

ARTICLE 14. SECONDARY RESIDENTIAL UNITS

9-5.1401 Purpose.

This Article establishes regulations for Secondary Residential Units. Secondary Residential Units provide a valuable housing resource and help to achieve the goals, objectives, and policies of the Housing Element of the General Plan to promote a range of affordability levels. The purpose of these regulations is to encourage the establishment of Secondary Residential Units as accessory uses in conjunction with principal Single Unit residential uses, and to provide for their ministerial approval in conformance with State law.

9-5.1402 Applicability.

The provisions of this Article apply to any proposal to establish a Secondary Residential Unit, as defined in [Section 9-2.702\(b\)](#), as an accessory use in conjunction with a principal Single Unit residential use.

9-5.1403 Approval Procedure.

A proposal for a Secondary Residential Unit shall be reviewed by the Director, in consultation with the Chief Building Official and Fire Marshal, for conformance with the provisions of this Article pursuant to the zoning compliance review procedures in [Article 3 of Chapter 7](#). If the Director determines that the proposal conforms to the requirements of this Article, a zoning compliance approval shall be issued. If the Director determines that the proposal does not conform to the requirements of this Article, a zoning compliance approval shall not be issued, and the applicant shall be advised as to how the proposal could be brought into compliance. The Director's determination of compliance or non-compliance may be appealed to the Planning Commission pursuant to [Article 14 of Chapter 7](#).

9-5.1404 Where Allowed.

- (a) **Districts.** Secondary Residential Units are permitted only in the Residential zones, and in the MUR Mixed Use with Residential and MURS Mixed Use with Residential South zones.
- (b) **Other Uses.** Secondary Residential Units are permitted only on lots containing a legal, conforming Single Unit residential use and no other principal use. (A Single Unit residential use outside the RM Medium Density Residential zone may be deemed conforming pursuant to [Section 9-5.1003\(b\)](#).) A Secondary Residential Unit may be established in conjunction with the establishment of a new principal Single Unit residential use provided that no other principal use exists, or will exist, on the same lot.

9-5.1405 Building Intensity and Residential Density

Secondary Residential Units are exempt from the building intensity (floor area ratio or FAR) and residential density regulations in [Article 2 of Chapter 4](#).

9-5.1406 Size of Unit.

- (a) **Floor Area.** A Secondary Residential Unit may not have a greater floor area than the principal Single Unit with which it is associated. In addition, the floor area of the Secondary Residential Unit shall be limited as follows:
 - (1) If the principal Single Unit is less than 1,000 square feet, the Secondary Residential Unit shall not exceed 500 square feet.
 - (2) If the principal Single Unit is at least 1,000 square feet but less than 1,800 square feet, the Secondary Residential Unit shall not exceed 50% of the floor area of the principal Single Unit.
 - (3) If the principal Single Unit is 1,800 square feet or more, the Secondary Residential Unit shall not exceed 900 square feet.
- (b) **Bedrooms.** The Secondary Residential Unit may not have more bedrooms than the principal Single Unit with which it is associated.

9-5.1407 Parking.

A Secondary Residential Unit may only be established if off-street parking is provided for the principal Single Unit as required by [Article 4 of Chapter 4](#). Parking shall be provided for the Secondary Residential Unit as follows:

- (a) If the Secondary Residential Unit contains no bedrooms or one bedroom, no parking spaces are required.
- (b) If the Secondary Residential Unit contains two or more bedrooms, one parking space is required.

Parking for the Secondary Residential Unit shall comply with the Design Standards for Parking Lots and Structures in [Section 9-4.406](#), except that parking spaces for the principal Single Unit and Secondary Residential Unit may be in tandem.

9-5.1408 Dimensional Requirements.

- (a) **Lot.** The lot on which a Secondary Residential Unit is to be located must comply with the minimum lot size and width requirements of [Section 9-4.701](#).
- (b) **Setback.** A Secondary Residential Unit shall be subject to the same setback requirements as the principal Single Unit, as set forth in [Section 9-4.301](#), except that the minimum rear setback shall be five feet.
- (c) **Height.** The maximum height limit of a Secondary Residential Unit shall be 30 feet, except that it shall step down at an angle from a maximum height of 30 feet at 15 feet from the rear lot line to a maximum height of 15 feet at five feet from the rear lot line.
- (d) **Separation.** A Secondary Residential Unit may be either attached to or detached from the principal Single Unit with which it is associated. If detached, the Secondary Residential Unit shall be separated from the principal Single Unit by no less than six feet.

9-5.1409 Design.

Any proposal for a Secondary Residential Unit shall be subject to the applicable provisions of the Emeryville Design Guidelines, including but not limited to those pertaining to the area of the city in which the proposed Secondary Residential Unit is to be located, and to any other applicable design guidelines. A Secondary Residential Unit shall be compatible with the principal Single Unit with which it is associated in terms of form, materials, style, and other relevant design factors. No formal design review approval shall be required, but the design shall be evaluated as part of the zoning compliance review for conformance to the requirements of this Section.

9-5.1410 Other Requirements.

- (a) **Owner Occupancy Required.** The owner of the property must occupy either the principal Single Unit or the Secondary Residential Unit.
- (b) **One Secondary Residential Unit Per Lot.** No more than one Secondary Residential Unit is permitted on a lot.
- (c) **Units May Not be Sold Separately.** A Secondary Residential Unit and its associated principal Single Unit may not be sold separately either by conversion to condominiums, division of the lot on which they are located, or by other means.
- (d) **Sewer Lateral.** A proposal to establish a Secondary Residential Unit shall comply with the provisions of [Chapter 8 of Title 7](#) concerning sewer laterals, including replacement or upgrading of the sewer lateral if required.
- (e) **Other Code Requirements.** A Secondary Dwelling Unit shall comply with all other applicable provisions of the Emeryville Municipal Code and State and Federal law, including, but not limited to, building and fire code requirements.