

CITY OF DALY CITY

Regular Meeting - PLANNING COMMISSION

AGENDA

Tuesday, May 5, 2026 - 7:00 PM
City Hall Council Chambers – 2nd Floor
City Hall 333 – 90th Street
Daly City, CA 94015

To watch the live telecast:

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27

PUBLIC PARTICIPATION

There are three ways to submit public comments: (1) email your comment directly to the Planning Division, (2) submit written comments via the City's website and (3) attend the meeting in person.

1. To email your comment, simply email a comment to the planner identified in the public hearing notice or send the email to mvanlonkhuysen@dalycity.org. Public Comments may also be emailed to mvanlonkhuysen@dalycity.org by including "Planning Commission Public Comment" in the subject line.
2. To submit a comment via the City's website, please visit www.dalycity.org/agendas to complete the Public Comment form. In the comment field box, include the item number and/or title of the item as well as your comments.
3. To speak at the meeting in person, please complete a "Speaker Card" located at the entrance to the Council Chambers and submit it to a staff member as early in the meeting as possible.

Please note: All written comments received by 4:00 pm on the meeting day will be provided to the Planning Commission prior to the meeting. Comments are not read aloud into the record. Any written comments received after 4:00 p.m. on the meeting date are not guaranteed to be received by the Planning Commission prior to the meeting.

Persons with disabilities who require auxiliary aids or services in attending or participating in this meeting should call the office of Michael Van Lonkhuysen at 991-8158 as soon as possible.

OPENING OF MEETING:

PLEDGE TO THE FLAG:

ROLL CALL:

AVAILABILITY OF PUBLIC RECORDS:

All public record to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the City Clerk's Office, City Hall located at 333 90th Street, Daly City, CA during normal business hours, at the same time that the public records are distributed or made available to the legislative body.

APPROVAL OF MINUTES:

1. Approval of Minutes of March 3, 2026 Planning Commission Meeting

STAFF:

RECOMMENDATION:

PUBLIC HEARINGS:

2. **Coastal Development Permit CDP-01-24-16453** - Coastal Development Permit for new horse stable activities - 2152 Olympic Way

STAFF: Michael VanLonkhuysen, Acting Director

RECOMMENDATION:

3. **Zone Change ZC-04-26-17042** - Amendments to Chapter 17.04 - Definitions, Chapter 17.35.040 - General Property Development Requirements, and Chapter 17.40.090 - Review of modifications to residential floorplans; Repeal of Chapter 17.40.100 - Secondary Unit Standards and Requirements and 17.40.110 - Certificate of Registration Requirements.

STAFF: Michael VanLonkhuysen, Acting Director

RECOMMENDATION:

PUBLIC APPEARANCES, STAFF COMMUNICATIONS:

ACQUISITIONS, VACATIONS, ETC. - SECTION 65402(A)

ADJOURNMENT:

**CITY OF DALY CITY
PLANNING COMMISSION
MEETING
Draft
MINUTES**

333 90th Street

Tuesday, March 3, 2026 – 7:00 PM

OPENING OF MEETING:

PLEDGE TO THE FLAG:

ROLL CALL:

PRESENT: C. Catuar, T. Faapuaa, T. Nuris, R. Paniza, R. Satorre

APPROVAL OF MINUTES: February 3, 2026

PUBLIC HEARING:

1. Zone Change ZC-02-26-017000 – Amendments to the City of Daly City Municipal Code Chapters 17.04.010, 17.37.030 17.34.050 and Chapters 17.44.100 and 17.45.150, regulating the definition of building height, front-yard paving, the requirement for use permit as part of a condominium development, and the expiration times of use permit and design review approvals.

Staff report presented by: Sam Fielding, Associate Planner

On March 3, 2026, the Planning Commission voted 5-0 to recommend that the City Council adopt the zoning changes with one amendment. The following issue was raised at the meeting:

Commissioner Satorre requested that Chapters 17.44.100 and 17.45.150, expiration of use permit and design review entitlements, be amended to five years, instead of three years to give applicants more time to complete their projects. The other commissioners agreed to amending the expiration to five years but with no extensions. The Planning Commission voted to amend the staff proposal from three to five years (no extensions). Staff raised no objections to the modification.

Moved by Commissioner Paniza, seconded by Commissioner Faapuaa to adopt the Findings as outlined herein. Motion carried 5-0

Moved by Commissioner Paniza, seconded by Commissioner Faapuaa to adopt the CEQA Exemption 15061- Regulation Review; Motion Carried 5-0

Moved by Commissioner Paniza, seconded by Commissioner Faapuaa, to approve Zone Change ZC-02-26-01700 as conditioned herein. Motion carried 5-0.

PUBLIC APPEARANCES, STAFF COMMUNICATIONS:

ACQUISITIONS, VACATIONS, ETC. - SECTION 65402(A):

ADJOURNMENT: Moved by Commissioner Paniza, seconded by Commissioner Faapuaa to adjourn the meeting at 8 p.m.

For further information regarding the above projects or to obtain staff report for any of the above projects, please contact Michael VanLonkhuysen at mvanlonkhuysen@dalycity.org. Persons with disabilities who require auxiliary aids or services in attending or participating in this meeting should notify the Office of the City Clerk at 991-8078 as early as possible.

Availability of Public Records: All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the City Clerk's Office, City Hall located at 333 90th Street, Daly City, CA during normal business hours, at the same time that the public records are distributed or made available to the legislative body.



Daly City Planning Commission Agenda Report

333 - 90th Street ♦ Daly City ♦ California ♦ 94015 ♦ 650-991-8033

Meeting Date: May 5, 2026

Application: Coastal Development Permit CDP-01-24-016453

Project Planner: Michael VanLonkhuysen, Acting ECD Director

Project Location: 2152 Olympic Way (APN 002-011-050)

Project Description: Coastal Development Permit for New Horse Stable Activities

Applicant: Tony Kasaris
2152 Olympic Way
Daly City, CA 94015

Property Owners: ZLTK Real Estate LLC
927 Park Avenue
Burlingame, CA 94010

Environmental Assessment: Categorically Exempt per Section 15303, New Construction or Conversion of Small Structures.

Applicable Daly City Municipal Code Sections: Chapter 17.27 – RP Resource Protection Combining District

Site Information

Property Sizes	Existing Use	Proposed Use	General Plan Designation	Current Zoning
67,953 s.f. (1.56 acres)	Horse Stables	Horse Stable	Commercial Retail and Office (C-RO)	Light Commercial – Resource Protection Zone (C1-RP)

Area Information

Land Use	Zoning
North: Commercial Retail and Office (C-RO)	Light Commercial – Resource Protection (C1-RP)
South: Commercial Retail and Office (C-RO)	Light Commercial – Resource Protection (C1-RP)
West: Public Park (PP)	Open Space – Resource Protection (OS-RP)
East: Residential Low Density (R-LD)	Single Family Residential (R1)

Background

The applicant, Tony Kasaris, requests a Coastal Development Permit to undertake improvements related to existing horseback riding uses on an approximately 1.56-acre property located at 2152 Olympic Way (see Attachment A – Site Location). The proposal includes the placement of small mobile trailers and similar equipment within previously developed parking areas of the property, supporting instruction, supervision, and coordination of existing horseback riding activities (Attachment B – Project Plans and Attachment C – Project Description).

Discussion

Ocean View Stables is an existing equestrian facility that has historically operated as a horse boarding, riding, and instructional facility serving the Daly City community. The project consists of continuing existing equestrian and instructional operations, including horseback riding, horsemanship education, youth camps, and related activities.

In support of these operations, the project includes the use of small mobile trailers as temporary operational equipment within previously developed areas of the site. The trailers would remain on wheels at all times, are not attached to the ground, are not supported by foundations, and are not connected to utilities. Their use does not involve grading, excavation, or alteration of site conditions.

The trailers are used intermittently for coordination, supervision, and support of existing equestrian instruction and related activities. They are not used for residential or overnight purposes and do not function as independent structures. The project does not expand the operational footprint, alter access or circulation, or increase the intensity of use. All activities occur within previously used areas and do not encroach on environmentally sensitive or resource protection areas.

The project involves the placement and use of mobile operational equipment within the coastal zone in support of an existing use. While the project does not include construction of structures or an expansion of use, this activity constitutes “development” under Public Resources Code Section 30106, which includes the placement of materials or changes in the use of land.

As development within the coastal zone, the project requires a Coastal Development Permit pursuant to Public Resources Code Section 30600(a). Public Resources Code Section 30624.9 provides that a local government may treat a project as “minor development” where the development (1) is consistent with the certified Local Coastal Program, (2) requires no discretionary approvals other than a coastal development permit, and (3) has no adverse effect, either individually or cumulatively, on coastal resources or public access.

The project satisfies these criteria because it consists of limited, temporary operational equipment that is accessory to an existing equestrian use, occurs within previously developed areas of the site, does not involve site disturbance or expansion of use, and will not result in adverse impacts to coastal resources or public access. Accordingly, the project is appropriately classified as minor development.

The project site is located within an area designated for developed and operational uses under the City's certified Local Coastal Program (LCP) and is not identified as an environmentally sensitive habitat area (ESHA) or within a designated ESHA buffer or resource protection area. Public Resources Code Section 30240(a) provides that "environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values." The project is located entirely within previously developed and disturbed portions of the site and does not involve grading, vegetation removal, or other site disturbance. Because the project does not encroach into environmentally sensitive habitat areas or buffer areas and will not result in any disruption of habitat values, either directly or cumulatively, it is consistent with Section 30240 and applicable Local Coastal Program policies.

The project does not alter access routes or restrict public access and will not affect coastal access opportunities. In addition, the project consists of small-scale, temporary mobile equipment within an existing operational setting and does not alter the visual character of the site or surrounding area or introduce visually prominent development. Accordingly, the project is consistent with Public Resources Code Sections 30210 and 30251, which require the protection of public access and scenic and visual resources.

Public Resources Code Section 30106 includes "change in the density or intensity of use of land" within the definition of development. The project does not result in a change in the density or intensity use of land and remains consistent with the site's historic equestrian operation.

Environmental Assessment

Staff has reviewed the proposal under the requirement of the California Environmental Quality Act (CEQA) and has determined that the project is exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15301 (Existing Facilities).

Findings

Approval of the proposed Use Permit CDP-01-24-016453, as conditioned herein, is in the best interest of the public health, safety, and general welfare of the community, and that the general operation of the facility will not be detrimental to the operation of the neighboring business or residences. Staff recommends that the Planning Commission adopt findings based on the following facts:

1. In accordance with Title 17 of the Daly City Municipal Code, as well as applicable State zoning enabling legislation, the Planning Commission conducted a public hearing on May 5, 2026; notice of said hearing was by newspaper publication on April 26, 2026, and first class mailing to property owners and residents within 300 feet;
2. The project involves the placement and use of mobile operational equipment within the coastal zone in support of an existing use. While the project does not include construction of structures or an expansion of use, this activity constitutes "development" under Public Resources Code Section 30106, which includes the placement of materials or changes in the use of land.

3. As development within the coastal zone, the project requires a Coastal Development Permit pursuant to Public Resources Code Section 30600(a). Public Resources Code Section 30624.9 provides that a local government may treat a project as “minor development” where the development (1) is consistent with the certified Local Coastal Program, (2) requires no discretionary approvals other than a coastal development permit, and (3) has no adverse effect, either individually or cumulatively, on coastal resources or public access.
4. The project satisfies these criteria because it consists of limited, temporary operational equipment that is accessory to an existing equestrian use, occurs within previously developed areas of the site, does not involve site disturbance or expansion of use, and will not result in adverse impacts to coastal resources or public access. Accordingly, the project is appropriately classified as minor development.
5. The project site is located within an area designated for developed and operational uses under the City’s certified Local Coastal Program (LCP) and is not identified as an environmentally sensitive habitat area (ESHA) or within a designated ESHA buffer or resource protection area. Public Resources Code Section 30240(a) provides that “environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values.” The project is located entirely within previously developed and disturbed portions of the site and does not involve grading, vegetation removal, or other site disturbance. Because the project does not encroach into environmentally sensitive habitat areas or buffer areas and will not result in any disruption of habitat values, either directly or cumulatively, it is consistent with Section 30240 and applicable Local Coastal Program policies.
6. The project does not alter access routes or restrict public access and will not affect coastal access opportunities. In addition, the project consists of small-scale, temporary mobile equipment within an existing operational setting and does not alter the visual character of the site or surrounding area or introduce visually prominent development. Accordingly, the project is consistent with Public Resources Code Sections 30210 and 30251, which require the protection of public access and scenic and visual resources.
7. Public Resources Code Section 30106 includes “change in the density or intensity of use of land” within the definition of development. The project does not result in a change in the density or intensity use of land and remains consistent with the site’s historic equestrian operation.
8. The Planning Commission has reviewed the proposal under the requirements of the California Environmental Quality Act (CEQA) and has determined the project is Categorically Exempt per Section 15301, Existing Facilities;

Recommendations

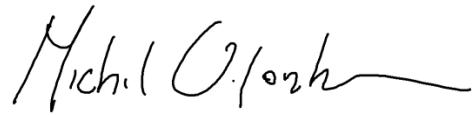
Staff recommends that the Planning Commission forward to the City Council the following:

1. Adopt the Findings as outlined herein;

2. Affirm the project as Categorically Exempt per Section 15301 of the California Environmental Quality Act; and
3. Approve Coastal Development Permit CDP-01-24-016453, subject to the Findings and Conditions outlined herein, for minor development pursuant to California Public Resources Code Sections 30600(a), 30106, and 30624.9.

Staff is available to provide any additional information desired by the Planning Commissioners.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael O'Leary", with a long horizontal flourish extending to the right.

Acting Director
Department of Economic and Community Development

Attachments

Attachment A – Location Map
Attachment B – Project Description
Attachment C – Project Plans

ATTACHMENT A – SITE LOCATION



Ocean View Stables
2152 Olympic Way
Daly City, California

Ocean View Stables is an existing equestrian facility located at 2152 Olympic Way in Daly City, California. The property has historically operated as a horse boarding and equestrian recreation facility serving the local community. The project describes ongoing equestrian and instructional operations at the site, consistent with its longstanding recreational and equestrian character.

Ocean View Stables serves participants in equestrian activities, including horseback riding and horsemanship education together with incidental education and enrichment activities conducted in connection with those uses. The property will continue to support traditional equestrian uses including horse boarding, riding, training, and horsemanship instruction. These activities remain the primary use of the property and are consistent with the historic operation of the site as a stable and riding facility.

In addition to equestrian activities, incidental education and enrichment activities may occur in connection with equestrian instruction, which complement the rural and equestrian setting of the property. These activities are secondary to and occur as part of the existing instructional programming. To support these activities, Ocean View Stables utilizes small mobile trailers and similar equipment within previously developed parking areas of the property. These trailers are modest in scale and function as temporary operational equipment supporting instruction, supervision, and coordination of activities. The mobile trailers are not structured and are not installed or constructed on-site and remain on wheels at all times. They are relocated as needed and are placed within the existing operational footprint of the facility in areas already used for ranch-related activities. Their use does not alter the physical characteristics of the site or expand the operational footprint.

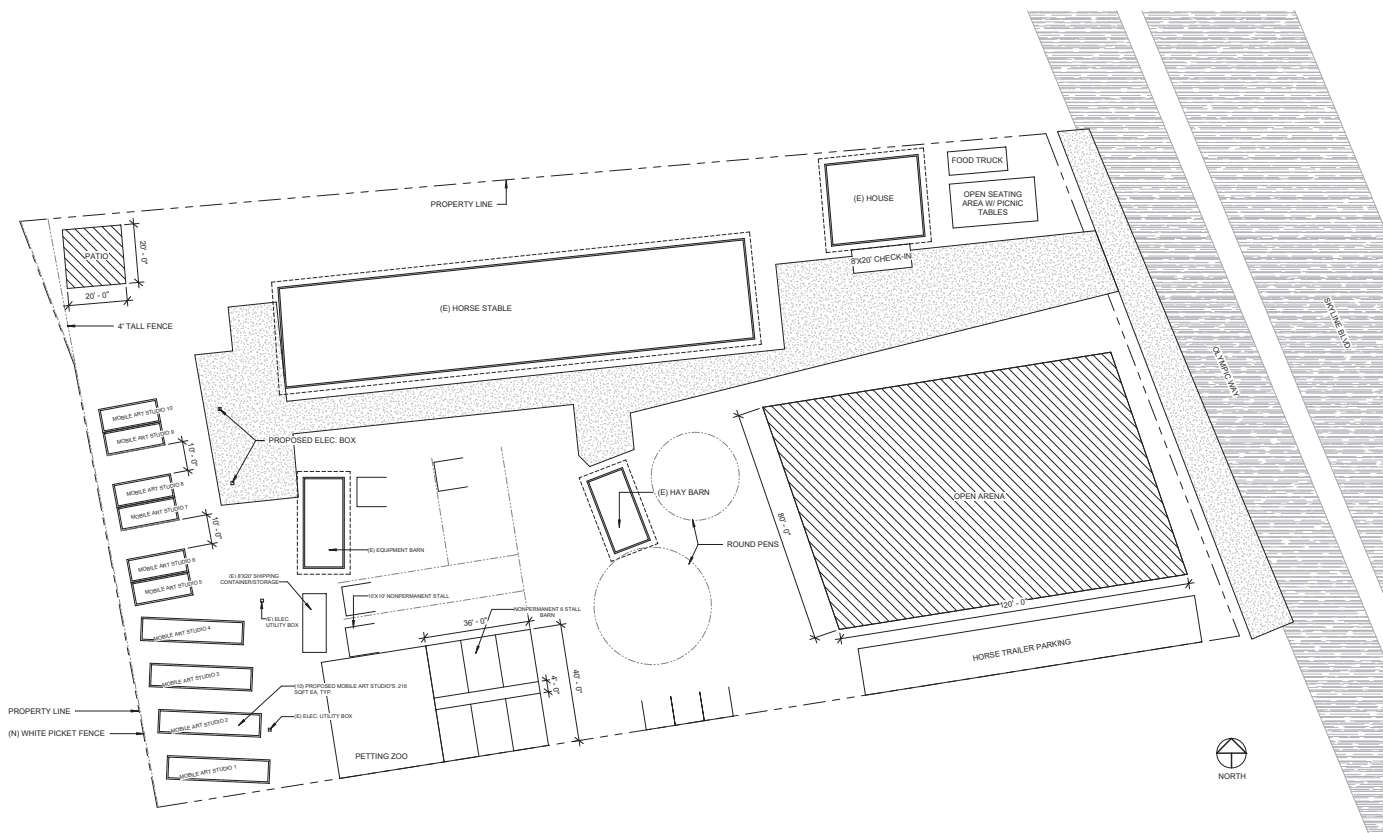
The site would continue to support equestrian instruction, youth camps and related activities consistent with its historic operation. The proposed use represents a continuation of the property's longstanding equestrian function. The continuation of the equestrian instruction and related activities reinforces the property's identity as a recreational and educational facility.

These small-scale, low intensity uses within an existing site and are designed to remain as an accessory operation to the historic equestrian character of Ocean View Stables and a continuation of the historic use of the property.

These activities occur within an existing developed site and remain compatible with the surrounding environment and the historic equestrian character of Ocean View Stables, and do not involve significant new development. No new development or expansion of use is proposed.

The mobile trailers are temporary equipment and are not structures, are not attached to the ground, and do not require utilities. Because the project involves temporary, mobile equipment that is accessory to an existing authorized use and results in no adverse effect on coastal resources, it may be evaluated as minor development pursuant to Public Resources Code Section 30624.

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707 292 6427

Andy Bryne

MOBILE ART
STUDIOS[illegible]

Project number	24050
Date	2/12/24
Drawn by	ACB

Scale	1" = 20'-0"
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Daly City Planning Commission Agenda Report

333 - 90th Street ♦ Daly City ♦ California ♦ 94015 ♦ 650-991-8033

<u>Meeting Date:</u>	May 5, 2026
<u>Application:</u>	Zone Change ZC-04-26-17042
<u>Project Location:</u>	Citywide
<u>Project Description:</u>	Amendments to Chapter 17.04 – Definitions, Chapter 17.35.040 – General Property Development Requirements, and Chapter 17.40.090 – Review of modifications to residential floorplans; Repeal of Chapter 17.40.100 – Secondary Unit Standards and Requirements and 17.40.110 – Certificate of Registration Requirements.
<u>Applicant/Owner:</u>	City of Daly City 333 90 th Street Daly City, CA 94015
<u>Environmental Assessment:</u>	Exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15061 – Review for Exemption

Background

Historically referred to as “second units” in Daly City, Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) have become an innovative and effective option for homeowners and residential property owners adding an additional dwelling to their property. Since the inception of State mandates for cities to allow second units in early 1980s, the Planning Division estimates the City has permitted over 2,200 ADUs and continues to permit approximately 30 to 50 new ADUs and JADU’s per year.

In California, the primary difference between an ADU and JADU is that the JADU is smaller (maximum 500 square feet), created within an existing home's footprint, and may share a bathroom with the main house. Alternatively, an ADU can be detached, is larger (often up to 1,200 square feet), and must be a fully self-contained unit. While traditionally most ADUs in Daly City have occupied the unfinished basement of homes, several homeowners have taken advantage of State laws allowing detached ADUs in their backyards. If these ADUs meet size and height maximums, and provide four-foot side and rear yards established by State law, they are not subject to the normal 50-55 percent maximum lot coverage normally permissible on single-family lots (see Attachment A – City of Daly City ADU Handout).

To increase housing supply, beginning in 2016, the State legislature passed significant reforms that eased the regulation of ADUs and shifted control from local jurisdictions like the City of Daly City to state regulations. Key changes included mandatory ministerial approval, 60-day review timelines, removal of parking requirements near transit, elimination of owner-occupancy mandates, and increased building allowances for both single-family and multifamily lots. In 2020, the Planning Division determined that all residential lots were “transit proximate” and began to conform the City’s regulation of ADUs and JADUs to State law.

Discussion

Over the years, and continuing every year, the State has added new legal parameters for allowing ADUs and JADU’s, most recently clarifying legislation (AB 1154) that the owner-occupancy allowance only applies if the JADU shares sanitation facilities, such as a bathroom, with the main house. Below is summary of the numerous changes enacted by the State legislature since 2020:

- 15-Day Rule (SB 543 - 2026): Local agencies must issue a completeness determination within 15 days; failure to do so deems the application approved. It also clarifies that maximum size limits refer to interior livable space, excluding exterior walls and stairs.
- Fire-Affected Homes (AB 462 - 2026): Allows certificates of occupancy for detached ADUs to be issued before the main house is rebuilt in fire-affected counties.
- Rental Rights (AB 976 - 2025): Permanently bans local agencies from requiring property owners to live on-site in either the primary dwelling or the ADU.
- JADU Expansion (AB 1154 - 2026): Allows for 3-unit rentals on a single-family lot (primary house, JADU, and detached ADU) without owner occupancy.
- Pre-approval Requirement (AB 1332 - 2025): Requires cities to create programs for pre-approved ADU plans to expedite construction.
- Reduced Fees & Timelines (AB 68/AB 881 - 2020): Drastically cut down on the time local governments had to approve applications (down to 60 days) and eliminated maximum size restrictions for detached ADUs, limiting local impact fees.
- Substandard ADUs (AB 2533 - 2025): Provided a path to legalizing existing, unpermitted ADUs without excessive penalties.
- Multi-family ADUs (AB 1211 - 2025): Expanded the number of detached ADUs for multi-family properties to 1 per unit, allowing more flexibility in creating density.

All the State’s requirements for ADUs and JADUs are outlined in the California Government Code Sections 66310–66342, which the Planning Division now enforces instead of the second unit regulations in the Zoning Ordinance (see Attachment B – State Law Pertaining to ADUs and JADUs). The City is authorized to do so by State “preemption,” meaning that State law, which supersedes City law, has specifically set aside (made illegal) any of the City’s regulations that contradict State law. Because of the number of annual amendments, the City has just relied upon State law over the years instead of adopting Zoning Ordinance regulations that mimic State law.

When the Planning Division was preparing the Housing Element in 2023, Division staff and the State Department of Housing and Community Development (HCD) staff agreed this was the most efficient approach if the City did not have significant modifications that it would like HCD to review. It is therefore necessary that the City repeal its existing “second unit” regulations, the definitions of what constitutes an accessory dwelling unit, and the requirements pertaining to Certificates of Registration, which are no longer a requirement because owner occupancy is no longer required. In review of the regulations proposed for repeal, staff has recognized that it is necessary to retain the following requirements, which would be relocated to other sections within the Zoning Ordinance.

- Entrance to an accessory dwelling unit and junior accessory dwelling unit shall be provided at the dwelling unit's rear elevation or at the side elevation providing the main entrance to the dwelling, unless such a requirement would result in trespassing onto adjacent property. Where the pedestrian entrance to the unit is provided at the rear, a paved walkway shall be provided leading from the sidewalk or driveway to the pedestrian entrance, if one does not already exist. Pedestrian entrances to any accessory dwelling unit or junior accessory dwelling unit allowed at a garage door shall be perpendicular to the street.
- For garages converted to any other use in any home with side yards, including for the purpose of constructing an accessory dwelling unit or junior accessory dwelling unit, the garage door shall be retained and an area provided sufficient to accommodate trash and recycle bins at least 36 inches deep and the full width of the garage door.

A complete outline of the proposed changes attached to the Planning Commission staff report (see Attachment C – Proposed Zoning Ordinance Revisions). Should the Planning Commission recommend the proposed Zoning Ordinance changes to the City Council, staff will share the revisions with HCD prior to the Council hearing to discuss the revisions.

Environmental Assessment

The proposed rezoning are exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section of 15061 - Review for Exemption. The proposed rezoning do not have the potential to cause significant effects on the environment and it can be seen with certainty that there is no possibility that the regulations would have a significant effect on the environment.

Recommendations

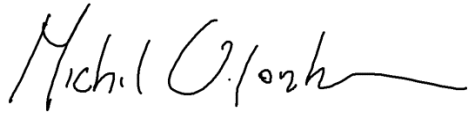
Based on the findings enumerated above, staff recommends that the Planning Commission recommend that the City Council:

1. Adopt the Findings as outlined herein;
2. Find that the proposed rezonings are exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section of 15061 - Review for Exemption; and
3. Recommend to the City Council the approval of Zone Change ZC-04-26-17042, Amending Chapter 17.04 – Definitions, Chapter 17.35.040 – General Property Development Requirements, and Chapter 17.40.090 – Review of modifications to residential floorplans;

and repealing Chapter 17.40.100 – Secondary Unit Standards and Requirements and 17.40.110 – Certificate of Registration Requirements.

Staff is available to provide any additional information desired by the Planning Commissioners.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael O'Leary", with a long horizontal flourish extending to the right.

Acting Director
Department of Economic and Community Development

Attachments

Attachment A – City of Daly City ADU Handout
Attachment B – State Law Pertaining to ADUs and JADUs
Attachment C – Proposed Zoning Ordinance Revisions



ACCESSORY DWELLING UNIT GUIDE

Recent amendments to state laws (Government Code Sections 65852.2 and 65852.22) have made it easier for homeowners to construct an Accessory Dwelling Unit and a Junior Accessory Dwelling Unit on their properties. Effective January 1, 2020, any conflicting regulation within the Daly City Municipal Code is superseded by state law until the City adopts a local ordinance. This handout will be updated after a local ordinance is adopted and when state laws are amended.

What is an ADU?

An Accessory Dwelling Unit (ADU) is a dwelling unit that provides complete independent living facilities for one or more persons and includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot as the single-family or multi-family dwelling in which it is located. An ADU is considered an accessory use or an accessory structure and is not included in the allowable density for the lot.

What is a JADU?

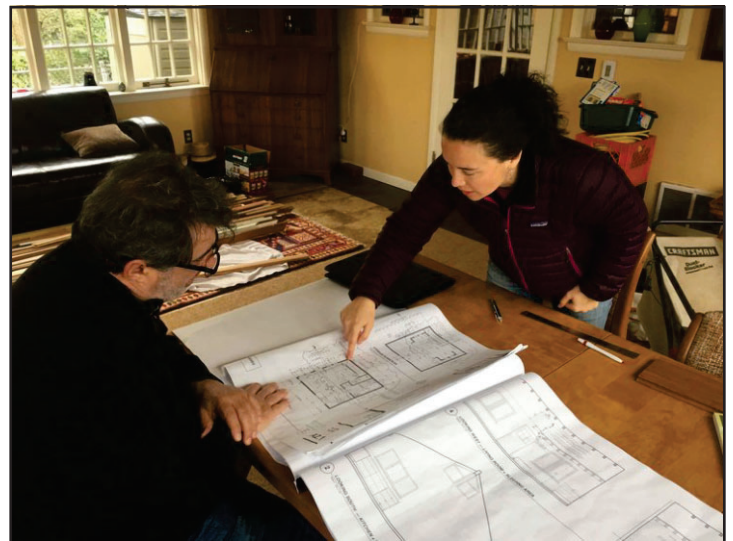
A Junior Accessory Dwelling Unit (JADU) is a dwelling unit located entirely within the walls of an existing or proposed single-family dwelling that is no more than 500 square feet in size. Compared to an ADU, a JADU only requires an efficiency kitchen and is not required to have a private bathroom as long as it has full access to a bathroom in the primary dwelling. JADUs are not considered separate dwelling units for fire protection and utility purposes.

Locations & Quantity Permitted

Location. ADUs are permitted on lots with an existing or proposed single-family or multi-family dwelling (including duplexes). JADUs are only permitted within a single-family dwelling.

For single-family dwelling lots, an ADU may be proposed within or attached to the main residence, within an existing attached or detached garage or accessory structure, or in a proposed detached accessory structure. JADUs are only permitted within the walls of an existing or proposed single-family dwelling. For multi-family dwelling lots, attached ADUs may only be proposed within existing non-living areas (e.g. storage, garage) and detached ADUs are subject to a 18-foot height limit and 4-foot rear and side yard setbacks.

For lots located within the Coastal Zone, ADUs proposed entirely within or attached to primary



Photos courtesy of buildinganadu.com

dwelling are typically exempt from Coastal Development Permit (CDP) requirements. JADUs are also exempt because they are located entirely within the walls of the primary dwelling. Detached ADUs are not exempt and a CDP may be required. Please contact the Planning Division for more information.

Quantity. No more than one ADU and one JADU are permitted on a lot with an existing or proposed single-family dwelling. On multi-family dwelling lots, attached ADUs are limited to 25% of the existing units (e.g. one ADU for a four-unit apartment building), or one ADU, whichever is greater. For detached ADUs, up to two detached ADUs are permitted.



FREQUENTLY ASKED QUESTIONS

1. Is owner occupancy required for ADUs and JADUs?

Owner occupancy (homeowner lives in either the primary dwelling or the ADU) is not required for ADUs as of January 1, 2024 (CA AB 976). For JADUs, owner occupancy is required.

2. May I rent out my ADU or JADU as a short-term rental?

ADUs and JADUs may not be rented as a short-term rental, defined as a rental for a period of 30 consecutive days or less.

3. Is my property located within the Coastal Zone?

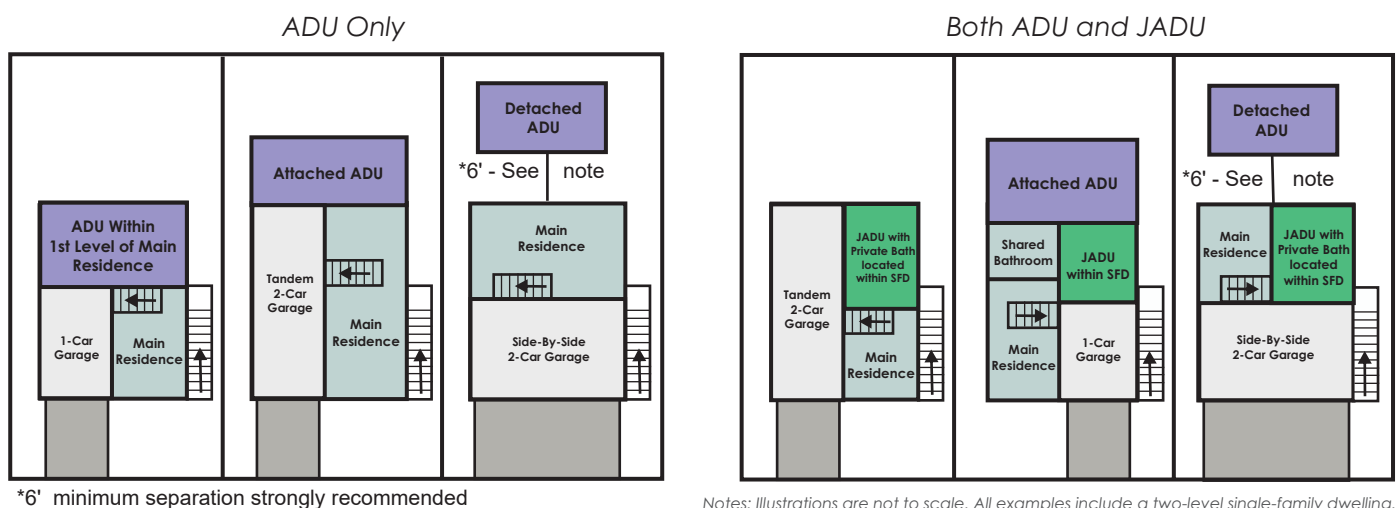
Properties west of Skyline Boulevard and west of Eastgate Drive (north of John Daly Boulevard) are located within the Coastal Zone. Please contact the Planning Division to confirm the location of your property and to determine if a Coastal Development Permit is required for your ADU or JADU proposal.

4. Are fire sprinklers required in an ADU? Are there any other requirements from other departments/agencies?

Fire sprinklers are no longer required in an ADU if they are not required in the primary residence. However, both ADUs and JADUs must comply with all other applicable building, fire, and health and safety codes including fire flow test requirements. Please contact the respective departments/agencies for more information on their requirements.

5. Do you have any examples of ADUs and JADUs that have been proposed in Daly City?

Yes! The following are examples of common ADU and JADU layouts on single-family dwelling lots in Daly City:



ADDITIONAL QUESTIONS?

Please contact the Daly City Planning Division at **(650) 991-8033** or visit the Planning Counter open Monday through Friday (excluding holidays) from 8:00am to 5:00pm.



ACCESSORY DWELLING UNIT CHECKLIST

After reviewing the Accessory Dwelling Unit Guide, please review the following checklist which includes the criteria for ADUs on single-family dwelling lots prior to submitting your application.

- ☐ **Attached ADUs or ADUs Within the Primary Dwelling:**
 - ☐ Height: 25 feet in height and up to two stories.
 - ☐ Total floor area of ADU does not exceed 50% of the floor area of the primary dwelling, or is no more than 850 sq. ft. for up to one bedroom or 1,000 sq. ft. for more than one bedroom, whichever is greater.
 - ☐ Minimum 4-foot rear and side yard setbacks
 - ☐ Complies with front and side yard setbacks, lot coverage, and building height requirements for the zoning district in which the lot is located
 - ☐ Garage Conversions: Proposal is compliant with all other zoning regulations such as trash & recycling storage areas and front yard paving. Consultation with the Engineering Division is also required to determine if the driveway curb cut must be removed or reduced.
- ☐ **Detached ADUs:**
 - ☐ Height: 18 feet in height and up to 20 feet in height if matching roof pitch of main house.
 - ☐ Total floor area of the ADU does not exceed 1,200 sq. ft.
 - ☐ Minimum 4-foot rear and side yard setbacks. 6-foot separation between ADU and primary dwelling strongly recommended
- ☐ **Exemptions:**
 - ☐ Lot coverage, floor area ratio, open space, or minimum lot size cannot preclude the construction of a statewide exemption ADU, an ADU (attached or detached) up to 800 sq. ft. in size and 16 ft. in height with 4-foot side and rear yard setbacks.
 - ☐ A detached new construction ADU that is a maximum of 800 sq. ft. in size and 16 ft. in height with 4-foot side and rear yard setbacks is not subject to other zoning and development standards (Government Code Section 65852.2, subdivision (e)).
 - ☐ Minimum setbacks are not required if the ADU is constructed entirely within an existing living area or within or replaces a structure in the same location and to the same dimensions as the existing structure
- ☐ One exterior pedestrian entrance (not including a sliding glass door) to the ADU is provided at the rear elevation or same side elevation as the main entrance to the primary dwelling, unless it would result in trespassing onto adjacent property
- ☐ Paved walkway from sidewalk or driveway to ADU entrance is provided
- ☐ Complies with design review standards in Daly City Municipal Code Chapter 17.45 (Design Review)
- ☐ Complies with all applicable building, fire, and other health and safety codes (separation distance between structures, fire sprinklers, fire flow test, etc.)



JUNIOR ACCESSORY DWELLING UNIT CHECKLIST

After reviewing the Accessory Dwelling Unit Guide, please review the following checklist which includes the criteria for JADUs on single-family dwelling lots prior to submitting your application.

- ☐ Location entirely within the walls of the existing or proposed primary dwelling, and share a common connecting door with the main dwelling (Government Code Section 65852.22)
- ☐ Total floor area does not exceed 500 sq. ft.
- ☐ One exterior pedestrian entrance (not including a sliding glass door) to the JADU is provided at the rear elevation or same side elevation as the main entrance to the primary dwelling, unless it would result in trespassing onto adjacent property
- ☐ Either a private bathroom located within the JADU or a shared bathroom located in the primary residence fully accessible to the JADU is provided
- ☐ If a shared bathroom is proposed, one interior connection to the main living area of the primary residence is provided
- ☐ An efficiency kitchen with the following limitations:
 - ☐ A removable kitchen that contains a sink with a maximum vertical waste line diameter of 1.5 inches
 - ☐ Appliances that do not require electrical service greater than 120 volts, or natural or propane gas
 - ☐ A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU. The entire kitchen shall not exceed six lineal feet, except if existing counter space is being converted to efficiency kitchen use then the counter space shall not exceed eight lineal feet.
 - ☐ Examples of allowed cooking appliances that may be used are: microwave ovens, hot plates, and similar appliances intended for use on top of a countertop. Refrigerator size is not limited.
- ☐ Paved walkway from sidewalk or driveway to JADU entrance is provided
- ☐ Either the primary dwelling or the JADU will be owner-occupied and any rental agreement for the primary residence or JADU will include a disclosure to the renter of the owner occupancy requirement. The following documents must be submitted prior to issuance of the building permit :
 - ☐ Evidence of owner-occupancy (e.g. state issued photo identification card, driver's license)
 - ☐ A recorded deed restriction for the property as prescribed in DCMC Section 17.40.110

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GOVERNMENT CODE - GOV**TITLE 7. PLANNING AND LAND USE [65000 - 66499.58]** (*Heading of Title 7 amended by Stats. 1974, Ch. 1536.)***DIVISION 1. PLANNING AND ZONING [65000 - 66342]** (*Heading of Division 1 added by Stats. 1974, Ch. 1536.)***CHAPTER 13. Accessory Dwelling Units [66310 - 66342]** (*Chapter 13 added by Stats. 2024, Ch. 7, Sec. 20.)***ARTICLE 1. General Provisions [66310 - 66313]** (*Article 1 added by Stats. 2024, Ch. 7, Sec. 20.)***66310.** The Legislature finds and declares all of the following:

- (a) Accessory dwelling units are a valuable form of housing in California.
 - (b) Accessory dwelling units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods.
 - (c) Homeowners who create accessory dwelling units benefit from added income, and an increased sense of security.
 - (d) Allowing accessory dwelling units in single-family or multifamily residential zones provides additional rental housing stock in California.
 - (e) California faces a severe housing crisis.
 - (f) The state is falling far short of meeting current and future housing demand with serious consequences for the state's economy, our ability to build green infill consistent with state greenhouse gas reduction goals, and the well-being of our citizens, particularly lower and middle-income earners.
 - (g) Accessory dwelling units offer lower cost housing to meet the needs of existing and future residents within existing neighborhoods, while respecting architectural character.
 - (h) Accessory dwelling units are, therefore, an essential component of California's housing supply.
- (*Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.*)

66311. It is the intent of the Legislature that an accessory dwelling unit ordinance adopted by a local agency has the effect of providing for the creation of accessory dwelling units and that provisions in this ordinance relating to matters including unit size, parking, fees, and other requirements, are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create accessory dwelling units in zones in which they are authorized by local ordinance.

(*Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.*)

66312. Notwithstanding Section 65803, this chapter shall also apply to a charter city.

(*Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.*)

66313. For purposes of this chapter:

- (a) "Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:
 - (1) An efficiency unit.
 - (2) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

- (b) "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.
- (c) "Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.
- (d) "Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.
- (e) "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
- (f) "Local agency" means a city, county, or city and county, whether general law or chartered.
- (g) "Nonconforming zoning condition" means a physical improvement on a property that does not conform to current zoning standards.
- (h) "Objective standards" means standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.
- (i) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
- (j) "Permitting agency" means any entity that is involved in the review of a permit for an accessory dwelling unit or junior accessory dwelling unit and for which there is no substitute, including, but not limited to, applicable planning departments, building departments, utilities, and special districts.
- (k) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
- (l) "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
- (m) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

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GOVERNMENT CODE - GOV**TITLE 7. PLANNING AND LAND USE [65000 - 66499.58]** (*Heading of Title 7 amended by Stats. 1974, Ch. 1536.)***DIVISION 1. PLANNING AND ZONING [65000 - 66342]** (*Heading of Division 1 added by Stats. 1974, Ch. 1536.)***CHAPTER 13. Accessory Dwelling Units [66310 - 66342]** (*Chapter 13 added by Stats. 2024, Ch. 7, Sec. 20.)***ARTICLE 2. Accessory Dwelling Unit Approvals [66314 - 66332]** (*Article 2 added by Stats. 2024, Ch. 7, Sec. 20.)*

66314. A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:

(a) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.

(b) (1) Impose objective standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historical Resources. These standards shall not include requirements on minimum lot size.

(2) Notwithstanding paragraph (1), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(c) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(d) Require the accessory dwelling units to comply with all of the following:

(1) Except as provided in Article 4 (commencing with Section 66340), the accessory dwelling unit may be rented separate from the primary residence, but shall not be sold or otherwise conveyed separate from the primary residence.

(2) The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.

(3) The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling, including detached garages.

(4) If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling.

(5) The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(6) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(7) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling

unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

(8) Local building code requirements that apply to detached dwellings, except that the construction of an accessory dwelling unit shall not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code (Title 24 of the California Code of Regulations), unless the building official or enforcement agency of the local agency makes a written finding based on substantial evidence in the record that the construction of the accessory dwelling unit could have a specific, adverse impact on public health and safety. Nothing in this paragraph shall be interpreted to prevent a local agency from changing the occupancy code of a space that was uninhabitable space or was only permitted for nonresidential use and was subsequently converted for residential use pursuant to this article.

(9) Approval by the local health officer where a private sewage disposal system is being used, if required.

(10) (A) Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(B) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(C) This subparagraph shall not apply to an accessory dwelling unit that is described in Section 66322.

(11) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the local agency shall not require that those offstreet parking spaces be replaced.

(12) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.

(e) Require that a demolition permit for a detached garage that is to be replaced with an accessory dwelling unit be reviewed with the application for the accessory dwelling unit and issued at the same time.

(f) An accessory dwelling unit ordinance shall not require, and the applicant shall not be otherwise required, to provide written notice or post a placard for the demolition of a detached garage that is to be replaced with an accessory dwelling unit, unless the property is located within an architecturally and historically significant historic district.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66315. Section 66314 establishes the maximum standards that a local agency shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in Section 66314, shall be used or imposed, including an owner-occupant requirement, except that a local agency may require that the property may be used for rentals of terms 30 days or longer.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66316. An existing accessory dwelling unit ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this article. If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this article, that ordinance shall be null and void and that agency shall thereafter apply the standards established in this article for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this article.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66317. (a) A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. The permitting agency shall either approve or deny the application to create or serve an accessory dwelling unit or a junior accessory dwelling unit

within 60 days from the date the permitting agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create or serve an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the permitting agency may delay approving or denying the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency approves or denies the permit application to create the new single-family or multifamily dwelling, but the application to create or serve the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not approved or denied the completed application within 60 days, the application shall be deemed approved. A local agency may charge a fee to reimburse it for costs incurred to implement this section, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(b) If a permitting agency denies an application for an accessory dwelling unit or junior accessory dwelling unit pursuant to subdivision (a), the permitting agency shall, within the time period described in subdivision (a), return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

(c) No local ordinance, policy, or regulation, other than an accessory dwelling unit ordinance consistent with this article shall be the basis for the delay or denial of a building permit or a use permit under this section.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66318. (a) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this article.

(b) An accessory dwelling unit ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66319. An accessory dwelling unit that conforms to Section 66314 shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66320. (a) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with Section 66314 receives an application for a permit to create or serve an accessory dwelling unit pursuant to this article, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to Section 66317. The permitting agency shall either approve or deny the application to create or serve an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the permitting agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create or serve an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create or serve a new single-family or multifamily dwelling on the lot, the permitting agency may delay approving or denying the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency approves or denies the permit application to create or serve the new single-family or multifamily dwelling, but the application to create or serve the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not approved or denied the completed application within 60 days, the application shall be deemed approved.

(b) If a permitting agency denies an application for an accessory dwelling unit or junior accessory dwelling unit pursuant to subdivision (a), the permitting agency shall, within the time period described in subdivision (a), return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66321. (a) Subject to subdivision (b), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.

(b) Notwithstanding subdivision (a), a local agency shall not establish by ordinance any of the following:

(1) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.

(2) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:

(A) Eight hundred fifty square feet.

(B) One thousand square feet for an accessory dwelling unit that provides more than one bedroom.

(3) Any requirement for a zoning clearance or separate zoning review or any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, front setbacks, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

(4) Any height limitation that does not allow at least the following, as applicable:

(A) A height of 16 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit.

(B) A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. A local agency shall also allow an additional two feet in height to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.

(C) A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling.

(D) A height of 25 feet or the height limitation in the local zoning ordinance that applies to the primary dwelling, whichever is lower, for an accessory dwelling unit that is attached to a primary dwelling. This subparagraph shall not require a local agency to allow an accessory dwelling unit to exceed two stories.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66322. Notwithstanding any other law, and whether or not the local agency has adopted an ordinance governing accessory dwelling units in accordance with Section 66314, all of the following shall apply:

(a) A local agency shall not impose any parking standards for an accessory dwelling unit in any of the following instances:

(1) Where the accessory dwelling unit is located within one-half of one mile walking distance of public transit.

(2) Where the accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) Where the accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(6) When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the accessory dwelling unit or the parcel satisfies any other criteria listed in this subdivision.

(b) The local agency shall not deny an application for a permit to create an accessory dwelling unit due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the accessory dwelling unit.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66323. (a) Notwithstanding Sections 66314 to 66322, inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

(1) One accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

(A) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(B) The space has exterior access from the proposed or existing single-family dwelling.

(C) The side and rear setbacks are sufficient for fire and safety.

(D) The junior accessory dwelling unit complies with the requirements of Article 3 (commencing with Section 66333).

(2) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in paragraph (1). A local agency may impose the following conditions on the accessory dwelling unit:

(A) A total floor area limitation of not more than 800 square feet.

(B) A height limitation as provided in subparagraph (A), (B), or (C) of paragraph (4) of subdivision (b) of Section 66321, as applicable.

(3) (A) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

(B) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.

(4) (A) Not more than two accessory dwelling units that are located on a lot that has an existing or proposed multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limitation in subparagraph (A), (B), or (C) of paragraph (4) of subdivision (b) of Section 66321, as applicable, and rear yard and side setbacks of no more than four feet.

(B) If the existing multifamily dwelling has a rear or side setback of less than four feet, the local agency shall not require any modification of the existing multifamily dwelling as a condition of approving the application to construct an accessory dwelling unit that satisfies the requirements of this paragraph.

(b) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.

(c) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing multifamily dwelling.

(d) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this section be for a term longer than 30 days.

(e) A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite wastewater treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

(f) Notwithstanding Section 66321 and subdivision (a) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in subdivision (a), and may

impose objective standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66324. (a) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(b) An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(c) (1) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

(2) For purposes of this subdivision, "impact fee" has the same meaning as the term "fee" is defined in subdivision (b) of Section 66000, except that it also includes fees specified in Section 66477. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

(d) For an accessory dwelling unit described in paragraph (1) of subdivision (a) of Section 66323, a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge, unless the accessory dwelling unit was constructed with a new single-family dwelling, or upon separate conveyance of the accessory dwelling unit pursuant to Section 66342.

(e) For an accessory dwelling unit that is not described in paragraph (1) of subdivision (a) of Section 66323, a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66325. (a) Except as provided in subdivision (b), this article shall supersede a conflicting local ordinance.

(b) This article does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66326. (a) A local agency shall submit a copy of the ordinance adopted pursuant to Section 66314 to the Department of Housing and Community Development within 60 days after adoption. After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this article.

(b) (1) If the department finds that the local agency's ordinance does not comply with this article, the department shall notify the local agency and shall provide the local agency with a reasonable time, no longer than 30 days, to respond to the findings before taking any other action authorized by this article.

(2) The local agency shall consider the findings made by the department pursuant to paragraph (1) and shall do one of the following:

(A) Amend the ordinance to comply with this article.

(B) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this article despite the findings of the department.

(c) (1) If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this article and addressing the

department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.

(2) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this article between January 1, 2017, and January 1, 2020.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66327. The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this article. The guidelines adopted pursuant to this section are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66328. A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66329. Nothing in this article shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66330. A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66331. In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in subdivision (a) or (b), a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:

(a) The accessory dwelling unit was built before January 1, 2020.

(b) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66332. (a) Notwithstanding any other law, and except as otherwise provided in subdivision (b), a local agency shall not deny a permit for an unpermitted accessory dwelling unit that was constructed before January 1, 2018, due to either of the following:

(1) The accessory dwelling unit is in violation of building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code.

(2) The accessory dwelling unit does not comply with this article or any local ordinance regulating accessory dwelling units.

(b) Notwithstanding subdivision (a), a local agency may deny a permit for an accessory dwelling unit subject to subdivision (a) if the local agency makes a finding that correcting the violation is necessary to protect the health and safety of the public or occupants of the structure.

(c) This section shall not apply to a building that is deemed substandard pursuant to Section 17920.3 of the Health and Safety Code.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

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GOVERNMENT CODE - GOV**TITLE 7. PLANNING AND LAND USE [65000 - 66499.58]** (*Heading of Title 7 amended by Stats. 1974, Ch. 1536.*)**DIVISION 1. PLANNING AND ZONING [65000 - 66342]** (*Heading of Division 1 added by Stats. 1974, Ch. 1536.*)**CHAPTER 13. Accessory Dwelling Units [66310 - 66342]** (*Chapter 13 added by Stats. 2024, Ch. 7, Sec. 20.*)**ARTICLE 3. Junior Accessory Dwelling Units [66333 - 66339]** (*Article 3 added by Stats. 2024, Ch. 7, Sec. 20.*)

66333. Notwithstanding Article 2 (commencing with Section 66314), a local agency may, by ordinance, provide for the creation of junior accessory dwelling units in single-family residential zones. The ordinance may require a permit to be obtained for the creation of a junior accessory dwelling unit, and shall do all of the following:

- (a) Limit the number of junior accessory dwelling units to one per residential lot zoned for single-family residences with a single-family residence built, or proposed to be built, on the lot.
- (b) Require owner-occupancy in the single family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.
- (c) Require the recordation of a deed restriction, which shall run with the land, shall be filed with the permitting agency, and shall include both of the following:
 - (1) A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.
 - (2) A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this article.
- (d) Require a permitted junior accessory dwelling unit to be constructed within the walls of the proposed or existing single-family residence. For purposes of this subdivision, enclosed uses within the residence, such as attached garages, are considered a part of the proposed or existing single-family residence.
- (e) (1) Require a permitted junior accessory dwelling unit to include a separate entrance from the main entrance to the proposed or existing single-family residence.
 - (2) If a permitted junior accessory dwelling unit does not include a separate bathroom, the permitted junior accessory dwelling unit shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.
- (f) Require the permitted junior accessory dwelling unit to include an efficiency kitchen, which shall include all of the following:
 - (1) A cooking facility with appliances.
 - (2) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66334. (a) A junior accessory dwelling unit ordinance adopted pursuant to Section 66333 shall not require additional parking as a condition to grant a permit.

(b) This article shall not be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to determine if the junior accessory dwelling unit complies with applicable building standards.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66335. (a) (1) An application for a permit pursuant to this article shall, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, be considered ministerially, without discretionary review or a hearing.

(2) The permitting agency shall either approve or deny the application to create or serve a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family dwelling on the lot.

(3) If the permit application to create or serve a junior accessory dwelling unit is submitted with a permit application to create or serve a new single-family dwelling on the lot, the permitting agency may delay approving or denying the permit application for the junior accessory dwelling unit until the permitting agency approves or denies the permit application to create or serve the new single-family dwelling, but the application to create or serve the junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing.

(4) If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay.

(b) If a permitting agency denies an application for a junior accessory dwelling unit pursuant to subdivision (a), the permitting agency shall, within the time period described in subdivision (a), return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

(c) A local agency may charge a fee to reimburse the local agency for costs incurred in connection with the issuance of a permit pursuant to this article.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66336. A local agency shall not deny an application for a permit to create a junior accessory dwelling unit pursuant to this article due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and that are not affected by the construction of the junior accessory dwelling unit.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66337. (a) For purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

(b) This article shall not be construed to prohibit a city, county, city and county, or other local public entity from adopting an ordinance or regulation relating to fire and life protection requirements within a single-family residence that contains a junior accessory dwelling unit so long as the ordinance or regulation applies uniformly to all single-family residences within the zone regardless of whether the single-family residence includes a junior accessory dwelling unit or not.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66338. (a) For purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

(b) This section shall not be construed to prohibit a local agency from adopting an ordinance or regulation related to a service or a connection fee for water, sewer, or power, that applies to a single-family residence that contains a junior accessory dwelling unit, so long as that ordinance or regulation applies uniformly to all single-family residences regardless of whether the single-family residence includes a junior accessory dwelling unit.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66339. If a local agency has not adopted a local ordinance pursuant to this article, the local agency shall ministerially approve a permit to construct a junior accessory dwelling unit that satisfies the requirements set forth in paragraph (1) of subdivision (a) of Section 66323 and the requirements of this article.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

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GOVERNMENT CODE - GOV**TITLE 7. PLANNING AND LAND USE [65000 - 66499.58]** (Heading of Title 7 amended by Stats. 1974, Ch. 1536.)**DIVISION 1. PLANNING AND ZONING [65000 - 66342]** (Heading of Division 1 added by Stats. 1974, Ch. 1536.)**CHAPTER 13. Accessory Dwelling Units [66310 - 66342]** (Chapter 13 added by Stats. 2024, Ch. 7, Sec. 20.)**ARTICLE 4. Accessory Dwelling Unit Sales [66340 - 66342]** (Article 4 added by Stats. 2024, Ch. 7, Sec. 20.)**66340.** For purposes of this article:

(a) "Qualified buyer" means persons and families of low or moderate income, as that term is defined in Section 50093 of the Health and Safety Code.

(b) "Qualified nonprofit corporation" means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66341. A local agency shall allow an accessory dwelling unit to be sold or conveyed separately from the primary residence to a qualified buyer if all of the following apply:

(a) The accessory dwelling unit or the primary dwelling was built or developed by a qualified nonprofit corporation.

(b) There is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code.

(c) The property is held pursuant to a recorded tenancy in common agreement that includes all of the following:

(1) The agreement allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling that each qualified buyer occupies.

(2) A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the accessory dwelling unit or primary dwelling if the buyer desires to sell or convey the property.

(3) A requirement that the qualified buyer occupy the accessory dwelling unit or primary dwelling as the buyer's principal residence.

(4) Affordability restrictions on the sale and conveyance of the accessory dwelling unit or primary dwelling that ensure the accessory dwelling unit and primary dwelling will be preserved for low-income housing for 45 years for owner-occupied housing units and will be sold or resold to a qualified buyer.

(5) If the tenancy in common agreement is recorded after December 31, 2021, it shall also include all of the following:

(A) Delineation of all areas of the property that are for the exclusive use of a cotenant. Each cotenant shall agree not to claim a right of occupancy to an area delineated for the exclusive use of another cotenant, provided that the latter cotenant's obligations to each of the other cotenants have been satisfied.

(B) Delineation of each cotenant's responsibility for the costs of taxes, insurance, utilities, general maintenance and repair, improvements, and any other costs, obligations, or liabilities associated with the property. This

delineation shall only be binding on the parties to the agreement, and shall not supersede or obviate the liability, whether joint and several or otherwise, of the parties for any cost, obligation, or liability associated with the property where such liability is otherwise established by law or by agreement with a third party.

(C) Procedures for dispute resolution among the parties before resorting to legal action.

(d) A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded in the county in which the property is located. A Preliminary Change of Ownership Report shall be filed concurrently with this grant deed pursuant to Section 480.3 of the Revenue and Taxation Code.

(e) Notwithstanding Section 66324, if requested by a utility providing service to the primary residence, the accessory dwelling unit has a separate water, sewer, or electrical connection to that utility.

(f) Nothing in this section limits the ability of an accessory dwelling unit to be sold or otherwise conveyed separate from the primary residence as a condominium pursuant to an ordinance adopted under Section 66342.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

66342. In addition to the requirement that a local agency allow the separate sale or conveyance of an accessory dwelling unit pursuant to Section 66341, a local agency may also adopt a local ordinance to allow the separate conveyance of the primary dwelling unit and accessory dwelling unit or units as condominiums. Any such ordinance shall include all of the following requirements:

(a) The condominiums shall be created pursuant to the Davis-Stirling Common Interest Development Act (Part 5 (commencing with Section 4000) of Division 4 of the Civil Code).

(b) The condominiums shall be created in conformance with all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410)) and all objective requirements of a local subdivision ordinance.

(c) Before recordation of the condominium plan, a safety inspection of the accessory dwelling unit shall be conducted as evidenced either through a certificate of occupancy from the local agency or a housing quality standards report from a building inspector certified by the United States Department of Housing and Urban Development.

(d) (1) Neither a subdivision map nor a condominium plan shall be recorded with the county recorder in the county where the real property is located without each lienholder's consent. The following shall apply to the consent of a lienholder:

(A) A lienholder may refuse to give consent.

(B) A lienholder may consent provided that any terms and conditions required by the lienholder are satisfied.

(2) Prior to recordation of the initial or any subsequent modifications to the condominium plan, written evidence of the lienholder's consent shall be provided to the county recorder along with a signed statement from each lienholder that states as follows:

"(Name of lienholder) hereby consents to the recording of this condominium plan in their sole and absolute discretion and the borrower has or will satisfy any additional terms and conditions the lienholder may have."

(3) The lienholder's consent shall be included on the condominium plan or a separate form attached to the condominium plan that includes the following information:

(A) The lienholder's signature.

(B) The name of the record owner or ground lessee.

(C) The legal description of the real property.

(D) The identities of all parties with an interest in the real property as reflected in the real property records.

(E) The lienholder's consent shall be recorded in the office of the county recorder of the county in which the real property is located.

(e) The local agency shall include the following notice to consumers on any accessory dwelling or junior accessory dwelling unit submittal checklist or public information issued describing requirements and permitting for accessory

dwelling units, including as standard condition of any accessory dwelling unit building permit or condominium plan approval:

“NOTICE: If you are considering establishing your primary dwelling unit and accessory dwelling unit as a condominium, please ensure that your building permitting agency allows this practice. If you decide to establish your primary dwelling unit and accessory dwelling unit as a condominium, your condominium plan or any future modifications to the condominium plan must be recorded with the County Recorder. Prior to recordation or modification of your subdivision map and condominium plan, any lienholder with a lien on your title must provide a form of written consent either on the condominium plan, or on the lienholder’s consent form attached to the condominium plan, with text that clearly states that the lender approves recordation of the condominium plan and that you have satisfied their terms and conditions, if any.

In order to secure lender consent, you may be required to follow additional lender requirements, which may include, but are not limited to, one or more of the following:

(a) Paying off your current lender.

You may pay off your mortgage and any liens through a refinance or a new loan. Be aware that refinancing or using a new loan may result in changes to your interest rate or tax basis. Also, be aware that any subsequent modification to your subdivision map or condominium plan must also be consented to by your lender, which consent may be denied.

(b) Securing your lender’s approval of a modification to their loan collateral due to the change of your current property legal description into one or more condominium parcels.

(c) Securing your lender’s consent to the details of any construction loan or ground lease.

This may include a copy of the improvement contract entered in good faith with a licensed contractor, evidence that the record owner or ground lessee has the funds to complete the work, and a signed statement made by the record owner or ground lessor that the information in the consent above is true and correct.”

(f) If an accessory dwelling unit is established as a condominium, the local government shall require the homeowner to notify providers of utilities, including water, sewer, gas, and electricity, of the condominium creation and separate conveyance.

(g) (1) The owner of a property or a separate interest within an existing planned development that has an existing association, as defined in Section 4080 of the Civil Code, shall not record a condominium plan to create a common interest development under Section 4100 of the Civil Code without the express written authorization by the existing association.

(2) For purposes of this subdivision, written authorization by the existing association means approval by the board at a duly noticed board meeting, as defined in Section 4090 of the Civil Code, and if needed pursuant to the existing association’s governing documents, membership approval of the existing association.

(h) An accessory dwelling unit shall be sold or otherwise conveyed separate from the primary residence only under the conditions outlined in this paragraph or pursuant to this article.

(Added by Stats. 2024, Ch. 7, Sec. 20. (SB 477) Effective March 25, 2024.)

City of Daly City Planning Division

DRAFT

Proposed Amendments to Chapter 17.04 – Definitions

17.04.010 - Definitions

~~"Dwelling unit accessory" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following: 1) An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code; and 2) a manufactured home, as defined in Section 18007 of the California Health and Safety Code.~~

~~"Dwelling, secondary" means a room or suite of rooms constructed or adapted within or onto a one-family (i.e., principal) dwelling being an integral part thereof, and designed for the use and occupancy by a person or persons living independently from the one-family dwelling occupants. A secondary dwelling shall be subordinate to the principal dwelling.~~

Proposed Repeal of Chapter 17.40.100 – Secondary Unit Standards and Requirements

~~17.40.100 - Secondary unit standards and requirements. ———~~

~~A. ——— An accessory dwelling unit that conforms to this section shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.~~

~~B. ——— Any proposed accessory dwelling unit, or any existing accessory dwelling unit proposed for legalization, shall meet or exceed the following development standards:~~

~~1. ——— There shall be no more than one accessory dwelling unit per parcel;~~

~~2. ——— The principal and accessory dwelling unit shall meet all development standards for the residential zoning district in which it is located;~~

3. ~~Occupancy of one of the two units shall be the owner(s) of record. The applicant for an accessory dwelling unit shall provide evidence of occupancy in the form of a government issued photo identification card that includes the address of the property where the accessory dwelling unit is proposed and the current owner of record. Prior to permit issuance for an accessory dwelling unit, the applicant shall record a deed restriction for the property as prescribed in Section 17.40.110 below. Any rental agreement for the main or accessory dwelling unit shall provide a disclosure to the renter of the requirement of owner occupancy of the subject property;~~
4. ~~The accessory dwelling unit shall meet the standards of the building, fire, and other applicable health and safety codes;~~
5. ~~The floor area of an attached accessory dwelling unit shall not exceed fifty percent of the size of the primary dwelling unit, with a maximum increase in floor area of one thousand two hundred square feet. The total area of floor area for a detached accessory dwelling unit shall not exceed one thousand two hundred square feet;~~
6. ~~Accessory dwelling units shall provide one parking space per unit or per bedroom (studio units shall provide one parking space). These spaces may be provided as tandem parking on an existing driveway in the front setback. No parking spaces shall be required for an accessory dwelling unit in any of the following instances:~~
 - a. ~~The accessory dwelling unit is located within one-half mile of public transit;~~
 - b. ~~The accessory dwelling unit is located within an architecturally and historically significant historic district;~~
 - c. ~~The accessory dwelling unit is part of the existing primary residence or an existing accessory structure;~~
 - d. ~~When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit;~~
 - e. ~~When there is a car share vehicle located within one block of the accessory dwelling unit. Parking spaces shall comply with the parking space dimension regulations provided in Section 17.34.020(H);~~
7. ~~Only one exterior pedestrian entrance (not including slide glass door) shall be provided for each accessory dwelling unit. The entrance shall be provided at the dwelling unit's rear elevation or at the side elevation providing the main entrance to the dwelling, unless such a requirement would result in trespass onto adjacent property. A paved walkway shall be provided leading from the sidewalk or driveway to the pedestrian entrance;~~

**Proposed Repeal of 17.40.110 –
Certificate of Registration Requirements**

~~17.40.110 – Certificate of registration requirements. —~~

~~Prior to final building inspection, the applicant for an accessory dwelling unit shall file a certificate of registration for the property which indicates that the property owner shall live in either the main or accessory dwelling unit.~~

~~A. — The certificate of registration shall contain the following:~~

- ~~1. — The name and address of the current owner or owners;~~
- ~~2. — The address of the property for which an accessory dwelling unit is proposed to be permitted;~~
- ~~3. — A photocopy of the deed for the property as recorded with the county recorder, county of San Mateo;~~
- ~~4. — A scale drawing showing the lot dimensions, the location of the building, building setbacks, and proposed additions to the building and all vehicular parking spaces;~~
- ~~5. — Floor plans of the principal and accessory dwelling units drawn to the scale showing all existing and proposed improvements;~~
- ~~6. — Consent of the owner to the physical inspection of the premises prior to the issuance of any building permit or certificate of registration;~~
- ~~7. — Signature of the owner(s) under penalty of perjury;~~
- ~~8. — A nonrefundable filing fee, to be established by resolution of the city council;~~
- ~~9. — Any other information or data deemed necessary by the city planner to determine compliance of the proposed accessory dwelling unit with the terms of this section.~~

~~B. — Application for a certificate of registration shall be made when applying for a building permit. Issuance of a certificate of registration will take place upon final building inspection and the issuance of a certificate of occupancy. The city planner shall also certify, date and cause to be recorded the certificate of registration at the time of issuance.~~

~~C. — The following shall appear on the certificate of registration:~~

This certificate of registration has been issued in accordance with the provisions of Section 17.40.100 of the Daly City Municipal Code (Zoning Ordinance) and is subject to certain restrictions and conditions so long as an accessory dwelling unit exists on the premises; these include, but are not necessarily limited to the following:

1. — That the accessory dwelling is allowed only so long as one of the two dwelling units is occupied by the owner(s) of record;
2. — That all off-street parking spaces, as identified in plans submitted in application for this Certificate of Registration shall be maintained in usable condition. Said spaces shall not be used for storage of materials, inoperable vehicles or equipment, if such storage necessitates the parking of the property owner's or tenant's vehicles outside the specified parking area.
3. — That no improvement or modification of the building shall be made without issuance of a building permit by the City of Daly City. The City Council of the City of Daly City has the right to terminate the continued use of the accessory dwelling unit if, after a Public Hearing on the matter, it determines that a violation of any zoning, building, fire or other health and safety code of the city exists; the council may cause to be recorded with the County Recorder of San Mateo a revocation of this certificate of registration. The use of said property contrary to these special restrictions shall constitute a violation of the Daly City Zoning Ordinance and shall constitute a misdemeanor and upon conviction thereof the person violating the ordinance shall be subject to all remedies under Section 1.12.010 of the Daly City Municipal Code, including a fine of not more than five hundred dollars, or imprisonment in the county jail for a term not exceeding six months, or both. A separate offense shall have been committed for each and every day during which a violation persists. In addition, the city may take any and all civil action necessary to abate said use. The certificate of registration shall be signed and acknowledged by the owner(s) of record.
4. — The certificate of registration may be conveyed with title to the property, however, this in no way relieves any property owner or successor from compliance with all the terms of the ordinance and all other applicable regulations.
5. — Failure to comply with the requirements of this or any other section of the zoning ordinance will comprise a violation that, in addition to penalties cited in Section 1.12.010 of the Municipal Code, can result in the revocation of the certificate of registration by the city council after public hearing on the matter.

(Ord. 1159 § 3, 1992; Ord. 1128 § 2, 1990; Ord. 991 § 5, 1983)

**Proposed Amendments to 17.35.040 –
General property development requirements.**

- A. All plans submitted for building permits shall be reviewed for the following:
1. Flat plywood shall not be used as an exterior siding material. All exterior surfaces shall be finished with paint or other weather protective coating.
 2. Metal grills and gates are allowed if they are ornate and of a unique design, in keeping with the architectural components of the development and neighborhood.
 3. Dry Goods Storage. All residential units must be constructed with adequate storage for the number of occupants or for commercial structures, for the type of occupancy allowed by the construction type.
 4. Trash Receptacle and Recycling Container Storage. All new buildings or buildings where the occupancy is changed or in buildings where an expansion of business area or living space is applied for, including expansion of internal habitable areas, shall provide adequate space to accommodate a trash bin and recycling containers. The storage areas shall be weather-proof, vermin-proof and easily accessible to facilitate solid waste collection. Existing or new dwellings without side yards shall provide an area devoted to such storage that measures three feet by eight feet adjacent and connected to the dwelling's garage. Accessory dwelling units shall utilize the trash and recycling receptacles of the primary dwelling unit on the parcel. For garages converted to any other use in any home with side yards, including for the purpose of constructing an accessory dwelling unit or junior accessory dwelling unit, the garage door shall be retained and an area provided sufficient to accommodate trash and recycle bins at least 36 inches deep and the full width of the garage door.

(Ord. 1242 § 1 (part), 1997)

**Proposed Amendments to Chapter 17.40.090 –
Review of modifications to residential floorplans.**

Downstairs room construction is permissible in single dwelling units and duplexes in compliance with the following regulations:

- A. No such construction shall displace or negatively impact any required parking space and all parking spaces shall continue to meet dimension requirement provided in Section [17.34.030](#)—Off-street parking design standards.
- B. Internal integration between all habitable rooms in a dwelling unit shall be required. Internal integration shall be defined as construction which allows pedestrian movement between all habitable rooms without the need to travel through non-

habitable rooms, exterior breezeways, or outside the home. In dwellings with three floors, integration must be provided at different locations between the first and second floors, and between second and third floors, unless the staircase rail is open between floors to an adjacent area equal to the floor area occupied by the staircase. There shall be no requirement for integration of one half bathroom, or one or more non-habitable rooms (e.g., storage rooms) collectively not exceeding seventy-five square feet, at the garage level. Pedestrian connections between non-habitable rooms, hallways, and any room other than the garage shall be prohibited.

- C. Unless associated with an approved accessory dwelling unit, pedestrian entrances other than the primary entrance to the home or to the garage shall be provided at the rear elevation only. Where there is an existing pedestrian entrance to any habitable room from the dwelling exterior and construction increasing habitable floor area is proposed on the same floor, the existing pedestrian entrance shall be moved to the rear elevation, unless the construction proposed is part of an accessory dwelling unit. Proposals not involving the construction of full baths or a wet bar shall be exempt from the requirements of this subsection.
- D. With the exception of entrances proposed in conjunction with an accessory dwelling unit and junior accessory dwelling unit, Ppedestrian entrances leading to garage areas shall be allowed on either side of the home or on either side of the garage door exterior for homes with no side yard. All such entrances, including those installed in homes with no side yard, shall be installed perpendicular to the adjacent street.
- E. 2 The entrance to an accessory dwelling unit and junior accessory dwelling unit shall be provided at the dwelling unit's rear elevation or at the side elevation providing the main entrance to the dwelling, unless such a requirement would result in trespassing onto adjacent property. Where the pedestrian entrance to the unit is provided at the rear, a paved walkway shall be provided leading from the sidewalk or driveway to the pedestrian entrance, if one does not already exist. Pedestrian entrances to any accessory dwelling unit or junior accessory dwelling unit allowed at a garage door shall be perpendicular to the street.
- EF. Garage doors modified to allow for secondary pedestrian entrances shall not be allowed. Existing garage doors that have been modified to allow for secondary pedestrian entrances shall be replaced by an unmodified garage upon the issuance of any building permit for work exceeding fifty thousand dollars valuation.
- FG. All new homes and home proposed for interior modification shall provide a kitchen not less than fifty square feet in area and a living room, family room, or dining room not less than one hundred square feet in area located on the same floor as the kitchen. Patio covers, roof decks, and balconies shall not be counted toward meeting this requirement.

GH. One wet bar improvement shall be allowed in each home consisting of any or all of the following permanent elements:

1. A single-basin sink not larger than fifteen inches interior dimension;
2. An under-counter refrigerator which is no greater than five cubic feet in size and utilizes a standard 110-volt electrical outlet;
3. Countertop area which does not exceed five feet in length; and/or
4. Base and wall cabinets which do not exceed countertop length.

Wet bars shall be unrestricted as to size and appliance limitations, subject to accessory dwelling unit permit approval. Wet bars shall not be permitted on any floor in any home with an approved accessory dwelling unit.

([Ord. No. 1412, § 10, 2-13-2017](#))