



ACCESSORY DWELLING UNIT AND JUNIOR ACCESSORY DWELLING UNIT PROCEDURAL GUIDE

1. General Information

California Government Code Section 65852.2 mandates that accessory dwelling units be located in zones where an existing or proposed single-family dwelling is allowed, and where adequate public facilities and services are available. To comply with State law, the City of Chula Vista has adopted Municipal Code Section 19.58.022 - Accessory Dwelling Units (ADU) and Section 19.58.023 - Junior Accessory Dwelling Units (JADU). These sections contain the criteria necessary to build ADUs and JADUs as self-contained units that are accessory to the primary residence. The intent of the City in allowing these dwelling units is to provide for a range of affordable housing types that are available to all segments of the community. This procedural guide explains the necessary steps to obtain a building permit for ADUs and JADUs.

The City requires the correction of certain previously conforming situations in conjunction with the construction of an ADU or JADU. "Previously conforming situation" means lawfully constructed structures or established uses on a property that met prior zoning and building codes, but due to changes in the law or circumstances on the ground, no longer comply with current regulations. Structures that were unlawfully built (e.g. no building permit issued) must also be brought into conformance with current building codes or be removed. Property owners are advised to retain a qualified person (e.g., a State licensed/certified architect or civil engineer) who can determine whether existing structures comply with current building and zoning code standards before applying for a building permit for a ADU or JADU. As such, new property owners should be aware that any unpermitted work done on the property prior to purchase, will be the new owner's responsibility to comply with current code. This is a benefit to the property owner and the City, ensuring that the primary residence and other existing structures are safe and meet current zoning and building standards.

Pursuant to California Government Code Section 65852.2(f)(3)(A), Junior Accessory Dwelling Units and Accessory Dwelling Units of less than 750 square feet are exempt from all development impact and in-lieu fees. Accessory Dwelling Units 750 square feet or larger are charged proportionately to the primary residence, on a square footage basis.

2. Steps to obtain approval of an Accessory Dwelling Unit (ADU) or Junior Accessory Dwelling Unit (JADU)

- **STEP 1:** Check with the Development Services Department, Planning Division to make sure the existing or proposed primary dwelling and lot conform to all applicable zoning and building laws, and that all existing structures have the appropriate permits.
- **Owner Occupancy** - Property owners must provide evidence that they reside on the property at the time of building permit submittal, and continuously thereafter, the property owner shall reside on the lot the ADU or JADU is located. The Zoning Administrator shall have the authority to suspend this occupancy requirement for a period not to exceed five years when evidence has been submitted that one of the following situations exists:
 - a. The property owner health requires them to temporarily live in an assisted living or nursing facility.
 - b. The property owner is required to live outside the San Diego region as a condition of employment or military service.
 - c. The property owner is required to live elsewhere to care for an immediate family member.
 - d. The property owner has received the property as the result of the settlement of an estate.

If the owner occupancy requirement is satisfied, the property owner can proceed to the next step.
- **Land Use Agreement** - Concurrent with the issuance of building permits for the construction of an ADU or JADU, the property owner shall sign and notarize a land use agreement which sets forth the occupancy and use limitations prescribed in this section. This agreement must be recorded on title to the subject property with the County of San Diego Recorder and shall run with the land. Recordation of a deed restriction is also required, which shall run with the land, and shall be filed with the permitting agency, and include both of the following:
 - (a) A prohibition on the sale of the ADU or JADU separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.
 - (b) A restriction on the size and attributes of the ADU or JADU that conforms to this section.



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- **STEP 2:** Prepare a site plan of the property showing all existing structures and improvements and any slopes. Meet with the Planning Division staff to review the site plan for compliance with the requirements for constructing an ADU or JADU. The requirements are found in Chula Vista Municipal Code Section 19.58.022 and 19.58.023 respectively, are summarized below:
- **Permitted Zones** - ADUs and JADUs are permitted in zones on lots with a proposed or an existing primary residence (§19.58.022.C.1).
- **Unit Size** - The total floor space of an attached or detached accessory dwelling unit shall not exceed 50 percent of the living area of the primary residence or 1,200 square feet whichever is less. The original buildable pad area of a lot may be increased through regrading and/or use of retaining walls or structures as allowed for a specific lot.(§19.58.022.C.2):
- **Unit Height** -ADUs, as measured from the ground, shall not exceed the height limit for the primary residence in accordance with the underlying zone.(§19.58.022.C.4).
- **Development Standard Exceptions** - ADUs shall conform to the underlying zoning and land use development requirements for primary residences with the following exceptions:
 - a. New detached single-story ADUs are allowed a setback of no less than five feet from the side and rear lot lines.
 - b. For lots with up-slopes between the property line and the side or rear of the house, required yard setbacks are measured from the toe of slope.
 - c. For lots with down-slopes between the property line and the side or rear of the house, required yard setbacks shall be measured from the top of slope
 - d. A new detached ADUs shall be located a minimum of six feet from a primary residence.
 - e. No setback shall be required for an existing garage that is converted to an ADU or to a portion of an ADU, and a setback of no less than five feet from the side and rear lot lines shall be required for an ADU that is constructed above a garage. (§19.58.022.C.5)
- **Lot Coverage** - Other than conversions of other structures, a new ADU and all other structures on the lot are limited to the maximum lot coverage permitted according to the underlying zone. Other than conversions of other structures a new detached ADU and all other detached accessory structures combined, shall not occupy more than 30 percent of the required rear yard setback.(§19.58.022.C.6).
- **Access and Parking** - Parking for an ADU is not required in any of the following instances:
 - i. Is within one-half mile from a public transit stop.
 - ii. Is within an architecturally and historically significant historic district.
 - iii. Is part of a proposed or existing primary residence or an existing accessory structure.
 - iv. Is in an area where on-street parking permits are required, but not offered to the occupant of the ADU.
 - v. Is located within one block of a car share area.(§19.58.022.C.7).

ADUs not meeting any of the above requirements shall be subject to the following access and parking regulations:

- a. Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom, whichever is less. Parking spaces may be provided in tandem on an existing driveway provided that access to the garage for the primary residence is not obstructed. Off-street parking shall be permitted in setback areas or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and safety conditions.
- b. The required parking space(s) shall be on the same lot as the ADU. This parking is in addition to the parking requirements for the primary residence as specified in CVMC 19.62.170.
- c. Notwithstanding CVMC 19.62.190, when a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU, or is converted to an ADU that was previously used by the primary residence, replacement parking shall be provided prior to, or concurrently with, the conversion of the garage into the ADU. The replacement parking may be located in any configuration on the same lot as the ADU, including, but not limited to, covered spaces, uncovered spaces, tandem spaces, or by the use of mechanical automobile parking lifts. If the existing driveway is no longer necessary for the access to the converted garage or other required parking, said driveway may be used to satisfy the required parking for the ADU when not exempt from CVMC 19.58.022(C)(7).



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- d. Access to all required parking shall be from a public street, alley or a recorded access easement. Access from a designated utility easement or similar condition shall not be permitted. For any lot proposing an accessory dwelling unit and served by a panhandle or easement access, the access must be a minimum 20 feet in width.
 - e. Curb cuts providing access from the public right-of-way to on-site parking spaces shall be acceptable to the City Engineer. A construction permit from the City Engineer shall be obtained for any new or widened curb cuts.
 - f. Required parking spaces or required maneuvering area shall be free of any utility poles, support wires, guard rails, stand pipes or meters, and be in compliance with CVMC 19.62.150.
 - g. When a required parking space abuts a fence or wall on either side, the space shall be a minimum of ten feet wide. If this area also serves as the pedestrian access from an accessory dwelling unit to the street, the paving shall be a minimum 12 feet wide.
 - h. All required parking spaces shall be kept clear for parking purposes only. (§19.58.022.C.8)
- o **Utilities** - An ADU located in a single-family residential zone may be served by the same water and sewer lateral connections that serve the primary residence. A separate electric meter and address may be provided for the accessory dwelling unit. (§19.58.022.C.9).

Design Standards - Design Standards. The lot shall retain a single-family appearance by incorporating matching architectural design, building materials and colors of the primary residence with the ADU, and any other accessory structure built concurrently with the ADU. However, the primary residence may be modified to match the new ADU. The ADU shall be subject to the following development design standards:

- a. Matching architectural design components shall be provided between the primary residence, ADU, and any other accessory structures. These shall include, but are not limited to:
 - i. Window and door type, style, design and treatment;
 - ii. Roof style, pitch, color, material and texture;
 - iii. Roof overhang and fascia size and width;
 - iv. Attic vents color and style;
 - v. Exterior finish colors, texture and materials.
 - b. A useable rear yard open space of a size at least equal to 50 percent of the required rear yard area of the underlying zone shall be provided contiguous to the primary residence. Access to this open space shall be directly from a common floor space area of the primary residence such as living or dining rooms, kitchens or hallways, and without obstruction or narrow walkways.
 - c. A useable open space that has a minimum dimension of six feet and an area not less than 60 square feet in area shall be provided contiguous to an ADU. A balcony or deck may satisfy this requirement for second story units.
 - d. Windows on second story ADU should be staggered and oriented away from adjacent residences closer than ten feet. The location and orientation of balconies or decks shall also be oriented away from adjacent backyards and living space windows.
 - e. Trash and recycling containers must be stored between pick-up dates in an on-site location that is screened from public view and will not compromise any required open space areas (§19.58.022.C.10).
- o **Historical Sites** - An ADU may be allowed on designated or historical sites, provided the location and design of the ADU meets corresponding historical preservation requirements in place at the time the ADU is built, and complies with the requirements of this section including the following:
- a. The ADU shall be located behind a primary residence that is determined to be a historic resource.
 - b. The construction of the ADU shall not result in the removal of any other historically significant accessory structure, such as garages, outbuildings, stables or other similar structures.
 - c. The ADU shall be designed as to have a distinguishable architectural style and finished materials composition from the historic primary residence or structure.
 - d. Construction of an ADU shall not result in demolition, alteration or movement of any historic structures and any other on-site features that convey the historic significance of the structure and site.
 - e. If an historic house/site is under a Mills Act contract with the City, the contract shall be amended to authorize the introduction of the accessory dwelling unit on the site (§19.58.022.C.11).



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o 19.58.023 Junior Accessory Dwelling Units (JADU)

A. Definition: "Junior accessory dwelling unit" shall mean a unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

B. In single-family residential zones, a JADU is permitted and shall meet all of the following:

- 1) One JADU per residential lot zoned for single-family residences with a single-family residence already built, and no ADU or guest house exists on the lot.
- 2) Owner-occupancy is required in the single-family residence in which the JADU will be permitted. The owner may reside in either the remaining portion of the structure or the newly created JADU. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.
- 3) Recordation of a deed restriction is required, shall run with the land, and shall be filed with the permitting agency, and shall include both of the following:
 - (a) A prohibition on the sale of the JADU separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.
 - (b) A restriction on the size and attributes of the JADU that conforms to this section.
- 4) A permitted JADU shall be constructed within the existing walls of the structure, and require the inclusion of an existing bedroom.
- 5) A separate entrance from the main entrance to the structure is required, with an interior entry to the main living area. A permitted JADU may include a second interior doorway for sound attenuation.
- 6) An efficiency kitchen for the JADU is required, and shall include:
 - (a) A sink with a maximum waste line diameter of 1.5 inches.
 - (b) A cooking facility with appliances that do not require electrical service greater than 120 volts or natural or propane gas.
 - (c) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.

C. Additional parking is not required for a JADU.

D. For purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

● STEP 3: Submit an application for a building permit along with the following:

o Four complete sets of fully dimensioned, to-scale plans that include all the following:

- Proof of Residency**
- Plot/Site Plan**
- Floor Plan** (Show Mechanical/Electrical/Plumbing here)
- Roof Plan**
- Structural Framing Plans & Details**
- Title Sheet**
- Foundation Plan**
- Elevations**
- Cross Sections**
- Floor plans of all existing and proposed structures on the lot**

o A copy of a grant deed, title report or other information (a utility bill is acceptable) necessary for the Planning Division to verify that the applicant is the owner/occupant of the existing primary residence.

If the ADU is to be attached to the primary residence, Form 4611 New Single & Multi-Family Worksheet (attached), and Form 4597, Request To Waive Soils Investigation Report (attached), must be submitted with the building permit application.

If the ADU is to be detached from the primary residence, Form 4611 and a certificate from a California registered geotechnical engineer stating that the site meets grading and soils requirements are required.



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Two Copies of:

- Title 24 Energy Compliance Documentation** (Certificate of Compliance Sheets shall be reproduced on actual plan sheets)
 - Structural Calculations** (If non-conventional framing)
 - Engineered truss layout & Details** (If roof/floor trusses are used)
 - Single line diagram for electrical series over 200 amps**
 - Owner and/or owner's representative contact information**
 - A separate set of precise grading plans must be submitted to the City Engineer if the scale of grading and/or excavating exceeds the criteria specified in Form 5516 - "Limits to Grading Without a Permit".**
- **STEP 4:** At the time the plans for an ADU or JADU building permit are submitted, the property owner/applicant will be given an agreement form that describes the use and occupancy requirements applicable to the property. Once the plan check process is complete and the building permit is ready to be issued, the property owner must return the agreement, properly signed and notarized, to the Planning Division along with a fee for recordation; the City of Chula Vista will handle the recording process.

City staff will be able to issue the ADU or JADU building permit at this point and the property owner will be able to begin construction while the City of Chula Vista City Clerk is recording the agreement.

RECORDING REQUESTED BY

and please return to:

City of Chula Vista
City Clerk
276 Fourth Avenue
Chula Vista, CA 91910

*This document benefits the property owner.
Recording fees are required.*

ABOVE SPACE FOR RECORDER'S USE ONLY

APN: _____

AGREEMENT FOR AN ACCESSORY DWELLING UNIT/JUNIOR ACCESSORY DWELLING UNIT

THIS Agreement is made and entered into between the City of Chula Vista, a municipal corporation [the City], and _____;
[Owner] [Parties] to construct and maintain an Accessory Dwelling Unit/Junior Accessory Dwelling Unit on Owner's hereinafter described real property

Owner's real property is legally and fully described as

and is commonly referred to as _____;
[Property].

Owner desires to construct an Accessory Dwelling Unit/Junior Accessory Dwelling Unit as defined by the City in Chula Vista Municipal Code (CVMC) Section 19.58.022/19.58.023. In consideration of the permission granted by the City by the issuance of a building permit to construct an Accessory Dwelling Unit/Junior Accessory Dwelling Unit, I/we hereby agree that:

1. I/We are the owner(s) and occupant(s) of the existing (or to be constructed concurrently) primary residence located on the property.
2. I/We shall continuously occupy either the primary residence or the Accessory Dwelling Unit/Junior Accessory Dwelling Unit as long as the unit that is not owner occupied is used or maintained as a separate dwelling unit. I/We will discontinue the residential use of the Accessory Dwelling Unit/Junior Accessory Dwelling Unit during any time that owner occupancy of the property ceases, except as may be otherwise permitted by CVMC Section 19.58.022.C.12.

3. No other accessory living quarter, whether legally or illegally established, does now or shall ever exist on the property.
4. No expansion of the Accessory Dwelling Unit/Junior Accessory Dwelling Unit or the primary residence shall occur, nor shall any other work on the property be done that requires a ministerial or discretionary permit without first obtaining the required permit(s) from the City.
5. I/We will abide by all the requirements and standards of CVMC Section 19.58.022/19.58.023 which is incorporated herein by reference as it exists on the date of this agreement.

This Agreement shall run with the land for the life of the Accessory Dwelling Unit/Junior Accessory Dwelling Unit for the protection and benefit of the Parties concerned. If fee title to the property or any partial interest therein is conveyed to any other person, firm, or corporation, the conveying instrument shall contain a restriction referencing this Agreement or restrictive language consistent with this Agreement. Any violation of this Agreement is grounds for the City, pursuant to CVMC Chapter 1.40, to revoke the use of the Accessory Dwelling Unit/Junior Accessory Dwelling Unit for residential purposes, and may result in enforcement actions including penalties being imposed upon the Owner as prescribed in CVMC Chapter 1.20 and Chapter 1.41.

THE CITY OF CHULA VISTA

PROPERTY OWNER(S)

By _____

By: _____

Printed Name: _____

Printed
Name(s): _____

Title: Zoning Administrator

Date: _____

Date: _____

NOTE: OWNER'S SIGNATURE MUST BE NOTARIZED

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of _____)

On _____ before me, _____
(insert name and title of the officer)

personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)