

## Title 18. Zoning

### Article I. General

## Chapter 18.12. SPECIAL DEVELOPMENT STANDARDS

### § 18.12.150. Accessory dwelling units.

- A. Purpose. This chapter establishes standards for accessory dwelling units (ADUs) in conformance with California **Government Code** Section 65852.2 and junior accessory dwelling units (JADUs) in conformance with California **Government Code** Section 65852.22. These standards are intended to allow for ADUs and JADUs as important forms of affordable housing, while preserving the character and integrity of La Habra's residential uses and neighborhoods.
- B. Permits Required.
1. Zoning Clearance. ADUs consistent with the requirements of this section are allowed by-right with a building permit.
  2. Public Utilities. All ADUs and JADUs must be connected to public utilities or their equivalent, including water, electric, and sewer services.
  3. Zones of Insufficient Water and Sewer Service. Unless prohibited by law, new ADUs are prohibited if the city engineer determines the surrounding residential neighborhood has insufficient water or sewer service. The city engineer shall maintain a map showing the known areas in the city with insufficient water or sewer service. Such map shall be promptly made available to the public upon request. The city engineer shall update the map periodically.
  4. Recorded Covenants. The owner of any new ADU or new JADU shall record against the property a covenant in a form that meets the approval of the city attorney and which establishes the following:
    - a. The ADU/JADU shall not be sold separately from the single-unit residence;
    - b. The ADU/JADU is restricted to the maximum size allowed per the standards set forth in this section;
    - c. The restrictions shall be binding upon any successor in ownership of the property, and lack of compliance shall result in legal action against the property owner for noncompliance with the requirements for an ADU/JADU; and
    - d. Prohibit renting the ADU/JADU for periods less than thirty-one days.
- C. Where Allowed. An ADU is permitted on any lot where single-unit or multi-unit dwellings are a permitted use. An ADU is also allowed on a lot where a single-unit or multi-unit dwellings or a conditionally permitted use, provided that the lot will contain either a single-unit or multi-unit dwelling. One or more ADUs is also allowed on any lot with an existing legal non-conforming singlefamily or multi-unit lot in a residential or mixed-use zone if authorized by **Government Code** Section 65852.2(e).
- D. Number of ADUs.

1. Single-Family Dwelling. On a lot with an existing or proposed single-unit dwelling within a residential or mixed-use zone, the following maximum number of ADUs are allowed:
    - a. One attached or detached ADU; and
    - b. One JADU pursuant to California **Government Code** Section 65852.22.
  2. Multifamily Dwelling.
    - a. On a lot with an existing multi-unit dwelling structure in a residential or mixed-use zone, the following maximum number of dwelling units are allowed:
      - i. Not more than two detached ADUs; or
      - ii. One or more ADUs, within a portion of the existing structure that is not used as habitable space for a total of up to twenty-five percent of the existing units on-site. For example, existing garage, storage room, boiler room, passageway, attic, or basement areas within the multi-unit dwelling that are not used as habitable space may be converted to an ADU; or
      - iii. One ADU described in subsection (i), immediately above and one ADU described in subsection (ii), immediately above.
    - b. On a lot without an existing multi-unit dwelling structure, but which is proposed to have one or more such structures, up to two new detached ADUs may be constructed, provided that each ADU does not exceed sixteen feet in height, does not have more than eight hundred square feet in floor area, and complies with all applicable setbacks (including side and rear setbacks of at least four feet). Although such ADUs must be detached from the multi-unit dwelling structure(s), the ADUs need not be detached from each other.
- E. ADUs as Transient Lodging. ADUs and JADUs may not be rented for periods of less than thirty-one days.
- F. Site and Design Standards.
1. General Standards.
    - a. ADUs and JADUs are not included in density calculations, are considered residential uses, and may count as a dwelling unit for purposes of identifying adequate sites for housing.
    - b. ADUs and JADUs must satisfy the requirements of Title 15 of the Municipal Code ("Buildings and Construction") and any other applicable provisions of the **California Building Standards Code**. However, fire sprinklers shall not be required if they are not required for the primary residence.
    - c. The floor area of an ADU and JADU (either attached or detached) may not be less than the floor area required for an efficiency dwelling unit as provided by California **Health and Safety Code** Section 17958.1 (which amount is often a minimum of two hundred twenty square feet).
    - d. The exterior materials, colors, roof pitch and architecture of an ADU and JADU shall be similar to and compatible with those of the primary unit.
  2. Height, FAR, and Site Coverage.
    - a. ADUs are subject to the same height standards that apply to primary dwellings on the lot in the applicable zoning district.
    - b. Provided an ADU complies with the height and ADU setback standards for the zoning district in which it is located, FAR and site coverage standards do not apply to an ADU that is proposed to be less than eight hundred square feet.
  3. Relationship to Residential Structures.

- a. An ADU may be within, attached to, or detached from a single-unit or multi-unit residential structure.
- b. An ADU or JADU unit must have kitchen and bathroom facilities that are separate from the primary dwelling, except as allowed by subsection (F)(3)(c) of this section.
- c. A JADU may have an efficiency kitchen as defined in California Government Code Section 65852.22 (a) (6). Bathroom facilities, but not the efficiency kitchen, may be shared with the primary dwelling.
- d. An ADU may be constructed above an existing lawfully constructed structure.

4. Maximum Unit Size.

- a. JADU. The floor area of a JADU shall not exceed the maximum of five hundred square feet as allowed by California **Government Code** Section 65852.22 and shall be created within the walls of an existing primary dwelling.
- b. ADU.
  - i. Existing accessory structure one thousand fifty square feet or less. When an existing accessory structure with a floor area one thousand fifty square feet or less is converted to an ADU, the floor area may be increased up to a maximum of one thousand two hundred square feet.
  - ii. Existing accessory structure greater than one thousand fifty square feet. The physical dimensions of an existing accessory structure with a floor area greater than one thousand fifty square feet may be increased by not more than one hundred fifty square feet, but only for the purpose of providing ingress or egress.
  - iii. New construction. The floor area of a new detached ADU may not exceed one thousand two hundred square feet. The floor areas of a new attached ADU may not exceed eight hundred fifty square feet for ADUs with zero to one bedrooms, or one thousand square feet for ADUs of two or more bedrooms.
- c. Existing home designated as ADU. If a lot contains an existing single-unit dwelling less than one thousand two hundred square feet in size, the existing single-unit dwelling may be designated as an ADU as part of a project to construct a new single-unit home on the lot.

5. Setbacks.

- a. Residential zones.
  - i. Front setback: Per the base zoning standard.
  - ii. Side setback: Four feet.
  - iii. Streetside setback (corner lot): Ten feet.
  - iv. Rear setback: Four feet.
  - v. Building separation: Detached ADUs must be at least ten feet from any other building on the lot.
- b. Mixed use zones. ADUs are subject to the setbacks as provided in the base zoning standard.
- c. Conversion of existing accessory structure. No additional setbacks are required for an existing lawfully constructed structure that is converted to an ADU.
- d. Second story. No additional setbacks are required when constructing an ADU above an existing lawfully constructed structure.

6. Parking.

- a. In addition to the required parking for the primary unit(s), one parking space shall be provided for an ADU unless the ADU has no bedrooms (e.g., a studio), in which case no parking space is required. The required parking space may be provided as:
    - i. Tandem parking on an existing driveway in a manner that does not encroach onto a public sidewalk and otherwise complies with city parking requirements; or
    - ii. Within a setback area or as tandem parking unless the director determines that parking in the setback or tandem parking is not feasible based upon specified site or regional topographical or fire and life safety conditions.
  - b. Notwithstanding the foregoing, no parking space shall be required for an ADU if:
    - i. It is located within one-half mile walking distance of public transit such as a bus stop, bus station, train station, etc.;
    - ii. It is located within an architecturally and historically significant district;
    - iii. It is part of a proposed or existing primary residence or accessory structure;
    - iv. When on-street parking permits are required but not offered to the occupant of the ADU;  
or
    - v. Where there is a car share vehicle located within one block of the ADU.
  - c. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted into an ADU, those off-street parking spaces need not be replaced.
7. Nonconformities. ADUs and JADUs approved under this chapter shall not be required to correct lawfully constructed physical improvements that do not conform with current zoning standards.
- G. Exception. Notwithstanding any other provision of this section to the contrary, an ADU or JADU may be constructed if required by **Government Code** Section 65852.2 or 65852.22 as either section may be amended from time to time.  
(Ord. 1719 § 1, 2010; Ord. 1777 § 3, 2017; Ord. 1792 § 2, 2018; Ord. 1813 § 4, 2019; Ord. 1835 § 3, 2021; Ord. 1853, 12/18/2023)