

# HOUSING FOR GENERATIONS



## A Guide to Building Accessory Units in Encinitas



# Housing for Generations

City of Encinitas, California

March , 2019

## Acknowledgments

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Deputy Mayor Jody Hubbard  
Council Member Tony Kranz  
Council Member Joe Mosca  
Council Member Kellie Hinze

### Planning Commission

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## **Part 1: Accessory Dwelling Unit Manual**

City of Encinitas, California

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## Introduction to Accessory Dwelling Units

### 1.1

Encinitas has been challenged to meet the housing demands of being a coastal city in Southern California. Very little undeveloped land remains in the City, so it is difficult for new construction to keep pace with increasing housing needs. Infill housing, including accessory dwelling units (ADU), is a crucial element in the City's plan to provide a diverse housing supply. The state and city have responded to the housing crisis by passing new laws and ordinances to encourage the construction of ADUs. The City's ordinances reduce setbacks and provide reliefs from several zoning standards. These new standards are outlined in greater detail in this catalog.

This catalog is a resource for residents interested in adding an ADU to their property. The catalog contains two parts: (1) An informational guide on the process of building an ADU, and (2) the Permit Ready Accessory Dwelling Unit (PRADU) Program that offers a series of eight ADU building plan sets for residents to choose from, at no cost.

ADUs provide many benefits for the municipality, the owners, and for prospective renters. If you are planning to build an ADU, there are many alternatives to consider. This section discusses some of these alternatives such as the intended use of the unit, the size and location of the unit, construction methods, and professional help in the process.

ADUs can be used in many ways. These units provide flexible space for the owners as they can be used as rental properties, home offices, or guest rooms. The size of these units is conducive to multigenerational housing, and provides options for families to grow and age in place. As rental units, ADUs help diversify the housing options within the existing community, and the rental income helps owners offset their housing costs.



This part of the catalog outlines the application and review procedures for obtaining a building permit to create an ADU and provides a summary of key zoning and construction standards. The second part of this catalog explains the Permit Ready Accessory Dwelling Unit (PRADU) Program, which provides a series of building plan options that are available over the counter for residents to use at no cost.

State laws have changed drastically over the last several years in order to support the construction of ADUs throughout California. The City of Encinitas has taken several measures to help promote the construction new units, as well as work to legalize previously constructed and unpermitted units through the Affordable Unit Policy (AUP) and by sponsoring new legislation. In 2018, Encinitas adopted two new ordinances: (1) An update to the existing ADU development standards, and (2) allowing and defining provisions for Junior Accessory Dwelling Units (JADU) consistent with state law.

### **Accessory Dwelling Unit (ADU) Ordinance (No. 2018-01 and No. 2018-11)**

Government Code Section 65852.2(a) provides that a local jurisdiction may adopt an ordinance to provide for the creation of ADUs and may impose standards on such units, including parking, setbacks, lot coverage, size, and height provided the ordinance is consistent with the state's ADU provisions. With the adoption of the City's new ordinance, the new ADU regulations replaced the existing City regulations in Encinitas Municipal Code (EMC) Section 30.48.040T, was updated, and replaced the current definition of ADU in EMC Chapter 30.04 (Definitions) with the state's ADU definition.

### **Junior Accessory Dwelling Unit (JADU) Ordinance (No. 2018-02)**

Government Code Section 65852.22(a) provides that a local jurisdiction may adopt an ordinance for the development of JADU on lots with existing previously constructed single-family dwellings in single-family residential zones. The new City ordinance directly incorporates the state JADU requirements. The new JADU regulations were added as EMC Section 30.48.040U and the state JADU definition was added to EMC Chapter 30.04 (Definitions).

A JADU must be created within the space of an existing single-family dwelling and include the conversion of an existing bedroom in that dwelling. Owner occupancy of the property is required. A JADU cannot be considered as a separate or new dwelling unit for purposes of fire or life protection ordinances or regulations, or for the purposes of utility services, including connection fees. Additionally, the following standards would apply:

### **Affordable Unit Policy (AUP)**

The City's Affordable Unit Policy (AUP), which went into effect on January 1, 1996, provides amnesty to property owners of units that were constructed without permits. The units must be brought up to current building and fire codes and, in exchange, the unit is restricted at an affordable rent to very low and low income households. Additionally, existing deviations from zoning standards may be allowed to remain. In November 2014, Council established interim provisions for the AUP which were to remain in effect thru December 31, 2015. In December 2015, Council continued the interim AUP provisions for another six months to June 16, 2016. On May 18, 2016,

Council again considered the AUP provisions and extended the program one year to June 16, 2017. On May 17, 2017, Council gave the AUP program another one year extension to June 16, 2018. In 2018, the Council extended the program to June 16, 2021.

## Senate Bill 1226

This state law confirms that a building official has the discretion to apply the building standards that were in effect at the time a residential unit was constructed. When a building permit for a residential unit does not exist, the building official may make a determination of when the unit was constructed and issue a retroactive building permit based on the standards in effect at that time. This new law could be applied to units that currently fall within the City's Affordable Unit Policy (AUP).



ADUs come in many shapes and sizes but are always a self-contained home that is smaller than the main house and legally part of the same property. An ADU always contains a kitchen, bathroom, and place to sleep. ADUs can range from efficiency studio units to 1200-square foot units with multiple bedrooms. Detached, attached, interior conversions, and above garage accessory units can be either new construction or converted space.

A building permit is required to build any accessory dwelling unit. Depending on the scope of work, your project will most likely also require electrical, plumbing, and/or mechanical permits. It is recommended that you visit the Development Services Department to talk with staff about your project while in the planning stages. Staff can help you determine if an ADU is allowed on your property and to discuss zoning standards that are applicable to your project. They can also help answer questions about the building code and applicable construction standards, and utilities.

### **Zoning Standards**

ADU and JADU are permitted on all residentially zoned properties that have a single-family residence. One ADU and one JADU are allowed per single-family dwelling. An ADU is allowed up to 1200 sf in size, or up to the size of the primary residence, whichever is less. The standard of one parking space for each new unit still exists, however, several provisions for parking requirements have been made as well. The parking requirement can be waived if the new ADU is within 1/2 mile of public transit, or located within a historic district, or if the unit is created within an existing structure.

To help property owners whose lots may be constricted by size, several relief standards were created as part of the new ordinance. Setbacks for the side and rear of the property were reduced to five (5') feet to allow for more developable space. For lots smaller than 10,000 sf, the allowable lot coverage has been increased by 5%, and the Floor Area Ratio has been given a 0.1 increase. If a new ADU is applying any of the setback, lot coverage, or FAR reliefs, then that structure must maintain a one-story height limit.

## ADU

An accessory dwelling unit (ADU), also known as a “mother-in-law” or “granny flat,” are attached or detached residential dwelling units on the same lot as an existing dwellings unit zoned for single-family or multifamily use that provides complete independent living facilities for one or more persons. This includes permanent provisions for living, sleeping, eating, cooking, and sanitation, all on the same parcel as the primary, single-family dwelling. An ADU can be an efficiency unit, as defined in Section 17958.1 of Health and Safety Code, or a manufactured home, as defined in Section 18007 of the Health and Safety Code.

DEVELOPMENT STANDARDS FOR ACCESSORY DWELLING UNITS	
Number of units	Allow up to one ADU and one JADU per single-family dwelling
Maximum unit size	1,200 sq. ft. or the floor area of the primary residence, whichever is less
Parking	<ul style="list-style-type: none"> <li>• Within ½ mile of “public transit” (train station and all bus stops)</li> <li>• Created within the area of an existing building</li> <li>• In a historic district</li> </ul>
Front-yard setback	<ul style="list-style-type: none"> <li>• Same as existing primary dwelling</li> <li>• No additional setback shall be required for an existing garage that is converted to an ADU</li> </ul>
Rear and Side-yard setback	<ul style="list-style-type: none"> <li>• Same as existing primary dwelling or 5 ft., whichever is less</li> <li>• A minimum setback of 5 ft. shall be required for an ADU constructed above an existing garage</li> </ul>
Lot coverage	<ul style="list-style-type: none"> <li>• Based on existing zoning</li> <li>• 5% additional for an ADU built on lots smaller than 10,000 sq. ft.</li> </ul>
Floor Area Ratio (FAR)	<ul style="list-style-type: none"> <li>• Based on existing zoning</li> <li>• 10% additional for an ADU built on lots smaller than 10,000 sq. ft.</li> </ul>
Height	One-story limit if applying the setback, lot coverage or floor area ratio reliefs
Rental	An ADU cannot be rented for periods of less than 30 days
Fees	All City development fees are waived







## JADU

A junior accessory dwelling unit (JADU) is a residential dwelling unit that is no more than 500 square feet in area, contained entirely within an existing single-family residence, and can have separate sanitation facilities from, or shared sanitation facilities with, the existing residence.

## PRADU

The ADU Permit-Ready Program is envisioned to encourage the construction of ADUs by offering property owners a selection of pre-approved ADU building plans that can be attained at the Development Services Department front counter. By choosing one of these plans, the property owner can dramatically reduce pre-construction costs, and receive expedited building permits.

## DEVELOPMENT STANDARDS FOR JUNIOR ACCESSORY DWELLING UNITS

**Owner-occupancy:** Owner occupancy is required, either in the remaining portion of the single-family residence or the newly created junior accessory unit.

**Deed restriction:** Recordation of a deed restriction is required prohibiting the sale of the unit and restricting the size of the unit.

**Not to be sold:** A JADU is considered an accessory use to a single-family residence and may not be sold separately from the single-family residence, but may be rented for terms longer than 30 days.

**Number:** One JADU may be allowed per single-family zoned lot with an existing single-family residence.

**Area:** A JADU is limited to 500 square feet in area.

**Separate entrance:** A separate entrance and an interior entry to the main living area of the primary residence are required for a JADU.

**Kitchen:** An efficiency kitchen is required for a JADU. No appliances that require electrical service greater than 120 volts, or natural or propane gas.

**Sanitation:** A JADU may share bath/sanitation facilities with the primary residence or may have separate sanitation facilities.

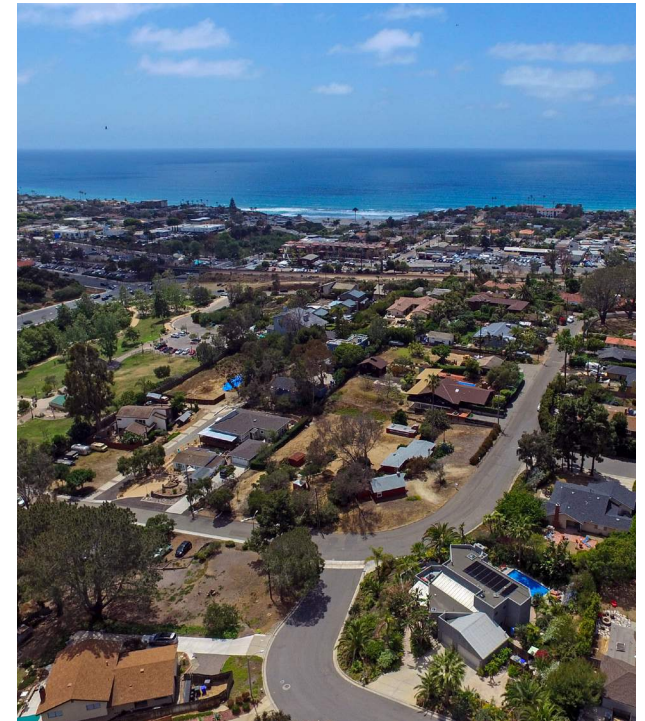
**Parking:** No parking is required for a JADU.

## Considerations

### 1.4

#### Size and Location

ADUs can be built as detached or attached units to the primary residence, within an existing home or accessory structure, or as a garage conversion. The City's new ADU ordinance allows for a range of sizes, from efficiency studios up to 1,200 sf. The zoning of your property and the size of your existing lot and house will be determining factors in how large of an ADU you can build. The new ordinance provides several reliefs from the standard zoning regulations. Setbacks for all ADUs are five feet from the side and rear property lines, unless there are superseding environmental buffers (cite code). For lots that are under 10,000 sf, relief has been provided with an increase in allowable lot coverage and floor area ratio (FAR). With the construction of an ADU, the lot coverage allotment can be increased by 5%, and the FAR can be increased by 0.1. Any ADU, or portion of, that is constructed using any of these reliefs will be restricted to one-story in height. The one exception to the height limitation is for ADUs that are constructed above an existing garage. These second-story units can also be built using the five foot side and rear yard setbacks (cite code).



## Design Professionals

### Architect

Architects are professionals licensed by the state whom have a degree in architecture and have passed a series of licensing exams. Architects are legally responsible for the work they design. Architects may provide a range of services including full-service from the initial concept to final construction. This can include coordinating with additional consultants such as structural engineers, surveyors, civil engineers, contractors, or any other project related consultants.

### Designer

Designers can come from varying backgrounds and skillsets. Most designers have a design-based education and/or work experience, but none are professionally licensed. The services designers provide are dependent upon the level of their experience in the design, engineering, and construction fields.

### Civil Engineer

Civil Engineers work with the design, construction, and maintenance of natural and built environments. This can include residential, commercial, industrial, transportation, and infrastructure projects. A civil engineer can provide drafting, structural, grading, and stormwater services.





### Design/Build

A design/build firm will design and construct your ADU. Design/build firms are usually headed by a licensed architect or contractor. There are no standards for design/build firms, so the level of services they provide varies depending on the skill set of the owner and staff. The staff is usually a collection of designers who provide design services for small scale projects.

### Manufacturer

Modular and manufactured homes can be an efficient way of constructing your ADU. Manufacturers of these homes are monitored by the state of California, and a contractor is required for the on-site foundation work, utility hookups, and placement or assembly of the unit. Most manufacturers offer a variety of options for homeowners to customize their unit. This method of construction simplifies the design process and generally takes the least amount of time from conception to completion.





## Types of Construction

### Timber Frame

Timber frame, or stick-built construction, is the traditional method of home construction. This method is done on-site and relies on wooden beams for its basic construction, with more narrow timber beams in between them. Timber framed homes often leave a portion of the wood timber exposed as part of the design aesthetic, in addition to its structural purpose.

### Modular

Modular construction relies on pieces of the house or ADU being fabricated off-site, and then being delivered to the building site. The prefabricated pieces are delivered to the site and placed into position, either by hand or with a crane.

### Manufactured

Manufactured construction is a process where an entire house or ADU, or sections of them, are predominantly built and assembled in factories. The entire unit, or the sections, is then transported to the building site and assembled.

**Development Services Counter**

A visit to the City's Development Services Counter is a great first step towards constructing an ADU on your property. City Staff are available to guide you and answer your questions regarding your property, building plans, or the construction process.

**Planning**

Planning staff can provide information about your property, including the zoning and lot size, which are critical in determining the type and size of ADU you can build. A Planner can also assist you with all of the other development standards that may influence the design of your ADU.

**Building**

Building staff will ultimately issue your permit to construct and occupy your ADU. The Staff can walk you through the permitting and inspection process, and provide you with a list of building codes and drawing requirements that you or your consultants will need to consider prior to applying.

**Engineering**

Engineering staff can help you with questions about property lines, right-of-ways, grading, storm water, and utility and drainage easements. Only a professional survey of your property can accurately determine where all of the boundaries lie, and it is recommended that one be conducted as part of your planning process.



## Fire

Fire Prevention staff are available to answer questions regarding life safety issues such as requirements for fire sprinklers, required firewall ratings, building separation, and defensible space for wildfires. To determine your fire zone, enter your address into the My Encinitas Map, and click on the 'Public Safety' tab.

## Application Requirements

When an ADU is proposed as a new building or an addition, the permitting and inspection process is the same as that of a new single family house construction. Please visit the Development Services Department (DSD) for additional information on how to submit an application for new construction of an attached or detached ADU.



When an ADU is proposed in existing space, either through the conversion of a garage or accessory structure, or within the house, or when an addition to an existing building is proposed, it may be helpful to make an initial visit to the DSD. The visit provides an opportunity to discuss the space, design, and structural issues that may be associated with the development of an ADU. In order for staff to provide the best information possible, a simple single-line site plan and floor plan drawing is beneficial.

### **Fees/Waivers**

As of February 14, 2018, City Council waived all Development Services Department fees for the construction of new ADUs. Other district fees, such as school and water districts, may still apply depending on your location and the size of your ADU. Please contact each district about their fees.

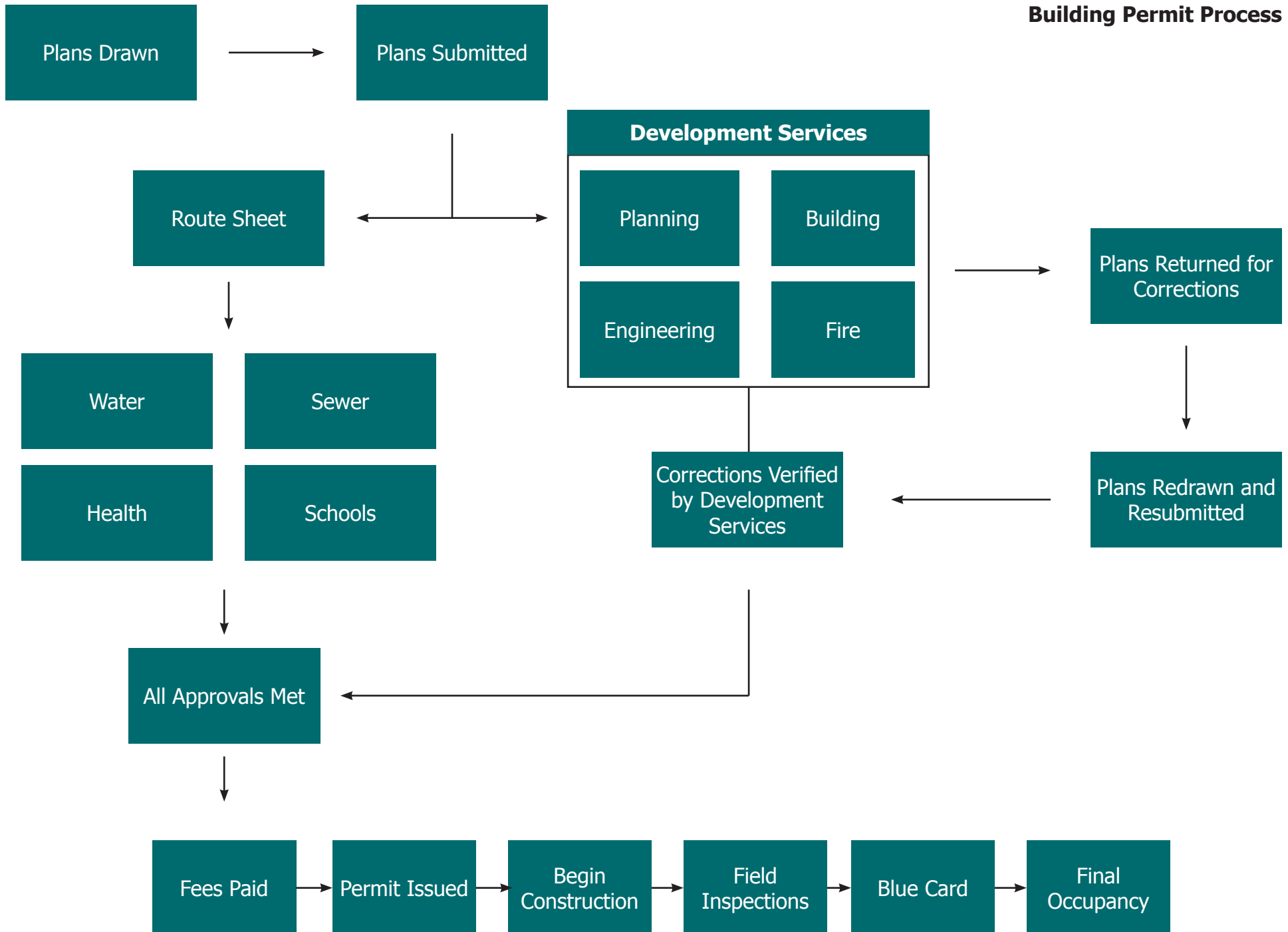
### **Inspections**

Your ADU will require a series of inspections to ensure that the project is being built in compliance with all building, plumbing, mechanical and electrical codes. Building Inspectors will check for code compliance, as well as assure that the ADU is being constructed according to the plans you submitted for the permits. The Planning staff may also do a final inspection to ensure that any special conditions on the project have been met. Additional inspections may also be conducted by other City Departments or agencies.

### **Renting**

Renting out an ADU can be beneficial for all parties involved. Homeowners can offset their housing costs with income from their rental unit. ADUs increase housing options for renters. The new ADU and JADU ordinances require that all rental agreements for ADU and JADU units must have contracts of 30 days or longer; therefore, short-term vacation rental is not permitted. However, homeowners can choose to live in their ADU and rent out the primary home as a lease or as a short-term vacation rental. All vacation rental properties must be registered with the City through the Development Services Department.

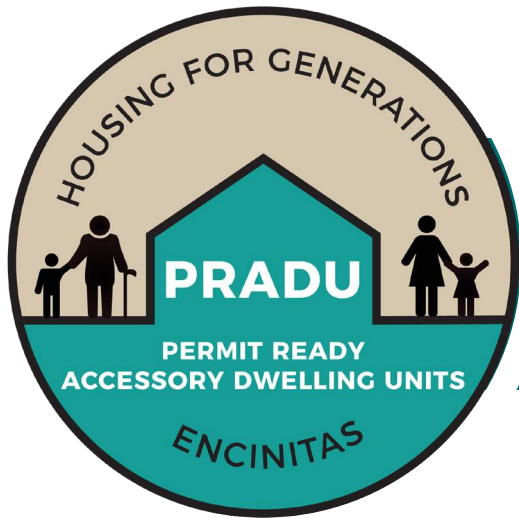
## Building Permit Process











## Part 2: PRADU Program

City of Encinitas, California

2







## Introduction to Program

### 2.1

The Permit-Ready Accessory Dwelling Unit (PRADU) Program is envisioned to encourage the construction of ADUs by offering property owners a selection of pre-approved ADU building plans that can be attained at the Development Services Department front counter. The permit-ready plans will include customizable options to allow for variations in exterior materials and door and window fenestrations to express individual owners' tastes and respect community character. The program aims to assist property owners in creating accessory dwelling units by providing customizable plans, expediting the process, and reducing preconstruction fees. The program also helps the city meet strategic plan goals by providing diverse housing options throughout the city.

After releasing a request for proposal, the City selected two local architects to collaborate with to establish criteria and create a collection of plans for the PRADU Program. The architects were tasked with preparing a series of units: a studio, a one-bedroom, a two-bedroom, and a three-bedroom. Each architects' set of plans provide unique variations and benefits. The options from Design Path Studio are designed in a way that makes it easy for the owners to add bedrooms in the future. The options from DZN Partners offer an expansive list of exterior options and roof lines.

DESIGN PATH STUDIO  
architecture + design

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DESIGNPATHSTUDIO.COM

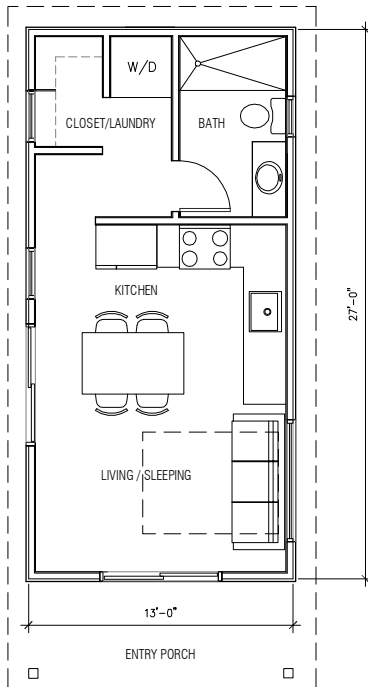
## Plan Options by Design Path Studio

## 2.2

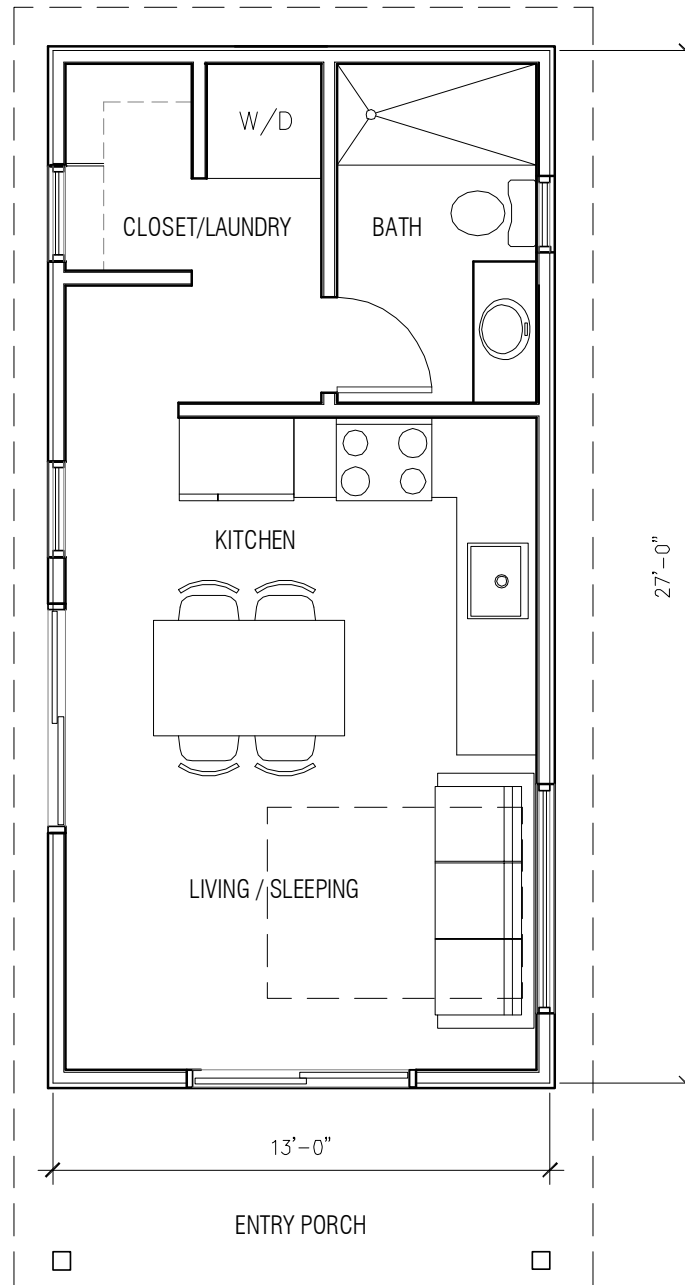
The overall concept for these four units is that the ADU can expand overtime. As many homeowners are limited on budget, these designs provide a way to start small and add on as time and budget allow.

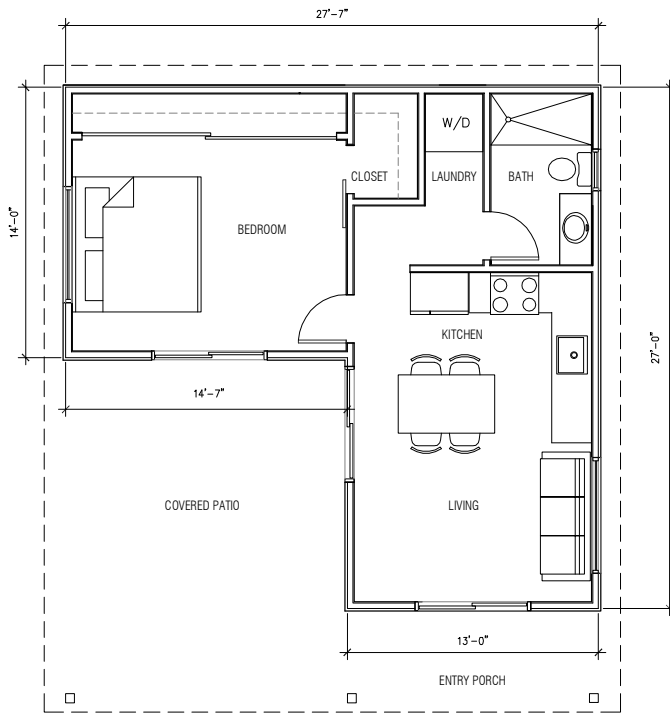
### Key elements in design concept:

- Primary infrastructure is laid out in the studio plan which includes all the necessary plumbing, utilities, structural openings, and core living components for all the proposed ADUs.
- Homeowner is able to build a space that accommodates various types of tenants and can change and expand as needed.
- Space can grow with tenants overtime.
- When starting with the studio design as a "base plan" the homeowner can have the flexibility to change the design when they are ready without a large expense. Any addition to the plan has minimal change to the plumbing and is primarily wood frame construction for bedrooms.
- The initial decision on choosing a floor plan does not limit them on the end result.
- Outdoor patios are integrated in each design to offset the small interior space of the units.
- Building materials are standard "off the shelf" items that do not require custom order.
- Door and window openings area sized to fit most standard products. This saves on time and costs.
- Adequate storage, utility, appliances, and room sizes are provided in the studio unit that will accommodate even the largest 3 bedroom unit layout.
- The footprint of the unit is sized to fit in most rear yards.



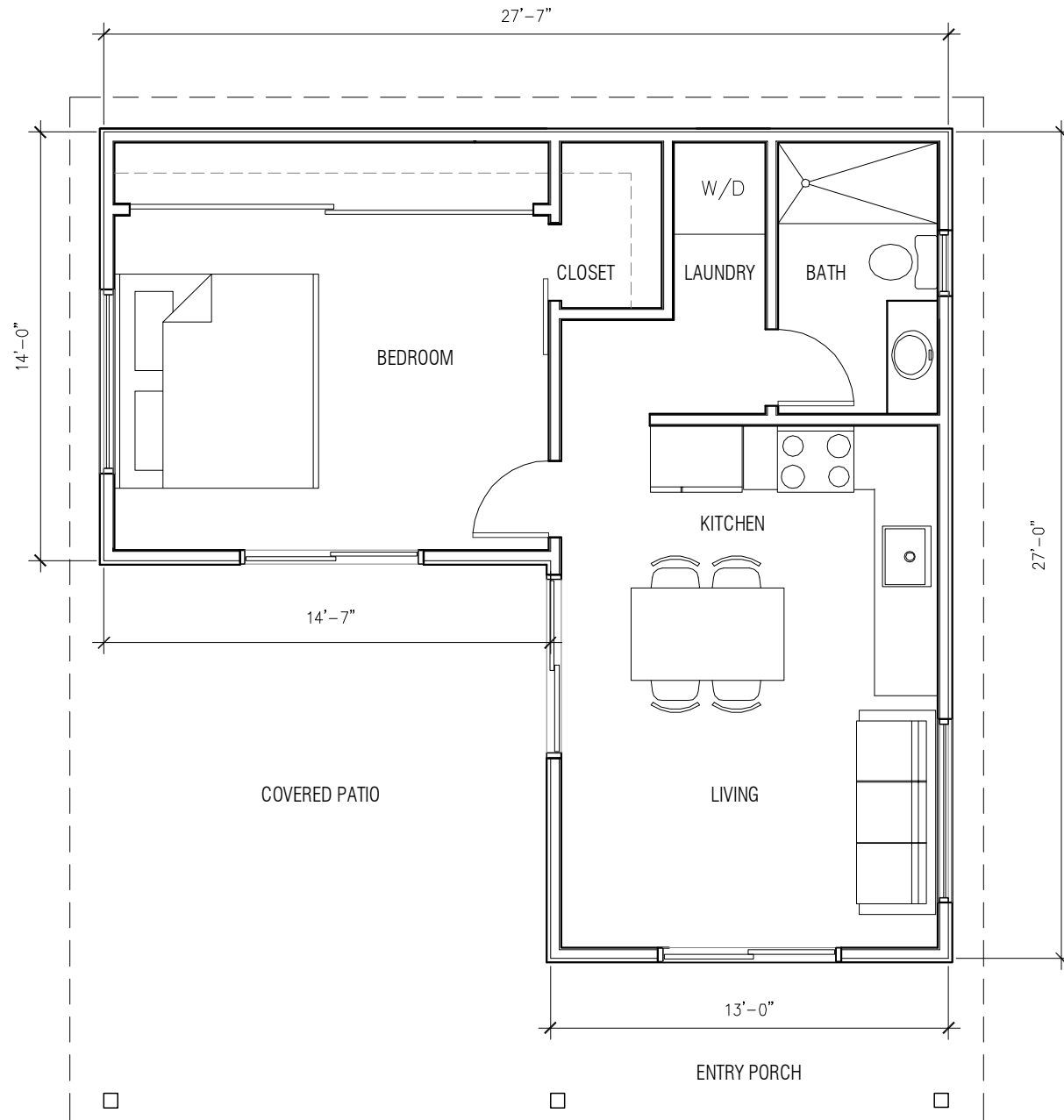
**Design Path Studio | Studio ADU**  
350 SF

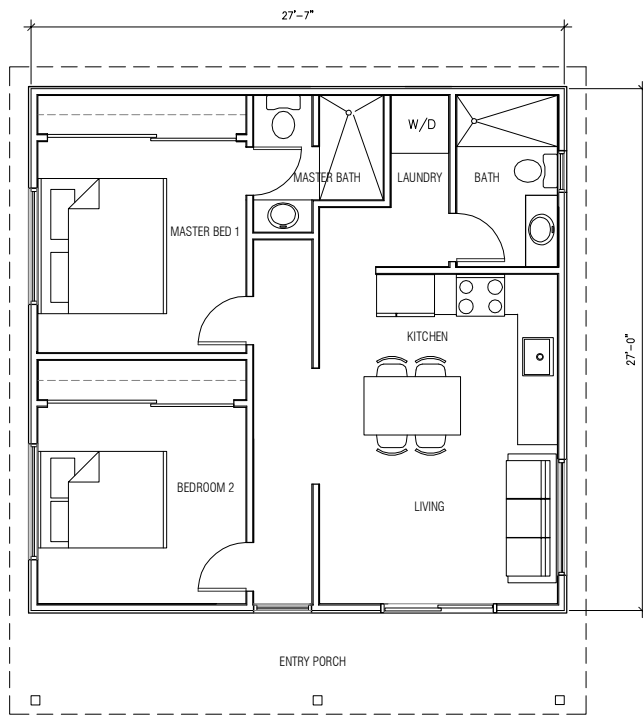




**Design Path Studio | 1 Bedroom, 1 Bath ADU**  
555 SF



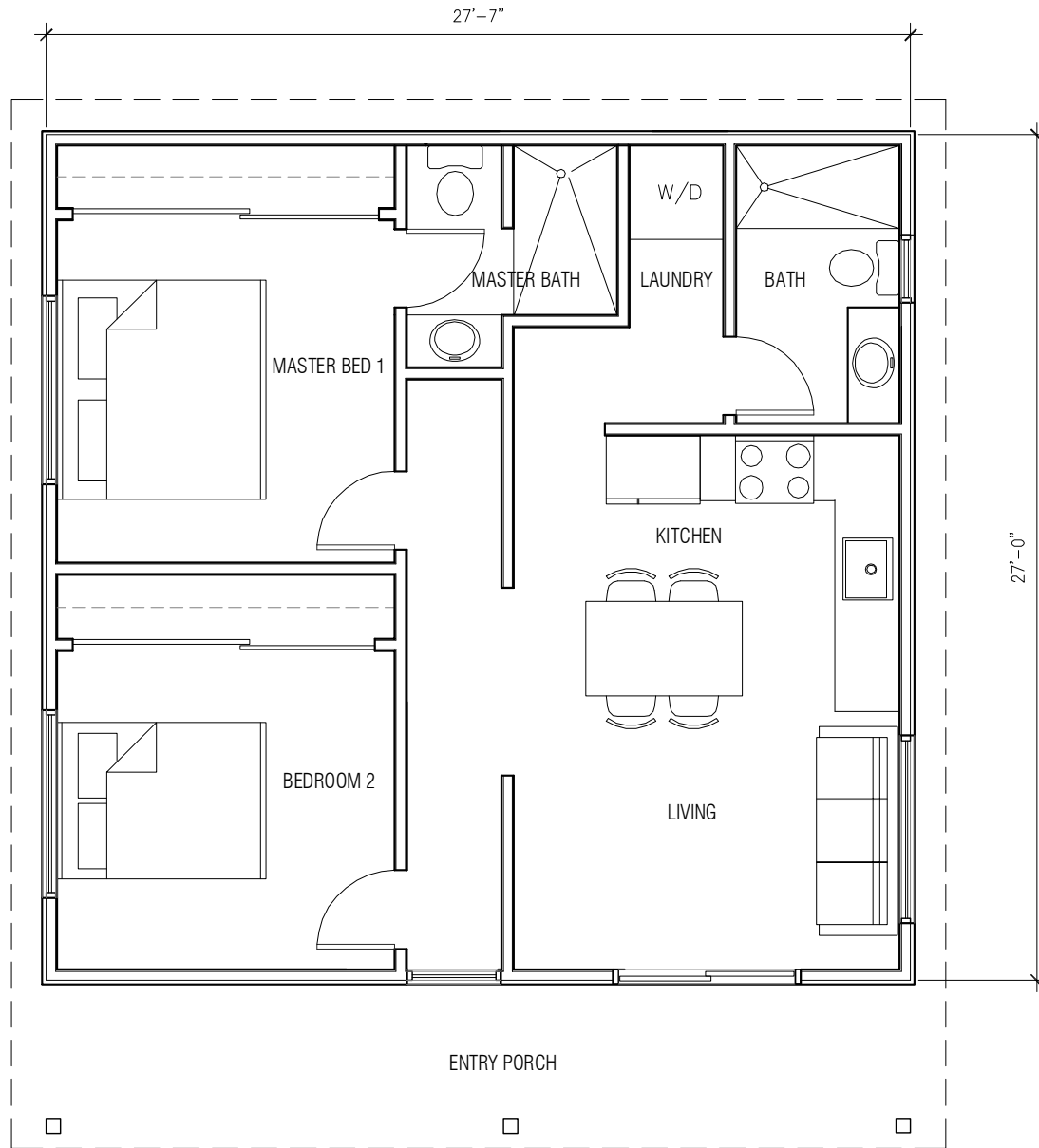


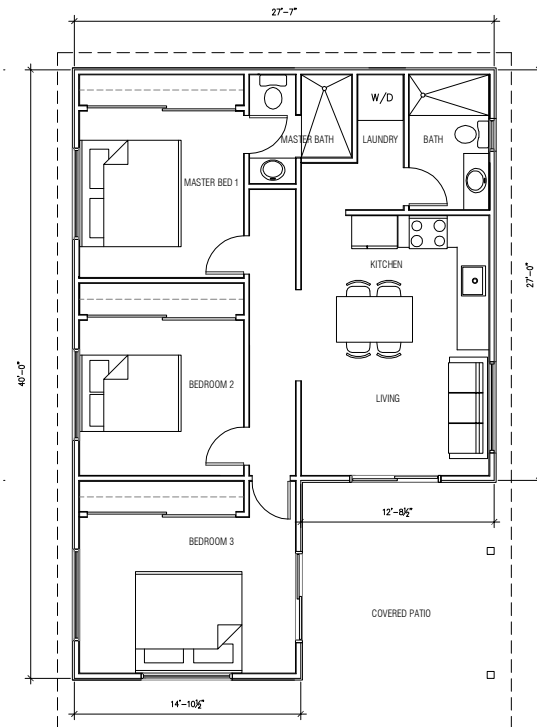


**Design Path Studio | 2 Bedroom, 2 Bath Studio ADU**  
745 SF

**Design Path Studio | 2 Bedroom, 2 Bath ADU**  
745 SF

DESIGN PATH STUDIO  
architecture + design



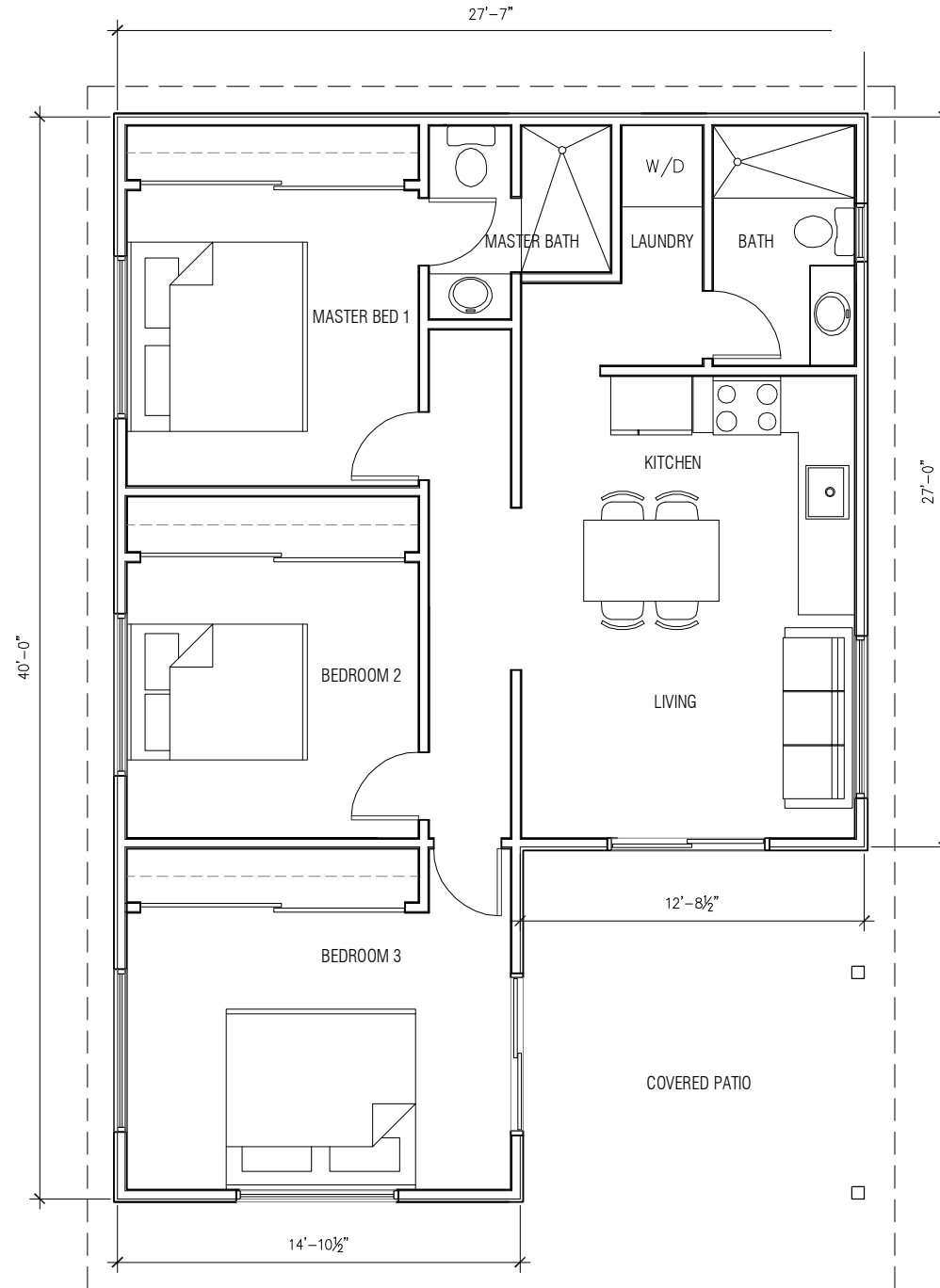


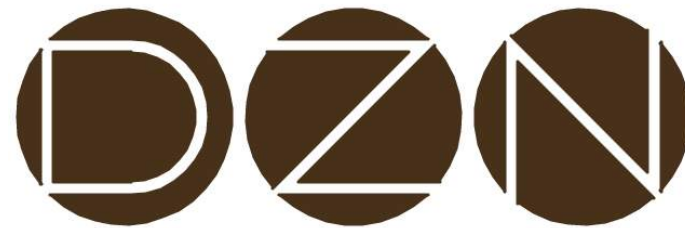
**Design Path Studio | 3 Bedroom, 2 Bath ADU**  
935 SF



**Design Path Studio | 3 Bedroom, 2 Bath ADU**  
935 SF

DESIGN PATH STUDIO  
architecture + design





**p a r t n e r s**  
ARCHITECTURE

## Plan Options by DZN Partners

### 2.3

This collection of Accessory Dwelling Units (ADUs) was designed to give the person considering building an ADU as much choice as possible.

#### Key elements in design concept:

- Four ADUs to choose from including: Studio, One (1) Bedroom, Two (2) Bedroom, and Three (3) Bedroom
- Each ADU can be built as the floor plan is presented or the floor plan can be built reversed
- Each ADU has the ability to be built on a slab on grade or raised floor foundation
- if the site soils are expansive, there are foundation details that address that issue
- Each ADU has three different elevation designs, providing a total of twelve standard ADU elevation options
- If one of the standard ADU elevations is not quite right, the option is available to select a different material or assembly
- A checklist is provided to assist builder in choosing different finishes for wall

materials, windows, door upgrades, eave and rake style, and roofing materials

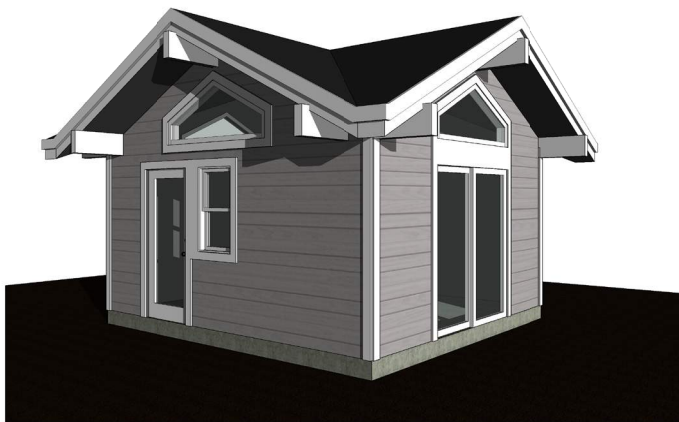
- If the ADU is required to have fire sprinklers, the plans include the notes required for their installation
- Some properties in Encinitas are in the very high fire severity zone, as such, these ADUs are designed to be placed in this zone with compliance to the notes provided on the plans
- All of the ADUs (in this collection) utilize the conventional light wood framing construction for ease of building and reasonable construction costs
- The Two (2) Bedroom unit is designed to be disabled or less able accessible in accordance with Universal Design Principles and the AARP Homefit Program
- The Studio and One (1) Bedroom are designed to fit in small rear yards



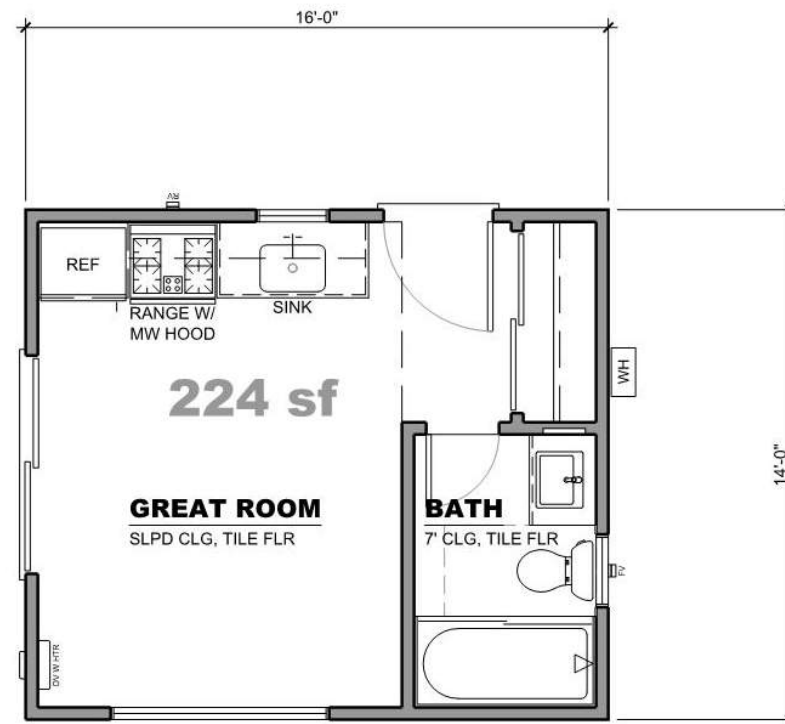
Finish A



Finish B

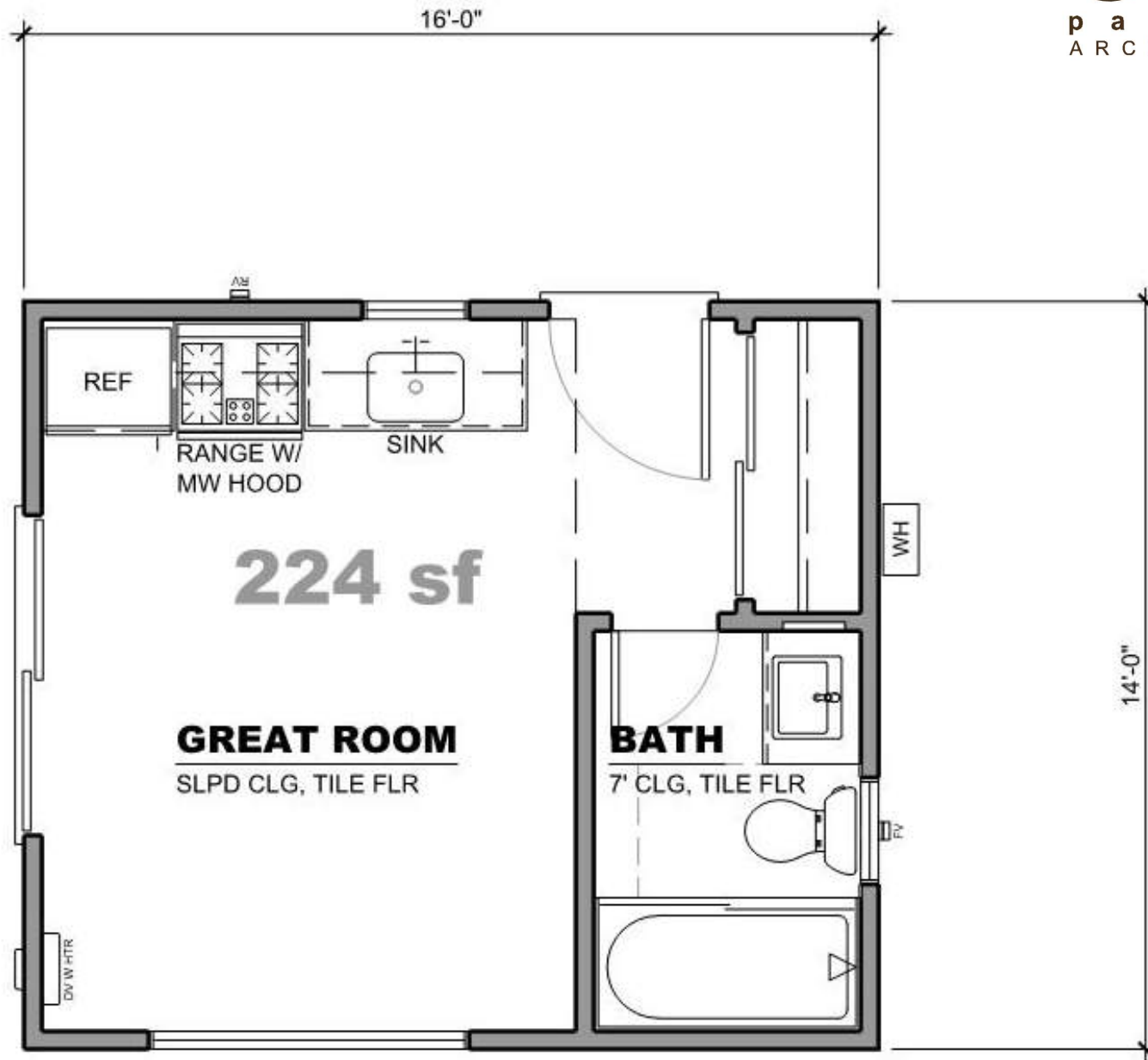


Finish C



**DZN Partners Architecture | Studio ADU**  
224 SF







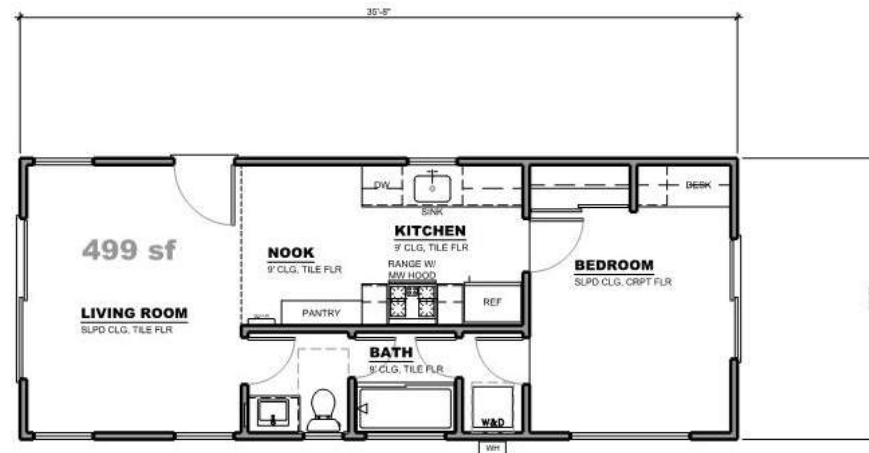
Finish A



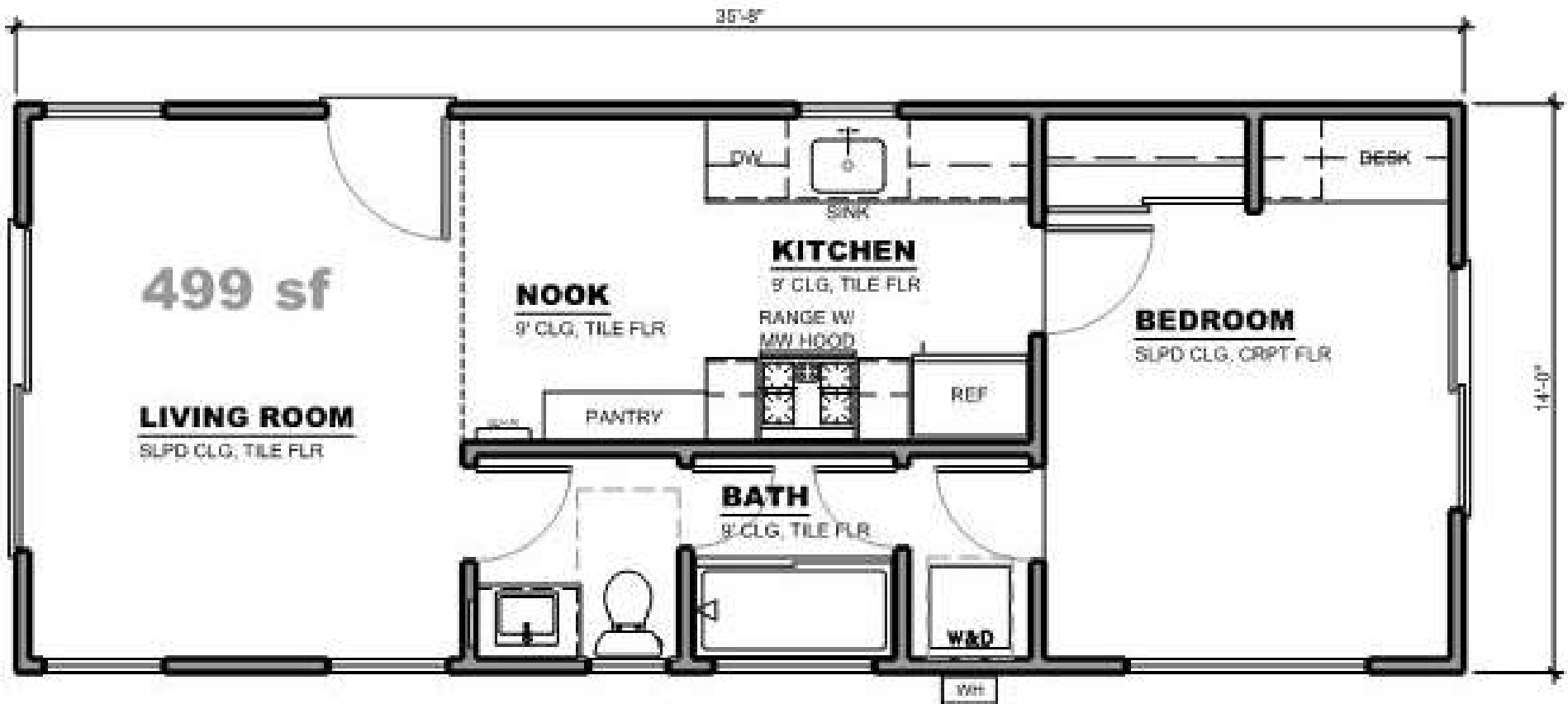
Finish B



Finish C



**DZN Partners Architecture | 1 Bedroom, 1 Bath ADU**  
499 SF





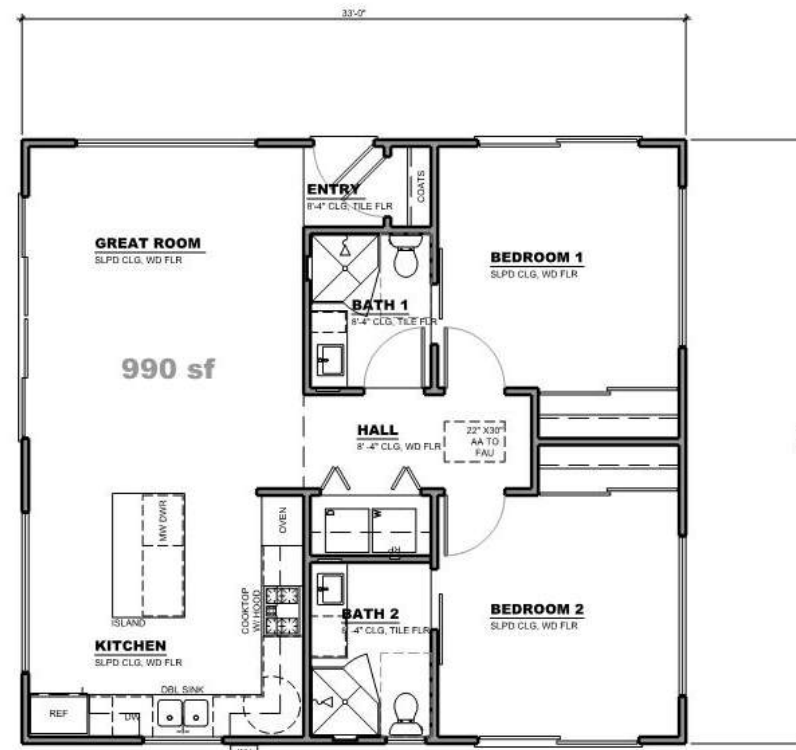
Finish A



Finish B



Finish C

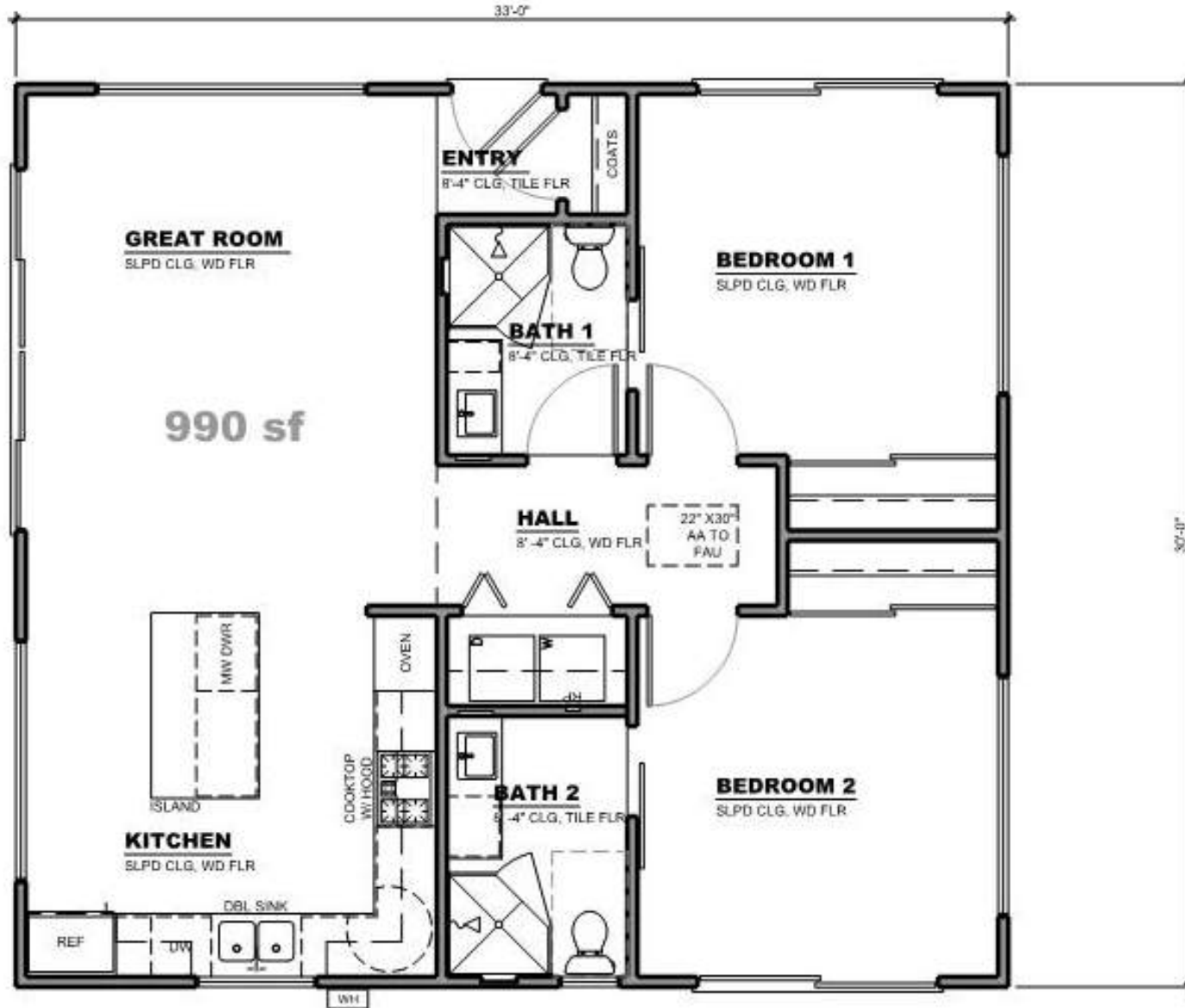


**DZN Partners Architecture | 2 Bedroom, 1 Bath ADU**  
990 SF



# DZN Partners Architecture | 2 Bedroom, 1 Bath ADU

990 SF





Finish A



Finish B



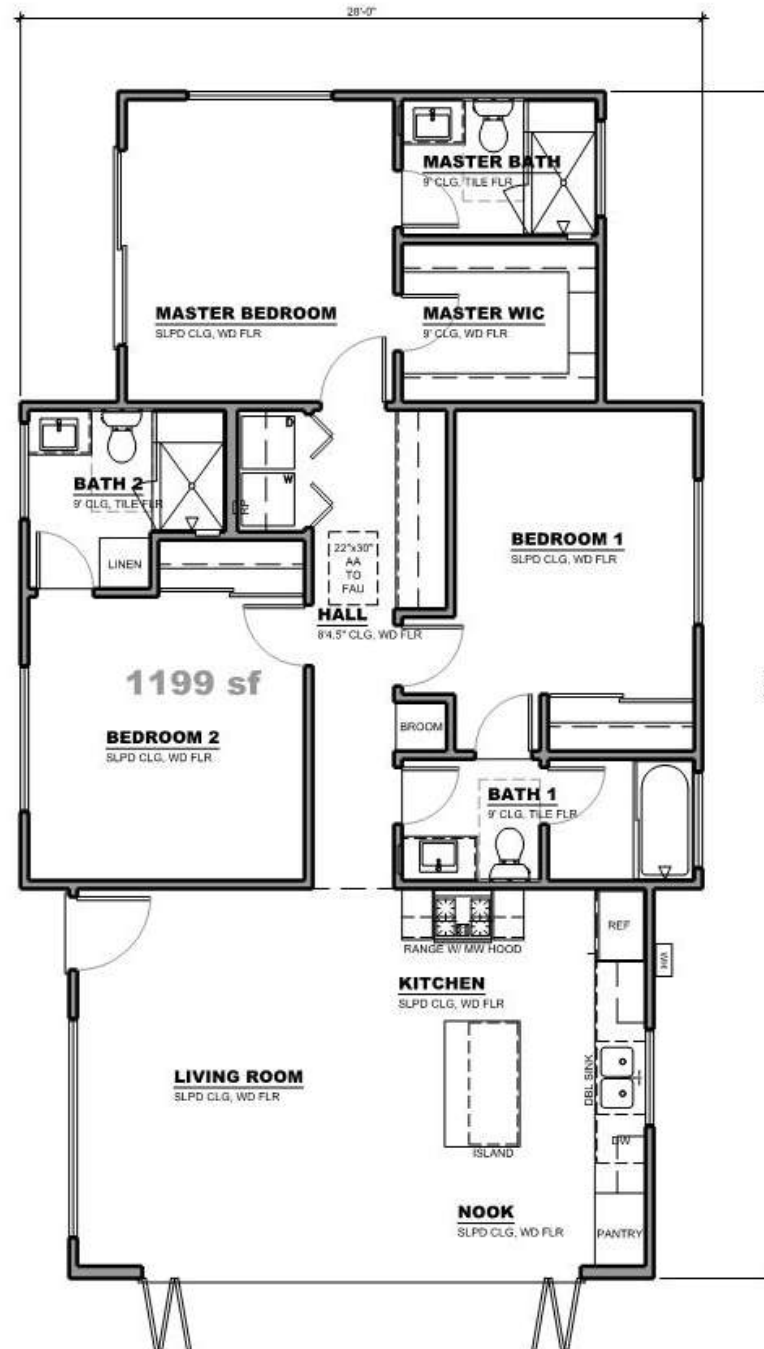
Finish C



**DZN Partners Architecture | 3 Bedroom, 1 Bath ADU**  
1199 SF

# DZN Partners Architecture | 3 Bedroom, 1 Bath ADU

1199 SF









## **Part 3: Appendix**

City of Encinitas, California

#### Contacts

##### Development Services

###### Planning

(760) 633-2710  
planning@encinitasca.gov

###### Building

(760) 633-2730  
building@encinitasca.gov

###### Engineering

(760) 633-2706

##### Fire Prevention Services

(760) 633-2820  
fireprevention@encinitasca.gov

#### Resources

American Institute of Architects (AIA)  
[www.aia.org](http://www.aia.org)

Building Industry Association (BIA)  
[www.biasandiego.org](http://www.biasandiego.org)

California Board for Professional Engineers and Land Surveyors  
[www.bpelsg.ca.gov](http://www.bpelsg.ca.gov)

California Building Standards Commission  
[www.bsc.ca.gov/Home.aspx](http://www.bsc.ca.gov/Home.aspx)

California Department of Housing and Community Development (HCD): Second Unit Resources  
[www.hcd.ca.gov/policy-research/AccessoryDwellingUnits.shtml](http://www.hcd.ca.gov/policy-research/AccessoryDwellingUnits.shtml)

California Energy Commission  
[www.energy.ca.gov](http://www.energy.ca.gov)

California State Fire Marshal: Bulletin 17-001  
[http://osfm.fire.ca.gov/informationbulletin/pdf/2017/IB\\_17-001\\_Accessory\\_Dwelling\\_Units.pdf](http://osfm.fire.ca.gov/informationbulletin/pdf/2017/IB_17-001_Accessory_Dwelling_Units.pdf)

Contractors State License Board  
[www.cslb.ca.gov](http://www.cslb.ca.gov)

Division of the State Architect  
[www.dgs.ca.gov/dsa/Home.aspx](http://www.dgs.ca.gov/dsa/Home.aspx)

Encinitas Municiple Code: Title 23 Building and Construction  
<http://www.qcode.us/codes/encinitas/>

Encinitas Municiple Code: Title 30 Zoning  
<http://www.qcode.us/codes/encinitas/>

International Code Council (ICC)  
[www.iccsafe.org](http://www.iccsafe.org)

My Encinitas Map  
<https://myencinitas.encinitasca.gov/>

San Diego County Assessor  
[arcc.sdcounty.ca.gov/Pages/default.aspx](http://arcc.sdcounty.ca.gov/Pages/default.aspx)

**ADU Ordinance (2018-01 and 2018-11)****T. Accessory Dwelling Units, Attached and Detached**

1. One attached or one detached accessory dwelling unit may be permitted in conjunction with an existing single-family residence or the construction of a new single-family residence on a lot zoned for single-family or multifamily use.
2. An accessory dwelling unit may be permitted on a lot where a junior accessory dwelling unit exists.
3. An accessory dwelling unit shall be incidental, appropriate, and clearly subordinate to the primary single-family residence.
4. Attached and detached accessory units must maintain the general character of a single-family residential neighborhood, and maintain the character as a single-family dwelling as determined by the Development Services Director. Architectural design, building materials, and exterior colors shall be compatible with the principal residence.
5. An accessory dwelling unit shall not be sold separately from the primary residence.
6. An accessory unit may be rented, but only with a rental agreement with terms greater than 30 days.
7. Except as provided herein, attached and detached accessory dwelling units shall comply with all local building and fire code requirements, as appropriate.
8. Prior to approval of an accessory dwelling unit on properties with a private sewage system, approval by the County of San Diego Department of Environmental Health, or any successor agency, shall be required.
9. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.
10. An attached accessory dwelling unit shall have a separate exterior entry with no interior access to the primary dwelling unit.
11. Maximum living area of an attached or detached accessory unit shall not exceed 1,200 square feet or the total living area of the primary dwelling unit, whichever is less.
12. Setbacks for accessory units:
  - a. Except as provided herein, attached and detached accessory dwelling units shall comply with the setbacks required for the primary dwelling unit as established by the underlying zoning designation.
  - b. Attached and detached accessory dwelling units shall comply with the setbacks established in Chapter 30.34 (Special Purpose Overlay Zones) of the Municipal Code.
  - c. Attached and detached accessory dwelling units shall have a setback of not less than five feet from side and rear property lines, except:
    - i. An accessory dwelling unit that is constructed above (may be cantilevered, or supported by posts, but not solid walls) an existing attached or detached garage shall have a setback of five feet from the side and rear property lines. However, an accessory dwelling unit that is constructed above a garage shall comply with the setbacks established in Chapter 30.34 (Special Purpose Overlay Zones) of the Municipal Code.
    - ii. No setback shall be required for the conversion of existing space wholly within an existing primary residence or wholly within an existing accessory building to an accessory dwelling unit. However, an existing accessory building (including an existing garage) that is converted to an accessory dwelling unit shall comply with the setbacks established in Chapter 30.34 (Special Purpose Overlay Zones) of the Municipal Code.
    - iii. Roof eaves and other architectural projections for accessory dwelling units shall comply with Section 30.16.010E8.
    - iv. Accessory dwelling units constructed on properties directly adjacent to a coastal bluff shall be consistent with the setbacks required for the primary dwelling unit as established by the underlying zoning designation.

## ADU Ordinance Continued

13. Any accessory dwelling unit that is permitted or constructed in reliance on the setback relief provisions established for accessory dwelling units in Subsection 30.48.040T12 shall be:
- Maintained as an accessory dwelling unit and shall not be converted to or used for any other purpose.
  - Shall be limited to a height of one-story for (1) any portion of an attached ADU relying on the setback reliefs, or (2) an entire detached ADU structure if any portion of the structure relies on the setback reliefs.
14. An additional five percent (5%) of lot coverage and ten percent (0.1) of floor area ratio above that established for the underlying zoning designation shall be allowed for accessory dwelling units only for lots of 10,000 square feet or less and where there is an existing single-family residence.
15. Parking
- Except as otherwise provided herein, parking spaces for accessory dwelling units shall comply with Chapter 30.54 (Off-street Parking) of the Municipal Code, including but not limited to the design requirements of the Off-street Parking Design Manual.
  - One parking space shall be required for an accessory dwelling unit, which may be provided as tandem parking on an existing driveway or within setback areas, provided that the parking area is properly surfaced in accordance with applicable regulations.
  - Any required parking spaces removed in conjunction with the construction of an accessory dwelling unit shall be replaced on the same lot as the accessory dwelling unit.
    - The replacement parking spaces may be located in any configuration on the lot, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts.
    - Uncovered replacement parking spaces may be located within building setback areas.
    - Structures for covered parking spaces shall be required to comply with applicable setback
  - Notwithstanding the above or any other law, no parking standards shall be imposed for an accessory dwelling unit in any of the following instances:
    - The accessory dwelling unit is located within a radius of one-half mile of public transit.
    - The accessory dwelling unit is located within an architecturally and historically significant historic district.
    - The accessory dwelling unit is contained wholly within the existing space of an existing primary residence or an existing accessory building, with no additional area added. If an accessory dwelling unit constructed under this provision is expanded, parking shall be provided for the accessory dwelling unit in accordance with this Section.
    - When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
    - When there is a car share facility located within one block of the accessory dwelling unit.
16. Utilities
- Accessory dwelling units shall not be considered new residential uses for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service.
  - For an accessory dwelling unit that is contained within the existing space of a single-family residence or accessory building, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety, no new or separate utility connection directly between the accessory dwelling unit and the utility shall be required and no related connection fee or capacity charge shall be imposed. For accessory units that do not meet these criteria, new or separate utility connections may be required and related connection fees or capacity charges may be imposed.
17. Applications for accessory dwelling units conforming to the requirements of this section shall be considered ministerially without discretionary

## ADU Ordinance Continued

review or a hearing, and the City shall approve or deny such applications within 120 calendar days after receiving the completed application.

18. Development Service Department fees for accessory dwelling units may be waived.

19. Prior to issuance of a building permit for an accessory dwelling unit, a covenant shall be recorded between the owner and the City of Encinitas agreeing to the terms stipulated in this chapter. The covenant shall specifically mention that:

- a. The accessory dwelling unit shall not be sold separately from the primary dwelling unit.
- b. The accessory unit may be rented, but only with rental agreements with terms greater than 30 days.
- c. The accessory unit is limited to the size and attributes set forth by this Section.
- d. The covenant shall be binding upon any successors in interest or ownership of the property and lack of compliance with the provisions thereof may result in legal action against the property owner, including revocation of the right to maintain an accessory dwelling unit on the property.

20. For the purposes of this section, the following definitions apply,

- a. "Accessory dwelling unit" shall be as defined in Chapter 30.04 of this Title.
- b. "Car share facility" shall mean a city permitted designated area where a car share vehicle can be parked for extended periods of time.
- c. "Existing space" shall mean area within the existing exterior walls and existing roofline of an existing structure that can be made safely habitable under applicable building and fire codes at the determination of the building official, notwithstanding any noncompliance with zoning regulations that was in existence on the date this ordinance became effective.
- d. "Living area" shall mean the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory building.
- e. "Major Public Transit Center" shall mean a multimodal transportation hub.
- f. "Public transit" shall mean any major public transit center, or any bus stop.



## JADU Ordinance (2018-02)

### U. Junior Accessory Dwelling Units

1. One junior accessory dwelling unit may be permitted in conjunction with an existing, previously constructed single-family residence on lots zoned for single-family or multifamily use.
2. A junior accessory dwelling unit may be permitted on a lot where an accessory dwelling unit exists.
3. A junior accessory dwelling unit shall not be sold separately from the primary residence.
4. A junior accessory dwelling unit may be rented, but only with a rental agreement with terms greater than 30 days.
5. The owner of a lot with a junior accessory dwelling unit shall occupy as a principal residence either the primary dwelling or the junior accessory dwelling unit, except where the primary dwelling and junior accessory dwelling are held by an agency such as a land trust or housing organization in an effort to create affordable housing.
6. Junior Accessory Dwelling Unit Development Standards
  - a. A junior accessory dwelling unit shall not exceed 500 square feet in total floor area.
  - b. A junior accessory dwelling unit shall be contained entirely within an existing single-family residence.
  - c. Creation of a junior accessory dwelling unit must include the conversion of an existing bedroom.
  - d. A junior accessory dwelling unit shall be provided with a separate exterior entry.
  - e. An interior connection to the main living area of the primary residence shall be maintained. A second door may be added for sound attenuation.
  - f. A junior accessory dwelling unit shall include an efficiency kitchen, requiring and limited to the following components:
    - i. A sink with a maximum waste line of one and one-half (1.5) inches.
    - ii. A cooking facility with appliances that do not require electrical service greater than 120 volts or natural or propane gas.
    - iii. A food preparation counter and storage cabinets that are reasonable to the size of the unit.
  - g. No additional parking shall be required for a junior accessory dwelling unit other than that required when the existing primary residence was constructed.
  - h. The junior accessory dwelling unit may share a bath/sanitation facility with the primary residence or have its own.
7. Except as provided herein, a junior accessory dwelling unit shall comply with all local building and fire code requirements, as appropriate.
8. Junior accessory dwelling units shall not be required to provide fire sprinklers or fire attenuation specifications if they are not required for the primary residence. An inspection to confirm that the junior accessory dwelling unit complies with development standards may be assessed.
9. No sewer or water connection fees shall be required for the development of a junior accessory dwelling unit. An inspection to confirm that the junior accessory dwelling unit complies with development standards may be assessed.
10. Prior to issuance of a building permit for a junior accessory dwelling unit, a covenant shall be recorded between the owner and the City of Encinitas agreeing to the terms stipulated in this chapter. The covenant shall specifically mention that:
  - a. The junior accessory dwelling unit shall not be sold separately from the primary dwelling unit.
  - b. The junior accessory unit may be rented, but only with a rental agreement with terms greater than 30 days.
  - c. The junior accessory unit is limited to the size and attributes set forth by this Section.
  - d. The owner of record of the property shall occupy the primary dwelling unit or the junior accessory dwelling unit, except where the primary dwelling and junior accessory dwelling are held by an agency such as a land trust or housing organization in an effort to create affordable housing.
  - e. The covenant shall be binding upon any successors in interest or ownership of the property and lack of compliance with the provisions thereof may result in legal action against the property owner, including revocation of the right to maintain a junior accessory dwelling unit on the property.
11. Applications for junior accessory dwelling units conforming to the requirements of this section shall be considered ministerially without discretionary review or a hearing, and the City shall approve or deny such applications within 120 calendar days after receiving the completed application.
12. Junior accessory dwelling units shall be exempt from the requirements of undergrounding overhead utilities and public right-of-way dedication and improvements.



