



City of Mill Valley Planning Department
**Accessory Dwelling Units:
New Laws in Effect January 1, 2023**

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New State ADU Laws

Two new ADU bills were signed into state law in September 2022 and go into effect January 1, 2023. The two laws are SB 897 and AB 2221. Where the provisions of these laws conflict with Mill Valley's ADU and Junior ADU (JADU) regulations, state laws supersede local regulations until local regulations are updated to align with state law.

Key Updates

<i>Height</i>	<ul style="list-style-type: none">• Attached¹ ADUs may now be up to 25 feet or maximum height permitted for the primary dwelling, whichever is lower.²• Detached ADUs on parcels with multi-story multifamily dwellings may now be up to 18 feet.³
<i>Setbacks</i>	<ul style="list-style-type: none">• A front yard setback cannot be required if this setback would preclude construction of an 800 square foot ADU with 4-foot side and rear yard setbacks. Applicants seeking to build an ADU within front yard setback must demonstrate that other locations are infeasible.
<i>Building Code Requirements</i>	<ul style="list-style-type: none">• Construction of attached ADUs and JADUs does not change Group R occupancy unless there is specific adverse impact on public health and safety requiring multifamily occupancy standards.• A JADU is considered part of a single-family dwelling.• ADU construction does not trigger a requirement for fire sprinklers in the existing primary dwelling, regardless of the size of the ADU.• Public notice is not required associated with demolition permits for garage demolitions on ADU projects, except on historic properties.

¹ See Mill Valley Municipal Code Section 20.08.070(E) for definition of attached structure, and 20.08.039 for classification of ADUs attached by breezeway or roof extensions.

² See Mill Valley Municipal Code Section 20.90.030(A)(11) for how to measure overall height of an ADU.

³ The new state laws also allow detached ADUs up to 18 feet tall on properties within 0.5 miles of a major transit stop or high-quality transit corridor as defined in California Government Code Section 21064.3, plus an additional two feet may be allowed (for a total of 20 feet) for detached ADUs with roof pitches matching the primary dwelling. However, Mill Valley does not currently have any major transit stops or high-quality transit corridors, so this provision of state law does not currently apply in Mill Valley.