally affordable housing option for residents. ADUs may be an effective strategy in Monterey County, where there are many asset rich, but cash poor homeowners. Recent policy changes in California have made it easier for homeowners to build ADUs with less restrictive parking requirements, zone expansion for allowable units, and an easier permitting process.

In Monterey County, barriers to adoption of these laws as well as challenges for homeowners persist, stalling ADU applications in municipalities around the county. Research was conducted into the remaining policy barriers for ADU construction and implementation in Monterey County and local cities. Case studies and ADU policies from other cities along the West Coast were researched and integrated into policy recommendations as best practices.

Recommendations for increased ADU production in Monterey County include:

- A standardization of terms.
- A centralized hub for ADU-specific information at each municipality.
- Greater collaboration county-wide on ADU policy between city and county officials, private developers, and homeowners.
- Marketing and education for homeowners on ADU regulations within their communities
- Advocacy to reduce policy barriers related to development impact fees, lot size, owner occupancy, water restrictions, and legalization of existing ADUs in municipalities.
- Greater collaboration between cities and the Monterey Peninsula Water Management District and other water districts in their respective jurisdictions to come up with viable solutions and strategies related to water needs and development of ADUs.

Background/ Context:

Accessory Dwelling Units (ADUs) are recognized by the state of California as an option that adds to the housing stock of a city, promotes a greater diversity of housing types, and can be a part of the solution to alleviate the housing crisis. ADUs can be used to increase a homeowner's income, provide a space for older parents to age in place or relatives to live close by, and a way to introduce a more 'affordable' housing option in cities that have little to no housing availability, either because of space constraints and/or housing costs.

Recognizing the benefits of ADUs both for homeowners and communities, the state of California set out to reduce policy barriers in the permitting process and development of ADUs. Listed below, under State ADU Policy, are the laws regarding ADUs and how local jurisdictions must comply with these new regulations and the dates in which the laws must be adopted.

Municipalities have two options in complying with state law:

- 1) Adopt ADU state laws as their respective ADU policy: local jurisdictions can simply default to state standards regarding ADU construction and zoning.
- 2) Create or update an existing city ordinance: this allows flexibility for jurisdictions to designate ADU-exempt areas, craft specific ADU building and development guidelines, and set rental and occupancy limits. While cities can be less restrictive in their own ADU ordinances, **they can not be more restrictive** than the state standard.

State ADU Policy: (California Department of Housing and Community Development)

Effective January 1, 2019:

- [Senate Bill 1226](#):
 - 1) Allows city officials (building inspectors) to recognize an illegal unit as an existing residential unit and apply the city codes that were in effect when the building was first constructed. A local building official can permit an existing residential unit if it meets certain life safety standards.
(California Legislative Information, 2018)

Effective January 1, 2018:

- [Senate Bill 229](#):
 - 1) Requires cities to permit ADUs within existing structures in all zones where a city permits single-family residency.
 - 2) Restricts the ability of special districts and water corporations from imposing utility connection fees and capacity charges on new ADUs.

(California Legislative Information, 2017)

- [Assembly Bill 494](#):
 - 1) Further reduces parking requirements: a city may require one parking space per unit, not per bedroom. Also eliminates city's ability to prohibit tandem parking or parking in setbacks unless fire and safety findings are applicable.

(California Legislative Information, 2017)

Effective January 1, 2017:

- [Senate Bill 1069](#):
 - 1) Reduces parking requirements: one space per bedroom or unit.
Parking is allowed in setbacks or in tandem unless specific safety and fire conditions are found. Additional parking spaces are not required if the ADU meets one of the following criteria: is within a half mile from public transit, is within an architecturally and historically significant district, is part of an existing primary residence (interior) or an existing accessory structure, is in an area where off-street parking permits are required, but not offered to the occupant of the ADU, or is located within one block of a car share area.
 - 2) Utility fee reductions: ADUs that are contained within the primary residence or existing accessory structure are not subject to new or separate utility connections such as water and sewer. For detached ADUs, the local agency must charge a utility connection fee that is proportionate to the burden of the unit on the water and sewer system.
 - 3) Fire requirements: fire sprinklers are not required in ADUs if they are not required in the primary residence.
 - 4) Approval process: Local agencies must ministerially approve an application to construct an ADU within a single-family residential zone if the ADU is: contained within an existing residence or accessory structure, has independent exterior access from the existing residence, and has side and rear setbacks that are sufficient for fire safety.
 - 5) Prohibits a local government from adopting an ordinance that precludes ADUs.

(California Legislative Information, 2016)

- [Assembly Bill 2299](#):

Any existing local ordinance regarding ADU that does not meet the bill requirements will be null and void upon the date the bill becomes effective.

AB 2299 also requires local governments to ministerially approve ADUs if the unit complies with the following requirements:

- 1) ADU is not intended for sale separate from the primary residence and may be rented.
- 2) The lot for the ADU is zoned for single-family or multi-family use.
- 3) The increased floor area of an attached ADU (either added to the primary residence or located within the primary residence) shall not exceed 50% of the existing living area.
- 4) The total area of floor space for a detached ADU shall not exceed 1,200 sq. feet.
- 5) No setback shall be required for an existing garage that is converted to an ADU; ADUs constructed above a garage require no more than a 5 feet setback from the side and rear lot.

(California Legislative Information, 2016)

- [Assembly Bill 2406](#):

Authorizes local agencies to permit junior accessory dwelling units (JADUs) in single-family residential zones through an ordinance. Adoption of a JADU ordinance is optional for local governments. This bill defines a JADU as a unit that is no more than 500 sq. ft. in size and is contained entirely within the single-family home.

(California Legislative Information, 2016)

(California Department of Housing and Community Development, n.d.)

General Takeaways:

Monterey County as well as unincorporated areas and cities within the county all must comply with the new California ADU laws. As discussed above, local jurisdictions shall either adopt the state law as their standard or create their own city ordinance. Research into each local jurisdiction's ADU policy highlighted areas in which the municipalities were struggling to comply with state laws and areas in which cities were crafting policies that encouraged ADU construction in their neighborhoods.

Overall, there are some common themes concerning the challenges, opportunities, and areas of improvement for all local jurisdictions regarding their current ADU policies.

1) No consistency in definitions and terminology

Each municipality uses a different term or definition for an ADU. The city of Monterey categorizes ADUs by Interior ADUs vs. Other ADUs, with Other encompassing a detached ADU, an addition to an existing structure, or an ADU that is built within an existing family home in a certain zoning district. The city of Seaside uses the term Residential Second Units, while the city of Marina combines Secondary Dwellings and Guesthouses into their ADU municipal code.

As one can see, the different terminology can be confusing for both city officials, as well as homeowners, who are inquiring about ADU requirements within their neighborhood. It is often difficult to find information on city and county websites when an individual is unsure which search terms to use. If an individual searches for specific terms on a city website, s/he may not yield any results from the site if s/he does not use the correct search terms.

The same confusion applies when talking with staff from different departments within the city. The planning department may be using different terminology than the building department and this can cause misunderstandings between staff. Communication between jurisdictions may be restricted or more difficult based on the different terms being used to describe ADUs and can stall or inhibit collaboration efforts.

Recommendation:

It is recommended that all cities and Monterey County adhere to the term Accessory Dwelling Unit (ADU) and the definitions used by the state of California. This would allow all cities and the county to be on the same page when discussing policies and practices. This standardization of terms would also reduce confusion for homeowners that are inquiring about ADUs within their respective cities and would allow for greater success in searching for and acquiring information on city and county websites.

2) Lack of information for city staff as well as homeowners

While California has been a leader in removing policy barriers for ADU construction from the state level, the adoption and implementation of the laws in various cities throughout Monterey County has not been as quick or as streamlined.

Research into each city's ADU policy as well as conversations with planners from several jurisdictions revealed discrepancies between what the policy states in the municipal code and how it is interpreted and applied by city and county staff. Many times, there was simply a lack of information about the city's ADU policy and the new state laws from city staff. This information (or lack of information) is then relayed to the homeowner in terms that were not always easy to understand.

In several municipal codes, there is information missing regarding lot sizes, occupancy requirements, maximum sizes for ADUs, etc. It is hard to determine whether this information is missing because it is not applicable in that respective city, if the city simply did not know to address it in the policy, or if the information is not updated.

This lack of knowledge on the state regulations leads to a slower adoption of the laws and therefore, a slower creation of an ADU policy specific to the municipality. The fact that the state laws concerning ADUs have changed so rapidly has also led to confusion for city and county staff and to an inability to "keep up" with the changes.

The city of Seaside stated that the concept of ADUs, their implementation, and the regulations around them were new to the city and they were adapting accordingly. A planner from the city of Marina stated that they were in the process of updating their ADU policy and a staff member from Monterey County said that they were looking into updating their county code on 'legal and possibly habitable structures' to be able to be converted to ADUs.

Recommendation:

It is recommended that there is a customized template available to Monterey County as well as to all cities within the county. This template would provide guidelines based on state standards, would ensure that all information is provided regarding ADU construction and implementation, and would allow for city-specific information to be inputted, such as zoning exceptions, ADU size restrictions, etc.

There are several templates that have already been created by different municipalities throughout California as well as other states. The California Department of Housing and Community Development (HCD) created a sample ADU ordinance template based off of state standards and the template highlights the importance of standardized definitions (<http://www.hcd.ca.gov/policy-research/docs/SampleADUOrdinance.pdf>).

The American Planning Associate (APA) in conjunction with the American Association of Retired Persons (AARP) drafted a report that evaluated the benefits of ADUs and created model state and local ordinances to serve as guidelines for communities (https://assets.aarp.org/rgcenter/consume/d17158_dwell.pdf?_ga=2.129861195.678622371.1557452768-288866792.1557452768).

Finally, Santa Cruz County has a comprehensive 'How-to Guide' on their county website that details the process of obtaining a planning and building permit, showcases prototypes that are allowed within the county, and includes a fee estimation calculator that is essentially an excel sheet that allows homeowners to calculate building and permit fees for their potential ADU project (<http://www.sccoplanning.com/ADU.aspx>).

3) Decentralization of information

As discussed above, the information available to city staff and homeowners is an important factor in understanding and promoting ADU policies within each municipality. Unfortunately, the decentralization of information regarding ADU building codes, zoning requirements, water needs, and more is a huge barrier for both staff and residents.

There is greater burden put on the homeowner to seek out information regarding ADUs within their city. This has proven to be difficult because the homeowner often doesn't know the right terms to search for on city websites, isn't a seasoned developer that is knowledgeable and up to date on building codes, and is often uncertain on who to contact in order to obtain the information s/he desires.

None of the city and county websites have a webpage dedicated to ADUs or include ADU information on their planning department webpage. An individual must search for the city municipal code and then input the right search term in order to find the section of the code that applies to ADUs.

The city of Monterey had the ADU city code printed out and available to individuals to pick up in their planning department office. However, when asked about development impact fees associated with ADU construction, a city planner stated that he was not sure how the fees are calculated, and I

would need to visit the building department to inquire further. Several other cities echoed this sentiment about not knowing specific information about fees or water needs and directed me to other departments such as the building department or the water district. This decentralization of information puts the onus on the homeowner to track down individuals and information and this can be a daunting task.

Recommendation:

It is recommended that there be a centralized hub and/or website for county-wide and city information that is ADU-specific. Information could be displayed within a city's planning department page, as is the case for the city of Santa Barbara (https://www.santabarbaraca.gov/services/planning/mpe/accessory_dwelling_units.asp).

There can also be a more elaborate webpage, such as the case with Santa Cruz County, in which they created an entire site dedicated to ADUs, with resources such as a design guide, a financing guide, and an ADU basics page (<http://www.sccoplanning.com/ADU.aspx>).

Information should also be made available in city halls if individuals decide to inquire in person about ADUs. This information should be made available in languages that reflect the populations the city serves. This centralization of information not only benefits homeowners, but city staff as well, in regard to better organization of information and convenience of retrieval. Additionally, it creates an opportunity to share information regarding policies and best practices across the county.

4) No policies to address unpermitted or illegal ADUs

ADUs that are built illegally are often constructed without permits because of restrictive policies, such as large fees and/or parking requirements, as well as a need for affordable housing or increased income. In cities in which housing options are both scarce and expensive, ADUs are considered a lower cost alternative, with homeowners opting to convert a room in their home or add on to their garage. These ADUs may not be built up-to-code or may have safety or health concerns associated with the structure.

Most cities within Monterey County do not address unpermitted ADUs in their current ADU policy or within their municipal codes at all. It is often hard to know how many illegal units there are and the conditions of the units. Combine that with the lack of incentive for homeowners to legalize the unit and ADU legalization for unpermitted or illegal units is a low to no priority for most cities.

There are several programs in California that have tried to tackle illegal ADUs and to assist homeowners through the legalization process, but many have faced challenges regarding what to do with the units once they are identified as unpermitted and unsafe.

The city of Santa Cruz has a program to legalize an ADU in which a city planner and building inspector will visit your property, conduct a site inspection, and then walk you through the process of legalizing your unit, including informing you about specific fees and renovations that may need to be completed. This process appears to be most successful for individuals whose ADUs were built before the recent state law changes and their ADUs will now be considered up-to-code because of

reduced parking requirements, lot size requirements, etc. This program does not address individuals who are living in unsafe and unpermitted ADUs but do not have the financial ability to leave the ADU or make the renovations for the ADU to become legal

(<http://www.cityofsantacruz.com/government/city-departments/planning-and-community-development/adu-legalization>).

The city of San Francisco has attempted to address unpermitted ADUs through their voluntary legalization program. This program allows property owners to go through a screening that estimates the costs of legalizing their unit with the understanding that they are not required to go through with legalization. Property owners who decide to renovate their unit are then able to formally register and rent their ADUs as long as safety and health conditions are met and plan review fees are waived (<https://sfdbi.org/UnitLegalization>).

While the city of San Francisco waives plan review fees, the costs of legalizing an ADU is still a burden for the homeowner and can be too much of a hardship for some individuals. Additionally, if the renovations to the unit call for the tenant or the homeowner to leave while the repairs are being completed, the homeowner and/or tenant bear the burden of relocation costs as well.

Habitat for Humanity in Santa Cruz County has been proactive in assisting homeowners in rehabilitation or conversion of red tagged ADUs (meaning the house is not livable in its current condition). The My House My Home program is a partnership with the city and county of Santa Cruz, Habitat for Humanity, and Senior Network Services to assist senior homeowners in the construction or renovation of ADUs on their existing properties (<https://www.habitatmontereybay.com/myhousemyhome>).

Santa Cruz County has implemented a Safe Structures (formerly the LIAP) program that promotes safety inspections and modifications of existing structures to ensure that the structures remain safe and habitable for residents to stay in their communities ([http://www.sccoplanning.com/PlanningHome/BuildingSafety/LimitedImmunityAmnestyProgram\(LIAP\).aspx](http://www.sccoplanning.com/PlanningHome/BuildingSafety/LimitedImmunityAmnestyProgram(LIAP).aspx)). This program was created to facilitate the safety upgrade and continued use of structures within the county that cannot be fully legalized through the standard building permit process. Although not specific to ADUs, they are eligible to participate in the Safe Structures program and receive a certificate from the county stating that property is safe and habitable and considered a low priority for code enforcement officers.

Recommendation:

It is recommended that additional research into the number of unpermitted ADUs within each city and county as well as the condition of the units be conducted. Research will need to be conducted neighborhood by neighborhood with incentives provided to homeowners to encourage participation. This research will help city officials decide if unpermitted ADUs is a real issue within their cities and establish a priority level from there.

Offering several different pathways to legalizing the unit, while ensuring the homeowner s/he will not be penalized for agreeing to an inspection should be an essential part of the program. In several of the municipalities, overcrowding and unsafe conditions is reported in many ADUs, increasing the chance for accidents and fires within the units. It is imperative in these municipalities to prioritize the safety of the residents over code enforcement penalties.

It is important to note that if identifying and addressing unpermitted ADUs is considered a high priority for a city, there should be adequate and appropriate resources dedicated to creating a legalization process for homeowners. Financial assistance should be provided for very low-income homeowners who rely on rental income from their ADUs to survive. Relocation cost assistance should also be considered.

5) Inadequate water supply

Water on the Peninsula is a finite resource, especially in terms of the water needed for construction projects. The Monterey Peninsula Water Management District (MPWMD) protects the water supply for a number of cities in Monterey County. The following cities are under MPWMD's rules and regulations: Carmel-by-the-Sea, Del Rey Oaks, Monterey, Pacific Grove, Seaside, Sand City, and portions of unincorporated Monterey County including Pebble Beach, Carmel Highlands, and Carmel Valley.

When an individual buys a home within this water district, the individual is essentially buying the water credits as well. The number of water credits a home has is set when a MPWMD inspector visits the home after construction and counts the number of water fixtures in the home. The number of water fixtures limits the homeowner on what s/he can do with the property.

In addition to abiding by local building codes, a homeowner within the cities or areas listed above must obtain a permit from MPWMD before water fixtures can be added to any property. A homeowner can obtain additional water credits by retrofitting their existing appliances with newer, lower-flow appliances and then using those credits to put in additional water fixtures.

If a homeowner has already exhausted their retrofitting options, s/he can ask their respective city to be placed on a water waitlist, where s/he outlines their construction project and the specific number of water credits needed. If credits become available, the homeowner can purchase these credits and apply them to the project. However, the water waitlists have many projects dating back to 2003 that have yet to receive the credits needed.

A third option for obtaining water credits is Ordinance 98 or more commonly known as, the second bathroom ordinance, through the MPWMD. This ordinance allows for a single-family home (that currently only has one bathroom) to construct a second bathroom, even if the home does not have adequate water credits available for construction. Currently, the ordinance states that the second bathroom can only be constructed within the single-family home and cannot be used for another unit on the property. The way the ordinance is currently applied, the second bathroom ordinance would only be helpful to homeowners wanting to construct an interior ADU.

Many planners that I talked with stated that the lack of water available for construction projects was the biggest barrier for homeowners. If homeowners did not have enough water credits to construct an ADU and no ability to retrofit their existing appliances, it is essentially impossible for them to build an ADU.

There are similar water shortage issues within the county and unincorporated areas as well. A planner from the county stated that many homeowners would not be able to construct an ADU on their property if they could not secure a written permission from their respective water district, confirming that there are sufficient water credits available for the project.

There are rebate programs that are available in almost every jurisdiction that cover anywhere from \$50-\$400 of the new appliance cost, but it is uncertain how many people use the rebate programs and how helpful they truly are in lowering the costs of purchasing new appliances.

Recommendation:

It is recommended that cities facing water shortages look at ways to assist homeowners in finding the water credits needed to construct an ADU. ADUs are already more environmentally friendly and use less resources than typical new development simply because of the nature of their size. A 2010 study in Oregon found that reducing home size is among the best options for reducing waste generation and achieving environmental benefit for the community. ADUs are helpful in meeting climate change goals for cities since they are built on already developed land (Turner Center, 2017).

Cities can investigate the promotion of ADUs that are the least energy-intensive such as interior ADUs, attached ADUs, and existing structures that are converted to ADUs. These types of ADUs could potentially use the water connections that are already available and could be applicable for the second bathroom ordinance through the MPWMD.

Cities should work with the MPWMD as well as other water districts in their respective jurisdictions to come up with viable solutions to both the quantity and quality of the water supply. Cities can offer and incentivize water catchment systems for single-family homes and potential ADUs, since these systems do not put additional pressure on already strained water systems.

Another option would be to offer a retrofit program that goes beyond the rebate system programs that many of the cities and water districts currently offer. By assisting homeowners in retrofitting their old appliances, the water credits associated with those appliances are essentially “freed” and can be used towards an ADU project. The closest example of this, although not directly related to water issues, is the My House My Home program in Santa Cruz that assists senior homeowners in renovating their red-tagged ADU by bringing it up-to-code. Many other cities around California have similar water shortage issues, but have not found viable solutions to the problem.

6) Development Impact Fees (or Impact Mitigation Fees) not proportionate to ADU size

Development Impact Fees (DIFs) or Impact Mitigation Fees are fees imposed by local governments on new construction based on the concept that new development places added pressures on public services and goods (for example: park facilities, police services, traffic, fire, etc.). These DIFs can be upwards of \$15,000 to \$30,000 depending on the municipality and the project. These fees are often not tailored to the size of the ADUs or the project scope, creating situations in which homeowners are paying the same amount in DIFs for their ADUs as large-scale developers pay for single-family homes.

As one can imagine, the additional costs associated with DIFs add to the overall cost of the ADU project, often deterring homeowners from pursuing the construction of an ADU. It is also difficult to estimate the DIFs for an ADU and this can cause frustration for a homeowner that is trying to plan for and secure financing for the unit. The Turner Center in Berkeley reported in December 2017 that one of the biggest barriers still facing homeowners is the DIFs and that the fees should be proportionate to the occupancy and use of the ADU (Turner Center, 2017).

The city of Portland, Oregon waived their DIFs in 2010 and their ADU permit applications grew. The cities of Bothell, Cheney, and Everett in Washington State have tailored their DIFs to the size of the

that the adoption of the laws was often slow and the creation of new local ordinances was sometimes delayed or codes were not updated.

None of the jurisdictions are currently promoting or marketing ADUs within their cities as a viable housing option to homeowners. It is difficult to find information regarding local ADU codes, contact information, and fee costs both online and in person. In addition, all the information I did come across was in English and written in language that is difficult to decipher unless one is familiar with reading city and building codes.

Cities that have increased their ADU permit applications have been successful because they have placed a high priority on adopting local ordinances that allow for creation of ADUs and then updating homeowners about these policy changes. Santa Cruz County has created an entire webpage dedicated to ADUs that informs homeowners about recent policy changes, provides various guides to assist in the planning and construction of ADUs, and offers incentives to homeowners to rent their ADUs at below-market cost in an effort to increase the number of affordable housing units within the city (<http://www.sccoplanning.com/ADU.aspx>).

Recommendation:

It is recommended that Monterey County and the cities within the county work together to continue to reduce the policy barriers addressed above and to include ADUs as a viable housing strategy within their communities.

It is important to create marketing materials and tools that assist homeowners in the ADU permit process as well to help address other barriers to ADU construction. A county-wide ADU forum that allows for city officials and staff, policy makers, non-profit organizations, and private developers to come together would be beneficial to begin the process of addressing challenges associated with creating and implementing ADU policy and then using the policy to foster ADU construction.

Cities should dedicate a staff member to ADU projects to assist in the updating of city webpages, answering homeowner questions, and creating public education tools that promote the benefits of ADUs within the community. It is possible that this could be a county-wide position that would assist each city in tailoring the marketing materials to the city's needs. Staff could research the potential of creating an affordable housing designation and using ADUs to meet their state housing goals.

Hosting events for homeowners to learn about ADU policy within their communities would allow for homeowners to ask questions and receive assistance in filling out permit applications with a planner. The Housing Trust Silicon Valley has been hosting ADU educational workshops for years with great success (<https://housingtrustsv.org/news-events/events/>).

City Analyses:

The city analyses highlight key features from each city's ADU policy, supportive and restrictive policies for ADU construction, and city-specific recommendations when applicable. A matrix that compares cities and county areas is also available.

City of Monterey [Municipal Code 38-26 S. Accessory Dwelling Units](#)

(City of Monterey, 2019)

Population: 28,639 (2017 United States Census Estimate)

Area: 8.67 sq. miles

Definitions:

Accessory Dwelling Unit, Interior: constructed entirely within a single-family dwelling or accessory structure. Only allowed in R-1 (residential single-family district) and R-E (residential estate district) districts.

Other ADU: Constructed either as a new detached unit, an addition to a single-family home or accessory structure, or entirely within the single-family home or accessory structure, but not in an R-E or R-1 zone. Only allowed in R-3 (residential medium density multi-family dwelling) districts.

Regarding all ADUs within the city of Monterey:

- Prior to issuing a building permit, the homeowner must record in a form approved by the city to notify future owners of the requirements of the ADU to not be sold separately from the existing family home, the single-family home or the ADU must be owner-occupied, and neither the single-family home or the ADU may be used for short-term residential rentals.
- ADU shall conform to all requirements of the underlying residential zoning district, including but not limited to, height, setbacks, lot coverage, floor area ratio, landscape, and historic preservation requirements.
- ADUs have restricted areas based on the limited availability of on-site water credits within the city (see more information below regarding importance of water credits).

Key Policy Features:

	Interior	Other
Zone	R-1 & R-E	R-3
Min. Lot Size	None	5,000 sq. ft.
Total Floor Area	N/A	1,200 sq. ft.
Restricted Hgt.	N/A	12 ft. or 1 story
Water Restrictions	Yes. MPWMD water permit required w/ planning application.	Yes, as well as separate water meter needed for detached unit.
Parking Requirements	No additional parking required.	1 additional parking space shall be provided per bedroom (allowed in tandem on existing driveway or setback)**
Design Standards	Materials identical in color; similar in	Must match roof pitch and form of primary dwelling

	texture/appearance to primary structure	
Approval Process	Ministerially	Ministerially
Owner Occupancy Requirement	Yes; either in primary dwelling or ADU.	Yes; either in primary dwelling or ADU.
Development Impact Fees	School fees, water fees, sewer, etc. all factored into permit cost.	All fees factored into permit cost. Unsure of how DIFs are calculated—possible % of the total project cost.
ADU Legalization Program	Undocumented Dwellings Policy for all rental units that were illegally built—doesn't specifically apply to ADUs.	Same as interior units.

**Transit exemptions apply per Senate Bill 1069

Existing homes and existing ADUs:

The city of Monterey does have a policy for 'undocumented dwellings', but this policy does not directly address unpermitted or illegal ADUs within the city limits. The Undocumented Dwellings policy only applies to rental units and is dependent on when the unit was created.

If the illegal unit was created prior to April 24, 1964, and is within a single-family residential zone (R-1), the unit must be removed. If the unit is in a multi-family residential zone (R-3), then the owner can choose to remove it or request it to remain if it complies with all current zoning standards.

If the illegal unit was created after April 24, 1964, the property owner must provide documents that show the unit is legal in terms of zoning ordinance and uniform building code, whether it is in a single family residential or multifamily residential zone. If unable to provide documents, the unit must be removed.

Property owners must also be able to provide documents related to rental income (tax forms), utility bills, county assessor's property tax documents, and written documentation from tenants, past tenants, and/or neighbors, if applicable.

A city of Monterey planner stated that the 'Undocumented Dwellings' policy does not directly address unpermitted ADUs, but is the only policy the city has that addresses illegal buildings. The planner also stated there is no incentive for homeowners to try to 'legalize' their units. The city does not have a financing program to assist homeowners in altering their existing ADU to make it legal.

New state law allows existing guesthouses (accessory structures with no kitchen or cooking facilities) to be converted to ADUs, however city code requires these structures to be on a minimum lot size of 8,000 sq. ft. Homeowners must have sufficient water credits for the ADU and must construct adequate kitchen and bathroom facilities to be considered a permitted ADU.

Water Credits:

In the city of Monterey, a homeowner would need to confirm with MPWMD that he or she has enough water credits and would need to include this water permit in their application to the city. If the homeowner does not have enough water credits to construct their ADU, they have two options: one is to contact the city and see if there are water credits available for purchase. Another option is to retrofit the current appliances in the home with higher efficiency models to gain enough credits back to complete their project.

The city of Monterey does not currently have any water credits available for allocation. A homeowner can be added to a water waitlist, with the number of water credits they are seeking and the project they wish to complete. However, according to the current waitlist on the city of Monterey website (City of Monterey, n.d.), there are individuals from 2003 that are still awaiting water credits. A planner from the city of Monterey stated that having available water credits is one of the biggest barriers he sees for homeowners. Property owners inquire about ADU planning and creation, but are unable to move forward on construction without water credits.

Supportive policies for the construction of ADUs within the city of Monterey:

- ADU cannot be rented for less than thirty days (short-term rental). This allows for the ADU be offered as a housing option for a resident, while providing consistent income for the ADU owner.
- ADUs that abide by city ordinance will be ministerially approved.
- DIFs are calculated based on the percentage of the total project cost.

Restrictive policies for the construction of ADUs within the city of Monterey:

- Either an ADU or the single-family unit must be owner-occupied.
- Existing guesthouses are allowed to be converted to ADUs, but must be on minimum lot size of 8,000 sq. ft. To construct an ADU, the minimum lot size is 5,000 sq. ft. The requirement for the larger lot size is prohibitive for homeowners that are seeking to convert and legalize their guesthouse as an ADU. In addition, to be considered for an ADU permit, the homeowner would need to add or remodel their guesthouse to accommodate sufficient kitchen and bathroom facilities.
- An 'Other' unit is only allowed in a R-3 zone.
- There are not enough water credits available on a property for an individual to construct an ADU (specifically a detached ADU).
- There is no manner in which ADUs can be legalized within the city of Monterey. The current policy on 'Undocumented Dwellings' seems vague and does not specifically address ADUs.

Recommendations:

- Amend the city code regarding guesthouse conversions: Allow for the minimum lot size to be amended from 8,000 sq. ft. to the recommended 5,000 sq. ft for newly constructed ADUs. In addition, the city should consider financing mechanisms or incentives to encourage homeowners with existing guesthouses to convert them to permitted ADUs.

- Amend current city zones to allow for Other ADUs in single-family residence zoning districts. Currently, Other ADUs are only allowed in the R-3 multi-family district, which greatly restricts the amount of ADUs that can be built within the city. Numerous California cities have allowed for ADU construction or conversion in all residential zones, including San Jose, California, San Diego, and others. In San Jose, the city council approved a new ordinance that allowed for most residential zones to allow ADUs in July 2018. In addition, the single-family lots only need to a maximum size of 3,000 sq. ft., allowing for more homes to qualify as potential ADU sites.
- Eliminate the owner occupancy requirement for the ADU and primary dwelling. Cities such as Portland and Los Angeles do not require owner occupancy for their ADUs and have seen a rapid increase in ADU applications in their respective cities.

The main argument for owner occupancy requirements rests on the assumption that if the owner resides in the primary dwelling or the ADU, the property will be kept in better condition and the owner will have an investment in the community. If both dwellings are rented (specifically short-term rentals), it is assumed that the property will not be kept in good condition and the residents will not be invested and therefore, not be good neighbors. Rarely this is the case, especially in Monterey County, where short-term rentals are not allowed in ADUs. Additionally, it is important to dispel these assumptions through homeowner outreach and education on ADUs.

(City of Monterey)

City of Seaside The city of Seaside does not have a city ordinance, but has adopted the state law as their ADU policy. [17.52.230 Residential Second Units \(RSU\)](#)

(City of Seaside, n.d.)

Population: 34, 150 (2017 United States Census Estimate)

Area: 9.24 sq. miles

Regarding all ADUs within the city of Seaside:

- No more than one second unit per single-family residence.
- Residential Second Units allowed in the following zoning districts: Single-Family Residential (RS), Medium Density Residential (RM), and High Density Residential (RH).

Key Policy Features:

	Interior	Detached/Attached/Conversion
Zone	RS, RM, RH	RS, RM, RH
Min. Lot Size	6,000 sq. ft.	6,000 sq. ft.
Total Floor Area	640 ft. or 40% of primary dwelling’s floor area, whichever is less	Not to exceed 50% of net site area or max. coverage allowed by applicable zone, whichever is less

Restricted Hgt.	One Story or 18 ft.	One Story or 18 ft. Unit over garage allowed up to 22 ft. with Minor Use Permit approval.
Water Restrictions	Must have adequate water credits. Must submit MPWMD application w/ planning application to show sufficient water credits.	Must have adequate water credits. Must submit MPWMD application w/ planning application to show sufficient water credits. Water connection fees may still apply.
Parking Requirements	1 additional off-street parking space shall be provided, allowed in tandem on existing driveway or setback.**	1 additional off-street parking space shall be provided, allowed in driveway or setback.**
Design Standards	Must be subordinate to primary residence in terms of size, location, and appearance and shall not alter the character of the primary unit.	The architectural style, exterior materials, and colors of the ADU should be compatible to the primary unit.
Approval Process	Ministerially	Ministerially; Minor Use Permit required for unit over garage up to 22 ft.
Owner Occupancy Requirement	No owner occupancy required.	No owner occupancy required.
Development Impact Fees	Assessed per sq. footage for certain DIFs; no information found for other DIFs.	Assessed per sq. footage for certain DIFs; no information found for other DIFs.
ADU Legalization Program	No program specific to ADUs; illegal units can apply for planning permit, following same process as new construction.	Same as interior units.

**Transit exemptions apply per Senate Bill 1069

New and existing homes with new ADUs:

A second unit may be constructed simultaneously with or after a primary residence (applies to an interior or detached unit).

An existing secondary dwelling that complies with the current building standards and zoning requirements may be considered as an ADU and a new primary unit can be constructed on the lot.

Supportive policies for the construction of ADUs within the city of Seaside:

- ADUs over the garage are allowed up to 22 ft.
- ADUs can be constructed simultaneously with the construction of the primary residence.
- ADUs allowed in all three residential zones.
- Certain DIFs are based on sq. footage of the unit.

Restrictive policies for the construction of ADUs within the city of Seaside:

- The minimum lot size is 6,000 sq. ft.
- Minor Use Permit required for construction of an ADU over the garage up to 22 ft.
- No legalization process in place for unpermitted ADUs.
- Water credits needed for ADU construction.

Recommendations:

- Adopt a city ordinance for ADUs in which the following recommendations could be implemented and further policy barriers could be removed.
- Amend the code to allow ADUs built above the garage up to 22 ft without the need to apply for a Minor Use Permit, which is an additional cost to the homeowner.
- Reduce the minimum lot size from 6,000 sq. ft. to a lower min. lot size. It is possible to tailor the min. lot size to the size of the ADU, allowing smaller ADUs on smaller lots.

City of Marina: [Municipal Code 17.06.040 Secondary Dwelling and Guest Houses](#)

(City of Marina)

Population: 22,145 (2017 United States Census Estimate)

Larger student population with the California State University Monterey Bay (CSUMB) campus, the UC Santa Cruz MBEST center, and the Veterans Transition Center.

Area: 8.88 sq. miles

Regarding all ADUs within the city of Marina:

Current city of Marina ADU policy is a combination of past ADU policy (the city has had an ADU policy since the early 2000’s) and new state law requirements. The city is still working to update their city code in an effort to make sure their city regulations are compliant with new state laws.

An ADU must conform to each district’s minimum site area, minimum average lot width, and minimum lot depth requirements. If an ADU is constructed in R-4 district, the building site is not in excess of 7,500 sq. ft.

Key Policy Features:

	Interior/ Attached	Detached/ Guesthouse
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Zone	R-1, R-2, R-3, and R-4	R-1, R-2, R-3, and R-4
Min. Lot Size	6,000 sq. ft.	6,000 sq. ft.; building site must not border on or have direct access from the public street.
Total Floor Area	Max. floor area shall not exceed whichever is less of: 2/3 of the living area of main building, 10% of the site area, or 950 sq. ft.	Max. floor area shall not exceed whichever is less of: 2/3 of the living area of main building, 10% of the site area, or 950 sq. ft..
Restricted Hgt.	In R-1, R-2, and R-3 zones: 16 ft./ In R-4 zone: 25 ft.	In R-1, R-2, and R-3 zones: 16 ft./ In R-4 zone: 25 ft.
Water Restrictions	No water shortage within the city and no need to show adequate water supply on lot.	No water shortage within the city and no need to show adequate water supply on lot.
Parking Requirements	No additional parking required.	No additional parking required.
Design Standards	Must be compatible or similar to primary dwelling.	Must be compatible or similar to primary dwelling.
Approval Process	Ministerially	Ministerially. Projects within the coastal zone must have a coastal development permit.
Owner Occupancy Requirement	No owner occupancy required.	No owner occupancy required.
Development Impact Fees	Assessed per unit. Fees not proportionate to size and impact of ADU.	Same as interior units.
ADU Legalization Program	No program to address illegal units.	Same as interior units.

Existing homes and existing ADUs:

There is currently no city policy that addresses illegal or unpermitted units or ADUs. The city of Marina planner stated that the city is not proactive in code enforcement and will therefore not likely cite homeowners for unpermitted ADUs. She stated that the current city code includes guesthouses and that homeowners would be able to take an existing guesthouse and convert it to a permitted ADU under new state law regulations. The city offers no programs or incentives to assist homeowners in converting their guesthouses or improving the conditions of their illegal ADUs in order to obtain a permit and legalize the units.

Water Needs:

Marina Municipal code states that, “No development shall be approved without evidence showing that there is adequate service capacity from municipal utility providers. In particular, a written commitment from the municipal water district, the Marina Coast Water District (MCWD), is required with submission of a development application”. This written commitment is a letter from MCWD guaranteeing that the required amount of water requested for the project is available prior to the issuance of building permits. Projects will not be approved without this written commitment and the development will not be approved if it is shown there is an inadequate municipal water supply.

When talking with a city of Marina planner, she stated that there was no need to submit a ‘written commitment’ from the MCWD with a planning permit because there is currently no shortage on the water supply in the city of Marina. She stated that the city was currently working on a better way to track water allocation and to work closer with the MCWD, but unlike other cities on the Peninsula, there is no need to show proof of water supply in order to submit your project plans and obtain a permit.

Supportive policies for the construction of ADUs within the city of Marina:

- ADUs are allowed in all residential zones within the city.
- There is no owner occupancy requirement for the primary dwelling or the ADU.
- There are no water restrictions or required water credits for ADU construction. Since homeowners do not have to provide proof of their water supply on their lot, they are able to construct their ADU with few restrictions.
- No additional parking requirements for ADUs.

Restrictive policies for the construction of ADUs within the city of Marina:

- Development impact fees (public safety fees, roadway and intersection fees, school fees, park fees, etc.) are assessed per dwelling unit, meaning that a single-home family and a detached ADU would both be considered a dwelling unit and would pay the same amount in impact fees.
- The addition of ‘guesthouse’ within the ADU policy leads to confusion and ambiguity in the policy. A guesthouse is defined per Marina Municipal Code as “a detached living quarters with permanent provisions for sleeping and sanitation, but without kitchens or cooking facilities”; therefore, the guesthouse does not suffice as an ADU since it does not include kitchen facilities, but is still included in the secondary dwelling policy.
- The maximum allowable size of an ADU is 950 sq. ft. This is smaller than the recommended maximum size of 1,200 sq. ft. that is suggested by state law and adopted by many other cities.

Recommendations:

- Apply the State Fee Mitigation Act in regards to the DIFs in order to assess DIFs based on square footage or fees that are proportionate to the ADU size and impact.
- Separate the ADU policy and the guesthouse policy in order to reduce confusion for homeowners.

- Increase the maximum size of an ADU or create a minimum lot size that is relative to the size of the ADU; for example, a 6,000 sq. foot lot allows an max. ADU size of 1,200 sq. ft. in comparison to a 4,000 sq. ft. lot allows for an 850 sq. ft. ADU.
- Confirm water supply restrictions and planning permit requirements.

City of Pacific Grove: [Municipal Code Chapter 23.80 Accessory Dwelling Units](#)

(City of Pacific Grove)

Population: 15,698 (2017 United States Census Estimate)

Area: 2.86 sq. miles

Regarding all ADUs within the city of Pacific Grove:

One ADU per lot zoned for single-family residential use.

Areas exempt from the development of a detached ADU or an ADU that is attached or added on to the primary residence:

- R-1 B-4 zoning district, pursuant to the local coastal program land use plan
- R-3-PGB zoning district including the portion of the Pacific Grove Beach Tract bounded by Lorelei St. on the east, Ocean View Blvd. on the north, Sea Palm Ave. on the west, and the southern property line of the south side of Mermaid Ave. to the south due to the dense nature of existing development on small lots.
- Monarch Pines Mobile Home Park (M-H zoning district) is exempt from development of all ADUs pursuant to senior citizen owner occupancy requirements of the community.

Key Policy Features:

	Within Existing Residence/Accessory Structure	Attached to the Primary Structure	Detached
Zone	R-1, R-1-B, R-3, R-4	R-1, R-1-B, R-3, R-4	R-1, R-1-B, R-3, R-4
Min. Lot Size	No min. lot size.	4,000 sq. ft.	4,000 sq. ft.
Total Floor Area	No max size.	No more than 50% of the existing living area or no more than 800 sq. ft.	800 sq. ft.
Restricted Hgt.	Existing residence or accessory structure	Height limit applicable to zoning district	15 ft.
Water Restrictions	MPWMD water release form and water permit application required— showing adequate water credits/water supply for the project required.	MPWMD water release form and water permit application required— showing adequate water credits/water supply for the project required.	If water supply is not adequate, the applicant can request the project be placed on the Pacific Grove Water Waitlist.
Parking Requirements	None required.	None required.	None required.

Design Standards	N/A	Must incorporate same or similar architectural features and building materials as primary dwelling.	Must incorporate same or similar architectural features and building materials as primary dwelling.
Approval Process	Ministerially	Ministerially	Ministerially
Owner Occupancy Requirement	No owner occupancy required; ADU may be rented, but only for 30 days or longer.	No owner occupancy required; ADU may be rented, but only for 30 days or longer.	No owner occupancy required; ADU may be rented, but only for 30 days or longer.
Development Impact Fees	Certain DIFs are a % of the permit fee.	Certain DIFs are a % of the permit fee.	Certain DIFs are a % of the permit fee.
ADU Legalization Program	No program specific to ADUs. Illegal units are not allowed to be rented.	No program specific to ADUs. Illegal units are not allowed to be rented.	No program specific to ADUs. Illegal units are not allowed to be rented.

New homes and new ADUs:

An ADU that is attached to the primary residence or is a detached ADU can be built in conjunction with the construction with the single-family dwelling unit.

All utilities for detached ADUs must be installed underground.

Water Needs:

City of Pacific Grove has made significant changes to their ADU municipal code, eliminating the owner occupancy requirement, expanding the residential zones in which ADUs are allowed in the city, and removing parking requirements. However, water rights still remain a huge barrier in the area. Councilman Rudy Fischer stated, “the state is trying to make it easier for affordable housing but in this whole area you can’t really build a place unless you have some water. So, you can set the terms but basically, it’s hard for anybody to really build something” (Mayberry, 2017).

A MPWMD residential water release form and water permit application, showing the existing and proposed water fixture units is required with the application package submitted to the city. If the submitting individual does not show adequate fixture units available on the site for the proposed ADU, the applicant can request to have the project placed on the Pacific Grove water waitlist.

Supportive Policies for the construction of ADUs within the city of Pacific Grove:

- Flyer is available for homeowners to see the ADU options that are available in their zone as well as the building requirements (<https://www.cityofpacificgrove.org/sites/default/files/general-documents/design-guidelines-and-handouts/cdd-31-accessory-dwelling-units-1-10-19.pdf>), yet the flyer is somewhat hard to find on the website.
- Minimum lot size for an attached or detached unit is 4,000 sq. ft.; there is no minimum lot size for an ADU within an existing residence or accessory structure.
- ADUs allowed in all residential zones.
- No additional parking required for ADUs.

- No owner occupancy required.

Restrictive Policies for the construction of ADUs within the city of Pacific Grove:

- The maximum allowed size for ADUs is 800 sq. ft. This seems a little small, but could be representative of the smaller lots in the city of Pacific Grove.
- For new detached ADUs, utilities (includes electric, telephone, communications, and cable) must be installed underground. Underground utilities have less exposure to damage during storms and fires; are less dangerous to people; have less visual impact; and require less space. However, requiring underground utilities for detached ADUs is extremely restrictive because of the additional cost accrued by the homeowner; especially if the primary dwelling still operates on traditional overhead utilities. A 2018 article from the Monterey Herald quotes Monterey Public Works Director, Steve Wittry, saying that the average property owner in the city would spend between \$25,000 -\$35,000 installing underground utilities, depending on the size of their property (Schmalz, 2018).

Recommendations:

- Increase the maximum allowed size for ADUs or adjust the minimum lot size to accommodate for more ADUs.
- Remove the underground utilities requirement for detached ADUs. This is restrictive requirement based on the cost associated with the installation.

City of Salinas: [Municipal Code Sec. 37-50.250.-Accessory dwelling units](#)

(City of Salinas)

Population: 157,596 (2017 United States Census Estimate)

Area: 23.61 sq. miles

Regarding all ADUs within the city of Salinas:

One unit per lot with a single-family dwelling unit.

Key Policy Features:

	Interior	Other, detached or attached
Zone	R-L district	A, R, and NU district; No ADU permitted in a development subject to a planned unit development permit (PUD). **
Min. Lot Size	No min. lot size	No min. lot size
Total Floor Area	Not to exceed 1,200 sq. ft. or 50% of existing living area, whichever is greater	Not to exceed 1,200 sq. ft. or 50% of the existing living area of the primary residence, whichever is greater.
Restricted Hgt.	Must be compatible with zoning district.	Must be compatible with zoning district.

Water Restrictions	No water shortage within the district; no water requirements for construction.	No water shortage within the district; no water requirements for construction.
Parking Requirements	1 off-street parking space per bedroom; Can park in tandem, in setbacks and if close to public transportation options, no parking space required.	1 off-street parking space per bedroom; Can park in tandem, in setbacks and if close to public transportation options, no parking space required.
Design Standards	Materials, design, height, scale, exterior colors, and finishes must be compatible to primary unit.	Based on the zoning district standards and compatible with primary dwelling.
Approval Process	Ministerially	Ministerially
Owner Occupancy Requirement	No owner occupancy required.	No owner occupancy required.
Development Impact Fees	Waived for 5 years for all ADUs	Waived for 5 years for all ADUs
ADU Legalization Program	No program addressing illegal units.	No program addressing illegal units.

**Planned Unit Development Permit (Division 13, Sec. 37-60.960): permits a developer to meet overall community density and land use goals without being bound by existing zoning requirements.

Existing homes and existing ADUs:

Salinas is a city with closer to 160,000 residents, from homeowners escaping the Bay area to a large population of farmworkers and everyone in between. There is a definite housing crunch in the city and this has led to families living in converted garages and sheds. The new ADU ordinance is supported by the city council as well as the Salinas Fire Chief, Ed Rodriguez, who stated that the new ordinance could alleviate fire problems triggered by overcrowding and illegal units.

Individuals wanting to build a new ADU or try to legalize an existing unit essentially go through the same process: apply for a planning and building permit and ensure the ADU is code compliant. Currently there is no specific city ordinance or program that addresses illegal or unpermitted units (Wu, 2016).

Supportive Policies for the construction of ADUs within the city of Salinas:

- DIFs are waived for the next 5 years to encourage homeowners to apply for ADU permits.
- No minimum lot requirements.
- No owner occupancy required.
- No water requirements related to construction.

Restrictive Policies for the construction of ADUs within the city of Salinas:

- No policies to address illegal and unsafe ADUs.

Recommendations:

- Create an amnesty program for legalizing existing unpermitted ADUs. While this would not create additional housing, this program would protect current tenants, require fixes to health and safety issues within existing ADUs, potentially increase the property tax revenue for the city, and create a legalization process for owners. This is especially important in the city of Salinas considering the large population of farmworkers in the city.

Santa Cruz County implemented a two-year pilot program in 2014 called the Safe Structures Program that incentivized owners (mostly rural) of existing unpermitted ADUs to come forward and obtain building permits and consent to inspections to legalize their units ([http://www.sccoplanning.com/PlanningHome/BuildingSafety/LimitedImmunityAmnestyProgram\(LIAP\).aspx](http://www.sccoplanning.com/PlanningHome/BuildingSafety/LimitedImmunityAmnestyProgram(LIAP).aspx)). Once certified safe, the ADUs would be protected from most code enforcement actions. The unit must have been built prior to 2014, unable to be modified to meet city codes, and applicants are required to pay an inspection and zoning fee. If county inspectors find there is no viable way to permit the building and no imminent health hazards, it will be certified as safe and officials won't pursue code enforcement. If permitting is required, homeowners can opt to back out of the process without penalty.

City of Gonzales: [Municipal Code 12.112.020: Residential Second Unit or Secondary Dwelling Units](#)

(City of Gonzales)

Population: 8,479 (2017 United States Census Estimate)

Area: 1.90 sq. miles

Regarding all ADUs within the city of Gonzales:

A detached or attached ADU may be constructed on a lot with a single-family home in any residential district upon issuance of a site plan permit and a building permit. Homeowners are able to construct a single-family home and ADU simultaneously.

Key Policy Features:

	Interior/Attached	Detached
Zone	R-1, R-1D, R-2, MU, MU-CC, A	R-1, R-1D, R-2, MU, MU-CC, A
Min. Lot Size	No min. lot size required for attached ADUs.	6,000 sq. ft.
Total Floor Area	Shall not exceed 90% of the floor area of the primary unit.	Shall not exceed 90% of the floor area of the primary unit.
Restricted Hgt.	Compatible with the height requirements for each respective zone.	Limited to one story and a max. of 14 ft.; if located above garage, hgt. of ADU shall be measured from the

		floor of the ADU to the apex of the ADU.
Water Restrictions	No water restriction related to construction.	No water restriction related to construction. Water is managed by the city of Gonzales and is mainly from wells.
Parking Requirements	One additional off-street parking space required. Can be tandem in existing setbacks and transit exemptions applicable.	One additional off-street parking space required. Can be tandem in existing setbacks and transit exemptions applicable.
Design Standards	Must be compatible with design, character, and finish as primary dwelling.	Must be compatible with design, character, and finish as primary dwelling.
Approval Process	Ministerially	Ministerially
Owner Occupancy Requirement	Required in either primary dwelling or ADU	Required in either primary dwelling or ADU
Development Impact Fees	Per unit cost. Not proportionate to ADU size; categorized as Attached Dwelling Unit (per unit) (MFR)	Per unit cost. Not proportionate to ADU size; categorized as Detached Dwelling Unit (per unit) (SFR).
ADU Legalization Program	No program that addresses illegal units.	No program that addresses illegal units.

** R-1: low density residential; R-1D: low density residential downtown; R-2: medium density residential; MU: Downtown mixed use; MU-CC: Downtown mixed use-commercial core; A: Agriculture

Supportive Policies for the construction of ADUs within the city of Gonzales:

- ADUs allowed in all residential zones.
- No minimum lot size required for attached ADUs.
- No water restrictions related to ADU construction.

Restrictive Policies for the construction of ADUs within the city of Gonzales:

- Development Impact Fees (DIFs) are not proportionate to the size of the ADU. The DIFs are categorized by a Detached Dwelling unit (per unit) (SFR) that can be around \$31,563.49 per unit and an Attached Dwelling Unit (per unit) (MFR) that is estimated at \$29,992.50 per unit.
- Owner occupancy requirement in either the primary dwelling or the ADU.

Recommendations:

- Apply the State Fee Mitigation Act in regards to the DIFs in order to assess DIFs based on square footage or fees that are proportionate to the ADU size and impact.

City of Greenfield: [City Code Chapter 17.90 Accessory Dwelling Units](#)

(City of Greenfield)

Population: 17,517 (2017 United States Census Estimate)

Area: 2.13 sq. miles

Key Policy Features:

	Interior/ Attached	Detached
Zone	All residential zones	All residential zones
Min. Lot Size	N/A	N/A
Total Floor Area	Not to exceed 50% of the proposed or existing primary living area or 1,200 sq. ft.	Not to exceed 1,200 sq. ft.
Restricted Hgt.	Same as required for primary unit in the applicable zone.	Same as required for primary unit in the applicable zone; if constructed above garage, max. height is the same as the primary dwelling in the applicable zone.
Water Restrictions	No current water restriction.	No current water restriction; the City of Greenfield distributes the water.
Parking Requirements	1 additional off-street parking space per bedroom required; allowed in tandem or in setbacks; space not required if near transit.	1 additional off-street parking space per bedroom required; allowed in tandem or in setbacks; space not required if near transit.
Design Standards	Must be compatible with the design, character, and finishes as the primary dwelling.	Must be compatible with the design, character, and finishes as the primary dwelling.
Approval Process	Ministerially	Ministerially
Owner Occupancy Requirement	No owner occupancy required.	No owner occupancy required.

Development Impact Fees	Development Impact Fees are not proportionate to the size and impact of the ADU	Development Impact Fees are not proportionate to the size and impact of the ADU.
ADU Legalization Program	No program that addresses illegal units.	No program that addresses illegal units.

Water Needs:

The city of Greenfield currently obtains its water supply exclusively from groundwater. Three wells in the city operate to extract water from the underlying groundwater basin and pump it into two storage tanks. Recent studies done by the city show that the city of Greenfield has an inadequate supply of water for both existing and future needs.

The city of Greenfield doesn't currently have a water restriction regarding new construction for ADUs. However, the city has a number of water conservation measures and programs that were passed through Resolution 2015-10 in spring 2015. Residents can participate in the Water Conservation Rebate Programs to replace older, inefficient appliances with newer appliances that operate with higher efficiency and less water use (<http://ci.greenfield.ca.us/215/Water-Rebates>).

Junior Accessory Dwelling Units (JADUs): [Municipal code 17.90.050](#)

(City of Greenfield)

A JADU is no more than 500 sq. ft. in size and contained entirely within an existing single-family residence already built on a lot. The JADU may include separate sanitation facilities or may share sanitation with the existing structure. Additional parking is not required.

Owner occupancy is required in the primary unit or in the JADU. Owner occupancy is not required if the JADU is owned by another governmental agency, land trust, or housing organization. The JADU shall include a separate entrance from the main dwelling and must include an efficiency kitchen, which must include all of the following: a sink, a cooking facility with appliances that do not require electrical service greater than 120 volts, and a food preparation counter and storage cabinets.

Supportive Policies for construction of ADUs within the city of Greenfield:

- No owner occupancy required in either the primary dwelling or the ADU.
- An ADU can be built on a lot that contains a proposed or an existing single-family dwelling.
- The city of Greenfield has a policy, city code chapter 17.90.050 Junior Accessory Dwelling Units (JADUs):

Restrictive Policies for construction of ADUs within the city of Greenfield:

- ADUs are subject to development and other impact mitigation fees as are required under title 19 for other residential development. These fees are not proportionate to the size and impact of an ADU.

- Lack of clarity on whether homeowners can have both a JADU and an ADU on the same single-family lot.

Recommendations:

- Apply the State Fee Mitigation Act in regards to the DIFs in order to assess DIFs based on square footage or fees that are proportionate to the ADU size and impact.
- Establish a policy that allows both a JADU and an ADU on the same property.

City of Soledad: [Municipal Code 17.38.260 Second Residential Units](#)

(City of Soledad)

Population: 26,273 (2017 United States Census Estimate)

Area: 4.41 sq. miles

Regarding all ADUs within the city of Soledad:

A code enforcement officer will conduct a review of all ADUs from “time to time” within the city, with particular attention to ADUs that fall into the following categories:

- 1) A change in ownership of the lot in which the two residential units reside.
- 2) A change in the occupancy of the residential units which is not in compliance with city code.
- 3) Any other failures to comply with city code.

Key Policy Features:

	Interior/ Attached	Detached
Zone	R-1, R-2, and R-3 districts	R-1, R-2, and R-3 districts
Min. Lot Size	5,000-6,000 sq. ft. depending on the zoning district.	5,000-6,000 sq. ft. depending on the zoning district. Only allowed on corner lots or on lots more than 160 ft. deep.
Total Floor Area	50% of the existing single-family residence’s living area, with a max. increase in floor area of 1,200 sq. ft.*	Shall be no more than 650 sq. ft.*
Restricted Hgt.	Must comply with the respective zoning district.	Must comply with the respective zoning district.
Water Restrictions	No water restrictions for new development. Municipal water system from wells.	No water restrictions for new development.
Parking Requirements	No additional parking required.	One off-street parking space required; additional space may be in tandem

		or in setback areas; transit exemptions apply.
Design Standards	N/A	N/A
Approval Process	Ministerially	Ministerially
Owner Occupancy Requirement	Owner occupancy required in either the primary dwelling or ADU. Occupancy of the ADU must not exceed more than two persons.	Owner occupancy required in either the primary dwelling or ADU. Occupancy of the ADU must not exceed more than two persons
Development Impact Fees	Fees not proportionate to size and impact of an ADU.	Fees not proportionate to size and impact of an ADU.
ADU Legalization Program	No program addressing illegal units.	No program addressing illegal units.

*Both attached and detached ADUs shall include a max. one bedroom, one bathroom, one kitchen and one living/dining area

Supportive Policies for the construction of ADUs within the city of Soledad:

- ADUs allowed in all residential zones.
- No water restrictions related to construction.

Restrictive Policies for the construction of ADUs within the city of Soledad:

- Development Impact Fees (DIFs) are not proportionate to the size of the ADU. DIFs (Water facilities DIFs, wastewater DIFs, park facilities, storm drain facilities, traffic facilities, general government facilities, fire protection facilities, and police facilities) are based on single family units, not by square footage. The DIFs are estimated to be \$21, 562 (City of Soledad).
- There is an occupancy restriction of no more than two persons in an ADU.
- The allowed maximum size for a detached ADU is 650 sq. ft.
- Detached ADUs only allowed on corner lots.
- ADUs are restricted to one bedroom, one bathroom, a kitchen, and a living area.

Recommendations:

- Limit or eliminate occupancy restrictions regarding number of persons, owner requirement, and the prescribed 'one bedroom, one bathroom'. Allow for various ADU design options.
- Increase the allowable maximum ADU size from 650 sq. ft.

City of King City: [Municipal Code Chapter 17.47.015 Second Residential Unit](#)

(King City)

Population: 14,055 (2017 United States Census Estimate)

Area: 3.85 sq. miles

Definitions:

Attached Second Unit: a unit attached to, or located within, the living area of the main dwelling; shares at least one common wall and a common roof with the main dwelling and is on the same lot.

Detached Second Unit: a unit detached from the main dwelling and located on the same lot.

Senior Second Unit or Granny Unit: a second dwelling, as defined in the chapter, but which does not meet the requirements of this chapter for ministerial approval as a second unit; the sole occupancy of the unit is for one or two adult persons of which both are over the age of 62, and for which a conditional use permit may be approved.

Regarding all ADUs within King City:

Second units are not permitted in any area of the city identified as being significantly impacted by insufficient capacity for sewers, traffic circulation, parking, public utilities, or similar infrastructure needs.

Key Policy Features:

	Attached	Detached
Zone	R-1, R-2, R-3, R-4	R-1, R-2, R-3, R-4
Min. Lot Size	7,500 sq. ft.	7,500 sq. ft. ADU shall not exceed 40% of the lot area.
Total Floor Area	Min. is 400 Sq. ft; max. shall not exceed 30% of the main dwelling unit living area	Shall not exceed 40% of the existing main dwelling unit living area or 800 sq. ft, whichever is less. ADU shall not contain more than two bedrooms.
Restricted Hgt.	Shall conform to zoning district standards.	Shall conform to zoning district standards.
Water Restrictions	Evidence required to show that water and sewer service is available for ADU.	California Water Service Company. Same as interior unit.
Parking Requirements	One additional parking space per bedroom, with tandem parking allowed on existing driveway or setback. Transit exemptions apply as well per SB 1069.	One additional parking space per bedroom, with tandem parking allowed on existing driveway or setback. Transit exemptions apply as well per SB 1069.subst
Design Standards	Design, color, material, and texture shall be substantially the same as the main dwelling.	Design, color, material, and texture shall be substantially the same as the main dwelling.
Approval Process	Ministerially	Ministerially

Owner Occupancy Requirement	Primary dwelling or ADU must be owner occupied. If owner resides in neither unit, the ADU is considered a 'non-habitable' space and can't be rented.	Primary dwelling or ADU must be owner occupied. If owner resides in neither unit, the ADU is considered a 'non-habitable' space and can't be rented.
Development Impact Fees	No information available.	No information available.
ADU Legalization Program	Conversion of an existing non-conforming "granny unit" is possible if it meets the provisions of the code.	Same as interior units.

Supportive Policies for the construction of ADUs within King City:

- ADUs allowed in all residential districts.
- Information available in municipal code outlining process for converting a granny unit and other non-conforming illegal structures to legal ADUs.

Restrictive Policies for the construction of ADUs within King City:

- Minimum lot size is 7,500 sq. ft. The requirement to have that large of a lot size restricts many homes from being able to have an ADU.
- The allowable maximum size for an ADU is 800 sq. ft. The minimum lot size is already higher than most jurisdictions and could allow for larger units.
- The owner occupancy requirement is restrictive and the penalty for not abiding by the requirement is the inability to rent the unit legally.

Recommendations:

- Allow for both smaller min. lot sizes and larger ADU units. It is possible to tailor the lot size to the desired size for an ADU. This would allow more single-family lots to be eligible to have ADUs.

Monterey County ADU Policy: [20.64.030 Regulations for ADUs](#)

(Monterey County)

Applies to all unincorporated areas within Monterey County, including but not limited to, Pajaro, Chualar, Castroville, and Spreckels.

ADUs are allowed in the RDR, LDR, MDR, and HDR zones within each unincorporated area.

Development Impact Fees (DIFs) are not proportionate to the size and impact of ADUs. A homeowner will pay the same amount in DIFs for an ADU that is 600 sq. ft as a developer will pay in DIFs for a single-family home.

Additional Permit requirements:

ADUs may require a Coastal Administrative Permit, or a Coastal Development Permit, if applicable in cases due to significant water, sewer, habitat, visual, and traffic resource constraints that exist within the Monterey County Coastal Zone.

ADUs are allowed in the RC Zone with the approval of an Administrative Permit.

ADUs prohibited in the following areas:

- In any zoning district combined with a B-8 zoning overlay
- In the North County Land Use Plan area, not including the Castroville Community Plan area
- In the Carmel Valley Master Plan Area, on lots less than 40 acres in area
- Portions of the Toro Planning Area
- Portions of the Greater Salinas Planning Area
- In the Big Sur Coast Land Use Plan area, no ADUs beyond the first 50 (including previously permitted caretaker units) approved in the plan area from the time of certification of the Big Sur Land Use Plan
- Areas in which the county has adopted a specific plan, except as allowed by the Specific Plan.

Regulations on permitted ADUs:

- Only one ADU per lot and must be on the same lot as the primary residence.
- ADUs are not permitted prior to a main residence
- ADUs are allowed to be rented.
- Minimum lot size for establishment of an ADU:
 - Two acres in areas not served by public sewers.
 - Two acres in Big Sur area.
 - Forty acres in Carmel area.
- Maximum Floor Area for an ADU is 1,200 sq. ft.
- Parking requirements are consistent with Chapter 20.58
- Existing units known as a 'Senior Citizen Unit' or a 'Caretaker Unit' prior to adoption of these ADU regulations will be considered as ADUs.
- ADUs shall conform to all zoning and development standards (lot coverage, height, setbacks, design, etc.) of the zoning district which governs the lot.
- ADUs shall be designed in a manner consistent with the principal residence and residences in the neighborhood.
- ADUs are subject to review and approval by the Director of Environmental Health to ensure adequate sewage disposal and water supply facilities exist.
- ADUs are subject to resource protection policies and will not be permitted to degrade resources on-site or in the area. These resource constraints are outlined in the respective Land Use Plan and may include: areas containing environmentally sensitive habitat; forest health and tree resources; potential impacts historic and archaeological resources, and more.

Castroville:

Population: 6,481 (2010 United States Census)

Area: 1.06 sq. miles

Castroville is a predominantly Hispanic population with close to 6,500 residents living in 1,500 housing units (Monterey County LandWatch, 2005).

According to the Castroville Community Plan, the available housing does not meet the demand of existing residents and the local workforce. Many residents stated that they experience substandard housing and overcrowding (Monterey County Housing and Redevelopment Office, 2007).

The Monterey County Housing Element 2015-2023

(<http://www.co.monterey.ca.us/economicdevelopment/07-08-2015-draft-housing-element.pdf>)

highlights the need for different household structures that accommodate larger families and households, citing the highest number of individuals in a household are communities such as Chualar, Pajaro, and Castroville, all in the unincorporated areas in the county.

Challenges:

The area of Castroville borders several environmentally sensitive habitats, including the Castroville and Tembladero Sloughs. The Castroville community receives its water through the Castroville Community Services District (CCSD), formerly known as the Castroville Water District.

High nitrate levels have been recorded in the Salinas Valley and in North Monterey County. Groundwater overdraft is a significant problem as well as saltwater intrusion into groundwater sources near Castroville and Pajaro. Little water is available for additional construction projects and water system improvements will be needed to adequately serve existing and future development.

Opportunities:

Several infill areas have been identified as prime locations for small residential projects. One area is the Castroville Blvd/Highway 156, where the area is zoned for high density residential and has the potential for 224 units. Of those units, there is a possibility for 63 single-family homes that could be eligible for ADUs (Monterey County, 2015).

The Monterey County Housing Element also encourages a variety of housing types to be built, including but not limited to, ADUs.

Pajaro:

Population: 3,070 (2010 United States Census)

Area: 0.90 sq. miles

The population of Pajaro fluctuates with the growing season, with lows of 3,400 people during the winter months to highs of up to 7,000 residents during the summer months. According to the 2010 U.S. Census, 95% of the population is Hispanic.

Residents in Pajaro often have little housing options, leading to overcrowding and overpaying of existing units. Affordable housing is a necessity for the residents of Pajaro and the need to be close to industrial and agricultural businesses is a priority (Monterey County LandWatch, 2005).

Challenges:

The fluctuating population makes it difficult to create housing options that fit every resident's need. The majority of households are living in overcrowded conditions, with an average of 5.25 persons per unit. The units tend to be small, three bedrooms or less, and the majority of housing is renter-occupied.

The area of Pajaro is limited on the number and diversity of services it offers to its residents, often making it difficult for individuals to get what they need without leaving the area. Businesses report that many individuals from their workforce commute from surrounding communities such as Gilroy and Salinas.

The inadequate water supply can be an issue for development. The Pajaro Valley Water Management District was created to manage existing and supplemental water supplies in an effort to reduce long-term overdraft and to provide sufficient water supply for residents (Monterey County).

Opportunities:

Unfortunately, there is little very little infill opportunity in Pajaro. It appears that a better opportunity would be to assist homeowners and renters in renovating their existing units, so the units are safe and up-to-code.

Steps towards action:

There are several actionable steps that the United Way of Monterey County (UWMC) and the ADU Workgroup can take to address ADU policies within Monterey county:

- 1) Research needs to be presented and shared to local officials and policy makers in order to better understand the ADU policies within each city. An ADU forum could be good way to bring together policy makers, city and county staff, non-profits, and private developers to discuss the challenges and opportunities regarding current ADU policy.
- 2) Spearhead a centralized ADU-specific information hub for county and city planning departments. There are templates available to assist in the creation of city webpages, guidebooks, and tools to assist city and county staff as well as homeowners in obtaining the information they need regarding ADU information within their communities.
- 3) Create a public education campaign directed towards homeowners wanting to learn more about ADUs. This could be in the form of quarterly workshops, tabling at the local farmers markets, or ensuring ADU information is available at community and public spaces such as the library and city hall. Several cities conduct ADU walking tours or events centered around ADUs to draw

attention to ADUs as a viable housing option. These events could coincide with affordable housing week that occurs every year during the second week of May or other community events. It is important to include financing within these events for homeowners.

- 4) Create programs that assist homeowners in retrofitting appliances in order to obtain water credits or renovation of existing ADUs to allow for compliance with new state laws.
- 5) Advocate for ADU policy changes that are seen in many of the restrictive policies above, such as tailoring development impact fees to be proportionate to the size and impact of the ADU and eliminating owner occupancy requirements.
- 6) Incentivizing homeowners to rent their ADUs at a below-market rate through various programs that assist them in financing the construction of their ADU.

Conclusion:

Despite the state of California's attempts to reduce policy barriers for ADU development, there are still challenges cities face in adopting the new regulations into their own city codes. In Monterey County, local municipalities are still trying to adapt to the most recent policy changes and integrate them into their existing city ordinances. Cities are using different terminology, which causes confusion among staff and homeowners. There is a decentralization of information within the cities themselves, making it difficult to find ADU-specific information quickly and conveniently. Many municipalities are also grappling with a water shortage in addition to the housing crisis.

Despite the recent policy change, other barriers continue to persist for homeowners inquiring about ADU development within their local communities such as disproportionate development impact fees, restrictive occupancy requirements, and difficulty finding and acquiring permit and building information.

There are many examples of cities that have tackled these same challenges and have seen their ADU applications increase and ADU development rise. One of the main reasons that municipalities such as Santa Cruz County and the city of Santa Cruz, San Francisco, Los Angeles, Portland, and others have increased their ADU production within their cities is because local officials recognized that ADUs are an important piece in combatting the housing crisis. These cities followed a process of reducing policy barriers, informing homeowners of these changes, and then incentivizing residents to build more ADUs. There was a lot of effort put into the marketing to and education for homeowners regarding the value of ADUs in the community and how ADUs can benefit an individual.

By learning from these various municipalities and developing best practices, it is possible for Monterey County to recognize the value of ADUs within each community and encourage homeowners to develop an ADU on his or her property. ADUs are an excellent example of a small act creating a large impact in terms of adding to the housing stock as well as offering a more affordable option to local residents.

In the Steps to Action, United Way of Monterey County and the ADU Workgroup can facilitate and support local jurisdictions in adopting less restrictive policies, creating educational tools, and promoting ADUs as a viable housing strategy.

Additional Programs, Articles, and Events:

LA MÁS: <https://www.mas.la/project-selection-new>

- Backyard homes project
- County ADU pilot
- City ADU pilot
- ADU research

Santa Cruz City and County (Santa Cruz Sentinel. Nicholas Ibarra. Santa Cruz County Offers Amnesty to Unpermitted Homes. Published July 17, 2018. Updated Sept. 11, 2018.

<https://www.santacruzsentinel.com/2018/07/17/santa-cruz-county-offers-amnesty-to-unpermitted-homes/> :

- An online toolkit to assist homeowners considering building an ADU.
- Pilot programs: the ADU Forgivable Loan Program and My House My Home: a partnership with Habitat for Humanity to provide loans to low-income seniors.

Housing Trust Silicon Valley: Small Homes BIG IMPACT: pilot program that offers free educational workshops and financial assistance to homeowners seeking to build an ADU.

<https://housingtrustsv.org/programs/adu/>

Jumpstarting the Market for Accessory Dwelling Units: Lessons Learned from Portland, Seattle, and Vancouver. Authored by Karen Chapple, Jake Wegmann, Farzad Mashhood, and Rebecca Coleman.

http://ternercenter.berkeley.edu/uploads/ADU_report_4.18.pdf

Report discusses the remaining barriers facing homeowners even when removing policy barriers. Interesting ideas to spur the market for ADUs.

Events on ADUs for both policymakers, city officials, and homeowners:

First National ADU Summit: November 3-5 in Portland: will have a panel of experts from cities around the country: Washington DC, Portland, etc. talking about policy challenges and community barriers to ADUs.

<https://accessorydwellings.org/2017/09/26/the-first-national-adu-summit-on-november-3-5-in-portland/>

ADUs: Not Just for Granny Anymore--San Jose--Friday May 17 10:00-11:30

Panel will discuss legislation, designs, barriers to building ADUs and Senator Bob Wickowski will be one of the panelists.

<https://www.eventbrite.com/e/adus-not-just-for-granny-anymore-tickets-59554943439?aff=ebdssbdestsearch>

ADUs 101--Palo Alto, CA--Sun May 26th--12:30-3:30

Event geared towards homeowners wanting to know the legislation, barriers, costs, benefits to building an ADU, financing options--> this event seems put on mostly by private business--realtors, finance companies, ADU construction companies, etc.

<https://www.eventbrite.com/e/adus-101-what-you-need-to-know-tickets-60535583560?aff=ebdssbdestsearch>

ADU Academy and ADU Tour: June 21st, 2019

An event for ADU industry professionals: designers, builders, lenders, realtors, real estate investors, and developers. Information provided will cover ADU design, building standards, financing, and policy barriers. <https://accessorydwellings.org/academy/>

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