



County of San Diego, Planning & Development Services  
**ACCESSORY DWELLING UNIT**  
**ZONING DIVISION**

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State Law allows the addition of an Accessory dwelling unit (ADU) to those properties zoned to allow the Family Residential use type by right. An ADU means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. While this form is meant to provide a summary of the State ADU regulations, a complete summary of the regulations can be found on the California Department of Housing and Community Development website at <http://www.hcd.ca.gov/policy-research/AccessoryDwellingUnits.shtml>

An ADU is not allowed on a lot or parcel, which has an existing guest living quarters or accessory apartment. There are provisions in the ordinance to allow conversion of such units into an Accessory dwelling unit.

However, applicants are strongly encouraged to contact the appropriate Fire Department ASAP to ensure the ADU complies with the required side and rear setbacks.

ADU's must provide side and rear setbacks that are sufficient for fire safety & building code. Setbacks could be as small as 3' or up to 30' from property lines. Additionally, applicants should contact the appropriate Fire Department ASAP to find out if fire sprinklers are required or not.

**An Accessory dwelling unit is allowed "by-right" provided all of the following are met:**

- The legal lot must have an existing single-family residence, or the ADU is to be constructed concurrently with a primary single-family residence.
- The ADU is either attached to an existing dwelling, or located within the living area of the existing dwelling or detached and on the same legal lot.
- ADU may be rented, but is not intended for sale separate from the primary residence.
- Lot does not have an existing guest living quarters, accessory living quarters, or accessory apartment. A conversion of a guest living quarters, accessory living quarters, or accessory apartment into an ADU is potentially permitted and requires approval of a building permit.
- Lot does not have an open Code violation. Any open Code violations must be resolved.
- The total floor area of an attached ADU shall not exceed 50 percent of the floor area of the existing SFD, up to a maximum floor area of 1,200 square feet.
- The total floor area of a detached ADU shall not exceed 1,200 square feet, independent of the square footage of the living area of the existing SFD.
- Applicants must provide mathematical computations of the "floor area" for both units, and these calculations must be taken from the exterior dimensions of the outside walls.
- Complete floor plans of the primary dwelling and proposed ADU shall be provided.
- Total floor area of a proposed garage attached to a detached ADU shall not exceed 480 square feet, except if the ADU is within an existing and permitted Accessory structure.



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- If an ADU is proposed to be located within an existing and permitted accessory structure (garage, barn, shed, etc.) and a change in square footage to the building is proposed where the non-habitable portion would be larger than 480 square feet after redesign, approval of an Administrative Permit is required. If no square footage changes are proposed to the building, an Administrative Permit would not be required.
- No other rooms, additions, uses, etc. can be attached to the ADU, except a garage of 480 square feet or less, or unless authorized by an approved Administrative Permit.
- No setbacks are required if an existing and permitted garage is being converted into an ADU, except for Fire safety.
- A setback of five feet from the side and rear lot lines is required for an ADU that is being constructed above a permitted detached garage. In this case, the setbacks only apply to the added space above the garage, not the existing garage and the ADU can be constructed wholly or partly above the garage, including extending beyond the garage walls.
- A setback of five feet from the side and rear lot lines is required for a 2-story ADU.
- An ADU is limited to 24' in height.
- For health, fire and life safety conditions, all ADU's must comply with the required front yard & exterior side yard setbacks.
- An ADU attached to the primary residence must comply with the required main building setbacks.
- A new ADU shall provide one parking space. The parking space for the ADU may be located in an existing driveway as tandem parking, but must comply with the required front yard and/or exterior side yard setback(s). If establishment of the ADU involves a garage conversion, replacement off-street parking for the SFD shall be provided concurrently.
- The applicant must provide evidence that there is sewer (or septic) service and water available, and that any applicable permits have been obtained and all applicable fees have been paid.
- All requirements of the building, Fire and other codes, and the Zoning Ordinance, shall apply to the ADU.
- No Variances shall be granted for the construction of an ADU.
- Separate sale or ownership of an ADU is prohibited, unless the lot is subdivided creating a separate lot for each dwelling.
- Owner-occupancy of one of the dwellings is required for the duration of use of the ADU for residential purposes.
- Before a building permit is issued, the owner of the property shall submit a notarized and recorded copy of an agreement stating that the owner understands and will abide by the requirements of the Zoning Ordinance.
- The ADU shall not be used for short-term rentals. Short-term rentals means rentals for less than 30 days.