

City of Sacramento Planning and Development Code

17.228.105 Accessory dwelling units.

A. General requirements.

1. The lot on which an accessory dwelling unit is located shall be improved with a single-unit, duplex, or multi-unit dwelling prior to or at the same time as the construction of the accessory dwelling unit.
2. A maximum of two accessory dwelling units are permitted on a lot developed with a single-unit, duplex, or multi-unit dwelling.
3. An accessory dwelling unit shall not be included in the calculation of the density of the lot on which the accessory dwelling unit is located.
4. An accessory dwelling unit located on a lot with a landmark listed on the California Register of Historic Resources is subject to site plan and design review under chapter 17.808.
5. An accessory dwelling unit may not be sold or otherwise conveyed separate from the primary residence, except as provided in California Government Code section 65852.26.
6. No passageway is required in conjunction with the construction of an accessory dwelling unit.

B. Maximum area.

1. Calculation. The calculation of floor area for an accessory dwelling unit includes all floor area within the accessory dwelling unit building envelope, excluding garage space, interior stairs, and accessory structures.
2. Detached accessory dwelling units. The floor area of one detached accessory dwelling unit may not exceed 1,200 square feet. In the case of two detached accessory dwelling units on one lot, the combined total square footage of both detached accessory dwelling units may not exceed 1,200 square feet.
3. Attached accessory dwelling units. The floor area of an attached accessory dwelling unit shall not exceed the greater of the following:
 - a. 50% of the existing floor area of the primary dwelling; or
 - b. 850 square feet if the accessory dwelling unit has one bedroom or less, or 1,000 square feet if the accessory dwelling unit has more than one bedroom.

C. Development standards.

1. The minimum distance between the primary single-unit, duplex, or multi-unit dwelling and a detached accessory dwelling unit is 4 feet. The minimum distance between two detached accessory dwelling units is 4 feet.
2. Height, lot coverage, and open space. The height, lot coverage, and minimum open-space requirements applicable to the lot on which the accessory dwelling unit is located apply to the accessory dwelling unit, except up to two accessory dwelling units totaling not more than 800 square feet are exempt from maximum lot coverage and minimum open space requirements.

3. Setbacks.

a. The setback requirements applicable to the lot on which the accessory dwelling unit is located apply to the accessory dwelling unit, except for the following:

i. No setback is required for an existing legally- constructed accessory structure that is converted to an accessory dwelling unit, provided there is no change to the building envelope.

ii. No interior side-yard or rear-yard setback is required for an accessory dwelling unit that has a building height of 10 feet or less, has an overall height of 18 feet or less, and is located more than 60 feet from the front property line. No part of any dormer on such a unit may be located on the same plane as the wall below. The combined width of all dormers on a single roof plane may not exceed one-fourth of the width of the roof plane where the dormers are located.

iii. No interior side-yard or rear-yard setback is required for the ground floor of a multistory accessory dwelling unit that is more than 60 feet from the front property line. The second floor and above must have a minimum rear-yard setback of 4 feet; and a minimum side-yard setback equal to the side-yard setback required by the zoning designation for the primary dwelling unit or 4 feet, whichever is less.

iv. An accessory dwelling unit that is less than 60 feet from the front property line must have a minimum rear-yard setback of 4 feet; and a minimum side-yard setback equal to the side-yard setback required by the zoning designation for the primary dwelling unit or 4 feet, whichever is less.

b. A junior accessory dwelling unit is subject to the same setback requirements as an accessory dwelling unit.

c. Notwithstanding subsections C.3.a and C.3.b, an accessory dwelling unit may not project into the required setback from the landside toe of a levee.

D. Design standards.

1. The design of the accessory dwelling unit must conform to the design guidelines applicable to the lot on which the accessory dwelling unit is located.

2. New accessory dwelling units should use universal access design features, including “no step” entrances, where topography and site constraints allow.

3. No portion of an accessory dwelling unit balcony, deck, or open- stair landing that faces the rear lot line or the side lot line nearest to the secondary dwelling unit may be higher than three feet from the ground.

E. Ministerial review.

1. Unless subsection F, below, applies, the city shall ministerially review all applications for accessory dwelling units and junior accessory dwelling units submitted under this section.

2. The city shall act on an application to create an accessory dwelling unit or a junior accessory dwelling unit under this section within 60 days of receipt of a complete application if there is an existing residential use on the lot.

3. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new residential development on the lot, the city may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permit application to create the residential development is approved. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the city has not acted upon the completed application within 60 days, the application shall be deemed approved.

F. Deviations from development and design standards. A request to deviate from the development standards contained in subsection C and the design standards contained in subsection D may be made by application for site plan and design review under chapter 17.808.

G. Accessory dwelling units and junior accessory dwelling units eligible for ministerial review under California Government Code section 65852.2.

1. Notwithstanding subsections A through D, above, the city shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following, as set forth in California Government Code section 65852.2:

a. One accessory dwelling unit or junior accessory dwelling unit per lot with a proposed or existing single-unit dwelling if all the following are met:

i. The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-unit dwelling or existing space of a single-unit dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

ii. The space has exterior access from the proposed or existing single-family dwelling.

iii. The side-yard and rear-yard setbacks are sufficient for fire and safety.

iv. The junior accessory dwelling unit complies with California Government Code section 65852.22.

b. One detached, new construction, accessory dwelling unit that does not exceed 4-foot side-yard and rear-yard setbacks for a lot with a proposed or existing single-unit dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit that meets the requirements set forth in subsection F.1.a, above. The accessory dwelling unit may not exceed a floor area of 800 square feet and a height of 16 feet.

- c. Multiple accessory dwelling units within the portions of existing multi-unit dwellings that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings. The number of accessory dwelling units shall not exceed 25% of the existing multi-unit dwellings.
 - d. Not more than two accessory dwelling units that are located on a lot that has an existing multi-unit dwelling, but are detached from that multi-unit dwelling and do not exceed 16 feet in height and maintain 4-foot rear-yard and side-yard setbacks.
- 2. An accessory dwelling unit or junior accessory dwelling unit approved under this subsection F may not be rented for a term less than 30 days.