



# **Public Hearing**

**Code Amendments of NCMC Sections  
18.20.020, 18.21.040, 18.21.050,  
18.45, and 18.50, and Addition of  
Sections 18.30.380 and 18.30.390  
Related to Accessory Dwelling Units  
and Junior Accessory Dwelling Units**

## Overview:

- Housing production not keeping pace with demand
- Lack of housing is impacting affordability and causing average housing costs to rise significantly
- Widening the range of housing types can increase the housing supply and help more low-income residents thrive
- In addition to expanded housing options, a robust ADU Ordinance will help the City to meet its RHNA allocation (5,437)
- The Ordinance also consistent with goals and policies of the Housing Element, and with state ADU regulations

# Overview (cont.):

## What is an ADU?

- An ADU is a complete independent living facility for one or more persons and has a few variations:
  - Detached: Separated from the primary structure
  - Attached: Unit is attached to the primary structure
  - Converted Existing Space: Space (e.g., attached garage, storage area, or accessory structure) on the lot of the primary residence that is converted into an independent living unit

## What is a JADU?

- A JADU (Junior Accessory Dwelling Unit) is a specific type of conversion of existing space that is contained entirely within an existing or proposed single-family residence

## **Overview (Cont.):**

- Current regulations related to Accessory Dwelling Units (ADUs) in Section 18.21.050 of the Land Use Code (LUC) are voided by State law
  - Most recent updates to sections related to ADUs and Junior Accessory Dwelling Units (JADUs) took effect January 1, 2021
- Approval of ADUs and JADUs in National City are currently regulated by State law unless the City adopts an ordinance in compliance to the most recent changes
- State law also mandates that cities should encourage ADUs
- Staff also working on a draft ordinance related to Mobile Tiny Homes

## **City Council:**

- On September 7, 2021, a public hearing was held and City Council continued the hearing to a later date. Additional information was request from staff including:
  1. Recommendations for promoting the affordability of ADUs and JADUs created under the new ordinance
  2. Information on fees related to the construction of ADUs and JADUs and the use of fee waivers by other jurisdictions
  3. An explanation on how ADUs can be used to meet the City's RHNA allocation
  4. Clarification on which sections of the proposed code amendments and additions are changes from the regulations mandated by state law
  5. Information on the conversion of garages to ADUs and JADUs

## **Affordability:**

- AB 345 provides for the transfer of an ADU when sold to a low-income family. This bill will take effect on January 1, 2022.
- CALFHA ADU Grant Program will provide a grant of up to \$25,000 to reimburse pre-development costs for the construction of an ADU
- Housing Strategic Plan was adopted in August 2021 and proposes the development of an ADU Affordability Program using PLHA Funds
- The City of Vista has a program that offers fee waivers for property owners that agree to a restriction on their unit that would make it affordable to households at 80 percent of the San Diego County median income.

## **Fees:**

- According to data by the Building Industry Association of San Diego County, the total cost of permitting fees for a single-family dwelling in National City is \$15,040
- Fees are similar to El Cajon, Imperial Beach, and Lemon Grove, which range from \$13,563 to \$15,211. These fees are significantly lower than other surrounding jurisdictions. Chula Vista fees, for example, total \$57,167.
- The County of San Diego has waived fees for ADU permits in incorporated areas.
- The City of San Diego waives impact and transportation fees, which can be as high as \$100,000.

## **Fees(Cont.):**

- A relatively affordable fee structure currently exists in National City
- Fees contribute to funding staff that reviews permits and the timeliness of the process
- Full and partial fee waivers have been adopted by other jurisdictions



## **RHNA Allocation:**

- ADUs are considered to be an affordable type of housing
- To be counted towards the City's RHNA allocation there must be:
  - A restriction on the property for low or moderate income households
  - A survey of comparable units that can demonstrate the income level an ADU would be affordable to. The rent survey would determine which income level the units could count towards.

## **State Mandates:**

- Several elements must be included in an ordinance adopted by a local jurisdiction regulating ADUs.
- For example, the ordinance must state that the ADU cannot be sold separately from the primary dwelling
- The ordinance may also impose certain standards on ADUs

# **Garage Conversions:**

- There are several options for creating an ADU or JADU on a property.
- Garage conversions are one of the simplest ways to create a new unit
- For an ADU, no replacement parking is required
- The California Department of Housing and Community Development has published guidelines for garage conversions at <https://www.hcd.ca.gov/policy-research/accessorydwellingunits/docs/Guidelines%20for%20Garage%20Conversion%20ADUs%20-%20v6hb%20ADA.pdf>

## **Proposed Changes:**

- Within the state law, cities are able to impose standards on ADUs that include, but are not limited to, parking, height, setbacks, landscaping, architectural review, maximum unit size, and standard intended to prevent adverse impacts to historical resources.
- Cities are also allowed to establish requirements for ADUs that are less restrictive than what is required by the state.
- Changes to Title 18 that are not highlighted in this section are either mandated by the state or intended to clean up existing code sections for compatibility

## **Proposed Changes:**

- Remove Section 18.21.050 of the LUC related to “Second Units”
- Adopt new ordinances under Section 18.30.380 for ADUs and Section 18.30.390 for JADUs
- Clean up related sections such as land uses, off-street parking, and definitions for consistency with new sections
- Intention is to clarify the regulations that permit ADUs and JADUs in the City as well as promote compatibility of these housing types within existing neighborhoods.

## **Proposed Changes (cont.):**

- The maximum size of a detached ADU on a single-family property has been reduced from 1,200 to 1,000 square feet. Cities may not impose a maximum size that is smaller than 1,000 square feet for an ADU with two or more bedrooms.
- The maximum size of a detached ADU may be increased to 1,200 square feet if the ADU is constructed behind the front setback of the primary dwelling unit and parking is provided for both units.
- The maximum size of a detached multi-family residential ADU has been reduced from 1,200 to 1,000 square feet.

## **Proposed Changes (cont.):**

- No parking requirement for ADUs is proposed other than for the bonus square footage described above. State law would only allow the city to require parking on a small number of lots in the city due to the existence of transit lines in most areas.
- ADUs constructed over garages or on a lot smaller than 5,000 square feet are permitted to have a maximum height of twenty-five feet instead of the height of the primary structure. No other changes to height regulations for ADUs are proposed.

## **Proposed Changes (cont.):**

- A minimum front setback of fifteen feet and minimum side and rear setbacks of four feet for all ADUs is required. ADUs are permitted in Mixed-Use zones, which currently have no setbacks in the City's code unless they abut a residential zone. The side and rear setbacks are mandated by the state.
- A landscape requirement of one tree in the required 15 foot setback for ADUs or abutting parkway is added. There are no landscape requirements mandated by the state.



## **Proposed Changes (cont.):**

- ADUs are required to conform to the adopted single-family infill standards in Section 18.42.070.C of the LUC. Building design standards are not mandated by the state. Subjective requirements are not allowed.
- An ADU constructed within the footprint of an existing home will not have a maximum size. This clarifies staff's interpretation of state law.
- Both ADUs and JADUs shall have restrictions, recorded with the County, that the units may not be sold separately or rented for periods of less than 31 days. This clarifies that all ADUs require a recorded restriction.

## **Proposed Changes (cont.):**

- JADUs are permitted on lots with an existing single-family dwelling and zoned to allow for residential use. This change will clarify that JADUs are permitted in Mixed-Use zones.
- Replacement parking can be required when a JADU is created within an existing attached garage. This is an optional parking requirement permitted by the state.

# **Findings:**

## **General Plan Conformance**

- Consistent with current Housing Element
  - Goal H-1: Maintain and enhance the quality of existing residential neighborhoods
  - Goal H-4: Provide a sufficient number of housing units and range of housing types to meet the current and projected needs of all economic segments of the community.
- Consistent with draft Housing Element for next cycle
  - Policy 1.4: Promote the development of accessory dwelling units (ADUs) throughout National City to meet residential housing needs.

## **CEQA Compliance**

- Amendments not considered a project under CEQA

## **Public Comment:**

- Comments were received from a property owner asking that 2-story ADUs be permitted in cases of an existing single-story home
  - The existing and proposed language generally requires ADUs to match design of primary dwelling (e.g. number of stories, roof pitch, etc.)
- Proposed Ordinance allows 2-story ADUs on lots with single-story primary residence for lots < 5,000 ft<sup>2</sup>
  - Property owner still wishes to construct 2-story's, regardless of lot size

## **Summary / Next Steps:**

- Adoption of Ordinance
  
- Staff will prepare an ADU policy handbook to guide property owners on the ADU/JADU process:
  - Building permits
  - Fire Department requirements
  - Utility questions (gas/electric, water, sewer)
  
- Publish information on City website

## **Options:**

- Introduce the Ordinance approving the amendments to Sections 18.20.020, 18.21.040, 18.21.050, 18.45, and 18.50, and addition of Sections 18.30.380 and 18.30.390 of the Land Use Code based on the attached findings or findings to be determined by the City Council; or
- Continue the item to a specific date.
- File the report (Deny amendments)