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## Accessory Dwelling Units Informational Handout & Frequently Asked Questions (FAQs)

On January 1, 2020, three new State laws (AB 881, SB 13 and AB 68) that establish statewide regulations for the placement and construction of Accessory Dwelling Units became effective. The Town of Atherton has adopted an updated Accessory Dwelling Unit (ADU) Ordinance which became effective October 21, 2020 to be consistent with these laws. This handout serves as an informational tool to assist homeowners and applicants in understanding and implementing the required development standards set forth in the Town's ADU Ordinance ([AMC 17.52](#)).

### DEFINITIONS:

- **Accessory Dwelling Unit:** or "ADU" means a building or portion of a building designed for use and occupancy by people living independently of the occupants of the main residence building and containing separate kitchen, bath, sleeping, or living facilities.
  - **Attached Accessory Dwelling Unit:** means an accessory dwelling unit that is structurally attached to the main residence but which has independent, direct access from the exterior.
  - **Detached Accessory Dwelling Unit:** means an accessory dwelling unit that is not structurally attached to the main residence.
- **Junior Accessory Dwelling Unit:** or "JADU" means a unit that is no more than five hundred square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit shall include an efficiency kitchen, which shall include all of the following: a cooking facility with appliances, a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.

### DEVELOPMENT STANDARDS:

#### Zoning:

Accessory Dwelling Units and Junior Accessory Dwelling Units are allowed in all residential zoning districts including the R1-A, and R1-B residential zoning districts.

**Calculating Floor Area:**

Detached ADUs		
Maximum allowed square footage	Floor area exemption for detached ADUs built up to the 4-foot setback	Floor area exemption for detached ADUs utilizing a setback consistent with Accessory Buildings (AMC 17.40.040)
1200 SF	Up to 800 SF (any additional square footage in excess of the 800 SF counts toward the maximum allowed floor area for the site)	1,200 SF
Attached ADUs		
Maximum allowed square footage	Floor area exemption for attached ADUs built up to the 4-foot setback	Floor area exemption attached ADUs located in the main buildable area and encroaching no more than 20% of the required main building setback
1200 SF	Up to 800 SF (additional square footage in excess of the 800 SF counts toward the maximum allowed floor area for the site)	1,200 SF
JADUs		
Maximum allowed square footage	Floor Area Exemption	
500 SF	500 SF	

## Determining Setbacks:

Setbacks for ADUs are summarized in the below tables:

Detached ADU Setbacks	
Front Setback	120' from the front property line or 30 feet from the main residence whichever is less.
Side Setback*	4'
Rear Setback*	4'
Setback from Main Building	8'

\*Detached ADUs that propose side **and** rear yard setbacks that meet the minimum setbacks for detached Accessory Buildings/Structures are allowed additional floor area exemptions. See Section 17.52.040.5.B. of ADU Ordinance.

Attached ADU Setbacks	
Front Setback	Consistent with the main building setback
Side Setback*	4'
Rear Setback*	4'

\*Attached ADUs that propose side **and** rear yard setbacks that meet the minimum setbacks for main building with up to a 20% encroachment into these required setbacks are allowed additional floor area exemptions. See Section 17.52.040.5.B. of ADU Ordinance.

No setback requirement shall apply to any ADU or JADU constructed in an existing living area, a converted existing accessory structure or building, or for a new ADU or JADU constructed in the same location and built to the same dimensions as an existing structure.

**Height:**

ADU height requirements are summarized in the below table. AMC 17.42 “Building Height and Measurement” describes how to measure building height. AMC 17.60 “Definitions” defines the terms “sidewall” and “endwall”.

<b>ADU Height Requirements</b>					
<b>Detached ADU</b>		<b>Attached ADU (R1-A)</b>		<b>Attached ADU (R1-B)</b>	
		Sidewall Height	22'	Sidewall Height	18'
Maximum Height	16'	Maximum Height	30'	Maximum Height	28'

## FREQUENTLY ASKED QUESTIONS (FAQs)

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### **Can you have a JADU and an ADU on the same parcel?**

Yes, every parcel in all residential zoning districts is allowed up to 1 ADU and 1 JADU.

### **Can an ADU be constructed in a tree protection zone (TPZ)?**

In all instances, the location of any newly constructed ADU or JADU shall meet the minimum requirements in accordance with Chapter [8.10](#), Removal of and Damage to Heritage Trees, for any existing heritage trees, including minimum TPZ standards. It is recommended you consult with the Town Arborist to assure that any required TPZ standards are being met when evaluating placement of an ADU.

### **Does an ADU require to have its own address?**

Yes, the Building Department requires that the ADU has its own address, separate from the main residence.

### **What is the difference between an ADU and a guest house or a pool house?**

- An ADU may be occupied for more than 30-days, must have its own address, may have the option to have separate utilities, and must have it's own kitchen, bathroom and living space. ADU's are primarily subject to standards set forth in AMC 17.52 and AMC 17.40.
- A guest house or pool house can not be occupied for more than 30 days, must share utilities with the main residence, is not required to have any combination of kitchen, bathroom or living space. Guest houses and pool houses are considered accessory buildings and subject primarily to the development standards of AMC 17.40.

### **Can you exempt the floor area for both an ADU and a JADU?**

Yes, you can exempt allowable floor area for an ADU **and** a JADU on the same parcel.

### **If a JADU and/ or ADU is proposed in a basement can you use the exempt floor area elsewhere on site?**

No, the exempt floor area allowed for an ADU or JADU must be utilized only for the purpose of allowing construction of an ADU and JADU and may not be "pooled" to be utilized for additional floor area elsewhere on the parcel.

### **Is the exempt floor area of a JADU and/or Attached ADU located on the second floor of the main dwelling exempt from the allowed second floor area limitations in the R1A Zoning District?**

Yes, the exempt floor area of a JADU or an attached ADU does not count toward the maximum allowed floor area allotted for the second floor (7.5% of the lot area).

### **Can you propose a two-story ADU or an ADU on the second level of a building?**

Attached ADUs are subject to the development standards of the main building and may be constructed above the first floor.

Detached ADUs are subject to the development standards for an accessory building as defined by AMC 17.40 AMC which does not allow any use above the first floor.

**What is required to be considered a kitchen for an ADU?**

“Kitchen” means any room or area intended or designed to be used or maintained for the cooking, storing, and preparation of food and includes facilities for cleaning, preparation, and storage of food and cooking and eating utensils”

At a minimum it would need a sink (*cleaning*), a refrigerator (*storing*), and some type of oven unit (*cooking*).

**Does an attached ADU need to have internal connectivity to the main residence?**

An attached ADU is considered attached to the main residence if it is structurally integrated into the main building, however, does not need to have internal access from the main residence.

**My attached ADU is proposed to be connected to my pool house as one detached accessory building. Can the entire detached accessory building apply the ADU development standards?**

No, only the portion of the detached accessory building dedicated for use of the ADU can apply the ADU development standards.