



City of Loyalton Accessory Dwelling Units



- ❖ An Accessory Dwelling Unit is a dwelling unit for rental or occupancy that is attached to or detached from a single-family dwelling (one primary dwelling per lot) or multifamily dwellings (two or more dwellings on a single lot consisting of rental units or airspace condominiums) and located on the same lot as the primary dwelling(s). An ADU must have sanitary facilities, cooking facilities, a separate entrance, and comply with specific standards, as listed below. An ADU cannot be sold separately. An ADU can be an efficiency unit, as defined in Section 17958.1 of Health and Safety Code, or a manufactured home, as defined in Section 18007 of the Health and Safety Code
- ❖ A Junior Accessory Dwelling Unit (JADU) is a residential dwelling unit that is no more than 500 square feet in area, contained entirely within an existing single-family residence, and can have separate sanitation facilities from, or shared sanitation facilities with, the existing residence.
- ❖ A statewide exemption ADU - A statewide exemption ADU is an ADU of up to 800 square feet, 16 feet in height, as potentially limited by a local agency, and with 4 feet side and rear yard setbacks. ADU law requires that no lot coverage, floor area ratio, open space, or minimum lot size will preclude the construction of a statewide exemption ADU. Further, ADU law allows the construction of a detached new construction statewide exemption ADU to be combined on the same lot with a JADU in a single-family residential zone. In addition, ADUs are allowed in any residential or mixed uses regardless of zoning and development standards imposed in an ordinance.

The Loyalton Zoning Ordinance includes and is consistent with the state definitions for an ADU and JADU. The table below provides a comparison between the Loyalton Zoning Ordinance and State Regulations. Generally speaking, the more permissive of the standards will apply. For example, the setback requirements are more restrictive per the city code, therefore the state code would be applied for minimum setback

requirements, and conversely, the requirements for maximum height of an ADU is more restrictive through the state code at 16 feet maximum, so the city code of 20 feet maximum height would be allowed.

Subject	Loyalton Code Section	Loyalton Language	State Regulation	State Language (all minimum requirements for the City)
ADU Definition	12.08.2-4 & 2.72	“Accessory dwelling unit” means an attached or a detached residential dwelling unit that provides complete independent living facilities for 1 or more persons and is located on the same lot as the proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation. An accessory dwelling unit also includes an efficiency unit, as defined in the California Health and Safety Code § 17958.1, and a manufactured home, as defined California Health and Safety Code § 18007 (also refer to § 18.100.010(E)).	§ 65852.2	Same as City definition
Junior ADU Definition	12.08.2-73	“Junior accessory dwelling unit” means a dwelling unit that complies with the requirements of California Government Code § 65852.22, as amended from time to time. Please see State Language.	§ 65852.22	A residential dwelling unit that is no more than 500 square feet in size and is contained entirely within a single-family residence, which does not include the garage. A JADU shall include an efficiency kitchen, and may include separate bathroom facilities or share bathroom facilities with the single-family residence.
Guest House Definition	2-102	Guest house means a detached living quarter of permanent construction, without kitchens, which are clearly subordinate and incidental to the use of the main building on the same lot.		Guest house is not considered an ADU
Setbacks/Yards	R-1 SF Zone 12.08.5-B	Minimum yards, that are not applicable to new subdivision design shall comply with Figure 3, which shows a minimum 15-foot front yard (except for front of garages, which shall be 20 feet), 10-foot rear yard, 5-foot interior side yard, and 10-foot corner lot side	§ 65852.2, subd. (a)(1)(D)(vii)	A setback of no more than four feet from the side and rear lot lines shall be required for an attached or detached ADU.

		yard fronting the street. For ADUs, setbacks/yards may be reduced. Please see State Language.	§ 65852.2, subd. (c)	A local agency may still apply front yard setbacks for ADUs, but front yard setbacks cannot preclude a statewide exemption ADU and must not unduly constrain the creation of all types of ADUs.
Max Height	12.08.5-D	Maximum building height is 30 feet for 2-story homes; 20 feet for accessory buildings. Maximum height limit applies to ADUs,. Please see State Language.	§ 65852.2 subd. (a) (1)(B)(i)	The City may apply a maximum height limit of no less than 16 feet, which in this case is 30 feet for a 2-story building and 20 feet for accessory buildings, including ADUs if not connected to main building.
Parking	12.08.12	Refer to section 12.08.4-11 of City Code (definition of ADU per state code). Please see State Language).		Parking requirements for ADUs shall not exceed one parking space per unit or bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway. Guest parking spaces shall not be required for ADUs under any circumstances.
Permitted Zones		ADUs are permitted in the following zoning districts: R-1, R-2, C-1, C-2, C-3	§ 65852.2, subd. (e)	ADUs proposed pursuant to § 65852.2, subd. (e) must be considered in any residential or mixed-use zone. For other ADUs, local governments may, by ordinance, designate areas in zones where residential uses are permitted that will also permit ADUs.
Minimum Lot size		Refer to State Language		While local governments may impose standards on ADUs, these standards shall not include minimum lot size requirements. Further, lot coverage requirements cannot preclude the creation of a statewide exemption ADU (800 square feet ADU with a height limitation of 16 feet and 4 feet side and rear yard setbacks).

Max / Max Unit size		Refer to State Language		A local government may, by ordinance, establish minimum and maximum unit size requirements for both attached and detached ADUs. However, maximum unit size requirements must be at least 850 square feet and 1,000 square feet for ADUs with more than one bedroom. For local agencies without an ordinance, maximum unit sizes are 1,200 square feet for a new detached ADU and up to 50 percent of the floor area of the existing primary dwelling for an attached ADU (at least 800 square feet)
Development Review Process	12.08.4-17 B	Projects subject to development review consist of any development that requires a building permit that involves construction that results in physical changes to property except of signs which are subject to review in accordance with Chapter 12.08.25. Projects that involve construction of a new house on an existing lot, increased floor area to a house, accessory dwelling units, streamline housing and other ministerial review provided for under state law requires preliminary review by the Building Official for compliance with the Zoning Ordinance.		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.
Parking			§ 65852.2, subds. (a)(1) (D)(x)(l) and (j)(11)	Parking requirements for ADUs shall not exceed one parking space per unit or bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway. Guest parking spaces shall not be required for ADUs under any circumstances.
School Impact Fees		Please see State Language).		School districts are authorized but do not have to levy impact fees for ADUs greater than 500 square feet pursuant to Section 17620 of the Education Code. ADUs less than 500 square feet are not subject to school impact fees. Local

				agencies are encouraged to coordinate with school districts to carefully weigh the importance of promoting ADUs, ensuring appropriate nexus studies and appropriate fees to facilitate construction or reconstruction of adequate school facilities
Owner-occupancy Requirements			§ 65852.2, subd. (a)(D) (i)	The ADU may be rented separate from the primary residence but may not be sold or otherwise conveyed separate from the primary residence

ADU FAQs

Why build an ADU/JADU?

There are many reasons for building an ADU on your lot. ADUs can provide housing for caregivers, grown children, elderly parents, or renters. ADUs allow for an opportunity to produce additional household income through renting the ADU or primary residence. “Empty nesters” can stay in their neighborhood by moving into a smaller ADU and renting their existing home to pay the mortgage and/or to provide additional income.

Where can an ADU/JADU be built?

- ADUs can be built in any zoning district that allows residential uses. An ADU can also be built on any lot that has an existing legally permitted dwelling(s). ADUs are not subject to lot size requirements, density limitations, or growth control measures.
- ADUs can either be attached to or detached from a single-family house or multifamily structure, or be created through the conversion of existing floor area.
 - ADUs are typically subordinate in size to a single-family house or multifamily structure and shall be located on the same lot.
 - JADUs are contained entirely within an existing or proposed single-family dwelling.

How many ADUs/JADUs are allowed?

- Existing or proposed single-family dwelling—On a lot with an existing or proposed single-family dwelling, one (1) ADU is allowed. One (1) Junior ADU may also be allowed in addition to an attached or detached ADU.
- Existing multifamily structure—On a lot with an existing multifamily dwelling structure, multiple ADUs are allowed up to 25% of the number of existing units, or one (1) ADU, whichever is greater when created through the conversion of area within the residential structure not used for livable space, such as storage rooms, boiler rooms, passageways, attics, basements, or garages.
- Proposed multifamily structure—On a lot with a proposed multifamily structure, one (1) ADU is allowed.

What is an Exception ADU?

An Exception ADU is generally 850 square feet or less, no taller than 16 feet, and with rear and side setbacks of at least 4 feet that may be constructed without meeting development standards. Such Exception ADUs must meet state law, including the California Building Code.

What are the use and occupancy restrictions for an ADU/JADU and can I use my ADU/JADU as a short-term or vacation rental?

- ADU—A property owner is not required to live on-site.
- JADU—A property owner is required to live in either the single-family dwelling or JADU.
- ADUs/JADUs must be rented for terms more than 30 days for residential purposes.
- ADUs/JADUs cannot be used as a short-term or vacation rental (30 days or less).

Can I subdivide my property and sell the ADU?

No, ADUs must remain on the same lot as the primary dwelling(s).

Can I convert or demolish my garage/carport to build an ADU/JADU on a lot with a single-family residence?

Yes, an existing garage/carport may be converted or demolished to make room for a new ADU/JADU, and replacement parking is not required. However, if you choose to replace existing parking spaces, you must meet City requirements for parking space dimensions.

What types of houses can be an ADU?

ADUs may be of standard residential construction, manufactured housing or factory-built housing on permanent foundations. Manufactured or prefabricated homes may provide a more cost-efficient means to add an ADU to your site. There are various vendors in the Bay Area and Northern California.

How do I get started?

Understand Your Zoning Requirements. First, figure out your lot size, site zoning, and development standards including your maximum allowed site coverage. Remember, an ADU less than 850 square feet in size does not count toward site coverage.

Determine Your Allowed and Available Site Coverage. Second, figure out your remaining site coverage by calculating the existing floor area for the first floor of all structures on the site. Next, multiply your maximum site coverage percentage by the lot size in square feet. This calculation is the maximum site coverage in square feet for your site. Last, subtract the existing site coverage from the allowed maximum site coverage.

Determine Your ADU Type and Size. Once you have determined the remaining site coverage on your site, determine the type and size of the unit that you want to add to the site. Sketch it Out. A sample site plan has been provided for reference in addition to blank graph paper for you to sketch out your project. When sketching your project, determine the size of each square based on your lot size. Indicate adjacent streets,

existing building footprints with dimensions and north arrow. Next, draw in the location and dimensions of the proposed ADU addition or new structure.

State Guidelines for Accessory Dwelling Units:

The complete handbook from the State of California Department of Housing and Community Development can be obtained via the following link:

https://www.hcd.ca.gov/policy-research/docs/adu_december_2020_handbook.pdf

Other State Regulations addressing Accessory Dwelling Units:

Senate Bill (SB) 9 (Chapter 162, Statutes of 2021) requires ministerial approval of a housing development with no more than two primary units in a single-family zone, the subdivision of a parcel in a single-family zone into two parcels, or both. In Loyalton, these allowances apply to most zones, including R-1, R-2, C-1, C-2, and C-3. SB 9 facilitates the creation of up to four housing units in the lot area typically used for one single-family home. This [fact sheet](#) prepared by the California Department of Housing and Community Development (HCD) provides more details regarding the language and implementation of SB 9 as follows:

<https://www.hcd.ca.gov/docs/planning-and-community-development/sb9factsheet.pdf>