California Accessory Dwelling Unit (ADU) Law as of January 1, 2020

Reduced Costs and Burdens for Developing ADUs

- ADU applications must be approved within 60 days, without a hearing or discretionary review
- For ADUs permitted by 2025, cities/counties cannot require the owner to live at the property
- No impact fees are required for ADUs under 750 sqft; proportional fees apply to larger ADUs
- An ADU can be developed at the same time as a primary dwelling, under most of the same rules
- A city/county must delay code enforcement on an unpermitted ADU to allow it to be legalized
- Single-family HOAs must allow development of ADUs, subject to reasonable standards
- Single-family homeowners can also develop JADUs—units under 500 sqft within a residence

ADUs Subject to Automatic Approval — No Local Limits

Cities/counties must permit certain categories of ADUs without applying any local development standards, if proposed on a single-family lot. ADUs eligible for this automatic approval include:

- An ADU or JADU converted from existing space in the home or another structure (e.g., a garage), so long as the ADU has exterior access and setbacks sufficient for fire safety
- A new detached ADU under 800 sq ft in size, 16 feet in height, with 4-foot side/rear setbacks
- Both of the above options in combination, creating one internal JADU and one detached ADU

ADUs Subject to Ministerial Approval — Minimal Local Limits

Cities/counties must generally approve an attached or detached ADU under 1,200 sq ft unless it adopts local development standards. Local standards have the following limitations:

- No minimum lot size requirement
- No maximum unit size limit less than 1,000 sq ft for a two-bedroom ADU
- No required replacement parking when a parking garage is converted into an ADU
- No required parking for an ADU created through the conversion of existing space or located within a half-mile walking distance of a bus stop or other public transit
- No height limit under 16 feet or side/rear setbacks requirements over 4 feet
- No setbacks requirements for conversions/replacements of existing legal structures
- Design standards must be objective and are assessed by staff, not elected officials
- Floor area ration (FAR) and similar restrictions must be relaxed to allow development of an 800 sq ft ADU

Adding Units to Multi-family Properties

The following types of residential units can be added to multi-family buildings, with no local limits:

- New units within the existing non-living space of a building (storage rooms, basements, garages, etc.), with one new internal unit allowed for every four existing units
- Two new detached homes, with 4-foot side/rear setbacks, up to 16 feet in height