

Accessory Dwelling Units

This information bulletin outlines the state's development requirements as of Jan. 1, 2020, for constructing accessory dwelling units, often called "ADUs" for short. A complete summary of the regulations can be found on the California Department of Housing and Community Development website, www.hcd.ca.gov.

OVERVIEW

Aside from traditional market-rate construction, alternative housing types help address home supply and affordability. ADUs can be integrated into existing or proposed single-family residences and at existing multi-family properties in a variety of ways, including converting a portion of an existing house, adding to the existing house, converting an existing garage or storage area, or constructing a new detached structure. ADUs and Junior ADUs offer many benefits:

- **Low Cost to Build & Affordable-by-Design**

Units require no public subsidy and cost anywhere from \$10,000 for a simple bedroom conversion to \$200,000 for a high-end companion unit.

- **Provides Income to Homeowners**

Units help create a new income stream, which can help supplement the mortgage on the primary residence.

- **Environmentally Friendly**

Accessory units have a low-carbon footprint, using less water, electricity and construction materials. A detached ADU can save 26,000 pounds of CO2 emissions a year compared to a single-family dwelling.

- **Flexibility for Changing Households**

The makeup of today's household is rapidly changing. Many families are now made up of single parents, extended families or both. Traditional larger single-family homes are often not well suited to the demands associated with this new shift in family structure.

TYPES OF ACCESSORY UNITS

Accessory Dwelling Unit

An ADU, sometimes referred to as a second dwelling unit, is an attached or detached residential dwelling unit that provides complete independent living facilities for one or more people. An ADU includes permanent provisions for living, sleeping, eating, cooking and sanitation. A separate entrance from the main home is required.



Documents Referenced

[HCD – ADU and JADU Regulations](#)

[Accessory Dwelling Units,](#)

[Carlsbad Municipal Code §21.10.030](#)

Junior Accessory Dwelling Unit

A Junior ADU is like an ADU, but typically smaller and has unique standards. Junior ADUs are attached to the main single-family residential dwelling unit. A separate entrance from the main home is required. An efficiency cooking area is required to be provided within the unit. It may include independent sanitation within the unit or shared facilities with the existing residence. No additional parking is required.



Guest House

A guest house can be an accessory building for the sole use of people employed on the property or temporary use by guests of the primary residence. A guest house cannot include a kitchen or wet bar. Guest houses are not ADUs or Junior ADUs, but are regulated as accessory structures. They cannot be rented or used as a separate dwelling unit.



Tiny Houses

Tiny houses, sometimes referred to as park model trailers, are not allowed for permanent use on private property. California Health and Safety Code §18009.3 and §18010 consider tiny houses *recreational vehicles*, not a type of mobile or modular home that has been approved or certified by state for permanent living.



ADU DEVELOPMENT STANDARDS

Construction of an ADU is allowed "by-right" (meaning you just need a building permit) in zones that allow residential development. They require a building permit and, if the property is located within the Coastal Zone, a minor coastal development permit may be required (with no public hearing). Following are other requirements:

Single-Family Residential Locations

- One ADU is allowed, either attached to an existing or proposed single-family (main) residence or detached and on the same legal lot as the main residence.

- To qualify for an ADU, the property must have an existing main residence; or the ADU must be constructed concurrently with the main residence.
- If attached to the main residence, an ADU shall not exceed 50% of the total floor area of the main residence, or 1,200 square feet, whichever is less (unless this results in an ADU of less than 800 square feet).
- If detached from the main residence, an ADU is allowed up to 1,200 square feet.
- A detached ADU may be combined with a Junior ADU located within the existing or proposed main residence.

Multi-Family Residential Locations

- ADUs may be constructed at existing multi-family buildings as follows:
 - Two ADUs are allowed if located on a lot that has an existing multi-family building, but are detached from that building;
 - Existing non-livable space may be converted to ADUs. Examples of areas that can be converted include storage areas and garages. The minimum number of ADUs allowed is one, up to a maximum equal to 25% of the number of existing multi-family units.
 - Maximum size is limited to 1,200 square feet.

All locations

- ADUs must meet the California Residential Code for “Efficiency Dwelling Units” and provide a living area of not less than 220 square feet; an additional 100 square feet must be provided for each occupant more than two (CRC§1208.4). A “living room” is defined as the combined habitable square footage in an ADU dedicated for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage, or utility space or similar areas are not considered habitable.
- An ADU must contain complete independent living facilities, including a permanent kitchen, and separate areas for living and sleeping.
- An attached ADU must have a separate entrance from the main residence.
- Detached ADUs are limited to one story and 16 feet in height, unless located above or below a garage.
- ADU setback standards include the following:
 - Four-foot minimum setbacks from rear and side-yard property line. Front yard setback and required building separation per zoning standards.
 - Existing setbacks can be maintained for an existing legal detached garage or existing accessory structure that is converted to an ADU on a lot with a single-family residence.

- Setbacks for new ADU can conform to those of a legally demolished structure, provided that the construction of the proposed ADU is built in the same location and to the same dimensions per applicable zoning standards.
- Please note: ADU setback separation must meet all applicable fire and safety standards.

Parking

No additional off-street parking is required for ADUs that meet one of the conditions below; otherwise one space must be provided on-site:

- ADU is within half mile walking distance from public transit, which includes bus stops
- ADU is within an established historic district
- ADU is within an area where on-street parking permits are required, but not offered to the ADU occupants or ADU is located within one block of a car share area.
- ADU is part of existing or proposed primary residence or an accessory structure.

If the ADU is constructed in conjunction with the demolition of a garage, carport or covered parking structure, or one of these structures is converted to an ADU, the parking space(s) are not required to be replaced.

JUNIOR ADU DEVELOPMENT STANDARDS

Construction of a Junior ADU is allowed “by-right” provided the following standards are met:

- Only allowed on a single-family residence property and limited to one junior ADU.
- Must be contained within the existing or proposed main residence or accessory structure.
- A maximum of 500 square feet in size.
- An efficiency cooking area is required to be within unit.
- A separate entrance from the main dwelling unit or accessory unit is required. An internal connection is optional, unless a restroom is shared with the main home where an internal connection is required.
- No separate water, sewer or power connection required.
- No parking is required for a Junior ADU.

MANDATORY APPROVAL CRITERIA

New state regulations specify criteria for “mandatory approval ADUs/Junior ADUs.” These can be with a single-family residence or multi-family building in zones that allow residential development as described above. If the following additional specific criteria are met and the ADU/Junior ADU is not located within the Coastal Commission’s permit or appeal jurisdiction of the Coastal Zone, then only a building permit is required for approval:

Single-Family Lots with one ADU or Junior ADU with an existing or proposed single-family residence:

- Expansion of existing home limited to 150 square feet and is limited to accommodating ingress and egress.
- Setbacks shall be sufficient for fire safety.

Single-Family Lots with one detached ADU on lots with an existing or proposed single-family residence:

- Maximum size of 800 square feet.
- Maximum height of 16 feet per city building height calculation method.
- Minimum 4-foot side and rear setbacks, front yard setback per the zone.
- One Junior ADU within the home may be combined with one ADU.

Multi-family Lots with an existing multi-family building as described above:

- ADUs converted from non-livable space
- Detached ADUs:
 - Maximum height of 16 feet per city building height calculation method.
 - Minimum 4-foot side and rear setbacks, front yard setback per the zone.

Additional limits/requirements on mandatory ADUs:

- No fire sprinklers for ADU unless required for the primary home.
- City cannot require correction of nonconforming zoning conditions, but shall require compliance with building codes.

GENERAL STANDARDS FOR ALL ADUS AND JUNIOR ADUS

- No minimum lot size is required; however, ADUs must meet other zoning standards for maximum size, maximum lot coverage and minimum open space unless the standards would prevent the construction of an ADU that is 800 square feet in size, 16 feet in height with four-foot side and rear yard setbacks and compliant with all other development standards.
- At single-family locations, the exterior roofing, trim, walls, windows and color palette of the ADU or Junior ADU shall incorporate the same features as the main dwelling unit.
- At multi-family locations, the exterior roofing, trim, walls, windows and the color palette of the ADU conversion shall incorporate the same features as the existing building that the ADU would be provided within. For detached ADUs, it shall be reflective of the nearest building as measured from the wall of the existing building to the nearest wall of the proposed unit.

- ADUs and Junior ADUs shall only be rented for a term of longer than 30 days. ADUs that were issued a building permit prior to January 1, 2020 are exempt from this requirement.
- AB 670 states that private restrictions such as Conditions, Covenants and Restrictions (HOA CC&Rs) can no longer restrict or prohibit ADUs or Junior ADUs.

ADU PERMIT REQUIREMENTS

- ADUs require review and approval of a building permit application and may require review and approval of a minor coastal development permit application (if located in the Coastal Zone). The coastal development permit does not require a hearing.
- If there is an existing dwelling unit on the property, the city has 60 days from the date of a complete application to approve the ADU/Junior ADU application. Otherwise, the permit is automatically “deemed approved.”
- An ADU/Junior ADU associated with a new primary dwelling unit shall follow the permit process timeline of the main permit.
- Applicable floor plans of the existing main residence, existing accessory structures, and multi-family structures shall be provided for the attached ADU in addition to any other application submittal requirements.
- Applicants must provide mathematical computations of the applicable "floor area" for existing/proposed units.
- The project site may require other types of approvals (apart from the ADU approval), depending on the existing and proposed site conditions. For example, if a retaining wall is needed at the side of the lot, this may require a structural load analysis). Please check with city staff for further information prior to submittal.

FEES

- Plan check and inspection fees apply.
- No impact fees are charged by the city for development of an ADU that is less than 750 square feet. There may be other “non-impact” fees by special districts or local agencies (example – plan check or inspection by the other agencies) – please verify in terms of applicability.
- Impact fees for an ADU more than 750 square feet are charged proportionately in relation to the square footage of the primary dwelling unit. (For example: If you have a proposed 1,000 square feet ADU, and you have an existing 2,000 square foot primary dwelling unit, you would be charged 50% on an equivalent basis).
- A new utility connection may be required, and connection fees and capacity charges are based upon either the ADU’s square feet or the number of its drainage fixture unit values, as defined by the Uniform Plumbing Code. Utility connections and fees shall not be required for ADU/JADUs converted from the existing space of a single-family home, including expansions of 150 square feet.