



# CITY OF SAN CLEMENTE

## Accessory Dwelling Unit (ADU) Submittal Checklist

### SECTION 1 - COMPLETED BY APPLICANT

Applicant's Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

Project Address: \_\_\_\_\_

Size sq. ft. \_\_\_\_\_ ADU Type:  Attached  Detached  Repurpose Space

Site's Primary Use:  Single-family  Multi-family  Mixed use (residential & commercial)

This checklist is required to certify understanding and agreement to comply with requirements, and verify necessary information is submitted to review requests efficiently. Please submit this checklist and the following materials to [planning@san-clemente.org](mailto:planning@san-clemente.org).

- Letter (8.5" x 11") size address exhibit, showing the site plan, unit entrances, with unit address on plans.
- Building Division impact fee calculation ([link to form](#)).
- Photographs of location (ADU site, from residence and street).
- If proposed in Coastal Zone, submit evidence of Coastal Commission approval (if applicable, consult with Planning staff for in-concept review that is processed as a first step).
- If proposed in Homeowners Association, provide approval letter.

*\*\*Prior to building permit issuance, a recorded deed restriction must be provided (template enclosed)*

Applicant Certification. As the applicant, I certify the following:

- I have provided accurate project information (construction drawings and list above) to the best of my knowledge and acknowledge any inaccuracies may result in the application being deemed incomplete, delayed, or denied if inactive and issues aren't corrected.
- I reviewed, understand, and agree to comply with [ADU zoning requirements](#) (summarized in pages below). This includes, but is not limited to, recording a deed restriction with the County of Orange Clerk Recorder, that is enforced by the City. The deed restriction is "recorded" when completed, notarized, and stamped by the Clerk Recorder on the top of page 1. In this deed restriction (template in this packet), the owner acknowledges ADUs shall not be rented short-term (30 days or less) and may not be sold separately from the primary dwelling.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### SECTION 2 - COMPLETED BY PLANNING STAFF

ADU IS READY FOR BUILDING PLAN CHECK. Required materials listed above are deemed complete so a building permit application may be accepted by the Building Division.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Planner Name, Title: \_\_\_\_\_



# Accessory Dwelling Unit Information Packet

Community Development Department  
910 Calle Negocio, San Clemente CA 92573

July 8, 2021

This packet contains an overview of Accessory Dwelling Unit (ADU) requirements in State laws AB-68 (Junior ADUs) and AB-881 (ADUs) and Title 17 of the San Clemente Municipal Code. This handout provides guidance to applicants interested in creating new ADUs on their properties with a summarized checklist of development standards compliant with **State and City laws**.

**Please note:** This summary may not cover all circumstances. Please refer to State Law for more comprehensive development standards and regulations concerning ADU proposals. Visit [hcd.ca.gov](http://hcd.ca.gov) for additional details.

## DEFINITIONS

Accessory Dwelling Units (ADUs) provide complete independent living facilities for sleeping, eating, and sanitation and must be considered an efficiency unit, as defined by section 17958.1 of the California Health and Safety Code. ADUs are either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas, or similar uses or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary single-family or multi-family dwelling. There are three types of ADUs.

1. **Attached ADU.** The ADU is attached to the primary dwelling as an addition to the building. The ADU may be new construction or a conversion of existing space.
2. **Detached ADU.** The ADU is within an accessory building detached from the primary dwelling. The accessory building may be new construction or a conversion of an existing accessory structure.
3. **Junior ADU.** A unit that is no more than 500 square feet in size and contained entirely within a proposed or existing single-family residence with its own separate sanitation facility or shared sanitation facility with the existing or proposed single-family building.

For zoning requirements, [refer to Zoning Code Section 17.28.270](#)

## ATTACHMENTS

1. Summary of zoning requirements
2. Frequently Asked Questions
3. Address exhibit template
4. Deed restriction template (*must be recorded before permit issuance*)

## Limited Standards for Approval

Accessory Dwelling Units consistent with one of the four categories listed below are subject only to the development standards of that category. ADU proposals that do not fit the criteria below must comply with development standards found in Section 17.28.270, Accessory Dwelling Units, provided as Attachment 7 of this packet. A summary of ADU development standards are provided as a table on the following page.

- (1) **Converted on Single-family Lot:** One ADU or JADU on a lot with a proposed or existing single-family dwelling, where the ADU or JADU:
  - i. Is within the space of a proposed single-family dwelling, the existing space of an existing single-family dwelling, or within the existing space of an accessory structure (150 additional square feet can be added to the accessory structure to accommodate ingress and egress); and
  - ii. Has independent exterior access;
  - iii. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.
  
- (2) **Limited Detached on Single-family Lot:** One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling if the detached ADU satisfies the following limitations:
  - i. Side- and rear-yard setbacks of at least four-feet.
  - ii. The total floor area is 800 square feet or smaller.
  - iii. The peak height above grade is 16 feet or less.
  
- (3) **Converted on Multifamily Lot:** One or more ADUs converted from non-livable space, if each converted ADU complies with state building standards, at least one converted ADU is allowed within an existing multifamily dwelling, up to a quantity equal to 25 percent of the existing multifamily dwelling units.
  
- (4) **Limited Detached on Multifamily Lot:** No more than two detached ADUs on an existing multi-family lot when satisfying the following limitations:
  - i. Side- and rear-yard setbacks of at least four-feet.
  - ii. The peak height above grade is 16 feet or less.

# Summary of Accessory Dwelling Unit Requirements

Effective March 2021

	Detached or Attached ADU	ADU created from existing space
<b>Permitted Locations</b>	Lots with a single-family or multifamily residential uses	
<b>Maximum Size</b>	<p>*No development standards will require an ADU to be less than 800 square feet</p> <p><b>Detached ADU –</b></p> <ul style="list-style-type: none"> <li>▪ Studio/One-bedroom: 850 sf</li> <li>▪ Two bedroom: 1,000 sf</li> </ul> <p><b>Attached ADU –</b> whichever is more restrictive:</p> <ul style="list-style-type: none"> <li>▪ 50% of existing living area, or</li> <li>▪ Studio/One-bedroom: 850 sf</li> <li>▪ Two bedroom: 1,000 sf</li> </ul>	<ul style="list-style-type: none"> <li>▪ No size limit for ADUs converted from existing space</li> <li>▪ ADUs converted in multi-family buildings must be within portions of existing non-livable space (i.e. storage rooms, boiler rooms, passageways, attics, basements, garages, etc.)</li> </ul> <p><b>Junior ADU</b> (single-family residence only) – 500 sf</p>
<b>Lot Coverage:</b>	No ADU greater than 800 sf may cause the total lot coverage to exceed 50%	
<b>Setbacks</b>	<p><u>Front</u> – 20 feet and no closer to the living area of the primary dwelling to the front property line.</p> <p><u>Side</u> – 4 feet<sup>1</sup></p> <p><u>Rear</u> – 4 feet<sup>1</sup></p> <p><u>Street side-yard</u> – By zone</p>	No additional setbacks required. Must meet fire safety requirements.
<b>Height</b>	16 feet for Detached ADUs (unless created from existing space). Permitted by zone for Attached ADUs.	
<b>Parking</b>	<p>None required if:</p> <ol style="list-style-type: none"> <li>(1) ADU is within ½ mile walking distance of public transit (i.e. bus, rail, and Lyft SC Ride stops).</li> <li>(2) ADU is within an architecturally and historically significant historic district.</li> <li>(3) On-street parking permits are required but not offered to the occupant of the accessory dwelling unit.</li> <li>(4) There is a car share vehicle located within 1 block of ADU.</li> </ol>	None required if ADU is part of the proposed or existing primary residence or an accessory structure.
<b>Efficiency Kitchen</b>	Required	Required
<b>Bathroom</b>	Separate facilities required.	A Junior ADU may have separate facilities or share facilities with the primary residence.
<b>Separate Entrance</b>	Required	Required
<b>Quantity</b>	<p><u>Residential or Mixed Use zoned lot with a single-family dwelling unit:</u> Up to 1 Junior ADU plus 1 Detached ADU, OR 1 single Attached ADU.</p> <p><u>Multi-family lot:</u> Minimum 1 within existing multifamily residence, up to 25% of existing units, when existing non-living space is converted to ADU. Up to 2 ADUs may be detached.</p>	

<sup>1</sup> Construction of new units must meet fire safety requirements for setbacks less than 5 feet.

## Regulations that apply to all ADUs

- **Permits Required:** Building Permit. See the Building Permit Application for submittal requirements.
- **Fire Sprinklers:** Required if required for the primary residence. Consistent with the Building Code, fire sprinklers may be required if new or reconstructed setbacks are less than 5 feet.
- **Ownership:** Any ADU/JADU(s) may not be sold or otherwise conveyed separately from the primary residence. This is conveyed in the deed restriction required upon submittal of an ADU application.
- **Owner Occupancy:** Not required for ADUs created between January 1, 2020, and January 1, 2025, unless a Junior ADU is on the property. Then the owner must live in the primary residence or the Junior ADU.
- **Deed Restriction:** A deed restriction must be recorded against the title of the property in the County Recorder's office. The deed restriction ensures ADUs are rented no less than 30 days and cannot be sold separately from the primary residence.
- **Rental Terms:** Any ADU/JADU(s) shall be rented for terms of 30 days or longer.
- **Minimum Unit Size:** That square footage that would qualify the space as an efficiency unit pursuant to current codes. Unless modified by local ordinance pursuant to Health and Safety Code Section 17958.1, efficiency dwelling units shall comply with the following:
  - Shall have a living area of not less than 220 sf of floor area, which the area shall be measured from the inside perimeter of the exterior walls of the unit and shall include closets, bathrooms, kitchen, living, and sleeping areas. An additional 100 sf of floor area shall be provided for each occupant of such unit in excess of two.
  - Shall be provided with a separate closet.
  - Shall be provided with a kitchen sink, cooking appliance, and refrigeration facilities, each having a clear working space of not less than 30 inches in front. Light and ventilation conforming to building code shall be provided.
  - The unit shall be provided with a separate bathroom containing a water closet, lavatory, and bathtub or shower, unless JADU is proposed and, therefore, only access to shared bathroom and sanitary facility is required.
- **Correction of nonconforming zoning conditions:** Not required.
- **Impact Fees:** Not required for ADU/JADU(s) less than 750 sf. This includes School, TCA, and Park Fees.
- **Connection/Utility Fees:** Not required unless ADU is detached or ADU/JADU is proposed with a new residence wherein separate utility connection and applicable fees are required.
- **Review Time Limits:** 60 days when a complete application is submitted.
  - If the ADU/JADU(s) is proposed with an application for a new single-family or multifamily residence, the City may wait to act on the ADU/JADU(s) request until the City has acted on the application for a new single-family or multifamily residence.
  - If the applicant requests a delay, the 60-day timeframe shall be tolled for the period of the requested delay.

# Frequently Asked Questions

# ATTACHMENT 2

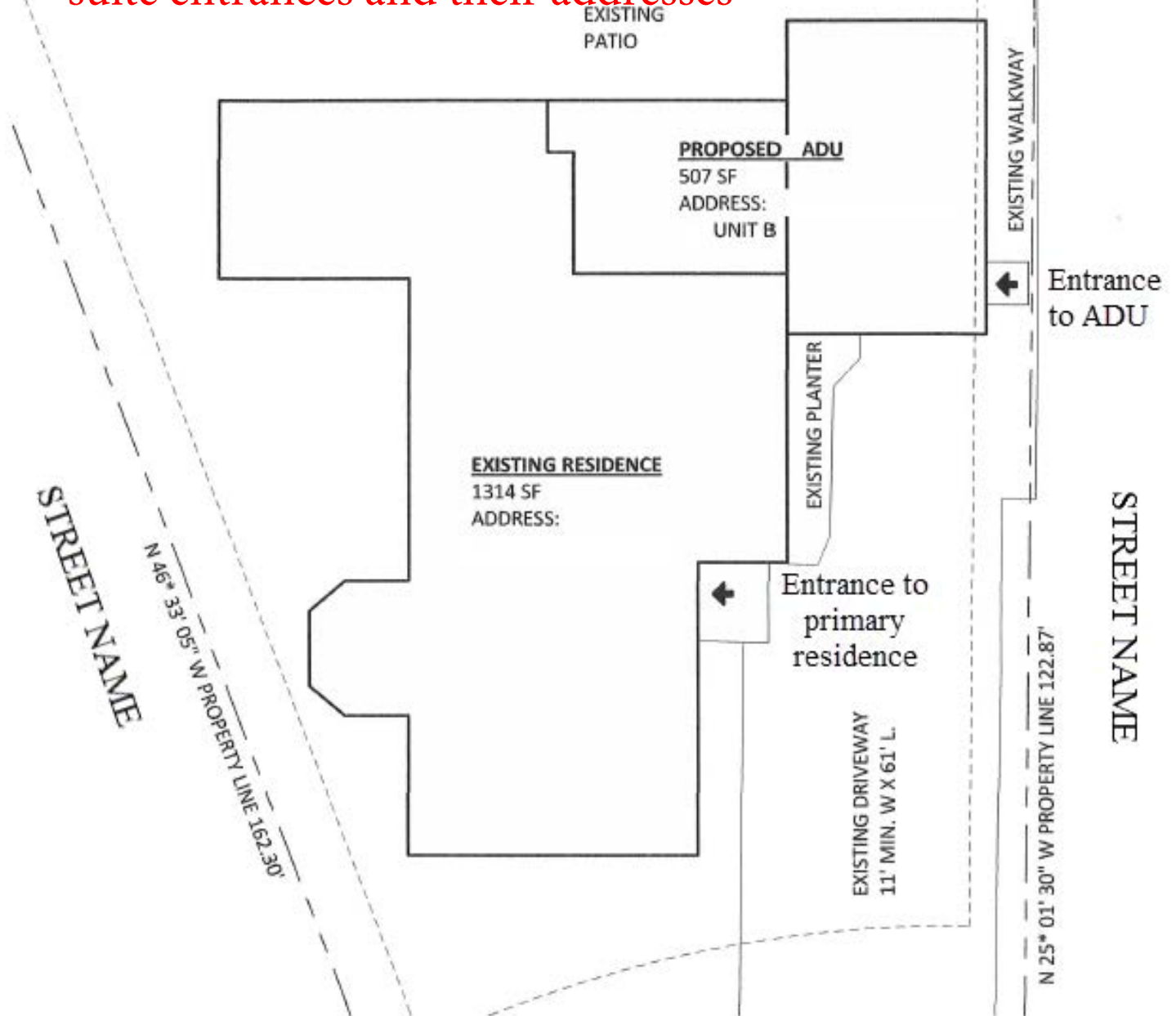
Frequently Asked Questions	
<b>Can I construct an ADU above my garage?</b>	Yes, if the garage is <u>attached</u> to the primary residence. The proposal must meet setbacks, height, design, and all other requirements. Note that <u>detached</u> ADUs are limited to 16 feet in height.
<b>Can I convert my garage and add space above, too?</b>	Yes, if the garage is <u>attached to the primary residence</u> . The proposal must meet setbacks, height, design, and all other requirements. Common limiting requirements are the front setback. <b>ADUs are not permitted over <u>detached</u> garages due to the 16-foot height limit.</b>
<b>Can I construct/convert space above my in-bank garage that is 5 feet from the property line?</b>	Yes. The proposal must meet setbacks, height, design, and all other requirements. Common limiting requirements are the front setback and the height limitation. Any new construction must meet setback requirements, including front setbacks. Detached accessory dwelling units are limited to 16 feet in height.
<b>Do I have to live on property?</b>	No. For permits issued between January 1, 2020 and January 1, 2025, owners are not required to reside on the property. All living units may be rented out at the same time.
<b>Can I Airbnb my ADU?</b>	Short-term rentals such as Airbnb are not allowed with the creation of ADUs.
<b>Can I construct a new house and an ADU at the same time?</b>	Yes. However, a detached ADU requires a separate building permit.
<b>Will my property taxes increase if I build an ADU?</b>	Yes. Under Proposition 13 the County Assessor will appraise the new construction at fair market value.
<b>How long does it take to get a permit?</b>	The typical review period before a permit may be issued is 4-8 weeks.
<b>Can I legalize an unpermitted ADU?</b>	Yes, if it can be made to satisfy all current requirements.
<b>If I convert my garage to an ADU do I need to replace the parking?</b>	No. Replacement parking is not required.
<b>What if my legal-nonconforming accessory building does not meet local development standards? Can I convert my legal non-conforming accessory building to an ADU?</b>	Yes, State law allows an existing, legal non-conforming accessory building to be converted into an ADU. State law also allows an expansion of up to 150 square feet for ingress and egress, beyond the existing footprint of that converted accessory building.

# ADDRESS EXHIBIT TEMPLATE

EXAMPLE OF FORMAT

CUSTOMIZE TO FIT PROJECT

Provide site plan, identify all unit/  
suite entrances and their addresses



① ADDRESS EXHIBIT  
3/32" = 1'-0"

## ADDRESS

Project #: PLN XX-XXX

Type of ADU

Name

Address

Phone: (xxx) xxx-xxxx

Email:



## **Deed Restriction Template**

## **ATTACHMENT 4**

The copy of the enclosed deed restriction must be recorded by the County of Orange Clerk Recorder before a building permit may be issued, not prior to the submittal of a building permit application. A deed restriction is adequate for permitting when it is completed, notarized, and recorded with a County Clerk stamp on page 1 in the top margin.



**RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:**

City of San Clemente  
910 Calle Negocio  
San Clemente, CA 92673  
Attn: City Clerk

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EXEMPT FROM RECORDING FEES PER GOVT. CODE 27383

**ACCESSORY DWELLING UNIT DEED RESTRICTION**

This Deed Restriction is executed as of this \_\_\_\_ day, \_\_\_\_ month, 20\_\_ year, of by \_\_\_\_\_[Name or Names of Declarant(s)] (collectively, “Declarant”) and will be effective as of the date of its recording in the Records of Orange County, California. This Deed Restriction is made with reference to the following facts:

**RECITALS**

A. Declarant is the owner of that certain real property located at \_\_\_\_\_[Address], San Clemente, California in Orange County also described as Assessor Parcel Number [APN Number]\_\_\_\_\_ (“Property”), which includes residential use on a residential or mixed-use zoned lot that meets qualifying criteria under the California Government Code Section 65852.2 and 65852.22 (“State laws”) for granting of rights to construct an Accessory Dwelling Unit (“ADU”), such as a single-family residence, multi-family residence, or residential unit in a mixed-use zone.

B. Declarant applied for approval by the City of San Clemente (“City”) of construction of an ADU on the Property as provided by California State laws.

C. The City has approved the application for the ADU, subject to recordation of a deed restriction against the Property setting forth certain restrictions described in State laws AB-68 and AB-881.

D. Declarant desires by this Deed Restriction to comply with the City’s conditions of approval and to bind the Property as set forth in this Deed Restriction, which will run with the Property and be binding upon it and upon all future owners thereof.

**OPERATIVE PROVISIONS**

1. Separate Ownership. The ADU may not be sold, mortgaged, or transferred separately from Primary Residence.

2. Rental. The ADU may be rented, but may not be rented on a short-term basis (29 consecutive day period or less).

3. Access. The ADU shall have independent exterior access separate from the Primary Dwelling.

4. Other Requirements. The ADU shall comply all other applicable requirements set forth in California State law. or the San Clemente Municipal Code as amended to comply with State laws.

5. Modification. This Deed Restriction may not be modified or terminated without the prior written consent of the City's Community Development Director.

6. Runs with the Land. This Deed Restriction is intended to run with the Property and be binding upon all future owners thereof.

Executed by the Declarant as of the date set forth above.

Declarant:

\_\_\_\_\_  
[Name of Declarant]

\_\_\_\_\_  
[Name of Declarant]

## 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)