Webinar

Accessory Dwelling Unit Regulations in the City of San Diego

September 14, 2022
Presentation Topics

• Where ADUs are being built
• Overview of City ADU regulations
• Recent changes to ADU regulations
• Resources and Zoning Information
Where are ADUs being built?
Accessory Units approved in the City

- Steady increase in permits since 2018
- ADU applications 3x greater in 2021 compared to 2018
- Application activity across the City
Snapshot – Accessory Units in Central San Diego
Snapshot – Accessory Units in the Coastal San Diego
Overview of ADU Regulations
What is considered an ADU?

- Attached or detached residential unit
- Provides complete independent living facilities
- Located on a lot with a single unit or multiple units

*Land Development Code Definitions (§113.0103)*
Where can an ADU be built?

- All single-family and multi-family zones
- Specified Commercial and Planned District Zones

San Diego Municipal Code
Chapter 14: General Regulations
(4-2022)

Article 1: Separately Regulated Use Regulations

Division 3: Residential Use Category—Separately Regulated Uses
(Added 12-9-1997 by O-18451 N.S.)

§141.0302 Accessory Dwelling Units and Junior Accessory Dwelling Units

Section 141.0302 provides for the construction of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs), consistent with the requirements of state law, and is intended to encourage the construction of ADUs and JADUs through several local regulatory provisions, including eliminating parking requirements for ADUs and JADUs, and providing an affordable housing bonus of one additional ADU for every deed-restricted affordable ADU constructed on the premises, as specified in the regulations below. ADUs are permitted in all zones allowing residential uses and JADUs are permitted in all Single Dwelling Unit Zones by-right as a limited use decided in accordance with Process One, indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

http://docs.sandiego.gov/municode/MuniCode Chapter14/Ch14Art01Division03.pdf
How many ADUs can be built on one lot?

Single Dwelling-Unit Zones
• 1 ADU and 1 JADU

Multi-Dwelling Unit Zones
• 2 detached ADUs
• Conversion of existing structures
  • Habitable Area: 25% existing of units
  • Non-habitable Area: Unlimited ADUs

Bonus ADU provisions
• Deed-restricted ADUs for affordable
• In Transit Priority Areas – Bonus ADUs are unlimited
  • Must comply with MAX FAR requirements
What are the SIZE requirements for ADUs?

- Minimum 150 sf
- Maximum 1200 sf

- ADU sf included in total GFA of the lot

- ADU may exceed total GFA, if so
  - Max ADU size is 800 sf
What are the SETBACK requirements for ADUs?

**Conversion/Reconstruction of Existing Structure**

- May observe setback of existing structure

**Addition or New Detached Structure**

- Must **observe** Front Yard and Street-Side Yard Setbacks
- Can **encroach** into Side and Rear Yard Setbacks if structure height is 16 feet or less
- If ADU height is 16 feet or more AND abuts residential, a 4-foot setback shall apply
What are the PARKING requirements for ADUs?

• No parking required

• Garage conversions allowed
  • Replacement of parking is NOT required

• If the construction of an Accessory unit involves the conversion or demolition of a covered parking structure and the existing driveway curb is no longer compliant with City standards, the associated driveway shall be closed

• Where off-street parking spaces are provided, parking spaces may be within setback
What is considered a Junior ADU (JADU)?

- Attached unit of 500sf or less
- May provide separate or shared facilities with attached unit
- Located on a lot with a single dwelling unit

*Land Development Code Definitions (§113.0103)*
What are the requirements for JADUs?

Location: Single Dwelling-Unit Zones Only
- Must be within a dwelling unit, garage, or ADU

Size Requirements
- Minimum of 150 sf
- Maximum of 500 sf

Other Regulations
- Separate entry from primary unit
- Kitchen or kitchenette
- Owner must live on premises
  - Record an Agreement with the City

Example Junior Unit 175 sf
Important Considerations for ADUs/JADUs

Rental Timeframe

• Minimum rental of 31 days or more

Solar Requirements

• Newly constructed detached ADUs are required to provide solar panels
• The panels can be installed on the ADU or on the primary dwelling unit.
• Attached ADUs are exempt from this requirement
What are the process requirements?

- Building Permit

- Must include:
  - Site plan
  - Floor and roof plans
  - Elevations and sections
  - Structural plans and details
  - Structural calculations
  - Title 24 energy calculations
  - Water meter data card
  - Storm water quality checklist
What are the Fees Required?

- Plan Check
- Inspection
- School fees
- RTCIP
  - Only waved for first ADU

NEW as of August 2022

- General Plan Maintenance Fee
- Development Impact Fees – for projects with more than 2 ADUs
Recent ADU regulatory changes
What are the new ADU regulations?

- April 2022 – Housing Action Package
  - Two trees required for projects with multiple ADUs
  - 4’ Setback required for ADUs of 16 feet or more that abut residential

- May 2022 - ADU Bonus Unit Amendments
  - Reduces deed restriction length from 15 to 10 years for very-low and low income ADUs

- August 2022 – Fee Changes
  - GPMF and DIF now apply

- September 2022 – Ministerial ADU Process certified in the Coastal Zone
What are the changes in the Coastal Zone?

• Ministerial Coastal Development Permit (CDP) process now certified (as of September 7\textsuperscript{th}, 2022)
  • Applicable in Non-Appealable area of the Coastal Overlay Zone
  • Process 1 Staff decision if findings can be made
  • A discretionary CDP required in certain circumstances

• Coastal Overlay Zone Appealable area still requires discretionary CDP
How does this relate to SB 9?

- ADUs can be built in conjunction with SB 9, with limitations

- No more than 4 total units on a lot or across two lots created through an Urban Lot Split

- For information on the City’s SB 9-related ordinance, see Chapter 14, Article 3, Division 13 of the Municipal Code
Resources and Zoning Information
Relevant Municipal Code Sections

SDMC §141.0302
ADUs and JADUs

SDMC §131.0401
Residential Base Zones

SDMC §132.0401
Coastal Overlay Zone

SDMC §143.0101
Environmentally Sensitive Lands Regulations

SDMC §143.0201
Historical Resources Regulations

SDMC §143.1305
ADUs and JADUs in conjunction with SB 9
ADU Resources and Information on DSD Website

Updated Documents /new FAQs

Highlights

Municipal Code

Submittal Requirements

Fee Schedule

Inspections

Publications and Resources

FAQ – Single Dwelling Unit Zones Outside of the Coastal Overlay Zone

FAQ – Multiple Dwelling Unit Zones Outside of the Coastal Overlay Zone

Development Services Department

Zoning Information and Resources

https://www.sandiego.gov/development-services/zoning
Development Services Department

Additional Resources

**Book a Virtual or In-Person Appointment**

If you need help getting started to plan, permit or build a project in the City of San Diego, the Development Services Department (DSD) is here to help. For detailed reviews and responses or for written determinations, DSD provides a Preliminary Review service. For more information on this service, please review [Information Bulletin 513](#).

You can now book free virtual (online) or in-person counter appointments at the City Operations Building to get direct assistance from a DSD representative, who will be able to answer questions about the City of San Diego building and development requirements.

---

**Preliminary Review**

A preliminary review is a flat, fee-based service tailored to your specific project. A preliminary review helps you obtain general information on the regulations that apply to your project, find out which permits you must obtain, the review process that applies to your development, and it helps you obtain interpretations on how the City will apply code provisions to specific situations. Staff responses to your specific questions will be documented and provided to you at the completion of the review.

---

**Accessory Dwelling Unit/Junior Accessory Dwelling Unit**

This Information Bulletin provides guidance on City of San Diego requirements for obtaining a Building Permit to construct Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU). General Regulations for Accessory Dwelling Units and/or Junior Accessory Dwelling Units can be found in San Diego Municipal Code Chapter 14, Article 1, Division 3.

*Editor's Note: The California Coastal Commission unconditionally certified some amendments to the ADU and JADU regulations in September 2022. Those changes can be found in [Ordinance O-21477](#) and are effective in the Coastal Overlay Zone. Some of the regulations and guidelines outlined below pertaining to certain setback and landscape requirements are not effective within the Coastal Overlay Zone. The regulations and guidelines outlined below will become effective within the Coastal Overlay Zone when the California Coastal Commission certifies Ordinance Number O-21439 and O-21461.*
Questions?