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ACCESSORY DWELLING UNIT (ADU) AND JUNIOR ACCESSORY DWELLING UNIT (JADU) GUIDE

City of Encinitas ADU and JADU Regulations - [Encinitas Municipal Code \(EMC\) 30.48.040.T](#), or as amended in [Government Code Sections 66314-66332](#) and [Government Code Sections 66333-66339](#).

	Single-Family Attached (Attached through a common wall)	Single-Family Detached	Multifamily ADU	JADU
Number of Units	Maximum of one per single-family dwelling unit.		<ul style="list-style-type: none"> For existing multifamily dwellings, not more than eight detached ADUs, except the number of detached ADUs shall not exceed the number of existing units on the lot. For existing multifamily dwellings, conversion of non-livable space for a minimum of one ADU or up to 25% of the number of existing residential units. For proposed multifamily dwellings, no more than two detached ADUs (may be attached or detached to each other). 	<ul style="list-style-type: none"> Maximum of one per single-family dwelling unit and may be permitted with an existing or proposed ADU. Contained entirely within the single-family dwelling or an attached garage. Not permitted for a site with a multi-family dwelling.
Unit Size	<ul style="list-style-type: none"> Minimum size shall be compliant with the California Building Code. Limited to 1,200 Sq. Ft. or the total living area of the primary dwelling unit, whichever is less. When the primary dwelling unit is less than the unit sizes below, the ADU shall be: <ul style="list-style-type: none"> ⇒ Studio and One-Bedroom: 850 Sq. Ft. maximum. ⇒ More than One-Bedroom: 1,000 Sq. Ft. maximum. 			<ul style="list-style-type: none"> 500 Sq. Ft. maximum
Setbacks	<ul style="list-style-type: none"> Front Yard: Underlying zone setback is applicable. The setback may be reduced to accommodate a minimum 800 Sq. Ft. unit only when no other options exist. Setbacks are measured from the ultimate edge of a street (public right-of-way, public or private access easement) regardless of if a dedication is required, or if not adjacent to a street, then the property line. Side and Rear Yard: Underlying zone setback, or four feet, whichever is less. Setbacks are measured from the ultimate edge of a street (public right-of-way, public or private access easement) regardless of if a dedication is required, or if not adjacent to a street, then the property line. Other: Setbacks shall not apply to an ADU that is converted from an existing permitted structure or living area. A minimum setback of four feet shall be required for an ADU constructed above an existing garage. 			<ul style="list-style-type: none"> JADUs shall meet setback regulations of the underlying zoning.

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Height (Two Story Limit)	<p><u>If Applying Reduced Setback:</u> RR to RR-1: 25 feet maximum (pitched or flat roof).</p> <p>RR-2 to R-25: 22 feet maximum (pitched or flat roof).</p> <p>R-30: 25 feet maximum (pitched or flat roof).</p>	<p><u>If Applying Reduced Setback:</u> 16 feet; or If within ½ mile of major transit: 18 feet maximum (or 20 feet maximum, if aligned with the roof pitch of the primary dwelling unit).</p>	<p><u>If Applying Reduced Setback:</u> 16 feet; or If within ½ mile of major transit: 18 feet maximum, (or 20 feet maximum, if aligned with the roof pitch of the primary dwelling unit).</p> <p>On a lot with an existing or proposed multi-story dwelling(s): 18 feet maximum.</p>	Limited to the height of the existing structure.
	<p><u>If Applying Underlying Zone Setbacks:</u> Height Standards in EMC Chapter 30.16 shall apply.</p>			
	<p><u>If ADU is Constructed Directly Above an Existing or Proposed Garage*:</u> Height Standards in EMC Chapter 30.16 shall apply.</p> <p>*Areas of the ADU located above other uses (wood shop, laundry room, storage rooms, etc.) are subject to a 16-foot height limitation, unless meeting the underlying zone setbacks.</p>			
	<p><u>ADU's located on a site with an average lot slope greater than 10%:</u> For properties in the R-3 to R-25 zone with an average lot slope that exceeds 10 percent, then the ADU is subject to height limitations (12 feet/16 feet), as identified in EMC 30.16.010.B.6.a.i. For these properties, height is measured from the uphill side of the lot or the crown of the road, whichever is applicable.</p>			
Lot Coverage and Floor Area Ratio (FAR)	Zoning limits for lot coverage and floor area ratio must permit, or shall be waived, to allow up to an 800 square foot detached or attached accessory dwelling unit.			Must comply with underlying zone coverage requirements.
Kitchen	Full kitchen facilities required.			<p><u>Efficiency kitchen that includes:</u></p> <ul style="list-style-type: none"> • Cooking facility with appliances subject to building code requirements; • Food preparation counter and storage cabinets that are of reasonable size in relation to the size of the unit • Sink, separate from any sink provided for sanitation purposes.

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Parking	<ul style="list-style-type: none"> One parking space per unit, unless, the unit is within ½-mile of public transit (train station and all bus stops), further parking exemptions may be found in EMC 30.48.040.T.18. If living area is added, then converted to a JADU, the single-family residence requires additional parking over 2,500 sq. ft. for new construction, but not subject to additions or remodels pursuant to Cal. Gov Code 65863.3. The size requirements for attached or detached garages are subject to the provisions in EMC 30.48.040.A or B, or subject to a minor use permit (EMC 30.74) Proposed garages on multi-family lots could be subject to design review pursuant to EMC 23.08, Design Review. 			Not required for a JADU.
Replacement Parking	<ul style="list-style-type: none"> Properties that are located in the Coastal Zone, west of Coast Highway 101, and between Swami’s (north of) to La Costa Avenue (south of), and are removing a garage parking space or unenclosed parking space in conjunction with the construction of an ADU, the parking shall be replaced on the same lot as the ADU. Parking must meet all the criteria of the Off-Street Parking Design Manual, except for the location of the replacement spaces on the site. If an ADU is constructed above a garage; converting the garage to an ADU is not permitted. 			
Attached ADU	An attached ADU shall be structurally connected completely between the building wall of the residence and the building wall of the ADU.			
Ingress/Egress	Exterior access required; Interior access to primary dwelling unit is acceptable.			Exterior access required; Interior access is required if the unit does not have its own bathroom.
Owner Occupancy	No owner occupancy requirements.			Required in either the primary dwelling unit or JADU.
Rental	Units shall not be used or rented as a short-term rental and may be rented for a period of 30 days or greater.			
Not For Sale	Units are considered accessory use to a primary residential dwelling, and may not be sold as a separate unit.			
Major Transit Stop	<ul style="list-style-type: none"> Major transit stop is defined per Cal. Pub. Resources Code Section 21064.3. A high-quality transit corridor is defined per Cal. Pub. Resources Code Section 21155. Major Transit Stop Viewer: HERE 			
Special Purpose Overlays	<ul style="list-style-type: none"> Hillside/Inland Bluff Overlay Zone (EMC 30.34.030): ADUs must be placed outside of natural steep slopes of 25% or greater in gradient for qualifying Hillside/Inland Bluff lots. Coastal Bluff Overlay Zone (EMC 30.34.020): Additions, including ADUs are limited to 10% of the area of the existing residence or 250 SF, whichever is greater. A conversion and addition can be created to construct an ADU. ADUs are subject to geotechnical setbacks in EMC 30.34.020. Other Overlay Zones may apply, see EMC 30.34 for other requirements. 			
PRADU	<ul style="list-style-type: none"> Permit-Ready Accessory Dwelling Unit (PRADU) Program encourages the construction of ADUs by offering property owners a selection of pre-approved ADU building plans that property owners can use. Private parties may also create preapproved ADU plans through a building permit review and approval process by the City, which can then be submitted for review on a specific site. To learn more visit the ADU webpage on the City’s website. 			

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Coastal Development Permit (CDP) Required	<ul style="list-style-type: none"> ADUs and JADU that are not completely contained in the existing primary structure, include increases in habitable area or include conversion of non-habitable space, including illegal units, are considered self-contained residential units, and require a CDP. A CDP within the Coastal Commission’s appeal jurisdiction is subject to the 10-business day appeal period established by the California Coastal Commission. CDP Process Overview: <ol style="list-style-type: none"> Building Permits shall be submitted through the Customer Self Service (CSS) Portal. A separate CDP review (CDPNF) will be created by the assigned Planner of the Building Permit. Further directions to the applicant will be emailed for a reduced set of plans, Notice of Posting certificate and picture of the Notice of Posting sign. Postage fee is collected, then a legal notice is mailed, allowing for 10 days for comments. If the property is located within the Coastal Appeal Zone, then it is subject to a 10 day appeal period once the Coastal Commission officially receives the Notice of Final Action. After the Notice of Decision is signed by the Director, or an appointee, then an indemnification agreement will be required to be signed and notarized by the property owner(s). 			
Unpermitted ADUs and JADUs	<ul style="list-style-type: none"> A local agency shall not deny a permit to legalize an unpermitted ADU or JADU that was constructed or converted prior to January 1, 2020, and it meets all the standards of Cal. Health and Safety Code Section 17920.3. The Coastal Act still applies. The application process is further detailed in the Substandard Building Checklist (Unpermitted ADUs/JADUs) that is available on the City’s website. 			
Covenant Restriction	Recordation of an ADU or JADU covenant is required. The covenant will prohibit the sale of the unit, prohibit the use of the unit as short-term rental, and restrict the maximum size of the unit, etc. A current grant deed with legal description is required with the application submittal.			
Fees	<ul style="list-style-type: none"> All Development Service Department fees are waived. Utility hook-up fees still apply but shall be proportionate to the burden of the proposed ADU, based on the square footage and plumbing fixtures as compared to the primary dwelling. School fees are applied to units over 500 Sq. Ft. 			

For More Information Please Contact: Development Services Department – Planning Division
Phone: 760-633-2710 **Email:** planning@encinitasca.gov or scan the QR code to access additional information on our website.

