



ICC-LABC ADMINISTRATION COMMITTEE

Discussions on ADU/JADU with HCD/SFM Staff

March 10, 2021





OVERVIEW

- Introduction of HCD/SFM Staff
- Format of Meeting
- Consent to Recording



APPLICABILITY OF CBSC/HSC FOR ADU

- Are all ADUs subject to the entirety of the California Building Standards Codes and the Health and Safety Code as appropriate for a residential dwelling unit?
- Are the aforementioned codes only applicable to ADUs under local ordinance of Gov. Code §65852.2 subd. (a) and the 4 categories of ADUs allowed under Gov. Code §65852.2 subd. (e)?
- Are the aforementioned codes only applicable if it is related to any fire and life protection?



FIRE OR LIFE PROTECTION REQUIREMENT FOR ADU

- If a newly constructed ADU is connected to the primary residence, is the requirement of a fire separation wall between the adjoining walls applicable?
- If an ADU is created within the existing or new primary residence, is a fire separation wall required?
- If a JADU is not be considered a separate or new dwelling unit for the purpose of any fire or life protection regulation pursuant to Gov. Code §65852.22 subd. (d), is there a similar statement provided for ADU?



FIRE OR LIFE PROTECTION REQUIREMENT FOR ADU

- If the common wall separating the ADU from the primary residence is required to be rated, would it be appropriate to assume provisions for opening protectives, through or membrane penetrations, etc. would be applicable?



CONVERSION OF EXISTING DETACHED GARAGE TO ADU

- If an existing detached garage located on the property line (zero setback) is proposed to be converted to an ADU, would openings in the existing wall with a fire separation distance of less than 3 ft. be prohibited in accordance with CRC Chapter 3?



SIZE OF ADU

- Is the maximum allowable size of a detached ADU pursuant to Gov. Code §65852.2 includes both the ADU AND any attached accessory or miscellaneous structure or just the ADU only?

For example, if a detached ADU is permitted to be 1,200 sf, but it contains an attached garage or patio/trellis/sunroom as part of its proposed construction, is that 1,200 sf for the total area of the entire structure or just the ADU only?



FIRE SPRINKLERS

- If the primary (single-family or multi-family) residence undergoes significant alteration and remodel and is now required to have fire sprinklers, does an ADU created as part of this alteration and remodel of the primary residence also now required to have fire sprinklers?
- If an existing two-family dwelling undergoes significant alteration and remodel and results in a change of use to a multifamily dwelling that consist of the two-family dwelling with an ADU, would fire sprinklers per CBC §903.2.8 (or local ordinance) be required?



FIRE HYDRANTS

- If hydrants or mains are required pursuant to CFC §507.5.1 where a portion of building is more than 400 ft (600 ft for an R-3 or U) from a hydrant on a fire apparatus access road on site, is this applicable to newly constructed or addition of ADUs?



ADOPTION/APPLICATION OF LESS RESTRICTIVE REQUIREMENT

- If Gov. Code §65852.2 subd. (g) allows a local jurisdiction to “adopt less restrictive requirements for the creation of an ADU”, is this allowance just for zoning regulation OR all regulations (including building standards)?
- If all regulations (including building standards), are express findings required each amendment(s) that is(are) reasonably necessary because of local climatic, geological, topographic or environmental conditions pursuant to HSC §17958.5, §17958.7, and §18941.5?



PERMITTED LOCATION OF JADU

- Can a newly constructed detached ADU include a JADU as part of said construction pursuant to Gov. Code §65852.2 subd. (e)(1)(B)?
- Can a local ordinance allow a JADU to be permitted in a new detached structure other than the primary (single-family) residence?



JADU WITHIN WALL OF PRIMARY RESIDENCE

- If a JADU must be constructed “within the walls” of a proposed or existing single-family residence with an attached garage, is that attached garage considered to be “within the walls” of a single-family residence?
- If a newly constructed single-family residence is constructed with an attached JADU in lieu of providing a required garage for parking, would this be permitted even if there is no local ordinance to specifically allow it?



APPLICABILITY OF CBSC/HSC FOR JADU

- If a JADU is not considered a separate or new dwelling unit for the purpose of any fire or life protection per Gov. Code §65852.22 subd. (d), does this imply that a JADU is not subject to any other ordinance or regulation (that are not relate to fire or life protection) such as, but not limited to, energy, green, sustainability, accessibility, etc.?
- Is it the responsibility or discretion of the local jurisdiction to determine what constitute a “fire or life protection” requirement?



EFFICIENCY KITCHEN

- Is it the responsibility or discretion of the local jurisdiction to determine what constitute an “efficiency kitchen” as required in Gov. Code §65852.22 subd. (a)(6) for a JADU?
- Is it the responsibility or discretion of the local jurisdiction to determine what is a “cooking facility with appliances”?
- If a local ordinance is not adopted to permit a JADU, can the local jurisdiction require an efficiency kitchen be provided?



SANITATION FACILITIES

- Is it the responsibility or discretion by the local jurisdiction to determine what constitute as a “sanitation facilities”?
- If the CBC defines “sanitary facility” to mean “any single water closet, urinal, lavatory, bathtub or shower, or a combination thereof, together in the room or space in which they are housed”, would providing only one of the elements listed above be sufficient to meet the “sanitation facilities” criteria?



CLOSING REMARK

- Questions or comments for HCD/SFM staff
- Posting of recording on Chapter website
- Latest HCD guidance document dated Dec 2020
- Thank you to HCD/SFM staff



ICC Los Angeles Basin Chapter
Est. 1957

Thank you

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