

Section 155.316 – ACCESSORY DWELLING UNITS

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155.316.010 – Purpose

This section establishes standards for accessory dwelling units in conformance with Government Code Section 65852.2 and Junior Accessory Dwelling Units in conformance with Government Code Section 65852.22. These standards are intended to allow for accessory dwelling units as an important form of affordable housing, while preserving the character and integrity of Eureka’s residential uses and neighborhoods. See 155.304.130 (Tiny Houses on Wheels) for regulations to use a Tiny House on Wheels as an Accessory Dwelling Unit.

155.316.020 – Permits Required

- A. **Zoning Clearance.** Accessory dwelling units consistent with the requirements of this section are allowed by-right with a Zoning Clearance.
- B. **Time Limit to Act.** The City shall complete its review of an accessory dwelling unit application requiring a Zoning Clearance and approve or deny the application within 60 days after receiving the application.

155.316.030 – Where Allowed

An accessory dwelling unit is permitted on any lot where single- or multi-family dwellings are a permitted use.

155.316.040 - Number of Accessory Dwelling Units.

A. Single Family Dwelling.

1. On a lot with an existing or proposed single-family dwelling, the following maximum number of accessory dwelling units are allowed:
 - a. One attached or detached accessory dwelling unit; and
 - b. One junior accessory dwelling unit pursuant to Government Code 65852.22.

B. Multi-family Dwelling.

1. On a lot with an existing multi-family dwelling, the following maximum number of dwelling units are allowed:
 - a. Not more than two detached accessory dwelling units; and
 - b. One or more accessory dwelling units, within a portion of the existing structure that is not used as habitable space. For example, existing garage, storage room, boiler room, passageway, attic, or basement areas that are not used as habitable space may be converted to an accessory dwelling unit.

155.316.050 - Accessory Dwelling Units as Short-term Rentals.

An accessory dwelling unit or junior accessory dwelling unit in a residential or mixed-use zoning district may not be converted to, or utilized as, a short-term, transient, vacation rental or commercial lodging if the accessory dwelling unit or junior accessory dwelling unit was granted a certificate of occupancy after January 1, 2020.

155.316.060 – Site and Design Standards

A. General Standards.

1. Accessory dwelling units 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.
2. Accessory dwelling units may be rented, but not sold, except as provided by California Government Code 65852.26.
3. Accessory dwelling units must comply with the state building standards for dwellings as determined by the Building Official.
4. The floor area of an accessory dwelling unit (either attached or detached) may not be less than the floor area required for an efficiency dwelling unit.

B. Height, FAR, and Site Coverage.

1. Accessory dwelling units are subject to the same height standards that apply to primary dwellings on the lot in the applicable zoning district.
2. Provided an accessory dwelling unit complies with the height and accessory dwelling unit setback standards for the zoning district in which it is located, FAR and site coverage standards do not apply to the accessory dwelling unit.

C. Relationship to Residential Structures.

1. An accessory dwelling unit may be within, attached to, or detached from a single- or multi-family residential structure.

2. An accessory dwelling unit or junior accessory dwelling unit must have kitchen and bathroom facilities that are separate from the primary dwelling, except as allowed by Paragraph (3) of this division.
3. A junior accessory dwelling unit may have an efficiency kitchen as defined in Government Code Section 65852.22 (a) (6). Bathroom facilities, but not the efficiency kitchen, may be shared with the primary dwelling.

D. Maximum Unit Size.

1. **Junior Accessory Dwelling Unit.** The floor area of a junior accessory dwelling unit may not exceed the maximum allowed by Government Code Section 65852.22. See 155.112.050.B (Floor Area Calculation for Junior Accessory Dwelling Unit) for rules of measurement.
2. **Accessory Dwelling Unit.**
 - a. **Existing accessory structure 1,050 square feet or less.** When an existing accessory structure with a floor area 1,050 square feet or less is converted to an accessory dwelling unit, the floor area may be increased up to a maximum of 1,200 square feet.
 - b. **Existing accessory structure greater than 1,050 square feet.** The physical dimensions of an existing accessory structure with a floor area greater than 1,050 square feet may be increased by not more than 150 square feet, but only for the purpose of providing ingress or egress.
 - c. **New construction.** The floor area of a new accessory dwelling unit (either attached or detached) may not exceed 1,200 square feet.

E. Existing Home Designated as Accessory Unit. If a lot contains an existing single-family home less than 1,200 square feet, the existing home may be designated as an accessory dwelling unit as part of a project to construct a new single-family home on the lot.

F. Setbacks.

1. **Residential Zones.** Accessory dwelling units are subject to setbacks as provided in 155.204 Table 204-2 and Table 204-3.
2. **Mixed Use Zones.** Accessory dwelling units are subject to the setbacks as provided in 155.208 Table 208-2.
3. **Second Floor or Conversion.** No additional setbacks are required for an existing structure that is converted to an accessory dwelling unit, or for an accessory dwelling unit constructed above an existing structure.

G. Parking.

1. On-site parking is not required for accessory dwelling units.

2. When an existing covered parking space is eliminated in conjunction with the creation of an accessory dwelling unit, replacement parking is not required for the eliminated parking space.

H. Historic Review.

New construction of an accessory dwelling unit, or exterior alterations or additions to add an accessory dwelling unit to an existing structure on a property listed on the Local Register of Historic Places shall comply with Eureka Municipal Code Chapter 157.

I. Nonconformities.

New construction, exterior alterations or additions for an accessory dwelling unit are not subject to the provisions required by 155.424 (Nonconformities).