



## **Accessory Dwelling Units (ADUs)**

See City of Fullerton Website for Ordinance 3247, found at:

[https://www.cityoffullerton.com/gov/departments/dev\\_serv/accessory\\_dwelling\\_unit\\_ordinance.asp](https://www.cityoffullerton.com/gov/departments/dev_serv/accessory_dwelling_unit_ordinance.asp)

### **Background**

In 2016, the State of California adopted legislation pertaining to accessory dwelling units (ADUs). The City updated its zoning ordinance to be consistent with the new State law. The City Council adopted Ordinance 3247, effective August 17, 2017, to implement the State legislation. The purpose of this handout is to provide guidance to homeowners interested in creating new ADUs on their properties and to answer frequently asked questions.

### **What is an ADU?**

An ADU is a living unit that provides complete independent living accommodations, including areas and facilities for living, sleeping, eating, cooking, and sanitation, on the same parcel as a legally established single-family dwelling. An ADU may have no more than two bedrooms.

### **Where are ADUs allowed in Fullerton?**

An ADU is permitted in single and multiple family residential zones, on properties where there is one existing single family residence. Only one ADU or one Junior ADU is allowed on a property.

### **Do I need a permit for a new ADU?**

Yes, in all cases a building permit is required. In some circumstances, such as when an ADU changes the street facing elevation of the primary residence or is located within a Residential Preservation zone, the property owner may first need to obtain approval of a Minor Site Plan per Chapter 15.47 of the Fullerton Municipal Code (FMC) or Design Review application per FMC Chapter 15.46. Property owners interested in constructing an ADU on their property are encouraged to talk to Planning Division staff prior to preparing construction documents, to discuss your concept and verify what permits will be needed.

### **Can an ADU be rented?**

Yes. The property owner must live on the property in either the primary residence or the ADU, and the other unit may be rented for a period of more than 30 days. The City requires recordation of a deed restriction that acknowledges the owner occupancy provision, which will run with the land and be binding upon future property owners.

### **Can an ADU be sold separately from the primary residence?**

No.

### **Can I convert my garage to an ADU?**

Yes, provided the garage was legally constructed with building permits and the structure can be upgraded to meet the building code requirements for a living unit. When an existing garage or other accessory structure is converted to an accessory dwelling unit, no additional building setback is required. A building permit must be obtained to convert the garage, the garage door removed and the exterior made architecturally compatible with the primary residence. No additional parking is required for the ADU; however parking spaces for the existing home must be replaced.

**Can I add a second story to my garage to create an ADU?**

Yes, provided the garage was legally constructed with building permits and the structure can be upgraded to meet the building code requirements for a second story and a living unit. An accessory dwelling unit constructed above an existing garage shall have a minimum setback of five feet from side and rear property lines, and the owner shall obtain building permits for the conversion.

**Can I convert an existing accessory structure on my property (such as a pool house or recreation room) to an ADU?**

Yes, subject to the same conditions applicable to a garage conversion as noted above.

**Is a separate utility connection required for an ADU?**

A separate connection between the ADU and the utility is not required for an ADU contained within the existing space of the primary dwelling or accessory structure.

A separate utility connection may be required for an ADU that is detached from or attached to an existing structure on the property, depending on site specific characteristics.

**Are fire sprinklers required for an ADU?**

While fire sprinklers are not required for the ADU if they are/were not required for the primary residence, they are highly recommended for safety purposes. If the existing residence has fire sprinklers, then the ADU must also have sprinklers.

**Is parking required for an ADU?**

One parking space is required for a studio or one-bedroom ADU, two parking spaces are required for a two-bedroom ADU. ADU parking is in addition to the parking required for the primary dwelling, except that parking is not required for the ADU under the following circumstances:

1. Property is located within one-half mile of either:
  - a) The intersection of two transit lines that provide service at 15 minute intervals during peak commute times, or
  - b) The Fullerton Transportation Center.
2. Property is within a designated Landmark District.
3. The accessory dwelling unit is created out of existing floor area within the existing primary residence or an existing 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 (such as Zipcar) located within one block of the accessory dwelling unit.
6. Property owner shall provide evidence with the application for any parking exception which may apply.
7. When parking is required for the ADU, the ADU parking spaces may be located in any configuration on the property, including but not limited to, covered spaces, uncovered spaces or tandem spaces. Tandem spaces shall not affect parking for the primary dwelling.

*The development standards that apply to ADUs are found in Ordinance 3247 on the City's website at <https://docs.cityoffullerton.com/weblink/1/doc/645377/Page1.aspx> and are summarized in the following table:*



	Attached or Detached ADU <sup>1</sup>	ADU created out of existing space <sup>2</sup>	Junior ADU
Permitted zoning districts	R-1/R-1P, R-2/R-2P, RG, R-3R, R-3/R-3P, R-4, R-5	R-1/R-1P, R-2/R-2P, RG, R-3R, R-3/R-3P, R-4, R-5	R-1/R-1P, R-2/R-2P, RG, R-3R, R-3/R-3P, R-4, R-5
Building setbacks	Comply with minimum yard standards per underlying zone  ADU above existing garage – minimum 5’ from side & rear property lines	Sufficient for fire safety (typically 5’ minimum)  Garage converted to ADU - no setback required  ADU above existing garage - minimum 5’ side & rear	Sufficient for fire safety (typically 5’ minimum)
Maximum building height	Comply with standards per underlying zone	Comply with standards per underlying zone	Comply with standards per underlying zone
Floor Area Ratio (FAR)	Comply with standards per underlying zone	Comply with standards per underlying zone	Comply with standards per underlying zone
Lot coverage	Comply with standards per underlying zone	Comply with standards per underlying zone	Comply with standards per underlying zone
Number of bedrooms	Studio, one or two	Studio, one or two	Must include an existing bedroom; maximum 2
Maximum floor area	<u>Detached</u> : 1,200 sq. ft. <u>Attached</u> : 50% of area of primary residence, up to 1,200 sq. ft.	50% of area of primary residence, up to 1,200 sq. ft.	500 sq. ft.
Parking for ADU <sup>3</sup>	1 space for studio or 1-bedroom  2 spaces for 2-bedroom  No parking required in specified circumstances <sup>4</sup>	No parking required  If required parking for primary residence displaced by ADU then parking must be replaced on site	No parking required for Junior ADU
Entryways <sup>5</sup>	Independent exterior entryway required  Attached ADU may also provide interior entry to the main residence	Independent exterior entryway required  Interior entry to the main residence permitted	Independent exterior entryway required  Interior entry to the main residence permitted
Owner occupancy <sup>6</sup>	Required	Required	Required

<sup>1</sup> ADU may be attached to the primary residence or an existing legally established (constructed with building permits) accessory building

<sup>2</sup> Existing residence or accessory structure, provided that the existing structure was legally established with building permits and the structure can be upgraded to meet building code requirements for a living unit



<sup>3</sup> When parking is required for the ADU, the ADU parking spaces may be located in any configuration on the property, including but not limited to, covered spaces, uncovered spaces or tandem spaces. Tandem parking for the ADU shall not affect parking for the primary dwelling.

<sup>4</sup> ADU parking is not required under the following circumstances:

- a) Property is located within one-half mile of either
  - i. The intersection of two transit lines that provide service at 15 minute intervals during peak commute times, or
  - ii. The Fullerton Transportation Center.
- b) Property is within a designated Landmark District.
- c) The accessory dwelling unit is created out of existing floor area within 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 (such as Zipcar) located within one block of the accessory dwelling unit.
- f) Property owner shall provide evidence with the application for any exception which may apply.

<sup>5</sup> ADU must have a separate entrance from primary residence

<sup>6</sup> Owner must reside on the property in either the primary residence or the ADU and a deed restriction must be recorded that is binding upon future property owners

