

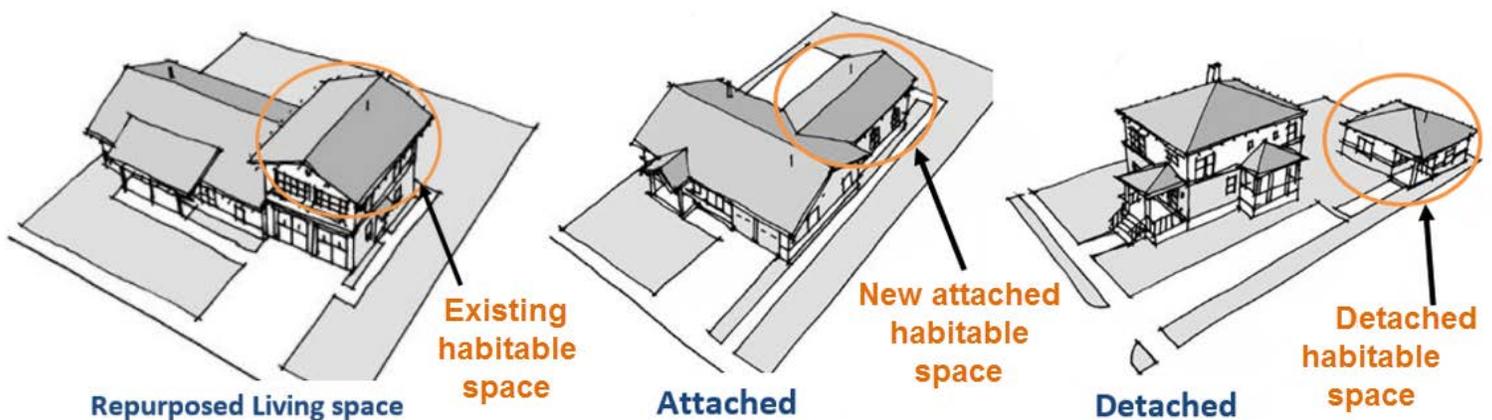


# Accessory Dwelling Units Development Standards

This handout provides an overview of Accessory Dwelling Unit (ADU) requirements in Section 17.28.270 of the Zoning Ordinance, effective on April 5, 2019. Standards for ADUs in the City's Zoning Ordinance were amended to be consistent with changes to State law that went into effect in 2017. This handout provides guidance to applicants interested in creating new ADUs on their properties with a summarized checklist of development standards. Applicants should check with their design professionals or City staff for ADU questions.

Accessory Dwelling Units ("ADUs") are a residential dwelling unit that is detached from, attached to, or located within the living area of a single-family residence, and that provides complete independent living facilities for sleeping, eating, and sanitation. There are three types of ADUs allowed on residentially zoned lots with a detached single-family dwelling unit ("the primary dwelling"). The three types are described and shown below.

1. **Repurposed ADU.** A repurposed ADU is contained entirely within the interior habitable living area of the primary dwelling. This may include basements and attics, but not a garage or any uninhabitable structure. Therefore, garage conversions are attached or detached ADUs, not repurposed ADUs.
2. **Attached ADU.** The ADU is attached to the primary dwelling as an addition to the building or resulting from the conversion of a garage or other inhabitable area (e.g. storage room).
3. **Detached ADU.** The ADU is within an accessory building detached from the primary dwelling. The accessory building may be new or a conversion of an existing structure, such as a garage.





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## GENERAL STANDARDS

All Accessory Dwelling Units shall meet permitting and general development standards in San Clemente Municipal Code Section 17.28.270, summarized below.

### Locations Permitted:

- *Residentially zoned, single-family lots.* ADUs are allowed on a residentially zoned lot with a single-family dwelling.
- *Guesthouse or ADU, not both.* An ADU can not be permitted on a lot with a guesthouse (defined in Zoning Code). If a guesthouse exists, it must be converted to another use to allow an ADU.

### Building Permit and Deed Restriction:

ADUs require a building permit and a deed restriction. Prior to the issuance of a building permit, a deed restriction must be recorded to the property's title in the County Recorder's office and a copy must be filed with the City Planner. See attached deed restriction template, which states:

- *ADU cannot be sold separately.* The ADU may not be sold, mortgaged, or transferred separately from primary dwelling.
- *Runs with land.* The deed restriction shall run with the land and shall bind all future owners.
- *Municipal Code Consistency.* The ADU shall meet requirements in the Municipal Code, including the ADU requirements summarized below.
- *City consent to modify or eliminate restriction.* The deed restriction may not be modified or removed without prior written consent by the City.
- *City enforcement.* The deed restriction shall be enforced by the City. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining use of the ADU in violation of the recorded restrictions or abatement of the illegal unit.

### Fees:

ADU impact and building plan check fees are required to be paid prior to building permit issuance. For a list of potential fees, please see the attached handout. An ADU that conforms to zoning standards is considered a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service.



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## **Building and Safety Regulations:**

- *Must Meet Building and Safety Codes.* The ADU must comply with applicable building codes, including the Residential and Fire codes;
- *Complete Independent Living Facilities.* Must include provisions for living, sleeping, eating, cooking (a kitchen) and sanitation (a bathroom with a sink, toilet and bathing facilities);
- *Fire Sprinklers.* Must have fire sprinklers if the primary residence has sprinklers.

## **Unit Size:**

- ADUs shall not exceed 50 percent of the living area of the primary dwelling unit with a minimum floor area of 300 square feet.

## **Access:**

- *Shared Driveway Access.* The ADU and primary dwelling must use the same driveway to access the street, unless otherwise required for Fire Apparatus Access, as determined by the fire authority.
- *Independent Exterior Access.* The ADU must have exterior access independent from the primary dwelling.

## **Occupancy and Tenancy:**

- *One ADU allowed.* One ADU is allowed on a lot.
- *Under Common Ownership.* The ADU may not be sold separately from the primary residence.
- *Owner Occupancy on Lot.* The property owner must occupy either the primary dwelling or the ADU as their residence.
- *Long-Term Rental Only.* An ADU may be rented long-term (longer than 30 consecutive days). The ADU may not be rented on a short-term basis (30 or fewer consecutive days).



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## ATTACHED AND DETACHED ADUs

In addition to general standards above, attached and detached ADUs (including garage conversions) shall meet standards summarized below. Repurposed ADUs are exempt from the standards below.

### Unit Size:

- *Attached ADUs from an addition.* The increased floor area of an attached ADU shall not exceed 1,200 square feet.
- *Maximum size of detached ADU.* A detached ADU shall not be larger than 1,200 square feet.

### Lot Coverage:

- The maximum lot coverage is 50 percent for the primary dwelling and ADU combined.

### Building Setbacks:

- *Front Yard Setback.* May not be located closer than 20 feet from the front property line, and may not be closer than the living area of the primary dwelling to the front property line.
- *Side Yard.* Minimum 10 feet or more from a side yard property line.
- *Street-Side Yard.* Minimum 10 feet or more from a street-side yard property line.
- *Rear Yard Setback.* Minimum 10 feet or more from a rear yard property line or 20 feet on a through-lot.
- *Detached ADU Setback from Primary Dwelling.* Minimum of 5 feet from the primary building, measured at the closest distance between the buildings (wall, balcony, eave, etc.).
- *Adjacent to Alley.* Minimum of 5 feet from any alley.
- *Adjacent to Bluffs and Canyons.* Minimum of 25 feet from any coastal bluff, coastal canyon, or inland canyon.
- *Adjacent to Open Space Zone.* Minimum of 10 feet from the boundary of an open space zone.
- *Exception for Nonconforming Structures.* An ADU may be built above an existing structure that is legal nonconforming as to setback, if the second-story ADU maintains a setback of at least 5 feet from the property line and has no door, window, or balcony facing the respective property line or lines.
- *Garage Conversions.* For garage conversions, no setback is required for a legally established existing garage that is converted to an ADU.



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## Parking:

- One parking space must be provided for an ADU, unless:
  - The ADU is located within a half-mile of public transit (*see attached map to verify*).
  - The ADU is in an architecturally or historically significant district.
  - The ADU is in an existing primary residence or an existing accessory structure (i.e., is a converted ADU).
  - The ADU is located in an area where an on-street parking permit is required but not offered to the occupant of the ADU.
  - The ADU is within one block of a City-sanctioned, posted car pick-up or drop-off location.
- *Parking Location and Configuration.* If a parking space must be provided to allow an ADU (i.e., none of the exceptions above are met), the required parking may be uncovered or covered, and located in setback areas, on a driveway, and or in tandem.
- *Garage or Carport Conversion.* If a garage or carport of a primary dwelling is demolished or converted as part of the ADU, then the primary dwelling unit spaces must be replaced. The replacement spaces must be located on the same lot as the ADU, but they may be in any configuration allowed for an ADU parking space, including covered spaces, uncovered spaces, tandem spaces, or by the use of mechanical automobile lifts.

## Height:

- *No Higher Than Primary Residence.* The ADU shall not exceed the legal conforming height of the primary dwelling.
- *Detached ADU Second-Story Setback.* The height of a detached ADU shall not exceed 15 feet for any portion of the ADU located within 20 feet of another lot in a residential zone.
- *ADU Above a Garage.* ADUs constructed above a legally established garage that is nonconforming to setback standards shall not exceed a height of 25 feet or the legal conforming height of the primary dwelling, whichever is less.
- *Height Analysis Required.* A height analysis must be submitted with the building permit plans. The analysis shall be prepared in accordance with Zoning Code Section 17.24.110.

## Architecture Review:

- *Materials and Colors.* Materials and colors of the exterior walls, roof, and windows and doors must match the appearance and architectural design of those of the primary dwelling.



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- *Roof Slope.* Roof slope must match that of the dominant roof slope of the primary dwelling. The dominant roof slope is the slope shared by the largest portion of the roof.
- *Lighting.* Exterior lighting must be limited to shielded-lights or as otherwise required by the building or fire code.
- *ADU Entrance.* The ADU entrance must be located on the side or rear building façade, or if located in front, not visible from public-right-of-way.
- *Interior Dimensions.* Interior horizontal dimensions of an ADU must be at least 10 feet wide in every direction, with a minimum interior wall height of seven feet.
- *Window, Doors, and Privacy.* Windows and doors of the ADU may not have a direct line of sight to an adjoining residential property. Fencing, landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight.
- *Architecture for Historic Resources.* Architectural treatment of an ADU to be constructed on a lot that has an identified historical resource listed on the federal, state, or local register of historic places must comply with all applicable ministerial requirements imposed by the Secretary of Interior.

## **Coastal Review in Coastal Zone:**

If an ADU is proposed in the Coastal Zone, a project must meet criteria of the Coastal Exclusion Order or obtain Coastal Commission approval prior to the issuance of a City building permit. If Coastal Commission review is required, the first step in the review process is to apply for and obtain Planning Division approval of a coastal in-concept. For more guidance, please contact a planner.