

Accessory Dwelling Unit (ADU) Handbook

City of Soledad



January 2022



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WHAT IS SECOND RESIDENTIAL UNIT?

A Second Residential Unit is an “Accessory Dwelling Unit,” often shortened to “ADU.”

An ADU can be an attached or detached residential dwelling unit that is frequently rented. Typically, ADUs are built as smaller residences on the same property as a primary single-family residence but still provide complete and independent living facilities for one or more persons. ADUs must include a permanent kitchen, sleeping and living area and bathroom. ADUs may also be built within the existing structure of the primary residence, which could include converting garage space, converting or expanding existing living space, or building out a smaller area of existing living space as a separate unit (called a Junior ADU). ADUs are also allowed on multifamily parcels and within multifamily buildings. This handbook describes the different types of ADUs allowed and gives an overview for those who want to rent one and those who want to build/own one. ADUs can also be an efficiency unit and a manufactured home.

State Regulations

In the last few years, multiple new state laws have gone into effect that encourage homeowners to build ADUs and provides detailed guidelines to operate ADUs. More information can be found at:

<https://www.hcd.ca.gov/policy-research/AccessoryDwellingUnits.shtml#adu>



Why build an ADU?

ADUs provide a dispersed way to add to the housing stock of the city, while also giving property owners an option to generate additional income. ADUs also provide flexibility for different living scenarios:

- Additional space for “empty nesters” by allowing them to stay in their neighborhoods by moving into a smaller ADU and renting their larger existing home to pay the mortgage.
- They provide space for caregivers, grown children, or elderly parents.
- They provide a different option for small households that is less dense than a multi-family development or mobile home community.



How to use this Handbook

This handbook provides both tenants and owners a summary of the resources to construct, own, operate, and rent an ADU in Soledad. Please see below for pages to jump to for each specific type of information:

- To learn about the different types of ADUs.....page 8
- To build an ADU.....page 11
- To rent an ADU.....page 19
- Owning and Operating an ADU.....page 20
- F.A.Q.s.....page 23

Definitions

On the following pages are a list of helpful definitions used by the City of Soledad and the State of California that are important to understand for ADU permitting, operating, and construction:

- “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: (A) An efficiency unit or (B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.
- “Accessory structure” means a structure that is accessory and incidental to a dwelling located on the same lot.
- “By-right” (per Government Code section 65583.2(ii)) means the jurisdiction shall not require:
 - » A conditional use permit.
 - » A planned unit development permit.
 - » Other discretionary, local-government review or approval that would constitute a “project” as defined in Section 21100 of the Public Resources Code (California Environmental Quality Act “CEQA”).

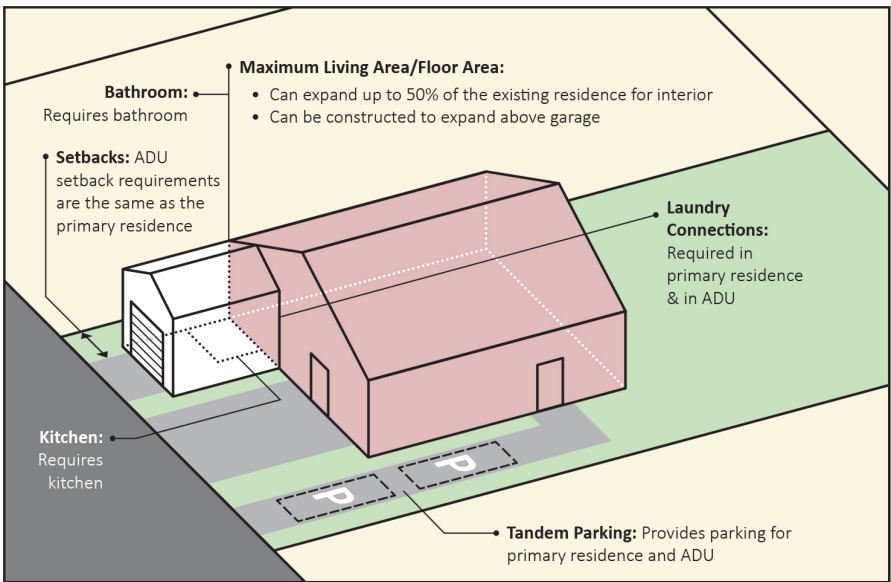
This does not preclude a jurisdiction from imposing objective design review standards. However, the review and approval process must remain non-discretionary and the design review must not constitute a “project” as defined in Section 21100 of the Public Resources Code.

- “Efficiency unit” has the same meaning as defined in Section 17958.1 of the Health and Safety Code.

- “Junior accessory dwelling unit” means an attached accessory dwelling unit that is no more than 500 square feet and is 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. For the purposes of life/safety regulations and providing utilities such as water, sewer, power, or other utilities, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.
- “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.
- “Nonconforming zoning condition” means a physical improvement on a property that does not conform with current zoning standards.
- “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
- “Proposed dwelling” means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
- “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 or next to one another.

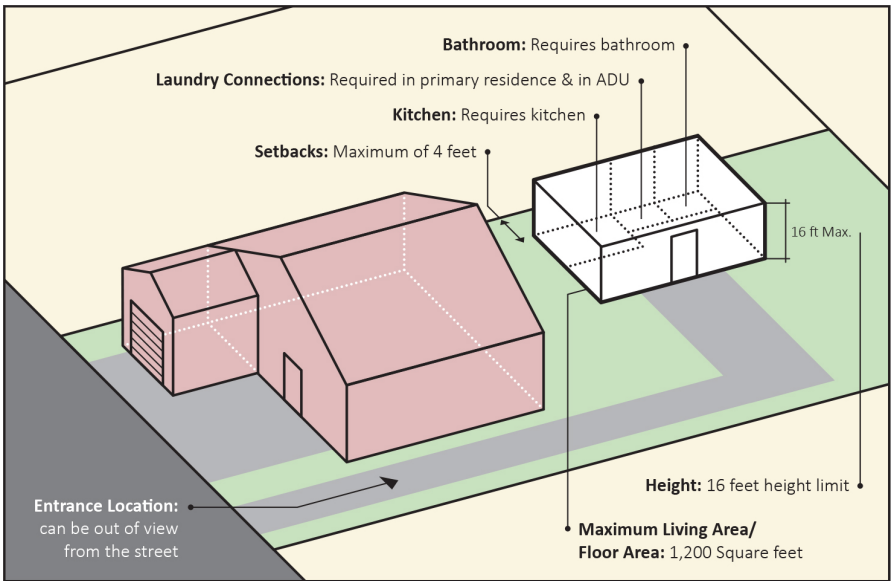


EXAMPLE ATTACHED ADU



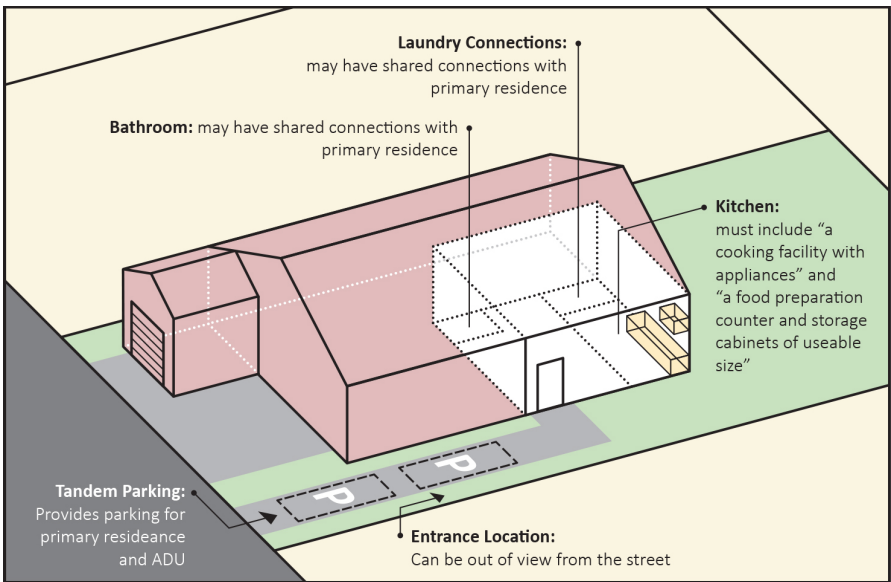
Zoning	Allowed on all lots zoned for single-family or multifamily residences.
Number of Attached ADUs Allowed	1
Maximum increase in floor area	50% of the floor area of the primary residence; not to exceed 1,200 square feet.
Maximum Height	16 feet
Side Setbacks	Same as setback on existing building ADU is added to
Rear Setbacks	Same as setback on existing building ADU is added to
Entrances	Exterior entrance required.
Kitchen	Kitchen required.
Parking Requirements	Replacement parking not required when a garage, carport or covered parking structure is physically replaced by an accessory dwelling unit. No additional off-street parking required when the ADU is part of a proposed or existing primary residence or accessory structure.

EXAMPLE DETACHED ADU



Zoning	Allowed on all lots zoned for single-family multifamily residences.
Number of Detached ADUs Allowed	1
Maximum Size	1,200 square feet
Maximum Height	16 feet
Side Setbacks	4 feet
Rear Setbacks	4 feet
Entrances	Exterior entrance required.
Kitchen	Kitchen required.
Parking Requirements	Typically required, unless 1/2-mile from a transit stop (see page 22).

EXAMPLE JUNIOR ADU



Zoning	Allowed on all lots zoned for single-family multifamily residences.
Number of Junior ADUs Allowed	1
Maximum Size	500 square feet
Maximum Height	N/A
Side Setbacks	N/A
Rear Setbacks	N/A
Entrances	Exterior entrance required.
Kitchen	Efficiency kitchen required.
Parking Requirements	N/A
Owner-Occupancy	Owner must reside on property either in the junior ADU or other living space of the primary unit.

PROCESS FOR PERMITTING AND BUILDING AN ADU

How to get started

- Determine if your lot can support an ADU. Check Code Section 17.38.270(B) and 17.38.270(E) for the list of requirements.
- Obtain drawings from a professional architect, showing how your ADU should be drawn out.
- Fill out and submit a building permit application to the City. The City has 60 days to approve or deny the permit once the application has been deemed complete, and it must be done without a public hearing.
- Revise drawings, accordingly, then a building permit will be issued.
- Select a contractor and begin construction.
- Complete necessary construction inspections and obtain certificate of occupancy.

Please contact the City of Soledad Building Department or your contractor with additional questions.

Example situations:

“I want to build a new detached ADU on my lot.”

- Complete the steps on page 14.



“I have a garage that I want to convert into an ADU.”

- First determine that your garage is big enough to support an ADU according to building standards (California Building Code), then follow the steps on page 14.



“I want to build out a smaller ADU inside my house (A Junior ADU)”

- Check requirements in Section 17.38.270(D), then follow the steps on page 14.
- For Junior ADUs, you may expand up to 150 square feet beyond the house and must provide exterior access.

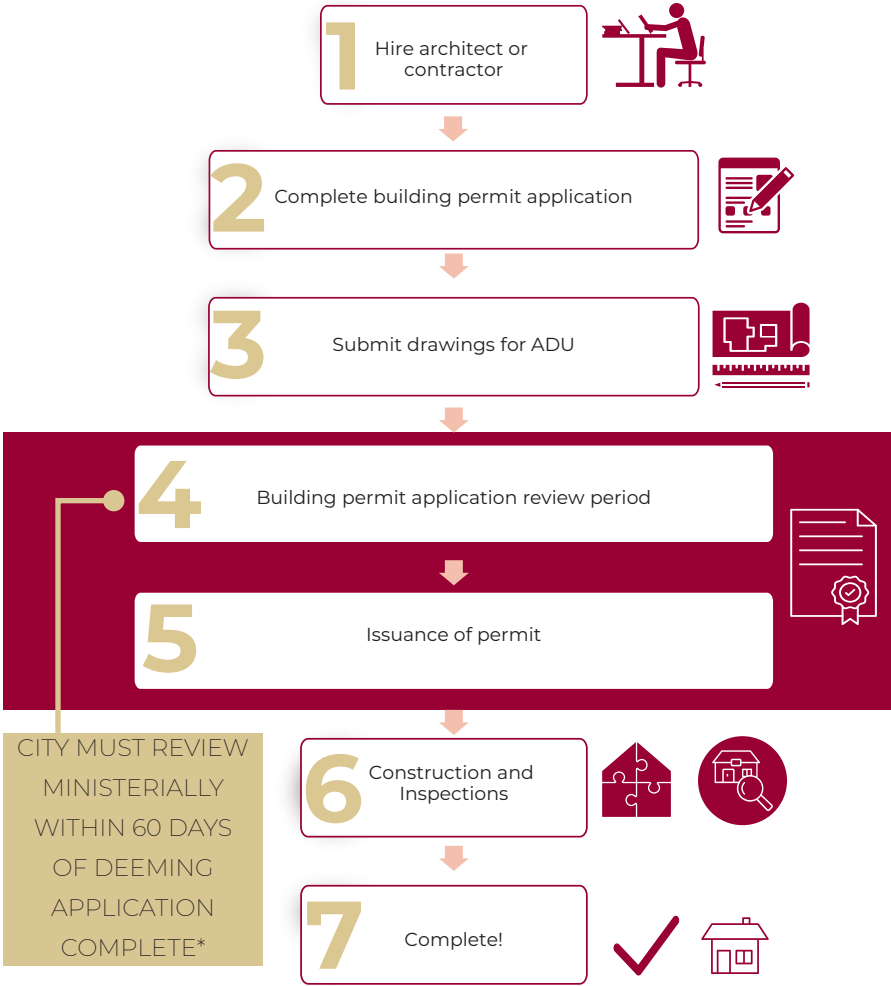


“I have an existing multifamily apartment complex, and I want to expand. How do I add ADUs on my property?”

- Determine how many ADUs you are allowed to provide on your property. At least one is allowed, up to a maximum of 25% of the total principal units that are entitled depending on the specifics of the multifamily structures on the property.
- Determine if existing setbacks allow enough room for ADUs.
- Determine if any existing portions for the multifamily building can be used for ADUs (See Section 17.38.270(C)(1)(b) for more details).
- Follow steps on page 14.

ADU Approval Process

The process to get an ADU built and approved is similar to the Building Permit process for other residential projects. A copy of the building permit application may be downloaded from the city's website at: <https://cityofsoledad.com/business/permit-center/building-permits/> or one may be obtained from City Hall.



*The manner and timeframe of approval is subject to state law (GOV 65852.2(b)).

Building Code Standards

All ADUs are defined as Accessory Structures in the California Residential Code (Section R202). In addition to applicable standards in the California Building Code and California Fire Code, et al (California Code of Regulations, Title 24), ADUs are subject to all provisions therein, and those outlined in Section R337.10.3 of the California Residential Code. A summary of R337.10.3 shows specific standards for an ADU. Generally speaking, **ADUs must be constructed of non-combustible materials** if detached from the primary residential unit.



Zoning

Below is a summary of zoning provisions applicable for ADUs. For full details, please consult the City Municipal Code, Section 17.38.270.

	JADU	Single Family ADU	
ADU Type	Conversion Junior ADU	Conversion ADU†	Attached ADU
Zoning Districts Allowed	Allowed on all lots zoned for residential use.		
Maximum Size	500 square feet	Up to 50% of the primary residence's square footage, not to exceed 1,200 square feet.	Up to 50% of the primary residence's square footage, not to exceed 1,200 square feet.
Maximum Height	N/A	16 feet	16 feet
Rear Setbacks	N/A	N/A	Same as existing setback or primary structure ADU is attached to
Side Setbacks	N/A	N/A	Same as existing setback or primary structure ADU is attached to
Passageway/ Entrance	Separate entrance required.	No passageway or entrance within view of a street is required.	
Maximum Number of Room Types:	ADUs shall have a maximum of one bathroom, one kitchen**, and one living room or dining room.		
Kitchens	Required**	Required	

Zoning Table Notes

†Regulations for a conversion ADU is included under “attached ADUs” in the City’s Zoning Code (Section 17.38.270)

*Fire sprinklers are not required unless required in primary residence.

**A JADU must include an efficiency kitchen, which shall include a cooking facility with appliances, and a food preparation counter and storage cabinets that are of usable size (Section 17.38.270(D) (4)).

***You may have to share a driveway, or other tenants’ parking space with the owner of the property.

	Single Family ADU	Multifamily ADU	
ADU Type	Detached ADU	Conversion ADU†	Detached ADU
Zoning Districts Allowed	Allowed on all lots zoned for residential use.		
Maximum Size	1,200 square feet	Up to 50% of the entire multifamily building's square footage, not to exceed 1,200 square feet.	1,200 square feet
Maximum Height	16 feet	N/A	16 feet
Rear Setbacks	4 feet from lot line	N/A	4 feet from lot line
Side Setbacks	4 feet from lot line	N/A	4 feet from lot line
Passageway/ Entrance	No passageway or entrance within view of a street is required.	No separate entrance required.	
Maximum Number of Room Types:	ADUs shall have a maximum of one bathroom, one kitchen**, and one living room or dining room.		
Kitchens	Required		

	JADU	Single Family ADU	
ADU Type	Conversion Junior ADU	Conversion ADU†	Attached ADU
Bathrooms	May share a bathroom with primary residence Separate bathrooms are required.	Separate bathrooms are required.	
Laundry Connections	Not required.	Required in all ADUs.	
Number of ADUs Allowed on lot	1	1	1
Deed Restrictions	The owner of the property must record a deed restriction to include the requirements listed in Sections 65852.2 and 65858.2.	The owner of the property must record a deed restriction that restricts the sale of the ADU from the existing dwelling unit(s) and prohibits rentals of less than 30 days.	
Owner Occupancy	Required for either single-family dwelling or JADU.	Not allowed to be required for ADUs permitted between January 1, 2020 and January 1, 2025.	
Impact Fees	None.	ADUs Less than 750 SF- None. ADUs Equal to or Greater than 750 SF- Impact fees collected must be proportional to square footage of existing dwelling unit(s).	
Fire Sprinklers	Not required*		
Rental Restrictions	ADUs are not allowed to be rented for less than 30 days.		
Parking	Not required	See page 17 of this handbook.	See page 17 of this handbook.
Utility Connections	Separate metering not required.	Separate metering of utilities is not required. Property owner may be required by the City to conduct and pay for a camera inspection of existing sewer or water pipes on the property to confirm they are in working condition.	

	Single Family ADU	Multifamily ADU	
ADU Type	Detached ADU	Conversion ADU†	Detached ADU
Bathrooms	Separate bathrooms are required.		
Laundry Connections	Required in all ADUs.		
Number of ADUs Allowed on lot	1	At least 1 and no more than 25% of the existing unit count in multifamily building.	2
Deed Restrictions	The owner of the property must record a deed restriction that restricts the sale of the ADU from the existing dwelling unit(s) and prohibits rentals of less than 30 days.		
Owner Occupancy	Not allowed to be required for ADUs permitted between January 1, 2020 and January 1, 2025.		
Impact Fees	ADUs Less than 750 SF- None. ADUs Equal to or Greater than 750 SF- Impact fees collected must be proportional to square footage of existing dwelling unit(s).		
Fire Sprinklers	Not required*	Required	
Rental Restrictions	ADUs are not allowed to be rented for less than 30 days.		
Parking	See page 17 of this handbook.	Not required***	
Utility Connections	N/A	Separate metering not required.	

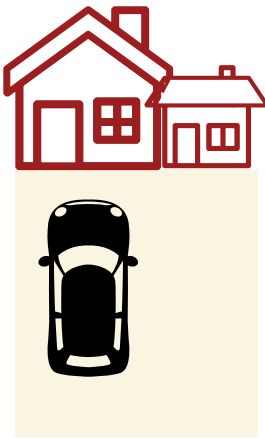
Parking

How much space do I need to provide for parking?

Many lots already accommodate parking spaces in a garage, carport, or driveway. When you add an ADU, you may need to fit one extra off-street parking space on your lot. If an additional space is required, the space may be covered or uncovered.

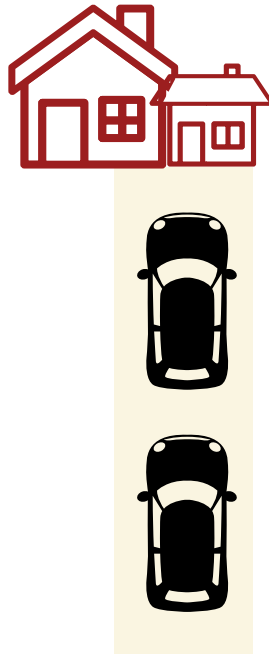
Situation 1:

Provide off-street parking for the ADU if there is room in the existing driveway (or somewhere else within setbacks on the parcel if approved by the City).

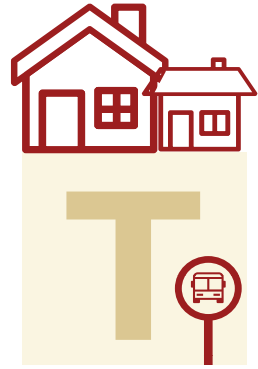


Situation 2:

Provide tandem parking in the existing driveway.



You may not have to provide additional off-street parking for an ADU if:



- You are building a JADU. (Section 17.38.270(D)(5) & Section 17.38.270(12)(c)(iii)).
- You are converting or demolishing a garage, carport, or covered parking structure to provide your ADU. (Section 17.38.270(12)(B)).
- The ADU is located within ½-mile walking distance of public transit. (Section 17.38.270(12)(c)(i)).
- The ADU is located where there is a historic resource designated. (Section 17.38.270(12)(c)(ii)).
- On-street parking permits are required but not available to the occupant of the ADU or JADU. (Section 17.38.270(12)(c)(iv)).
- There is a car-share vehicle located within one block of the ADU. (Section 17.38.270(12)(c)(v)).



RULES OF OPERATION

Information for Renters of ADUs

Most people build ADUs to rent them out to family members, friends, or general tenants. If you are considering renting an ADU, recent state law has created rules around this. In general, renting an ADU is similar to renting any other apartment or house, but you might experience some differences:

- Depending on the type of ADU in a multifamily building, you may or may not have off-street parking.
- In an ADU in a multifamily building, you may share an entrance with the owner of the property or other tenants.
- You may have to share a driveway with the owner of the property or other tenants.
- You must be provided with your own kitchen facilities and counter space with cupboards and cabinets, separate from the owner's house.
- Your ADU rental must be able to pass all building inspections.
- Your landlord must provide at least a bathroom and a kitchen in the ADU - no shared facilities (exceptions apply for JADUs).

RULES OF OPERATION

Information for Owners of ADUs

There are specific rules when you build, own, and operate an ADU. Typically, people build ADUs to rent out to family members, friends, or tenants to generate revenue from rental. Recent state legislation provides guidelines and regulations for how ADUs can be operated and transferred.

- Per state law, owners renting an ADU on their property cannot be required to occupy the primary residence unless the ADU is a JADU (this law is in effect until the year 2025).
- Owners may not sell ADUs separately or subdivide lot upon transfer of ownership, except in certain limited circumstances (See Section 17.38.270(E)(10) for further details).
- The owner has a right to request a delay in enforcement of any notice to correct issued by a city building official, subject to certain findings (See Section 17.38.270(G)(2) for further details).

Further questions about ADU ownership can be directed to the City Community and Economic Development Department.

FINANCING RESOURCES

There are many ways to finance the construction of an ADU. Conventional methods to finance the construction of an ADU on a property for homeowners include:

- Home Equity Line of Credit
- Cashout Refinance
- Renovation Loans

In addition to these methods, many private and public loan programs exist specifically for the construction of ADUs. The table below lists various funding resources, loan programs, and builders that owners in Soledad may contact to construct an ADU on their property. The list below also includes, but is not limited to, programs that are specifically for affordable housing development.

Funding Source	Description
Acton ADU https://actonadu.com/	Acton ADU provides design and financing resources for homeowners seeking to finance an ADU. Acton ADU works as a “one-stop shop” for building ADUs and their services include help with securing financing for the ADU.
CalHOME Program https://www.hcd.ca.gov/grants-funding/active-no-funding/calhome.shtml	CalHOME is a state program that makes grants to local public agencies and nonprofit corporations to assist first-time homebuyers become or remain homeowners through deferred-payment loans. Funds can also be used to assist in the development of multiple-unit ownership projects.
California Modulares https://californiamodulares.com/	California Modulares is a custom modular ADU builder in the San Francisco Bay Area. They provide “one-stop-shop” services, including financing.

Funding Source	Description
<p>Habitat for Humanity Monterey Bay My House My Home Aging-in-Place Program</p> <p>https://www.habitatmontereybay.com/myhousemyhome</p>	<p>The My House My Home Program is a partnership between senior homeowners and Habitat for Humanity Monterey Bay to build or renovate ADUs on the existing properties of senior homeowners.</p>
<p>HomeReady Mortgage</p> <p>https://singlefamily.fanniemae.com/originating-underwriting/mortgage-products/homeready-mortgage</p>	<p>A HomeReady Mortgage is a federal Fannie Mae first-time home buyer loan program with minimum down payment requirements. When a borrower purchasing a single-unit primary residence with a 3% minimum down payment and an ADU is present, 75% of the potential rents from the ADU can be used to qualify.</p>
<p>Housing Trust Silicon Valley</p> <p>https://housingtrustsv.org/</p>	<p>The Small Homes, Big Impact program is a regional program that provides a financial assistance, which consists of a three-year construction loan made by the Housing Trust. This program is available to homeowners seeking to build an ADU.</p>
<p>HPP Cares Community Development Corporation</p> <p>https://www.mortgagereadyhppcares.org/</p>	<p>HPP Cares is a statewide organization that provides free ADU evaluations and consulting services to determine further resources available for building an ADU.</p>
<p>Unison</p> <p>https://www.unison.com/</p>	<p>The Unison Homeowner program is a statewide program can provide up to 17.5% of the value of a home by unlocking home equity, which then allows homeowners to keep the value added to the home by adding an ADU.</p>

FREQUENTLY ASKED QUESTIONS

■ How can I convert my garage into an ADU?

- » An existing garage can be converted into an ADU by making the garage space livable in accordance with applicable California Building Code standards, or by creating a unit on top of the garage. At baseline, a garage conversion ADU must include insulation, roofing, fireproofing, installation of fixtures, windows, and fire sprinklers where applicable. Please consult a certified ICC Building Professional to determine the requirements for building out an ADU in a garage.

Before:



Source: Best Practice Architecture.

After:



■ **What qualifies as an ADU?**

- » An ADU has to be on the existing lot where there is an existing or proposed primary single-family or multifamily residence. It must be on a permanent foundation and have at least a kitchen facility, bathroom, and living room/bedroom that is separate from the primary dwelling unit.

■ **What are the size limits of ADUs?**

- » In the City of Soledad, detached ADUs cannot exceed 1,200 square feet. Attached ADUs may be expanded up to 50% of the primary residence's living area, but cannot exceed 1,200 square feet. Junior ADUs cannot exceed 500 square feet and are subject to some different regulations.

■ **What setbacks are required for an ADU?**

- » Setbacks requirements vary mainly based on whether an ADU is built entirely within an existing building or if a new structure or new square footage is part of the ADU project. Detached ADUs have a maximum setback of 4 feet from the side and rear property lines.

■ **How many bedrooms can my ADU have?**

- » An ADU may have up to the maximum number of bedrooms that will fit within the square footage, as allowed by the building code. ADUs may be a maximum of 1,200 square feet in size. Junior ADUS may be a maximum of 500 square feet in size.

■ **What is a Junior ADU (JADU)?**

- » A Junior ADU is an ADU that is built inside an existing dwelling unit, and less than 500 square feet. Section 17.38.270(B)

■ **Where can ADUs be built?**

- » ADUs can be built by-right in any zone that allows residential uses. This is subject to different rules and requirements depending on the zone.

■ **Can I legalize an unpermitted ADU on my lot?**

- » Yes! We encourage you to do so. Please contact the building department for more information about requirements for getting an unpermitted ADU legalized.

■ **Do I have to live on my property to operate an ADU?**

- » It depends on the type of ADU. If you are building a Junior ADU, then yes. Otherwise, you don't have to live on your property to own and operate an ADU.

■ **Can I sell my ADU?**

- » No, you cannot privately sell an ADU on your lot with a single-family home. There are some very strict exemptions that apply for multifamily ADUs.

CONTACT INFORMATION

For more information or clarification on ADUs, please contact:

The City of Soledad Community & Economic Development
Department, Planning Division
248 Main Street, Soledad, California 93960
planning@cityofsoledad.com
831-223-5020

