

Accessory Dwelling Units



City of Oceanside Development Services

300 N. Coast Highway

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www.ci.oceanside.ca.us/gov/dev/default.asp



What is an ADU?

An Accessory Dwelling Unit (ADU) is an attached or detached residential dwelling unit which provides complete independent living facilities. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation and shall be located on the same parcel as a single-family dwelling. An ADU also includes an efficiency unit and manufactured home, as defined in Section 17958.1 and Section 18007 of the Health and Safety Code, respectively. An ADU may serve as a rental unit or be occupied by a person or persons including, but not limited to family members, guests, or caretakers.

Where are ADUs allowed?

- ADUs are permitted in all zone districts that allow single-family residences, on lots developed with an existing or proposed single-family dwelling. An ADU may also be constructed concurrently with a new single-family dwelling. Only one ADU may be constructed per legal lot. An ADU shall not be permitted on a lot developed with a duplex or multi-family housing.
- Owners of property governed by a homeowner's association are advised to review the Covenant, Conditions, and Restrictions (CC&Rs) or consult with the HOA to determine restrictions or design requirements for ADUs prior to applying for a building permit.

Permit Requirements

- An ADU requires a building permit and shall comply with all applicable City codes.
- ADUs located within the City's Coastal Zone are subject to approval of a ministerial Coastal Permit. No public hearing is required, however, a notice of pending action is sent to surrounding property owners prior to issuance of a building permit. ADUs located within the appeal jurisdiction of the Coastal Zone may be appealed to the Coastal Commission within 20 days of receipt of the notice of action.

Fees

- Building Permit Fee: Single-family dwelling - new construction or addition/remodel.
- Water Buy-In Fee: Pro-rated based on need to upsize water meter. Waived for ADU constructed within footprint of an existing dwelling.
- Development Impact Fees: Waived with the exception of school fees.

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Unit Type, Size, and Location

- **Type of Construction:** An ADU must be constructed in accordance with Title 24 California Building Standards Code or as a manufactured home as defined in Section 18007 of the Health and Safety Code.
- **Attached Unit:** An ADU constructed within or attached to an existing primary dwelling shall contain at least 350- square-feet but shall not exceed 50 percent the square-footage of the total living area of the existing primary dwelling, or 1,200 square-feet, whichever is less. The living area of the primary dwelling shall not be reduced by more than 20 percent to accommodate an attached ADU.
- **Detached Unit:** An ADU structurally independent and detached from the primary dwelling shall not exceed 1,200 square-feet.
- **Efficiency Unit:** An efficiency unit no smaller than 150 square-feet shall be permitted as either an attached or detached ADU and shall have a bathroom facility and a partial kitchen with a kitchen sink, cooking appliance, and refrigerator.
- **Garage or Accessory Structure Conversion:** An existing attached or detached garage or accessory structure may be converted into an ADU. If the existing garage/structure to be demolished or converted into an ADU provides the required parking for the primary dwelling, replacement parking must be provided in any configuration on the lot, including but not limited as covered, uncovered, tandem, or use of mechanical automobile lifts.

Development Standards

- **Setbacks, Height, Lot Coverage:** An ADU shall comply with all development standards of the zone district in which the ADU is located, with the exception that existing structures converted to an ADU are not required to meet setback requirements.
- **Parking:** An ADU requires one additional parking space, unless it qualifies for a parking waiver. Parking spaces shall be 9' x 19' and may be located on an approved driveway, tandem configuration, or within certain setback areas subject to compliance with Section 3006.D.4.c of the Zoning Ordinance.
- **Parking Waiver:** No parking space shall be required for an ADU established within an existing structure or located within one-half mile of a public transit stop. Additional waivers are provided in Section 3006.D.4.e of the Zoning Ordinance.
- **Design:** An ADU shall be architecturally compatible with the primary dwelling in terms of design, materials, colors, and roof pitch.

How To Get Started

- Determine property eligibility
- Check zoning requirements :
 - Article 30, Section 3006 ADU
 - Article 10: Residential Districts
- Prepare construction plans
- Apply for building permit

Zoning Ordinance:

www.ci.oceanside.ca.us/gov/dev/planning/zoning.asp

Building Permit Info:

www.ci.oceanside.ca.us/gov/dev/bldg/permits.asp

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Conditions and Restrictions

- An ADU shall not be sold separate from the primary residence.
- An ADU may serve as a rental unit or be occupied by family members, guests, or in-home health care providers, and others at no cost
- Required parking spaces shall be kept clear and used exclusively for vehicle parking. Such space shall not be used for storage or other uses.
- Neither the ADU nor the primary dwelling unit shall be rented for less than 31 days.
- The property owner shall record a covenant, approved as to form by the City Attorney, declaring compliance with all conditions.

Facts

ADU legislation was adopted by the state in 2016 to reduce costs, streamline approval, and encourage construction of ADUs as a source of housing to relieve the housing crisis.

As mandated by state law, the City adopted compliant regulations in 2017. Key features include:

- Impact Fee Waivers
- No Conditional Use Permit
- Parking Waivers

Frequently Asked Questions

Can I build an ADU on a vacant lot first and then construct the primary house at a later date?

No. An ADU must be constructed on a parcel developed within an existing single-family house or constructed concurrently with a new single-family house.

Can I build more than one ADU on a parcel?

No. Only one ADU is permitted per legal parcel developed with one single-family residence.

Can I construct an ADU on my property developed with a duplex or triplex?

No. ADUs are only allowed on properties developed with one single-family residence.

Can an existing garage or detached accessory structure be converted to an ADU?

Yes. An ADU can be constructed within existing garage or accessory structure subject to compliance with applicable building and fire codes. If the conversion displaces parking spaces required for the primary dwelling, replacement spaces must be provided on the parcel.

Are fire sprinklers required in an ADU?

Potentially. ADUs shall not be required to provide fire sprinklers if they are not required for the primary residence.

Can an ADU be used as a short term vacation rental?

No. Neither the ADU nor the primary dwelling shall be rented for periods less than 31 days.

Can an ADU have a separate gas or electric meter?

Potentially. The City has no restriction on establishing separate gas or electrical service to an ADU. Please contact your utility provider to determine service requirements or restrictions.

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Frequently Asked Questions (continued)

What development fees are required or waived?

ADUs are subject to building permit fees for a single-family residence. Fees will differ depending if the ADU is new construction or an addition/remodel to an existing residence. No development impact fees will be assessed. The Water Utilities Department will charge a pro-rated fee to upsize the water meter, if applicable. No sewer capacity charge will be assessed. ADUs established within the footprint of an existing house will not be assessed water fees. ADUs are subject to school fees as assessed by the appropriate school district.

Will the City assign a separate address to an ADU for mail or utility service?

The City will only assign one primary address to a property. However, the Post Office will assign a unit number to an ADU for mail or utility service. The Planning Division can contact the Post Office to obtain a unit number assignment on your behalf. Please contact the Planning Division for details.

Can I build an ADU if the primary dwelling doesn't have a two car garage?

Yes. Construction of an ADU will not require parking for the primary dwelling to be brought into conformance with Article 31 of the Zoning Ordinance. The parking space for an ADU shall not eliminate designated spaces for the primary dwelling.

How does the City define one-half mile from public transit for the purpose of applying the parking exemption?

According to CA Department of Housing and Community Development, public transit includes bus stops or routes, train stations and paratransit and includes areas where transit is available and can be considered regardless of tighter headways (e.g. 15 minute intervals). As a general rule, the City will measure the distance from the ADU to public transit "as the crow flies."

Can a tiny house be considered an ADU?

Potentially. An ADU must be constructed in accordance with Title 24 California Building Standards Code or as a manufactured home as defined in Section 18007 of the Health and Safety Code. A tiny home that is not constructed as a manufactured home or cannot meet building code will not qualify as an ADU. The ADU must also be architecturally similar to the primary dwelling.

Can an existing garage or accessory structure with non-conforming setbacks be converted to an ADU?

Yes. No setback shall be required for an existing garage or accessory structure converted, or a portion thereof, to an ADU. An ADU constructed above an existing garage shall provide a setback of no more than five feet from the side and rear lot lines.

Is a Coastal Development Permit required for an ADU in the City's Coastal Zone?

Properties within the Coastal Zone are subject to a ministerial coastal permit to verify the ADU is in compliance with the Local Coastal Program. No public hearing shall be required. Projects located within the appeal jurisdiction of the Coastal Zone may be appealed to the Coastal Commission within 20 days of receipt of the notice of action.