ACCESSORY DWELLING UNIT & JUNIOR ACCESSORY DWELLING UNIT

ZONING DIVISION

State Law allows the addition of an **Accessory dwelling unit (ADU)** and/or one **Junior Accessory Dwelling Unit (JADU)** to those properties zoned for residential use which provides complete independent living facilities for one or more persons with an existing or proposed single-family dwelling (SFD). A JADU means a complete independent living facility that is no more than 500 square feet in size and contained entirely within an existing or proposed SFD and must have an exterior and interior access and a full bathroom.

Applicants are strongly encouraged to contact the appropriate Fire Department ASAP to ensure the ADU complies with the required fire setbacks and to find out if fire sprinklers are required or not.

One ADU and one JADU maybe permitted on lots with an existing or proposed SFD (within a residential or mixed-use zone) provided all of the following are met:

- The ADU is either attached to an existing SFD 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.
- The total floor area of an attached ADU shall not exceed 50% of the floor area of the 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 existing SFD.
- Applicants must provide mathematical computations of the "floor area" for both units on the plot plans, and these calculations must be taken from the exterior dimensions of the outside walls.
- Total floor area of a proposed garage attached to a detached ADU shall not exceed the allowable combined square footages per Section 6156.g, or unless authorized by an approved Administrative Permit.
- Any garage, carport, or patio attached to an ADU are subject to the main building setbacks and height regulations of the Zoning Ordinance. If attached, only the living space area of the ADU can potentially encroach into the required side & rear yard setbacks.
- No other rooms, additions, uses, etc. can be attached to the ADU, except a garage, or unless authorized by an approved Administrative Permit.
- An ADU could potentially be attached to an existing and permitted barn, shed, workshop, garage, etc. as long as the ADU is placed within the existing and permitted accessory structure and the overall footprint is not being changed. The ADU cannot have interior communication to the remaining portions of the existing barn, shed, workshop, etc.
- No setbacks are required if an existing and permitted accessory structure, or a portion thereof is being converted into an ADU, except for fire safety.

- If an existing detached or attached accessory structure is being converted into an ADU, any new addition to the ADU must comply with the setbacks outlined on this form.
- A detached ADU is limited to 24' in height (except for multifamily complexes).
- A setback of at least 4' from the side and rear lot lines is required for an ADU that is being constructed above a permitted detached accessory structure. The setbacks only apply to the added space above the accessory structure and the ADU can be constructed wholly or partly above the accessory structure, including extending beyond the accessory structure walls.
- All newly constructed detached ADU's must comply with the required front & exterior side yard setbacks and a minimum side and rear setback of 4' (except any required fire setbacks). Please note, only the habitable space of the ADU can potentially encroach into the required side & rear yard setbacks.
- An ADU attached to the primary residence must comply with the required main building setbacks.
- An ADU shall provide one parking space. The parking space may be located within the setbacks and in an existing driveway as tandem parking. Parking spaces don't need to be replaced when a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU.
- A parking space is not required for the ADU in any of the following instances:
  (1) The ADU is located within one-half mile of public transit.
  (2) The ADU is located within an architecturally and historically significant historic district.
- Separate sale or ownership of an ADU is prohibited, unless the lot is subdivided creating a separate lot for each dwelling.
- The ADU shall not be used or rented for less than 30 days.
- Properties that have an existing non-conforming single-family residence and are in a zone that does not allow for a residential use, are potentially allowed to have an ADU and/or JADU.
- Properties that have multiple (2 or more) existing non-conforming single-family residences and are in a residential zone that only allows for a single-family residence, are not permitted to have an ADU or JADU.

<u>See Junior Accessory Dwelling Units (JADU) requirements below:</u>

- One JADU and one detached ADU, may be permitted on lots with an existing or proposed SFD within a residential or mixed-use zone.
- The total area of a JADU shall not exceed 500 square feet.
- The interior connection to the main living area must be maintained and a separate exterior entry shall be provided to serve a JADU.
- The JADU shall include an efficiency kitchen, which shall include all the following:

a. A cooking facility with appliances.

b. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

- No additional parking is required.
- A JADU shall not be rented for less than 30 days.
- The JADU may be rented but is not intended for sale separate from the primary residence. The owner is required to live in one of the two units.

- New proposed ADU's on **lots in unincorporated county areas** with an existing & permitted SFD may qualify for the County Fee Wavier Program (through January 2024). Please see the following link: https://www.sandiegocounty.gov/ADU

Multiple ADU's maybe permitted within portions of an existing multifamily complex within a residential or mixed-use zone if the following requirements are met.

- Only structures/rooms within the existing multifamily complex that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, can potentially be converted into multiple ADU's, up to 25% of the existing multifamily dwelling units.

- Up to two detached ADU's maybe permitted, per lot that has an existing multifamily complex if the following requirements are met.

  a. The detached ADU's are limited to a height of 16 feet and 4' rear yard and side setbacks.

  b. The addition of two detached ADU's is not subject to any nonconforming regulations.

- Multiple ADU's for multifamily complexes do not qualify for the County Fee Wavier Program.

Regarding the ADU regulations, any structure designed for human habitation that is divided into two or more independent living quarters on a single lot is considered a multifamily complex.