

Options for Legally Creating Additional Living Spaces on Single-Family Properties in Unincorporated Marin County

1. Traditional Rental Room

A homeowner can rent out one or more rooms. The renter must have access to a bathroom, which can be private or shared, and to a kitchen. Typically, the renter shares the kitchen with the homeowner.

- No parking requirements
- No impact fees
- No permits are required.

2. A More Private Rental Room

A homeowner can create a more private rental room by adding a wetbar and exterior door to a bedroom or other existing room. The bathroom can be private or shared.

- No parking requirements
- No impact fees
- Only a building permit is required.
- Wetbars and exterior doors can be added to up to three bedrooms in non-coastal zones. The number is not limited in coastal zones.

3. Junior Accessory Dwelling Unit (JADU)

A JADU is a private living space of 500 SF or less that is created within an existing single family dwelling or accessory structure. It has its own cooking facilities and a bathroom that can be private or shared. A homeowner may voluntarily have a living space recognized as a JADU if it meets all of the following eligibility criteria, or just have a JADU-equivalent space that is not formally a JADU.

- The unit may include an expansion of no more than 150 SF beyond the existing structure to accommodate ingress and egress.
- The unit shall have a wetbar but shall not have a kitchen. It is possible that there may be some flexibility on this and something less than a full kitchen but more than a wetbar may be allowed.
- The unit shall have a separate entrance from the main entrance to the building, with an optional interior entry to the main living area through an interior door that can be doubled up to minimize sound transmission and is locked from both sides.
- The unit shall be the only JADU on the property.
- The property shall be owner occupied, except that owner occupancy is not required if the owner is a government agency, land trust, or housing organization.
- The property owner has recorded a deed restriction, which shall run with the land, that stipulates the following:
 - A prohibition on the sale of the unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.
 - A restriction on the size and attributes of the unit that conforms to this section.

Other attributes of a JADU include:

- No parking requirements
- No short-term rental of 30 days or less is allowed.
- No impact fees
- Only a building permit is required.
- Up to \$1,500 in building permit fees will be waived. No JADU fee waivers are available for renting to a lower income tenant.

4. Conversion ADU Within Existing Space

An Accessory Dwelling Unit is a private living unit with space for living and sleeping, a full kitchen, a bathroom, and a private exterior entry. No planning permit is required if the ADU is created within the existing space of a single-family residence or permitted accessory structure, has independent exterior access from the existing residence, and has side and rear setbacks sufficient for fire safety. An expansion of up to 150 SF is allowed if the new space is used solely for ingress and egress.

- No parking requirements
- No short-term rental of 30 days or less is allowed.
- No impact fees for ADUs under 750 SF
- Only a building permit is required (in most cases).
- Must meet County and state water codes if not on the public water system.
- Must meet County and state septic codes if not on the public sewer system.
 - For an ADU of 500 SF or less, a performance evaluation would be required for the septic system, but not necessarily an upgrade. An upgrade could be required if it doesn't pass the evaluation.
 - For an ADU of more than 500 SF, a septic system upgrade is required.
 - If the ADU is created from an existing bedroom within the home and a kitchen is added and the resulting ADU is over 500 SF then a septic upgrade would be required.
 - If the ADU 500 SF or less is created within the existing footprint of the home from an existing bedroom, it would be considered to be a minor remodel and at the least, a septic plot plan and inspection would be required.
 - If the ADU is created from existing space that isn't a bedroom, it counts as a bedroom addition and a septic upgrade is required unless an existing bedroom is removed.
 - A septic upgrade is required whenever more than 500 SF of unhabitable space becomes habitable (a garage becomes a bedroom, for example) or when the bedroom count increases.
 - More stringent septic rules apply if the septic system is within 100 feet of a creek.
- The ADU can be within the Stream Conservation Area and identified Wetland Conservation Area as long as no site disturbance encroaches into the Conservation Areas.
- In 2020, if the ADU is rented to tenants with household income below 80% of the local median, up to \$10,000 in permit fees will be waived; for tenants with household income between 80% and 120% of the local median, up to \$5,000 in permit fees will be waived; for tenants with household income above 120% of the local median, up to \$2,500 in permit fees will be waived.

5. Newly-Constructed ADU of 800 SF or Less

A newly-constructed detached ADU that maintains minimum four foot side and rear yard setbacks and does not exceed 800 SF in size or 16 feet in height does not require a planning permit. This also applies to an ADU that is built on the site of a permitted accessory structure that has been demolished and is being rebuilt in the same footprint. A newly-constructed attached ADU does not share this exemption, and is considered to be remodel. It would be subject to applicable discretionary permits, such as a design review and/or coastal permit.

- No parking requirements
- No short-term rental of 30 days or less is allowed for units exempted from a planning permit.
- No impact fees for ADUs under 750 SF
- Only a building permit is required for a detached unit (in most cases)
- Must meet County and state water codes if not on the public water system
- Must meet County and state septic codes if not on the public sewer system.

- For an ADU of 500 SF or less that does not increase the overall bedroom count, a performance evaluation would be required for the septic system, but not necessarily an upgrade. An upgrade could be required if it doesn't pass the evaluation.
- For an ADU of 500 SF or less that does increase the overall bedroom count, a septic system upgrade is required.
- For an ADU of more than 500 SF, a septic system upgrade is required.
- Must be located outside of the Stream Conservation Area and identified Wetland Conservation Area.
- In 2020, if the ADU is rented to tenants with household income below 80% of the local median, up to \$10,000 in permit fees will be waived; for tenants with household income between 80% and 120% of the local median, up to \$5,000 in permit fees will be waived; for tenants with household income above 120% of the local median, up to \$2,500 in permit fees will be waived.

6. Newly-Constructed ADU of more than 800 SF

An ADU in newly-constructed space, whether attached to the existing home, or detached, can be up to 1000 SF (one bedroom) or 1200 SF (at least two bedrooms). If attached, its size cannot exceed 50% of the existing residence's floor area.

- Additional parking may be required.
- Impact fees will apply.
- A planning permit is required in addition to a building permit.
- Must meet County and state water codes if not on the public water system.
- Must meet County and state septic codes if not on the public sewer system, which includes a septic system upgrade because the ADU is over 500 SF.
- Must be located outside of the Stream Conservation Area and identified Wetland Conservation Area.
- Must incorporate materials, colors, and building forms that are compatible with the existing residence on the property.
- In 2020, if the ADU is rented to tenants with household income below 80% of the local median, up to \$10,000 in permit fees will be waived; for tenants with household income between 80% and 120% of the local median, up to \$5,000 in permit fees will be waived; for tenants with household income above 120% of the local median, up to \$2,500 in permit fees will be waived.