

Kimberli Grogan Photo Attachments (3)







Dave Nicolai Photo Attachments (5)







N 32.743199°, W 117.057597°
11/05/2024





4/24/2025

To San Diego City Council

When setting out to provide recommendations for changes to the Bonus Accessory Dwelling Unit (ADU) Program the Community Planners Committee (CPC) followed three guiding principals: adhere to state law, treat all development applicants equally, and find a way to address the lag in affordable housing at the lower end of the Area Median Income (AMI) scale.

To follow the first guiding principal, the City and the State should be held at their word and to the reasoning for increased density. SB 9 is the overriding state legislation for single family lots (RS zone), which allows for lots to be split. Pairing this with the state ADU regulations every RS zoned lot can have a primary residence, an ADU, a Junior ADU (JADU), and a bonus ADU. Thus the CPC has come up with a “4 means 4” proposal. This is the simplest way of adhering to state law, while clarifying what the max density in RS zones is.

There are many good arguments in favor of capping density in RS zones at four.

- At the City level, four is the dividing line between having trash services provided or having the option to contract out.
- At the federal level, four is the dividing line HUD uses to qualify a property as single family or multi family.
- Financing regulations change when you go from four housing units to five housing units.

With “4 means 4” as our starting point, the CPC recommends allowing for one bonus ADU in any and all RS zones. The CPC also recommends that this bonus ADU be deemed affordable. Considering every Councilmember agrees the City is in a housing crisis, particularly a low income and missing middle housing crisis, more needs to be done to fill this gap.

According to the San Diego Housing Commission, there is a deficit of around 92,000 housing units for very low and extremely low (<50% AMI and <30% AMI respectively) income residents, while there is a surplus of housing units for low income and moderate income (<80% AMI and <120% AMI respectively). To fix this, **the affordability tier assigned to the bonus ADU should be tied to the CTAC zone rating. Meaning that areas that are the highest resourced should have the most affordable units (<30% AMI) while the lowest resourced areas should have their bonus ADU affordability set at 80-120% AMI.** This will stop the packing of neighborhoods with one type of housing, and to a degree address the under building of low income affordable units.

Additionally, it is concerning that the deed restrictions on Bonus ADUs are not the same as other deed restricted housing. **To treat all development applicants equally, and simplify the code the deed restrictions on ADUs should be brought in line with the rest of the City deed restrictions, which is 55 years.**

Since the City’s Bonus ADU program has been passed, the state has increased the number of allowable ADUs in multi family zones (RM Zones). As of now, you can build one market rate ADU for every dwelling unit on the lot up to eight (8) ADUs. If you only have one dwelling unit on the lot you are still allowed your two (2) ADUs. Therefore the city has room to scale back the Bonus ADU program in RM zones.

The CPC intention is to keep this proposal simple: two (2) affordable Bonus ADUs are allowed on any RM lots. Additionally, the CPC believes the same affordability standards be

4/24/2025

applied to the RM zones that we are requesting in the RS zones, i.e. the most affordable units go into the highest resourced areas.

Finally, we have **four recommendations that should apply across both the RS and RM Bonus ADU programs.**

First, state law strictly forbids ADUs from being rented for less than 31 days, but it is a gaping loophole to allow someone to build an ADU move into that and rent their primary residence out on STR platforms. This loophole needs to be closed for the good of San Diego's housing supply. **The CPC recommends that any dwelling unit on a lot that has built bonus or state ADUs have >31 day rental restrictions placed on it.**

Second, to ensure residents are not parking over a quarter mile away from their homes, **one parking space per ADU should be required outside of a Transit Priority Area (TPA).** As we know, TPAs do not always have an active high quality public transportation route, they can just have a planned route. Under the current ordinance, affordable ADUs would become market rate ADUs before those transportation routes will be provided. In the meantime it is necessary to maintain an off-street parking stock. Any development inside a TPA will still have no parking requirements.

Third, **the CPC requests that setbacks and height limits be reverted to the state standard.** One of the biggest complaints from neighbors is the zero setback and towering ADUs being built adjacent to their back yards, taking away any privacy. This will also help ensure a new development blends into the neighborhoods which will lead to less complaints about ADUs.

Fourth, to addresses safety concerns around evacuations **the Bonus ADU program should not apply in Very High Fire Hazard Severity zones or streets where there is a single egress** (e.g. cul-de-sacs)

The members of the CPC are looking forward to the robust debate that will come with the public discussions starting with the Planning Commission on May 1st. We will see you there!

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrea', followed by a long, sweeping horizontal line.

Andrea Schlageter
Chair, Community Planners Committee.

*Matrices of the proposed changes for the RS and RM zones can be found by scrolling down.

4/24/2025

RS/RX Zoning Proposal	CPC Recommendation	Existing Rules/Interpretations
Sunset Clause	Sunset program with Housing Element (2029)	None - Permanent
Density		
Qty/Lot	4 Maximum (regardless of SDA) 1 primary + 2 state market rate units + 1 bonus (affordable) 1. 4 = SB9's "4 means 4" 2. 4 is the dividing line between SF and MF for many regulations (HUD) 3. 4 divides City trash service from contracting out 4. 4 is under coastal inclusionary regs limit 5. Financing regulations differ between 4 and 5.	(in SDA) (house + 1-2 state ADUs) + (unlimited bonus pairs) = ∞ units + JADU (outside SDA) (house + 1-2 state ADUs) + (2 Bonus ADUs) = 4-5 total units + JADU
Qty/Lot (lot size based)	Support City proposal, however other CPC proposals mostly moot this regulation.	(in SDA) City proposing total ban on bonus ADUs in zones with a lot minimum of > 10k
FAR	Support City proposal for Environmentally Sensitive Lands	All FAR in Base Zoning is usable - except on Open Space/ESL
Zones	RS-1-1 through RS-1-14 Zones RX Zones	City proposal only exempts: RS-1-1, RS-1-2, RS-1-3, RS-1-4, RS-1-8, RS-1-9, RS-1-10, RS-1-11

Scale		
Height	16-18 ft detached; 25 ft attached; All ADUs follow state height rule.	30 ft for both state and bonus ADUs
Stories	2 (both story & height limit apply)	No restriction
Square Ft	1200 max – 150 min	1200 max – 150 min
Setbacks (Rear/Side)	4 ft side/rear setback. No change to street side yard setbacks.	0 ft; or 4 ft when above 16 ft ht/2 stories and abuts residential property. Must comply with required street side yard setbacks.
Brush Mgmt Setback	No Comment	5 ft brush management setback proposed by city (AB1379?)
Exterior Space		
Private Exterior Space	Require private exterior space similar to RM zones with 4 units or less	Currently not required in RS zones, yet is a requirement for RM zones. (see §131.0455 for RM rules for fewer than 4 units)
Common Open Space	Limit RS lots to 4 units or less, so common open space rules don't apply.	Currently not required in RS zones, yet is a requirement for RM zones. (see §131.0456 for RM rules for greater than 4 units)
Parking Regulations	Support recommendation for 1 parking space per unit outside of ½ mile from any transit, as opposed to high quality transit. While parking can't be required for the state ADUs per state law, inside the ½ mile walking distance Transit Parking Standards zone, within RS zones, require parking for the <i>single</i> City Bonus ADU.	0 spaces (in SDA) / 0 spaces (outside SDA) – (state allows 1 space > ½ mile walk to any transit, not just high-quality transit)
SDA Size	SDA no longer applies	1 mile walking distance
Compliant Pedx Path	SDA no longer applies	Yes – (in SDA)
SDA Transit Program	SDA no longer applies	RTP Long Term 2050 Plan (uses 2035 Subset, but 2035 is not funded)

4/24/2025

VHFHSZ (Fire Zones)	No bonus ADUs in VHFHSZs, and all cul de sacs and loops with single point of ingress/egress.	State law recommends 'other safety improvements' for > 30 units PRC §4290.5
Affordability		
Deed Length	55 years	15 Years – (10 yrs)
Income (AMI %)	To Affirmatively Further Fair Housing - Bonus Unit AMI by CTCAC zone: Highest – up to 30% AMI High – up to 60% AMI Moderate – up to 80% AMI Low – up to 110% AMI	110% Moderate – (other current limits 60%, 50%)
STVR	Do not allow parcels with a/any Bonus ADU to rent out <u>any</u> units, including primary house, for less than 31 days.	ADU can't be STVR'd, but main house is allowed to STVR. No net gain in housing supply.
Individual Sale	Support staff proposal	Currently only charities – State/City proposing to allow individual sale
DIFs		
State Units (2)	No Change/No Comment	DIF can apply when > 750 sf (but City has no DIF so as to = local SB9 rules)
City Bonus Units (1)	No Change/No Comment	DIF can apply when > 750 sf / proposing "Opt-in Fee" in lieu of DIF

4/24/2025

RM Zoning Proposal	CPC Recommendation	Existing Rules/Interpretations
Sunset Clause		None - Permanent
Density		
Qty/Lot	See attached document for 3 proposals for consideration by CPC. All City Bonus Units would be 100% deeded affordable and follow the same rules proposed for the RS Zones.	Unlimited Bonus in an SDA One Bonus ADU outside an SDA (SB1211) State law now allows a minimum of 2 ADUs or 1 ADU for every existing unit on the lot, up to 8. Also, up to 25% of an existing dwelling unit structure can be converted to an ADU. All uninhabitable space may be converted to an ADU regardless of quantity.
FAR	Support City proposal for Environmentally Sensitive Lands	All FAR in Base Zoning is usable - except on Open Space/ESL Minimum FAR is 1.25
Height	Follow municipal code	Municipal code
Exterior Space		
Private Exterior Space	Require private exterior space as required by RM code.	See §131.0455 for RM rules.
Common Open Space	Require common open space when there are 4 units or more.	See §131.0456 for RM rules for greater than 4 units.
Parking Regulations	Support recommendation for 1 parking space outside of ½ mile from any transit	0 spaces (in SDA) / 0 spaces (outside SDA) – (state allows 1 space > ½ mile walk to any transit, not just high-quality transit)
STVR	Do not allow parcels with a/any Bonus ADU to rent out <u>any</u> units for less than 31 days.	ADU can't be STVR'd, but main house is allowed to STVR
Individual Sale	Support staff proposal	Currently only charities – State/City proposing to allow individual sale
DIFs		
	Charge DIF for all units greater than 750	DIF can apply when > 750 sf
	Support opt-in fee	Opt-in Fee when using the Bonus ADU program > 750 sf

Louise Rehling Attachment Link

https://www.neighborsforabettersandiego.org/2025-sd-adu-revisions?utm_campaign=8302f7c6-90ac-4003-bcdc-4fe198905b85&utm_source=so&utm_medium=mail&cid=6b12f18c-1c9a-45b2-882f-70abcfab1440

4/24/2025

To San Diego City Council

When setting out to provide recommendations for changes to the Bonus Accessory Dwelling Unit (ADU) Program the Community Planners Committee (CPC) followed three guiding principals: adhere to state law, treat all development applicants equally, and find a way to address the lag in affordable housing at the lower end of the Area Median Income (AMI) scale.

To follow the first guiding principal, the City and the State should be held at their word and to the reasoning for increased density. SB 9 is the overriding state legislation for single family lots (RS zone), which allows for lots to be split. Pairing this with the state ADU regulations every RS zoned lot can have a primary residence, an ADU, a Junior ADU (JADU), and a bonus ADU. Thus the CPC has come up with a “4 means 4” proposal. This is the simplest way of adhering to state law, while clarifying what the max density in RS zones is.

There are many good arguments in favor of capping density in RS zones at four.

- At the City level, four is the dividing line between having trash services provided or having the option to contract out.
- At the federal level, four is the dividing line HUD uses to qualify a property as single family or multi family.
- Financing regulations change when you go from four housing units to five housing units.

With “4 means 4” as our starting point, the CPC recommends allowing for one bonus ADU in any and all RS zones. The CPC also recommends that this bonus ADU be deemed affordable. Considering every Councilmember agrees the City is in a housing crisis, particularly a low income and missing middle housing crisis, more needs to be done to fill this gap.

According to the San Diego Housing Commission, there is a deficit of around 92,000 housing units for very low and extremely low (<50% AMI and <30% AMI respectively) income residents, while there is a surplus of housing units for low income and moderate income (<80% AMI and <120% AMI respectively). To fix this, **the affordability tier assigned to the bonus ADU should be tied to the CTAC zone rating. Meaning that areas that are the highest resourced should have the most affordable units (<30% AMI) while the lowest resourced areas should have their bonus ADU affordability set at 80-120% AMI.** This will stop the packing of neighborhoods with one type of housing, and to a degree address the under building of low income affordable units.

Additionally, it is concerning that the deed restrictions on Bonus ADUs are not the same as other deed restricted housing. **To treat all development applicants equally, and simplify the code the deed restrictions on ADUs should be brought in line with the rest of the City deed restrictions, which is 55 years.**

Since the City’s Bonus ADU program has been passed, the state has increased the number of allowable ADUs in multi family zones (RM Zones). As of now, you can build one market rate ADU for every dwelling unit on the lot up to eight (8) ADUs. If you only have one dwelling unit on the lot you are still allowed your two (2) ADUs. Therefore the city has room to scale back the Bonus ADU program in RM zones.

The CPC intention is to keep this proposal simple: two (2) affordable Bonus ADUs are allowed on any RM lots. Additionally, the CPC believes the same affordability standards be

4/24/2025

applied to the RM zones that we are requesting in the RS zones, i.e. the most affordable units go into the highest resourced areas.

Finally, we have **four recommendations that should apply across both the RS and RM Bonus ADU programs.**

First, state law strictly forbids ADUs from being rented for less than 31 days, but it is a gaping loophole to allow someone to build an ADU move into that and rent their primary residence out on STR platforms. This loophole needs to be closed for the good of San Diego's housing supply. **The CPC recommends that any dwelling unit on a lot that has built bonus or state ADUs have >31 day rental restrictions placed on it.**

Second, to ensure residents are not parking over a quarter mile away from their homes, **one parking space per ADU should be required outside of a Transit Priority Area (TPA).** As we know, TPAs do not always have an active high quality public transportation route, they can just have a planned route. Under the current ordinance, affordable ADUs would become market rate ADUs before those transportation routes will be provided. In the meantime it is necessary to maintain an off-street parking stock. Any development inside a TPA will still have no parking requirements.

Third, **the CPC requests that setbacks and height limits be reverted to the state standard.** One of the biggest complaints from neighbors is the zero setback and towering ADUs being built adjacent to their back yards, taking away any privacy. This will also help ensure a new development blends into the neighborhoods which will lead to less complaints about ADUs.

Fourth, to addresses safety concerns around evacuations **the Bonus ADU program should not apply in Very High Fire Hazard Severity zones or streets where there is a single egress** (e.g. cul-de-sacs)

The members of the CPC are looking forward to the robust debate that will come with the public discussions starting with the Planning Commission on May 1st. We will see you there!

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrea', followed by a long, sweeping horizontal line.

Andrea Schlageter
Chair, Community Planners Committee.

*Matrices of the proposed changes for the RS and RM zones can be found by scrolling down.

4/24/2025

RS/RX Zoning Proposal	CPC Recommendation	Existing Rules/Interpretations
Sunset Clause	Sunset program with Housing Element (2029)	None - Permanent
Density		
Qty/Lot	4 Maximum (regardless of SDA) 1 primary + 2 state market rate units + 1 bonus (affordable) 1. 4 = SB9's "4 means 4" 2. 4 is the dividing line between SF and MF for many regulations (HUD) 3. 4 divides City trash service from contracting out 4. 4 is under coastal inclusionary regs limit 5. Financing regulations differ between 4 and 5.	(in SDA) (house + 1-2 state ADUs) + (unlimited bonus pairs) = ∞ units + JADU (outside SDA) (house + 1-2 state ADUs) + (2 Bonus ADUs) = 4-5 total units + JADU
Qty/Lot (lot size based)	Support City proposal, however other CPC proposals mostly moot this regulation.	(in SDA) City proposing total ban on bonus ADUs in zones with a lot minimum of > 10k
FAR	Support City proposal for Environmentally Sensitive Lands	All FAR in Base Zoning is usable - except on Open Space/ESL
Zones	RS-1-1 through RS-1-14 Zones RX Zones	City proposal only exempts: RS-1-1, RS-1-2, RS-1-3, RS-1-4, RS-1-8, RS-1-9, RS-1-10, RS-1-11

Scale		
Height	16-18 ft detached; 25 ft attached; All ADUs follow state height rule.	30 ft for both state and bonus ADUs
Stories	2 (both story & height limit apply)	No restriction
Square Ft	1200 max – 150 min	1200 max – 150 min
Setbacks (Rear/Side)	4 ft side/rear setback. No change to street side yard setbacks.	0 ft; or 4 ft when above 16 ft ht/2 stories and abuts residential property. Must comply with required street side yard setbacks.
Brush Mgmt Setback	No Comment	5 ft brush management setback proposed by city (AB1379?)
Exterior Space		
Private Exterior Space	Require private exterior space similar to RM zones with 4 units or less	Currently not required in RS zones, yet is a requirement for RM zones. (see §131.0455 for RM rules for fewer than 4 units)
Common Open Space	Limit RS lots to 4 units or less, so common open space rules don't apply.	Currently not required in RS zones, yet is a requirement for RM zones. (see §131.0456 for RM rules for greater than 4 units)
Parking Regulations	Support recommendation for 1 parking space per unit outside of ½ mile from any transit, as opposed to high quality transit. While parking can't be required for the state ADUs per state law, inside the ½ mile walking distance Transit Parking Standards zone, within RS zones, require parking for the <i>single</i> City Bonus ADU.	0 spaces (in SDA) / 0 spaces (outside SDA) – (state allows 1 space > ½ mile walk to any transit, not just high-quality transit)
SDA Size	SDA no longer applies	1 mile walking distance
Compliant Pedx Path	SDA no longer applies	Yes – (in SDA)
SDA Transit Program	SDA no longer applies	RTP Long Term 2050 Plan (uses 2035 Subset, but 2035 is not funded)

4/24/2025

VHFHSZ (Fire Zones)	No bonus ADUs in VHFHSZs, and all cul de sacs and loops with single point of ingress/egress.	State law recommends 'other safety improvements' for > 30 units PRC §4290.5
Affordability		
Deed Length	55 years	15 Years – (10 yrs)
Income (AMI %)	To Affirmatively Further Fair Housing - Bonus Unit AMI by CTCAC zone: Highest – up to 30% AMI High – up to 60% AMI Moderate – up to 80% AMI Low – up to 110% AMI	110% Moderate – (other current limits 60%, 50%)
STVR	Do not allow parcels with a/any Bonus ADU to rent out <u>any</u> units, including primary house, for less than 31 days.	ADU can't be STVR'd, but main house is allowed to STVR. No net gain in housing supply.
Individual Sale	Support staff proposal	Currently only charities – State/City proposing to allow individual sale
DIFs		
State Units (2)	No Change/No Comment	DIF can apply when > 750 sf (but City has no DIF so as to = local SB9 rules)
City Bonus Units (1)	No Change/No Comment	DIF can apply when > 750 sf / proposing "Opt-in Fee" in lieu of DIF

4/24/2025

RM Zoning Proposal	CPC Recommendation	Existing Rules/Interpretations
Sunset Clause		None - Permanent
Density		
Qty/Lot	See attached document for 3 proposals for consideration by CPC. All City Bonus Units would be 100% deeded affordable and follow the same rules proposed for the RS Zones.	Unlimited Bonus in an SDA One Bonus ADU outside an SDA (SB1211) State law now allows a minimum of 2 ADUs or 1 ADU for every existing unit on the lot, up to 8. Also, up to 25% of an existing dwelling unit structure can be converted to an ADU. All uninhabitable space may be converted to an ADU regardless of quantity.
FAR	Support City proposal for Environmentally Sensitive Lands	All FAR in Base Zoning is usable - except on Open Space/ESL Minimum FAR is 1.25
Height	Follow municipal code	Municipal code
Exterior Space		
Private Exterior Space	Require private exterior space as required by RM code.	See §131.0455 for RM rules.
Common Open Space	Require common open space when there are 4 units or more.	See §131.0456 for RM rules for greater than 4 units.
Parking Regulations	Support recommendation for 1 parking space outside of ½ mile from any transit	0 spaces (in SDA) / 0 spaces (outside SDA) – (state allows 1 space > ½ mile walk to any transit, not just high-quality transit)
STVR	Do not allow parcels with a/any Bonus ADU to rent out <u>any</u> units for less than 31 days.	ADU can't be STVR'd, but main house is allowed to STVR
Individual Sale	Support staff proposal	Currently only charities – State/City proposing to allow individual sale
DIFs		
	Charge DIF for all units greater than 750	DIF can apply when > 750 sf
	Support opt-in fee	Opt-in Fee when using the Bonus ADU program > 750 sf



April 28, 2025 (updated)

From: Jamacha Neighborhood Council

To: City of San Diego, Planners Commission

Re: PRJ-1128933, Bonus ADU, (6) new 2-STORY buildings for ADUs.

BONUS ADU OUTLIER PROJECT RS 1-7

This is in the Jamacha Community, located at 1441 Woodrow Av, San Diego, CA, 92114. Council District 4, SD County Supervisor District 4, 79th District, Assembly District 52.



The Jamacha Neighborhood Council consisting of residents, both homeowners and renters, are opposing this 12 unit Bonus ADU **outlier project** noted above on a parcel# 5767010100 that is 11,100 sq. ft. in a RS 1-7 zone. This project should require a Process 4 review by the Developmental Service Department, due to Paleontological Sensitive area and Grade. This project is not consistent with the scale, nor character of the single-story homes in the Jamacha Community.

We oppose Bonus ADUs in single family RS 1-7 zones. Jamacha lacks infrastructure to support new housing, most of our community still has cast iron pipes and has not had undergrounding. The Bonus ADU program should have the same rules applied citywide, exclusively within Residential Multifamily (RM) zones. All affordable ADU housing both in Jamacha, and San Diego should be deeded for no less than 55 years minimum. The high income areas need extremely low and low affordable two bedroom housing for families, not moderately affordable, nor studios.

Our area does not qualify for Bonus ADUs. We request that the City of San Diego eliminate the Bonus ADU program in single family zones and be revised to ensure that ADUs meet the same standards as the State ADU program for all RS 1-7 zones.



The Skyline- Paradise Hills Community Plan verifies that Jamacha is one of six communities, and it is not merged with Lomita as inaccurately shown on all the City of San Diego maps.

Furthermore, the Bonus ADU program is unfairly targeting our culturally diverse, lower income Jamacha Community. It is not applied equally to all 52 Planning Areas.

This two-story project is being built in a RS 1-7 single family zone. This is a very quiet, single-family neighborhood, with only single-story homes.

This project will harm our community by destroying the community character. The increased density without infrastructure is a risk to our safety.

TRASH CANS OR DUMPSTERS

We oppose any trash cans or dumpsters being viewed from the street. The maximum height for fences in the front yard will not hide trash cans or dumpsters. The backyard will not have space to add 39 trash cans, and the side yards are too narrow for a truck to enter the backyard to empty dumpsters.



TRANSIT PRIORITY AREA

Our Jamacha Community does not meet the conditions of the Transit Priority Area (TPA), as bus #4 is our only transit route and none of our 18 bus stops connect with any other bus routes and no bus stop exists on Woodrow Ave. In addition, the nearest Transit Station is more than half a mile distance (0.57) from 1441 Woodrow Ave and the majority of the 1,340 homes in Jamacha. There are many steep hills without handrails, on poorly maintained sidewalks, which prohibit walking to transit stations. In fact, most Jamacha residents drive their cars to the transit station to ride the Trolley.



SUSTAINABLE DEVELOPMENT AREA

We do not meet the conditions of a Sustainable Development Area; we only have a limited number of entry level minimal wage job opportunities. The Skyline- Paradise Hills Community Plan verifies that Jamacha is one of six communities, and it is not merged with Lomita as inaccurately shown in the City of San Diego maps.

ENVIRONMENTAL

This project is in a paleontological sensitive area. The land in the backyard has never been disturbed. The city received a memo from the and Campo Band of Mission Indians with nearby project, that Jamacha has significant cultural history and that they request to be notified before the ground is disturbed (see attached).

The City of San Diego has failed to provide a proper California Environmental Quality Analysis (CEQA). Since this is designated as a Paleontological Sensitive area in this alleged Sustainable Development Area.

WEBSITE LINK TO APPLICATION

<https://acaprod.accela.com/SANDIEGO/Cap/CapDetail.aspx?Module=DSD&TabName=DSD&capID1=REC25&capID2=00000&capID3=0001X&agencyCode=SANDIEGO&IsToShowInspection=>

APPLICATION DISCREPENCIES



Furthermore, the PRJ-1128933, 1441 Woodrow Ave. has an application dated 1/2/2025, with misinformation about the property in question. (see applicant's responses below)



Historic Designation- The applicant's response below is false.

QUESTION: Does your proposed construction include work on a site containing buildings or structures **45 years old or older** in which there will be a change to the exterior of the existing buildings or structures?

THE APPLICANT'S RESPONSE: **No**

The fact is that the existing house was built in 1965 and is **60 years old** (see photo).

Code Enforcement – The applicant's response below is Inaccurate.

QUESTION: Is there a code enforcement violation case on this site? **No**

The applicant's response "NO" above is false and should have been **YES**.

The existing home was declared inhabitable and a fire hazard. There is a current Get It Done complaint #05179845, as well as past complaints. The Code Enforcement has been visiting this property for years, see case CE-0517505, assigned to Mr. Val Sanchez, (619) 533- 3433. The home was condemned, and both the Fire Department and San Diego Police Department have visited multiple times.



PROJECT INFORMATION- The applicant's response below describing the project is false.

DSD Defined Scope:



SKYLINE-PARADISE HILLS, Combination building permit propose ADU bonus program. (1) new SFD 1-STORY building and (6) new 2-STORY buildings for **ADUs added to empty lot** (see photo below). Model A - are for building 2,3,4 (3) buildings, (6) ADUS added to the rear of the property. Model B - are for BUILDING 5,6,7 (3) buildings, (6) ADUS added to the rear of the property. Model C - are for building 1, (1) SFD.

As of today, an existing home and a large shed are currently on this property. Please see the photos below: No Trespassing/Letter of Agency, and house with curb number, and backyard which prove that the property **is not an empty lot** (see photo below).



AFFORDABLE HOUSING COMPLIANCE- None of the responses state- Yes, though the applicant's project information lists ADU Bonus program.

Payment of the Inclusionary Affordable Housing In-Lieu Fee: No

The project is exempt from Inclusionary Affordable Housing Regulations: No

Residential use types:

Accessory Dwelling Unit- **YES**

INCLUSIONARY HOUSING

Required: Yes

This Application **does not Indicate** how Inclusionary Affordable Housing Regulations will be fulfilled.

GENERATIONAL WEALTH



This 4 bedroom 3 bath home sold for 495k, is a clear example of lost opportunity to help a family build generational wealth. The Investors out bid families and neighbors.



Sold May 2024 for \$495K

1441 Woodrow Ave
San Diego, CA 92114

\$798,813 Redfin Estimate

4 beds • 2 baths • 1,299 sq ft



Search **Property Detail** Transaction History Supplemental Tax Estimator Recent Sales Property Reports

Jordan Z. Marks, San Diego County - Assessor

Property Address: 1441 WOODROW AVE SAN DIEGO CA 92114-3336

General Information

Parcel # (APH):	576-701-01-00	Owner:	See Full Detail
Mailing Address:	3952 CLAIREMONT MESA BLVD #D SAN DIEGO CA 92117	Legal Description:	TR 4747 LOT 109*
Use Type:	RESID. SINGLE FAMILY	Tax Rate Area:	008-024

Assessment

Total Value:	\$257,026	Year Assd:	2024
Land:	\$110,785	Zoning:	See Full Detail
Structures:	\$146,241	Use Code:	See Full Detail
Other:	See Full Detail	Census Tract:	See Full Detail
% Improved:	See Full Detail	Price/SqFt:	See Full Detail
Exempt Amt:	\$7,000		
HO Exempt:	Y		

Sale History

	Sale 1	Sale 2	Sale 3	Transfer
Document Date:	05/09/2024			See Full Detail
Document Number:	0114810			See Full Detail
Document Type:	See Full Detail			
Transfer Amount:	\$495,000			
Seller (Grantor):				

Property Characteristics

Bedrooms:	4	Fireplace:	A/C:	Units:	See Full Detail
Baths (Full):	2	Heating:	Pool:	Stories:	
Baths (Half):		Park Type:	See Full Detail	Quality:	
Total Rooms:		Garage SqFt:		Building Class:	
Bldg/Liv Area:	1,299			Condition:	
Lot Acres:	0.254			Site Influence:	
Year Built:	11,100			Timber Preserve:	
Effective Year:	See Full Detail			Ag Preserve:	

**The information provided here is deemed reliable, but is not guaranteed.

[Additional reports on this property.](#)

© 2025 ParcelQuest | www.parcelquest.com | Privacy Policy | Refund Policy | Disclaimer | Usage Limits

In closing, we feel that the Application for 1441 Woodrow Ave project is invalid, and the application should have been denied. Please comply with our concerns about the applicant's misinformation in the application and halt this unwanted project as soon as possible before any construction commences.

Sincerely,

On behalf of the Jamacha Neighborhood Council,

Dorene Dias Pesta, Founder and Interim Chairperson

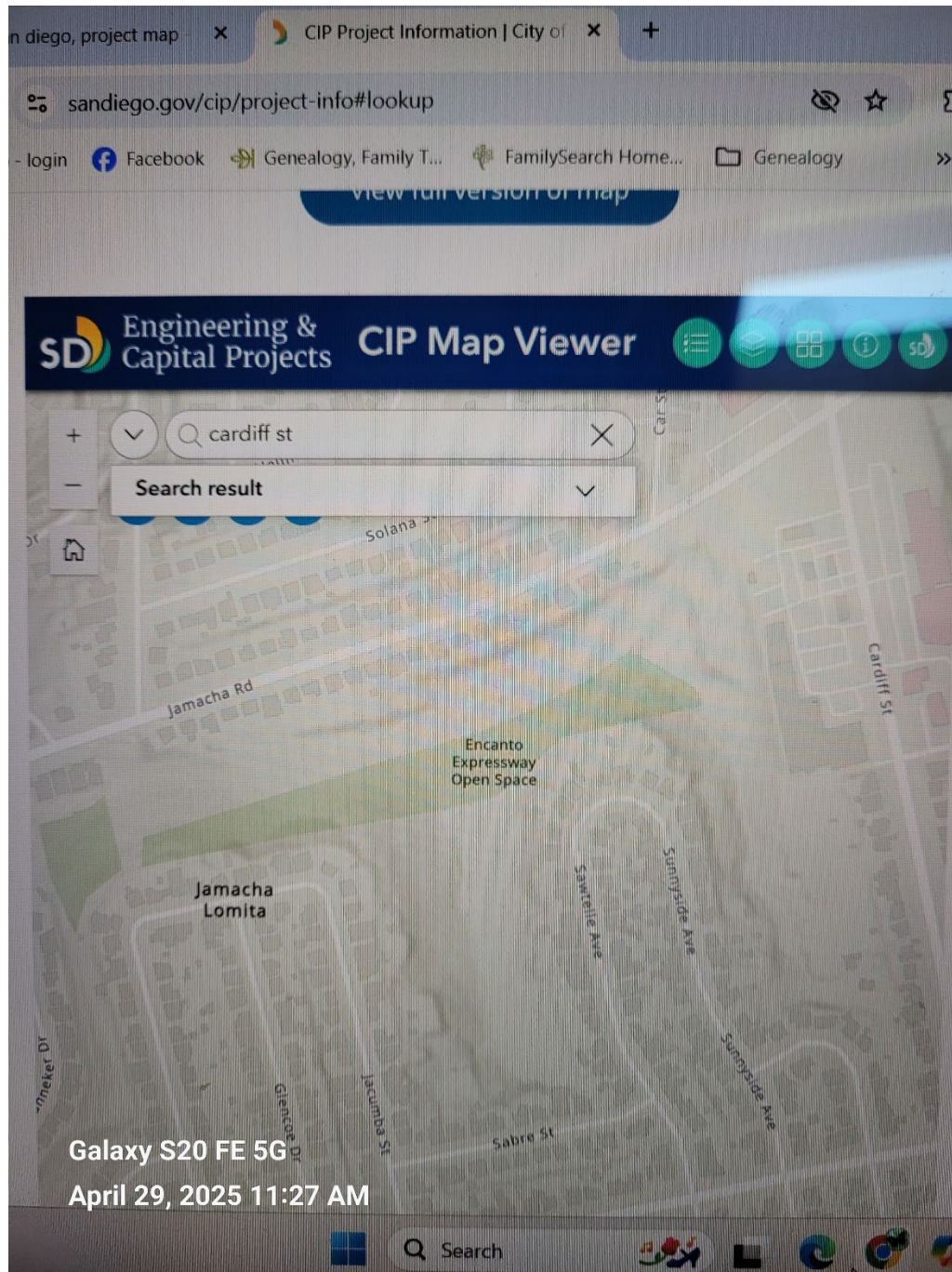


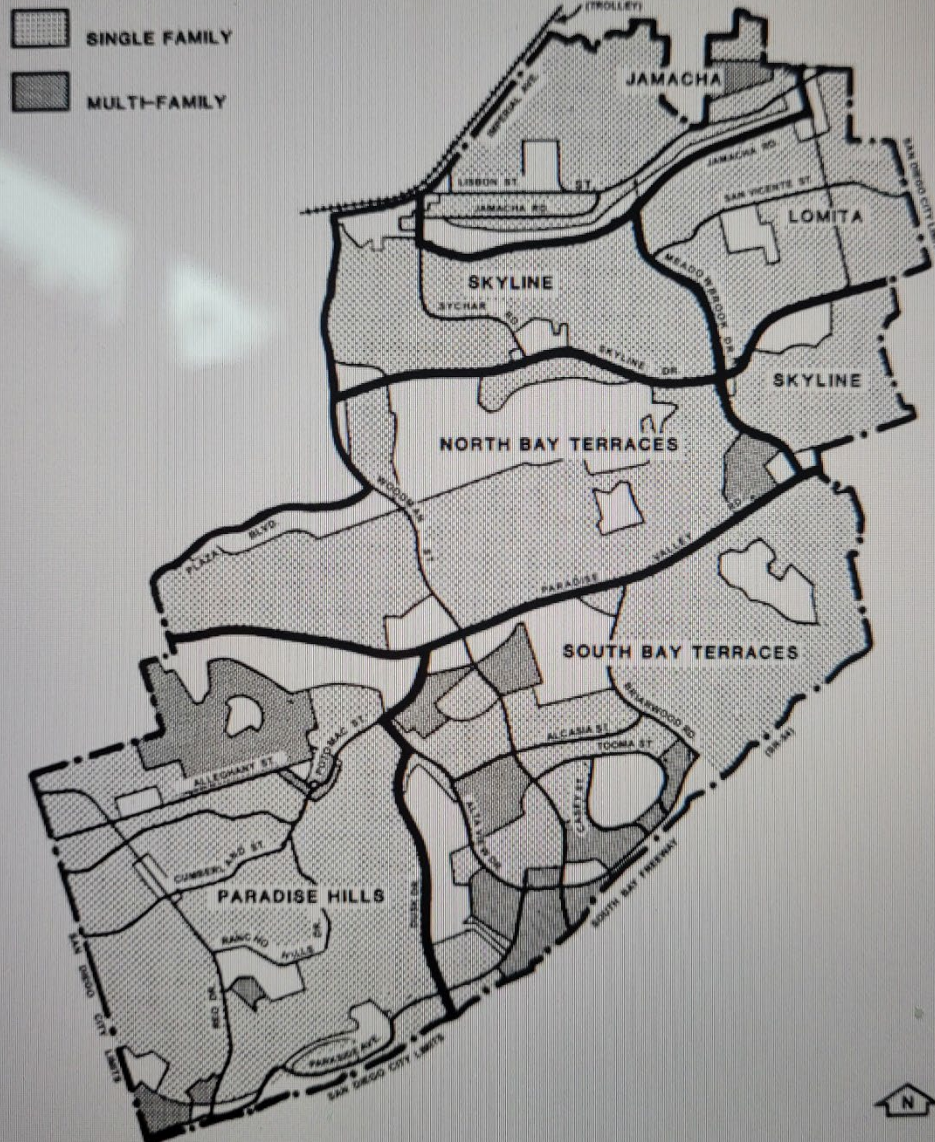
Printed	Signature	Address
Rodrigo Gonzalez	[Signature]	7105 Lisbon St
DIANE MOSS	[Signature]	1002 Woodrow Ave
Carol J. Turner	[Signature]	6857 Jamacha Rd,
Shirley HUGHES	[Signature]	1431 Woodrow Ave
Sandra Hawthorne	[Signature]	7433 Jamacha Rd. SD 92114
Marie Kristine Razon	[Signature]	1426 Woodrow Ave.
Silva, Julian	[Signature]	1426 Woodrow Ave S.D. CA 92114
Alaciél Haddad	[Signature]	7119 Lisbon St
Noel Avilucea	[Signature]	1560 Woodrow Ave. SD 92114
CRUMP, ALAN	[Signature]	510 CADMAN ST. SD 92114
Holly Hedgecock	[Signature]	1509 Woodrow Ave., S.D. 92114
Terrence P. Pesta	[Signature]	7465 Minerva Dr. 92114
Rodney Tilk	[Signature]	7581 Vinewood St DR 92114
James A. Black	[Signature]	1557 Woodrow Ave. 92114
Lilia C Black	[Signature]	1557 Woodrow Ave 92114
SANIA FREEMAN	[Signature]	1442 Woodrow Ave 92114
BEN KELMAN	[Signature]	6839 Jamacha Rd. 92114
Dorene R Dias	[Signature]	7465 Minerva Dr. 92114

The members of the Jamacha Neighborhood Council, listed above, support this letter and oppose the project at 1441 Woodrow Avenue.

Signed on April 9, 2025
 Galaxy S20 FE 5G
 April 11, 2025 2:25 PM
 Verified by Terrence Pesta (Interim Secretary)
 [Signature]

Dorene Dias Photos (3)





Galaxy S20 FE 5G
April 22, 2025 6:54 AM

Existing Residential Development (1986)
Skyline-Paradise Hills Community Plan

4
FIGURE

Jordan Z. Marks, San Diego County - Assessor

Property Address: 1441 WOODROW AVE SAN DIEGO CA 92114-3336

General Information

Parcel # (APN): 576-701-01-00 [Open Map](#)

Owner: [See Full Detail](#)

Mailing Address: 3952 CLAIREMONT MESA BLVD #D SAN DIEGO CA 92117

Legal Description: TR 4747 LOT 103*

Use Type: RESID. SINGLE FAMILY

Tax Rate Area: 008-024

Assessment

Total Value: \$257,026

Land: \$110,785

Structures: \$146,241

Other: [See Full Detail](#)

% Improved: [See Full Detail](#)

Exempt Amt: \$7,000

HO Exempt: Y

Year Assd: 2024

Zoning: [See Full Detail](#)

Use Code: [See Full Detail](#)

Census Tract: [See Full Detail](#)

Price/SqFt: [See Full Detail](#)



Full Detail \$14.95 [Add to Cart](#)

PLEASE NOTE: If a field is empty on this page, there is no data available, and the field will also be empty on the Full Detail property report.

Sale History

Document Date: 05/08/2024

Document Number: 0114810

Document Type: [See Full Detail](#)

Transfer Amount: \$495,000

Seller (Grantor):

Sale 1

Sale 2

Sale 3

Transfer

[See Full Detail](#)

[See Full Detail](#)

[See Full Detail](#)

[See Full Detail](#)

Property Characteristics

Bedrooms: 4

Baths (Full): 2

Baths (Half):

Total Rooms:

Bldg/Liv Area: 1,299

Lot Acres: 0.254

Lot SqFt: 11,100

Year Built:

Effective Year: [See Full Detail](#)

Fireplace:

A/C:

Heating:

Pool:

Park Type:

Spaces: [See Full Detail](#)

Garage SqFt:

Units: [See Full Detail](#)

Stories:

Quality:

Building Class:

Condition:

Site Influence:

Timber Preserve:

Ag Preserve:

**The information provided here is deemed reliable, but is not guaranteed.

[Additional reports on this property](#)

© 2025 ParcelQuest | [www.parcelquest.com](#) | [Privacy Policy](#) | [Refund Policy](#) | [Disclaimer](#) | [Usage Limits](#)



Contents:

Introduction

Required Steps to Implement

Recommendations

Appendix A: Required Ordinance Language

Appendix B: City of San Jose Example Local Ordinance and Materials

AB1033 – HOW TO IMPLEMENT NEW STATE ADU CONDOMINIUM LAW

Today, nearly 20% of housing units built in California are accessory dwelling units (“ADUs”). According to the California Association of Realtors Housing Affordability Index, only 17% of households can afford a single-family home, less than half of the national average. In many States across the country, ADU condo conversion projects are re-enabling a generation of home buyers to live in the communities of their choice near work and family. The State of Washington recently required all local agencies to allow conversions of a primary unit and ADU to condominiums for sale. Consequently, in Seattle and Portland 40% to 50% of ADUs constructed are sold as condominiums to new homebuyers, where they are bought for approximately half the value of a stand-alone single-family home. Such ADU condo conversion purchases are eligible for federally guaranteed mortgages, making them easy to finance for ordinary homebuyers.

The California State Legislature recently adopted a new law, AB1033, that creates affordable options for homeownership by allowing ADU’s to be sold separately from a primary unit. AB1033 removes the previous State law prohibition against mapping and selling a single-family home and its ADU as condominiums. Even though this prohibition on condo conversion has been eliminated, it is up to Local Agencies to amend their codes to allow these entry-level home ownership opportunities.

WHAT NEEDS TO BE DONE TO ALLOW SALE OF ADUS?

Respecting local control, the Legislature left it up to Local Agencies to amend their municipal code(s) to allow these entry-level home ownership opportunities through the sale of ADUs. The Casita Coalition and Reuben, Junius, and Rose, LLP have developed this guidance to encourage your Local Agency to make the following changes to your code(s), procedures and policies to re-enable Californians priced out of many of our communities to once again have a dream of buying a home by enabling more naturally-affordable condominiums for sale.

RECOMMENDED STEPS TO IMPLEMENT SALE OF ADUS

1. **Eliminate Sale Restrictions.** Remove all provisions in your municipal code that prohibits the sale or other conveyance of an ADU. These restrictions are typically included in local Condominium Codes and Zoning Codes.
2. **Adopt Legislation Expressly Allowing ADU Sales.** To align local rules with State law, adopt changes to the municipal code that allow conversion of a home and its ADU into condominiums subject to the requirements of the Davis Sterling Common Interest Development Act (Cal. Govt. Code Sec. 66410-66499.40.) Appropriate amendment text will differ depending on the existing municipal code, but AB1033 requires a list of express provisions be included in such local ordinance, attached at the end of this document.
3. **Publish ADU Checklists.** Provide a comprehensive checklist for any ADU building permit and for ADU condominium/subdivision projects, indicating Subdivision Map Act compliance and lender subordination information.
4. **First Right of Offer to Owner Occupants.** To further encourage new homeownership, consider including a condition of approval for establishing condominiums of a primary unit and ADU giving a first right of offer for a period of 45 days on publicly accessible databases, e.g., MLS, to buyers

indicating an intent to live in the property (either themselves or their immediate family). To avoid issues with lenders, however, do not require owner occupancy.

5. **Create “Grow Homeownership” Program.** Establish a program with dedicated staff that expedites ADU condominium processing with first comments to be issued within 45 days of submission of a complete application.
 - Consider waiving or reducing application and impact fees otherwise applied to condominiums.
 - The Grow Homeownership Program could be paired with other funding programs your jurisdiction may have, e.g., through SB2 (2017) funds.

UPDATE: CITY OF SAN JOSE FIRST TO OPT-IN

In June 2024, the City of San Jose’s City Council voted to approve and incorporate the new state provisions into their local ordinance.

Documents and resources developed by the city of San Jose are included in Appendix B of this memo as examples of one city’s ordinance language and applicant materials.

- Approved ordinance Section 20.80.185 ADU Condominium Requirement
- ADU Condominium Checklist
- AB 1033 Parcel Map Checklist
- AB 1033 Parcel Map Application
- Development Services page for ADU condominium conversions
 - <https://www.sanjoseca.gov/businesses/development-services-permit-center/accessory-dwelling-units-adus/adu-condominium-conversions>

Note: San Jose’s City Council did not choose to include our recommended provision for a 45-day exclusive listing of ADU condos to owner occupant purchasers, citing



the urgency of their housing shortage and the desire to keep additional requirements to a minimum.

If you have any questions or would like to discuss any of the above, please do not hesitate to reach out to Justin A. Zucker from Reuben, Junius & Rose, LLP at 415.656.6489 or jzucker@reubenlaw.com.

Next:

Appendix A: Required Ordinance Language (Reuben, Junius & Rose LLP)

Appendix B: Example Local Ordinance and Applicant Materials

Appendix A

AB1033 – Required Text in ADU Condominium Ordinances – Cal. Govt. Code Sec. 65852.2(a)(10)

(A) The condominiums shall be created pursuant to the Davis-Stirling Common Interest Development Act (Part 5 (commencing with Section 4000) of Division 4 of the Civil Code).

(B) The condominiums shall be created in conformance with all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410)) and all objective requirements of a local subdivision ordinance.

(C) Before recordation of the condominium plan, a safety inspection of the accessory dwelling unit shall be conducted as evidenced either through a certificate of occupancy from the local agency or a housing quality standards report from a building inspector certified by the United States Department of Housing and Urban Development.

(D) (i) Neither a subdivision map nor a condominium plan shall be recorded with the county recorder in the county where the real property is located without each lienholder's consent. The following shall apply to the consent of a lienholder:

(I) A lienholder may refuse to give consent.

(II) A lienholder may consent provided that any terms and conditions required by the lienholder are satisfied.

(ii) Prior to recordation of the initial or any subsequent modifications to the condominium plan, written evidence of the lienholder's consent shall be provided to the county recorder along with a signed statement from each lienholder that states as follows:

"(Name of lienholder) hereby consents to the recording of this condominium plan in their sole and absolute discretion and the borrower has or will satisfy any additional terms and conditions the lienholder may have."

(iii) The lienholder's consent shall be included on the condominium plan or a separate form attached to the condominium plan that includes the following information:

(I) The lienholder's signature.

(II) The name of the record owner or ground lessee.

(III) The legal description of the real property.

(IV) The identities of all parties with an interest in the real property as reflected in the real property records.

(iv) The lienholder's consent shall be recorded in the office of the county recorder of the county in which the real property is located.

(E) The local agency shall include the following notice to consumers on any accessory dwelling or junior accessory dwelling unit submittal checklist or public information issued describing requirements and permitting for accessory dwelling units, including as standard condition of any accessory dwelling unit building permit or condominium plan approval:

"NOTICE: If you are considering establishing your primary dwelling unit and accessory dwelling unit as a condominium, please ensure that your building permitting agency allows this practice. If you decide to establish your primary dwelling unit and accessory dwelling unit as a condominium, your condominium plan or any future modifications to the condominium plan must be recorded with the County Recorder. Prior to recordation or modification of your subdivision map and condominium plan, any lienholder with a lien on your title must provide a form of written consent either on the condominium plan, or on the lienholder's consent form attached to the condominium plan, with text that clearly states that the lender approves recordation of the condominium plan and that you have satisfied their terms and conditions, if any.

In order to secure lender consent, you may be required to follow additional lender requirements, which may include, but are not limited to, one or more of the following:

(a) Paying off your current lender.

You may pay off your mortgage and any liens through a refinance or a new loan. Be aware that refinancing or using a new loan may result in changes to your interest rate or tax basis. Also, be aware that any subsequent modification to your subdivision map or condominium plan must also be consented to by your lender, which consent may be denied.

(b) Securing your lender's approval of a modification to their loan collateral due to the change of your current property legal description into one or more condominium parcels.

(c) Securing your lender's consent to the details of any construction loan or ground lease.

This may include a copy of the improvement contract entered in good faith with a licensed contractor, evidence that the record owner or ground lessee has the funds to complete the work, and a signed statement made by the record owner or ground lessor that the information in the consent above is true and correct."

(F) If an accessory dwelling unit is established as a condominium, the local government shall require the homeowner to notify providers of utilities, including water, sewer, gas, and electricity, of the condominium creation and separate conveyance.

(G) (i) The owner of a property or a separate interest within an existing planned development that has an existing association, as defined in Section 4080 of the Civil Code, shall not record a condominium plan to create a common interest development under Section 4100 of the Civil Code without the express written authorization by the existing association.

(ii) For purposes of this subparagraph, written authorization by the existing association means approval by the board at a duly noticed board meeting, as defined in Section 4090 of the Civil Code, and if needed pursuant to the existing association's governing documents, membership approval of the existing association.

(H) An accessory dwelling unit shall be sold or otherwise conveyed separate from the primary residence only under the conditions outlined in this paragraph or pursuant to Section 65852.26.

Appendix B: City of San Jose Local Ordinance and Applicant Materials

NVF:TLC:KML
06/7/2024

SECTION 9. A new Part is added to Chapter 20.80 of Title 20 of the San José Municipal Code, to be numbered, entitled, and to read as follows:

Part 2.76

Accessory Dwelling Unit Condominium

20.80.181 Purpose and Applicability

This Part implements Government Code Section 66342, herein referred to as Assembly Bill 1033 (AB 1033). The purpose of this Part is to apply objective local development standards for subdivisions covered by AB 1033. This Part is applicable only so long as AB 1033 is operative.

Where this Part or AB 1033 conflict with any other provisions of this Code, this Part and AB 1033 shall control. Any development standard or requirement not specifically addressed by this Part or AB 1033 must conform to all other provisions of this Code and all other objective policies and requirements governing subdivisions.

20.80.183 Permit Required

Pursuant to Government Code Section 66342, this Section provides for the streamlined approval for conversion of existing or new Accessory Dwelling Units (ADU) into condominiums. These condominiums shall be sold or otherwise conveyed separate from the primary residence only under the conditions outlined in this Part or pursuant to Government Code Section 66341. No condominium conversion to a project shall be permitted in any district unless permitted in such district and without obtaining approval of a Parcel Map pursuant to the provisions of this Title and Title 19 of the San José Municipal Code.

20.80.185 ADU Condominium Requirements

Subject to the provisions of Section 20.80.180, to achieve the purposes of this Chapter, all projects shall conform to the following requirements:

- A. A maximum of two ADU condominium units shall be allowed on lots that presently allow ADUs, and could include an attached Accessory Dwelling Unit and/or a detached Accessory Dwelling Unit built in accordance with Part 2.75, (Accessory Dwelling Units), Chapter 20.80. In conjunction with the ADU condominium, the parcel map approved pursuant with this section may also include the subdivision of up to two primary dwelling units, in conformance with Part 8, Senate Bill 9 implementation, into condominiums. This allowance shall not exceed a total of four condominium units on each single-family, two-family or multi-family lot under any circumstances.
- B. All structures and buildings included as part of a condominium project shall conform to the building and zoning requirements applicable to the zoning district in which the project is proposed to be located. Designation of individual

condominium units shall not be deemed to reduce or eliminate any of the building and zoning requirements applicable to any such buildings or structures.

C. The condominium shall be created pursuant to the Davis-Stirling Common Interest Development Act (Part 5 (commencing with Section 4000) of Division 4 of the Civil Code).

D. The condominium shall be created in conformance with all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410)) and all other objective requirements of this Part.

1 Neither a subdivision map nor a condominium plan shall be recorded with the county recorder without each lienholder's consent. The following shall apply to the consent of a lienholder:

a. A lienholder may refuse to give consent.

b. A lienholder may consent provided that any terms and conditions required by the lienholder are satisfied.

2. Prior to recordation of the initial or any subsequent modifications to the condominium plan, written evidence of the lienholder's consent shall be provided to the county recorder along with a signed statement from each lienholder that states as follows:

“(Name of lienholder) hereby consents to the recording of this condominium plan in their sole and absolute discretion and the borrower has or will satisfy any additional terms and conditions the lienholder may have.”

3. The lienholder's consent shall be included on the condominium plan, or attached to the condominium plan that includes the following information:
 - a. The lienholder's signature.
 - b. The name of the record owner or ground lessee.
 - c. The legal description of the real property.
 - d. The identities of all parties with an interest in the real property as reflected in the real property records.
 - e. The lienholder's consent shall be recorded in the office of the county recorder of the county in which the real property is located.
- E. An Accessory Dwelling unit shall be sold or otherwise conveyed separate from the primary residence only under the conditions outlined in this Part and of Title 19 of the San José Municipal Code. Prior to approval of a parcel map, a home or property owners' association or similar entity shall be formed for any condominium project. The association shall, at a minimum, provide for the administration, management and maintenance of all common areas including landscaping, drive aisles and parking areas, maintenance of the exterior of all buildings, pool or common roof, the collection of dues, payment of public utilities not billed separately to each unit, and enforcement of standards within the project.
 1. The owner of a property or a separate interest within an existing planned development that has an existing association, as defined in Section 4080 of the Civil Code, shall not record a condominium plan to create a common interest development under Section 4100 of the Civil Code without the express written authorization by the existing association.

2. For purposes of this subparagraph, written authorization by the existing association means approval by the board at a duly noticed board meeting, as defined in Section 4090 of the Civil Code, and if needed pursuant to the existing association's governing documents, membership approval of the existing association.
- F. The applicant shall prepare a declaration of covenants, conditions and restrictions (CC&Rs) which shall be recorded and apply to each owner of a condominium unit within the project. The CC&Rs shall be recorded at, or prior to, the time of parcel map approval, and shall include all applicable conditions of approval and requirements of the City. The CC&Rs shall, at a minimum, provide:
1. That any amendment to the CC&Rs related to the conditions of approval or other requirements of this Chapter may not be approved without prior consent of the City.
 2. That there shall be an entity created (e.g., a property or homeowners' association) which shall be financially responsible for and shall provide for the effective establishment, operation, management, use, repair and maintenance of all common areas and facilities.
 3. A provision containing information regarding the conveyance of units and any assignment of parking, an estimate of any initial assessment fees anticipated for maintenance of common areas and facilities, and an indication of appropriate responsibilities for maintenance of all utility lines and services for each unit.
 4. A provision addressing the payment of utilities including water, sewer, gas and electricity by the homeowner or through the association.

5. A provision requiring that any owner who rents his/her condominium unit shall conform to the homeowners' association which is responsible for management of the common areas and enforcement of the CC&Rs.
- G. In addition to such covenants, conditions, and restrictions that may be required by the Department of Real Estate of the State of California pursuant to Title 6 (Condominiums) of the Civil Code or other State laws or policies, the organization documents shall provide for the following:
1. Conveyance of units.
 2. Management of common areas within the project where common areas exist.
 3. A proposed annual operating budget containing a reserve fund to pay major anticipated maintenance, repair, or replacement expenses where shared common area infrastructure exists; and indicating the association fees needed for the operating budget and reserve fund.
 4. FHA regulatory agreement, if any.
- H. If an accessory dwelling unit is established as a condominium, the homeowner shall notify providers of utilities, including water, sewer, gas, and electricity, of the condominium creation and separate conveyance.
- I. The ADU shall comply with all applicable technical codes including the California Building and Fire Codes. Prior to approval of the parcel map, a safety inspection of the ADU shall be conducted as evidenced through issuance of a final Building

Permit or a housing quality standards report from a building inspector certified by the United States Department of Housing and Urban Development.

J. In addition to other application submittal requirements, the following information shall be provided:

1. Statement regarding current ownership of all improvements and underlying land.
2. A site plan and boundary map showing the location of all existing easements, structures, mature and/or scenic trees, and other improvements upon the property.
3. Dimensions and location of each building or unit and the location of all fences and walls.
4. The location, size, and design for all common areas, including all facilities and amenities provided within the common areas for use by unit owners.
5. Location and condition for all paved areas, including pedestrian walkways.
6. Maintenance plan of all buildings and common areas and facilities.

SECTION 10. Section 20.90.060 of Chapter 20.90 of Title 20 of the San José Municipal Code is amended to read as follows:

20.90.060 Parking Spaces

A. Off-Street Vehicle Spaces.

ADU CONDOMINIUM CHECKLIST

If you are seeking to sell or otherwise convey your accessory dwelling unit (ADU) as a property separate from a primary residence, you must first apply for a condominium conversion of the residence and ADU. Use this checklist to ensure your project qualifies for a condominium conversion under the following provisions:

- State law [AB 1033](#), effective January 2024, enables condominium conversions of ADUs and [California Code Section 66342](#) enables cities to adopt local ordinances to allow for conveyance of an ADU as a condominium.
- In June 2024, the San José City Council approved and incorporated state provisions into San José [Ordinance No. 31095](#), specifying that permitted ADUs that meet all conditions may be conveyed through a Parcel Map as issued by the Public Works Department.

Only projects that meet all conditions of this checklist and that can provide the required documentation may proceed to submit a Parcel Map application.

For questions: Email ZoningQuestions@sanjoseca.gov or speak with a City Planner at **408-535-3555** during Planning's [phone service hours](#).

Para información en español, comuníquese con un Planificador de la ciudad al **408-793-4100**.

Để được hỗ trợ, nói chuyện với Người lập kế hoạch thành phố tại **408-793-4305**.

INSTRUCTIONS

To fill out this checklist on a computer, download it and follow the [Digital Forms](#) instructions. For Part 1, find property information at www.SJPermits.org by clicking on "Permits & Property Information." Then enter your address. On the next screen, click on your property and select "Property Information." A list of designations will appear.

QUESTIONS

	YES	NO
PART 1. PROPERTIES THAT QUALIFY		
1. Is the property in San José? Use SJPermits.org as instructed above. At the "Incorporated" field, "yes" means the property is in San José; "no" means the property is in a different jurisdiction. > If yes, proceed with this checklist. If no, contact the jurisdiction where your property is located.	☐	☐
2. Is there a finalized building permit for the ADU/s? Use SJPermits.org to determine an ADU's building permit status. This condominium process is available only to ADUs with a building permit that has been issued by the City as finalized. > If yes, proceed with this checklist. If no, contact the Building Division for assistance with obtaining a finalized building permit; email BuildingPermits@sanjoseca.gov .	☐	☐
3. Does your proposal comply with the maximum allowed number of converted units? The number of converted units is limited, as follows: For single-family, duplex, or multifamily properties - Is there a maximum conversion of one primary residence and up to two ADUs? For a duplex project under SB 9 - Is there a maximum conversion of up to two primary residences and up to two ADUs? > If yes, proceed with this checklist. If no, refer to the Zoning Ordinance provisions or email a Planner at ZoningQuestions@sanjoseca.gov or call 408-535-3555 during Planning's phone service hours .	☐	☐

continued >

PART 2. OWNERSHIP AND AUTHORIZATION

4. Are you the owner of the property or do you have written authorization from the property owner to proceed with a Parcel Map application? > If yes, proceed with this checklist.	☐	☐
5. Do you have your lienholder's written permission for the conversion? For any existing lien, loan, or mortgage secured by the property, you must get the lienholder's written permission for the condominium conversion. Attach the lienholder's consent to the condominium plan when submitting the Public Works application. The consent should include: ▪ Lienholder's signature. ▪ Name of the owner of record or ground lessee. ▪ Legal description of the real property. ▪ Identities of all parties with an interest in the real property as reflected in the real property records. > If yes, proceed with this checklist.	☐	☐
6. Is your ADU property located in an existing Homeowners Association (HOA)? If yes, do you have written authorization to proceed with a condominium conversion? > If applicable, you must provide the written authorization from the existing HOA to proceed with your application for a condominium conversion.	☐	☐

PART 3. PARCEL MAP APPLICATION REQUIREMENTS

7. Does the condominium proposal conform to State Law? Is the condominium created pursuant to the Davis-Stirling Common Interest Development Act, Civil Code Division 4, Part 5, commencing with Section 4000? And does it conform with all applicable objective requirements of Division 2 of the Subdivision Map Act, commencing with Section 66410? > If yes, proceed with this checklist.	☐	☐
8. Do you have a Condominium Plan for the new property? A Condominium Plan is necessary to form a Homeowners Association. The plan must be created by a licensed Surveyor or Civil Engineer and, at minimum, must incorporate the following requirements: ▪ Establish the legal boundaries and legal description of each unit and any common areas. ▪ Conveyance of any common or private outdoor space. > If yes, proceed with this checklist.	☐	☐
9. Do you have a Site Plan for the new condominiums? The Site Plan must show: ▪ Existing buildings and structures on the subject property. ▪ Distances between buildings/structures to property lines. ▪ On-site utilities servicing existing buildings and structures and the proposed condominiums. > If yes, proceed with this checklist.	☐	☐
10. Have you notified utility providers of the condominium creation? For each ADU or unit to be conveyed as a separate condominium, the property owner must notify all utility providers (including water, sewer, gas, and electricity). Please contact your utility provider if you need help obtaining additional meters or new lines of service. If you propose to segregate the utilities, please provide a copy of the building permit and/or Public Works permit approval as needed. > If yes, proceed with this checklist.	☐	☐

11. Do you have CC&Rs prepared for each condominium unit? The HOA bylaws and declaration of covenants, conditions and restrictions (CC&Rs) must be recorded following recordation of the Parcel Map, and apply to each owner of a condominium unit within the project at the time of Parcel Map approval. It is highly recommended that these documents are prepared in consultation with an attorney. At minimum, this documentation must include: a. There shall be an entity created, e.g., a homeowners association, which shall be financially responsible for and provide for the effective establishment, operation, management, use, repair and maintenance of all common areas and facilities. b. Designate board members and delineate processes for resolution of potential conflicts and issues and enforcement of standards within the project. For a small association with three or fewer members, you may opt for an unincorporated association pursuant to Civil Code Section 4800, in which case you would not have a board of directors. c. Insurance for any common areas and/or facilities. d. Establishment of dues to be collected for maintenance of utilities, common space, and shared facilities such as shared roofs, pool, driveways, fencing, landscaping, exteriors, etc., and payment of public utilities that are not billed separately to each unit. e. A provision addressing the payment of utilities including water, sewer, gas and electricity by the homeowner or through the association. f. A provision containing information regarding the conveyance of units and any assignment of parking; an estimate of any initial assessment fees anticipated for maintenance of common areas and facilities; and an indication of appropriate responsibilities for maintenance of all utility lines and services for each unit. g. A provision requiring that any owner who rents his/her condominium unit shall conform to the homeowners association which is responsible for management of the common areas and enforcement of the CC&Rs. > If yes, proceed with this checklist.	☐	☐
---	--------------------------	--------------------------

If you meet all conditions and have all documentation specified in the checklist, you may proceed to complete the [AB 1033 Parcel Map application](#) for submittal to the Public Works Department.

SUMMARY OF REQUIRED DOCUMENTATION

Include the following with your AB 1033 Parcel Map application; see the checklist item number for details.

- ☐ #4 - Property owner's written and signed authorization if applicant is other than the property owner
- ☐ #5 - Lienholder's written consent if property has a lien, loan, or mortgage (*attach to Condominium Plan*)
- ☐ #6 - HOA's written authorization if there is an existing HOA
- ☐ #8 - Condominium Plan
- ☐ #9 - Site Plan (*attach to Condominium Plan*)
- ☐ #10 - Proof of notification to all utility providers used by the property
- ☐ #11 - Bylaws and CC&Rs prepared and that apply to each owner of a condominium unit within the project

IMPORTANT LAST STEP: OBTAIN NEW ADU ADDRESSES

A condominium conversion requires new addresses for the ADUs; they can no longer be designated as "Unit 2" or "Unit 3." After recordation of the Parcel Map, Condominium Plan, HOA documentation, and CC&Rs, follow these instructions:

Complete [Form #302-Address Assignment Request](#) - Include the ADU finalized permit number and list the approved AB1033 Parcel Map application. You will email the form and documentation as outlined on the form to: Addressing@sanjoseca.gov



Public Works Number: ____ - ____ / 3- ____

Department of Public Works
Development Services
200 East Santa Clara Street
San Jose, California 95113
(408) 535-7802

APPLICATION FOR ASSEMBLY BILL 1033 (AB 1033) PARCEL MAP

Applicant	Phone Number	Fax Number
Street Address	City	State Zip Code
Surveyor / Civil Engineer	Phone Number	Fax Number
Street Address	City	State Zip Code
State License Number	City Business License number	
Main Contact Person	Phone Number	Fax Number
Street Address	City	State Zip Code
E-mail Address:		

Use of this application is for a proposed residential housing development proposing no more than three condominiums (maximum of one residential condo and maximum two ADU condos) OR four condominiums (maximum of two residential condos for an SB9 Duplex site and maximum 2 ADU condos) within a single-family, two-family or multi-family lot. If your submittal does not meet the requirements under AB1033, submit using the standard application and instructions. Refer to the specific AB1033 Instructions for all required documents needed to constitute a complete submittal.

General Questions

☐ **Yes**, I have read the Planning ADU Condo Conversion Checklist and my property qualifies under AB1033

Site Information

Assessor Parcel Number(s)	Gross Acres	Net Acres
---------------------------	-------------	-----------

Existing Land Use Information

No. of Lots	No. & Type of Units	Land Use
-------------	---------------------	----------

Proposed Land Use Information

No. of Lots	No. & Type of Units	Land Use
-------------	---------------------	----------

MAKE SURE TO INCLUDE ALL REQUIRED DOCUMENTS WITH YOUR AB1033 APPLICATION

AB 1033 PARCEL MAP CHECKLIST

Please Note: This checklist summarizes major and typical topics of review. Site specific issues can and will produce additional comments.

Project ID / Description:					
Reviewer / Date:					
	<u>Yes</u>	<u>No</u>	<u>N/A</u>		<u>ITEM OR DESCRIPTION</u>
MAP SUBMITTAL PACKAGE REVIEW					
					PDF of AB1033 Parcel Map processed without a Tentative Map
					PDF of the current title report (Dated within last 90 days)
					Closure calculations (<u>signed & sealed by LLS or RCE</u>)
					PDF sets of <u>all</u> easements, deeds and maps listed in the Title Report
					PDF sets of any other maps and deeds used to the prepare map
					PDF of Planning Planning ADU Condo Conversion Checklist filled out
					PDF of all documents required in the Planning ADU Condo Conversion Checklist
					All Map Review Fees
MAP REVIEW (Non-compliance with bold items can trigger rejection of submittal)					
<i>Formatting Requirements</i>					
C					Map sheets 18" X 26" with 1" border from edge?
C/T					Map includes a Scale?
C/T					Map includes complete Standard Legend? (Include all found and set pipes and monuments-Include "As Noted")
C					Map Statements formatted correctly? (Ownership statements adjacent to left margin, Engineers' Statements, Clerk's and Recorder's Certificates adjacent to right margin)
C					Title block must be at the top of the page either centered or at upper right of each sheet. Should be designated as "Parcel Map for a Residential and Accessory Dwelling Unit Condominium For a Maximum of X Residential Condo(s) and X ADU Condo(s) (AB1033)", numbered one of three, etc. and contain the description of property such as "BEING A PORTION OF THE ...ETC."
C					Date of Map (Month and Year) shown?

AB 1033 PARCEL MAP CHECKLIST

[illegible]

AB 1033 PARCEL MAP CHECKLIST

	Yes	No	N/A	ITEM OR DESCRIPTION
<i>Technical Requirements</i>				
C				Map conforms to Tentative Map, Planning conditions, Map Act and City Muni Code?
C/T				Distinctive Border Line shown? (Distinctive Border Line around property to be subdivided-easements and ROW dedicated by this map to be within the distinctive border line)
T				Basis of Bearing indicated? (Basis of Bearing: Must be between two found monuments of record and include distance and bearing. Provide TIE to boundary with bearing and distance)
C				Lots designated by numbers or letters?
C				Adjoining property owners names shown for unsubdivided property, or record map reference with lot or parcel number and book and page?
C/T				Map references shown?
C				Public Street Dedication shown?
C				Public Service Easements and other public easements shown?
C				Private easements shown?
C				Restricted Access required/shown?
C				Geologic Set Back Zone required/shown?
C				All streets shown and ROW dimensioned?
C				All streets (public, private) named?
T				Curve data for all curves?
T				Radial Bearings for all non-tangent curves?
T				Parcel tie to next sheet?
T				Subdivision boundary monumentation complies with Muni Code Section 19.24.010?
T				Existing / found monuments verified by Record Maps?
T				Witness monuments shown?
T				Map agrees with Record Data? (Adjoining record maps or records of survey-(give record data and provide copies of documents))
T				Record and measured data shown and differentiated?

AB 1033 PARCEL MAP CHECKLIST

	<u>Yes</u>	<u>No</u>	<u>N/A</u>	ITEM OR DESCRIPTION
T				Closure calculations comply with Muni Code Section 19.24.010?
T				Closure calculations indicate area? (Survey Closure Calculations must include: gross area within Distinctive Border line, individual lot areas and public street areas dedicated by this map)
C				Property borders County or another City? (If the property is next to city boundary with county or other city, show and label it)
C	-			Conformance items reviewed by Development Services staff
T	-			Technical items reviewed by the City Land Surveyor and her staff
C/T	-			Conformance/Technical items reviewed by both groups

Announcements	Issue Date
Announcement SEL-2021-03	April 07, 2021
Announcement SEL-2021-02	March 03, 2021
Announcement SEL-2020-07	December 16, 2020
Announcement SEL-2020-04	August 05, 2020
Announcement SEL-2020-03	June 03, 2020
Announcement SEL-2019-07	August 07, 2019
Announcement SEL-2019-06	July 03, 2019
Announcement SEL-2018-08	October 02, 2018
Announcement SEL-2018-07	September 04, 2018
Announcement SEL-2018-06	August 07, 2018
Announcement SEL-2018-05	June 05, 2018
Announcement SEL-2018-01	January 30, 2018

B4-2.1-02, Waiver of Project Review (07/05/2023)

Introduction

This topic contains information on the waiver of project reviews, including:

- [Transactions Eligible for a Waiver of Project Review](#)
- [Requirements that Apply When the Project Review is Waived](#)

- [Project Review Requirements for High LTV Refinance Loans](#)

Transactions Eligible for a Waiver of Project Review

Fannie Mae does not require a thorough project review for the project types and transactions described in the following table.

Project or Transaction Type	Requirements
Detached condo unit	A detached condo is defined as any condo unit that is completely detached from other condo units in the project. The unit may share no adjoining walls, ceilings, floors, or other attached architectural elements (such as breezeways or garages) with any neighboring unit. A detached condo unit may be in a project consisting solely of detached units or in a development containing a mixture of attached and detached units. Site condos in which the unit owner owns the detached condo unit and the land upon which the unit is built are a type of detached condo. The waiver of project review applies for new and established projects.
Unit in a two- to four-unit condo project	Project review is waived for new and established condo projects that consist of no more than four units.
Unit in a PUD project	See B4-2.3-01, Eligibility Requirements for Units in PUD Projects , for the requirements that apply.
Fannie Mae to Fannie Mae limited cash-out refinance	Project review is waived for units in condo projects for Fannie Mae-owned loans that are refinanced as a limited cash-out refinance with a maximum loan-to-value ratio of 80% (CLTV or HCLTV ratios may be higher). (The waiver is not applicable to units in co-op projects.)

Exception to the waiver policy: If the property is a manufactured home or the project contains any manufactured homes, such property or project is not eligible for a review waiver and must be reviewed based on the applicable manufactured home project review requirement.

Requirements that Apply When the Project Review is Waived



Coastal Caretakers
PO Box 70038
San Diego CA 92167

CITY OF SAN DIEGO PLANNING COMMISSION
City of San Diego Planning Commission
1222 First Ave, 5th floor. MS 501
San Diego, CA 92101

SUBMITTED: April 28, 2025
REF. DATE: May 1, 2025

SUBJECT: City of San Diego Planning Commission Hearing, May 1, 2025, Modifications to Municipal Code
for Housing Purposes

We are hoping there is a way to improve communication between the local residents and the government agencies. Residents are challenged to fight the loss of their rights, which they thought were preserved by their zoning regulations. The American Dream of having a single-family home with a backyard in San Diego does not make us villains. Coastal Caretakers is a small, local organization dedicated to Coastal issues. We are asking you today to consider modifications to what has been presented to you by the City of San Diego. Please consider ways to implement a more moderate approach than that in place today for ADUs and Complete Communities. As you make your decisions today, please note:

1. The version the Planning Commission will review today was only made available to the public on Friday afternoon, April 25. The draft was sent in at least two formats. Some people received two documents, one 6 pages and one 44 pages, and some only in the Planning Commission Agenda. We assume the two are the same. The presentation itself was confusing and almost forced legal interpretation. This complex issue requires more time for review and limits responses from many organizations and individuals. This means that the City Council will not have the more robust review usually available from Planning Commission hearings.
2. Who are the cadre of anonymous volunteers who wrote these legal recommendations, and with whom are the writers affiliated? The Municipal Code is the legal backbone of the City of San Diego. The memos from the Planning Department seem to serve a different agenda.
3. Our position strongly supports some of the organizations that will participate in today's meeting. We assume that the speaker's presentations will lead to thoughtful development. We support the valuable insights provided by Neighbors for a Better San Diego, San Diego Community Coalition, and Ocean Beach for Responsible Development.

4. We urge you to consider the content of the April 17 letter from Delano & Delano representing Ocean Beach for Responsible Development.¹ The objections it raises to the 4951 Pescadero Ave (PRJ-1131969 and PRJ-1106002) are valid in concept for all projects covered by the ADU umbrella of Executive Orders and Municipal Code changes.
5. Coastal Caretakers endorses all of the concerns outlined in that letter referenced in #4.
6. Coastal Caretakers endorses the concerns presented today by Neighbors for a Better San Diego, San Diego Community Coalition, and Ocean Beach for Responsible Development.
7. As a result, complete comments will be submitted by Coastal Caretakers at the time of the City Council presentation.

We assume that the recommendations to the City Council will result in some changes to the current Municipal Code that will discourage overbuilding in unique communities. Coastal Caretakers specifically urges you to make the following recommendations:

1. Responsible changes should also be extended to Complete Communities.
2. Many Commercial Zones, which were formerly designated Commercial Neighborhood, are now designated Commercial Community. Developers will see their availability as new opportunities with these proposed changes. Please clarify Commercial Mixed-Use and Transient Occupancy parameters as included here for Commercial Zones.
3. Please address Vacation Rentals as a part of the proposed solutions.
4. Please protect your historically designated communities as they are now protected. The city of San Diego that attracts our tourists here is the traditional City that they know.

The Planning Commission can play a very important role by issuing specific recommendations, as you have done in the past. Thank you.

Update on Pescadero ADU Project, OBRAg.org, Delano & Delano ,Letter dated April 21, 2025.

Kenneth Hunrichs Attachment

May 1, 2025

Dear Planning Commissioners:

Please stop the Mayor's bonus ADU scheme by voting in opposition this horrible policy.

Bonus ADU's are a disaster in the making on top of already bad policy enacted in SB9 & SB10.

My personal experience with this problem is a house next door to mine which had two homes on one lot. A year ago one of the two houses (119 year old historic house) was torn down and the entire half acre lot completely clear-cut of all trees and bushes all the way into a canyon in the backyard. Trees that had been growing for one hundred years are lost. This seems to be in preparation for multiple units to be built on this lot in a rural single family zoned neighborhood. This will change my neighborhood forever and for the worse.

The Bonus ADU scheme is an overreaction to the current housing shortage and is not the solution in the long term. Please vote it down.

In certain situations, the bonus ADU policies allows up to 14-unit buildings, three stories high in residential neighborhoods a full mile (and sometimes more) away from existing or future transit stops. It exceeds the density of most of San Diego's apartment zoning.

Bonus ADU's trample common sense by encouraging dense development far away from transit. Numerous studies have shown that few people will use transit if they have to walk more than one-half mile to a bus or trolley.

Excessive bonus ADU's will reduce permeable land and increase run-off. Mature trees will be clear-cut and landscaping will never be replaced given the minimal open area left by these setbacks. Our city has many other zoning codes in place that allow dense residential development that is more respectful of San Diego's environment and Climate Action goals.

Properties with market incentives to turn for-sale homes into multi-unit rentals will reduce San Diego's inventory of for-sale homes and drive up the prices of remaining single-family homes, depriving San Diegans of access to starter homes and family home equity. Housing units constructed under the bonus ADU policies can and will remain rental units forever and shatter community involvement with transient residents.

The bonus ADU policies cause massive block structures that are out of scale with surrounding buildings, with building volumes (FARs) that are 6 times larger than what is allowed on a typical single-family zoned lot.

This kind of density will overwhelm our over-burdened infrastructure, lower water pressure, and the added vehicles parked on the streets will impede fire response in high-risk areas while increasing the likelihood that fires will spread rapidly.

This is not about providing housing for more San Diegans. NFABSD estimates that San Diego already has the allowed capacity to build over 2 million homes — 19 times what is required for our housing goals (RHNA). The City needs to explain why this overcapacity has failed to spur sufficient development before introducing new housing programs that can't be reversed, undermine climate action, and put homeownership further out of reach for most San Diego residents. This is reckless and irresponsible for future generations.

For these reasons, please reject the Mayor's misdirected effort to impose bonus ADU's in San Diego. Our city deserves a sustainable, walkable, community-driven approach to housing.

Ken Hunrichs

Resident of Encanto



April 17, 2025

Elyse Lowe, Director
Angela Orias, Planner
Development Services Department
City of San Diego
1222 First Ave.
San Diego, CA 92101

Re: 4591 Pescadero Avenue Project (PRJ-1131969 and PRJ-1106002)

Dear Development Services Department:

This letter is submitted on behalf of Ocean Beach for Responsible Development regarding a proposed project located at 4591 Pescadero Ave ("Project").

The Project involves two permit applications: (1) for the construction of a 3-story building with 9 Accessory Dwelling Units (ADUs) and (2) the remodeling of the existing structure to convert a portion of the property into an ADU and add one bedroom and one bathroom to the existing structure. Considered together, the Project proposes a 12-unit housing development on the 0.16-acre lot which currently consists of a two-bedroom, one-bathroom single family dwelling.

As proposed, the Project is inconsistent with the community character and violates the Municipal Code and the Peninsula Community Plan. In addition, the City failed to provide public involvement in decision-making regarding the Project.

I. The Project Review Does Not Comply with Municipal Code

The Project is in the Coastal Overlay Zone and requires a Coastal Development Permit. The City's review of the permit applications for this Project is inconsistent with the Municipal Code provisions. In addition, as the evidence demonstrates, the planning review administrative findings are inadequate.

The Municipal Code provides: "A Coastal Development Permit issued by the City is required for all coastal development of a premises within the Coastal Overlay Zone described in Chapter 13, Article 2, Division 4, unless exempted by Section 126.0704..." Municipal Code §126.0702. Section 126.0707(g) provides the applicable decision process on "an application for a City-issued Coastal Development Permit for an *Accessory Dwelling Unit* or *Junior Accessory Dwelling Unit* in the *non-appealable area* of the Coastal Overlay Zone." Municipal Code §126.0707(g). The City failed to apply the

correct provision triggering the appropriate review process to issue the required permit. This development is not appropriately processed as a Process One application under Section 126.0707(g)(1).

Section 126.0707(g)(2) states: "If the proposed coastal development involves any of the activities in Section 126.0704(a)(1)-(2) or Section 126.0704(a)(4)-(8), a Coastal Development Permit shall be required in accordance with a Process Two as specified in Section 126.0707(a)." Further, Municipal Code Section 126.0708(c) requires administrative findings that demonstrate how the project does not involve activities described in Section 126.0704(a)(1)-(2) or Section 126.0704(a)(4)-(8). The City has not provided evidence to support such findings. "[R]egardless of whether the local ordinance commands that the [] board set forth findings, that body must render findings sufficient both to enable the parties to determine whether and on what basis they should seek review and, in the event of review, to apprise a reviewing court of the basis for the board's action." *Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 514. The Planning Review report indicates findings that "the proposed ADU does not involve any of the activities in Section 126.0704(a)(1)-(2) or Section 126.0704(a)(4)-(8)." Planning Review Report, Finding #4. This finding is incorrect and not supported by any evidence.

The proposed development involves activities described in Section 126.0704(a)(2), which requires Process Two review according to Section 126.0707(g)(2). The project constitutes an "improvement to a structure that would result in an increase of 10 percent or more of interior floor area" under Section 126.0704(a)(2). The Project proposed 9 ADUs, 5 units at 402 square feet each and 4 units at 411 each. The proposed 3-story ADU building will add approximately 3,645 square feet (1,215 sf per floor × 3 floors) to a property with an existing structure of only 1,417 square feet. This represents a 257% increase in floor area, far exceeding the 10% threshold that triggers Process Two review.

The City also failed to consider the proposed remodeling of the existing structure which was submitted simultaneously as a separate permit application (PRJ-1106002). Under Section 126.0707(e), when multiple permits or approvals are required for a single development, "the applications shall be consolidated and the action of the decision maker shall be considered one consolidated action." The remodeling of the existing structure should be considered together with the 9-unit ADU building as a single 12-unit development project, which increases the interior floor area already exceeding the 10% threshold. In fact, the public records show that the Project was initially submitted as a 12-unit Process Two application and was reviewed as a discretionary project which was then "cancelled" and piecemealed as two separate applications reviewed under Process One review instead of Process Two.

The developer's apparent attempt to segment this project into separate applications appears to be an effort to circumvent the more rigorous Process Two review

required by the Municipal Code. The applications should be viewed as what they truly are: a single development project that transforms a single-family dwelling into a 12-unit complex.

The Project may also include activities outlined in Section 126.0704(a)(6) or (8), however, the City made no assessment in this regard. The City's review does not indicate whether the Project involves "the expansion or construction of water wells or septic systems." Section 126.0704(a)(6).

Furthermore, the City failed to produce any existing permits issued for the Project site or confirm whether a Coastal Development Permit was issued for the existing structure. The Review reports indicate no assessment of whether a "Coastal Development Permit issued for the original structure indicated that any future improvements would require a development permit." Section 126.0704(a)(8).

The Project cannot be exempt from a proper review for approval of a Coastal Development Permit. The scale of this development—increasing from a single residential unit to 12 units—represents a significant intensification of use as described in Section 126.0704(a)(4) that warrants the more thorough review process contemplated by the Municipal Code for substantial coastal zone developments.

Additionally, the site is zoned RM-1-1 (Residential – Multiple Unit 1-1). "The RM zones individually accommodate developments with similar densities and characteristics." Municipal Code §131.0406. The Project as proposed is not consistent with the densities and characteristics of the neighborhood and its zoning.

II. The Project Is Inconsistent with ADU Bonus Requirements

There is insufficient evidence to support that the Project complies with ADU bonus requirements pursuant to Municipal Code Chapter 14, Article 1, Division 3. The Housing Commission report regarding the proposed 9-unit ADUs (PRJ-1131969) dated March 20, 2025, states: "the underlying zoning allows for 3 ADUs by-right (per zoning – 2 detached & 1 accessible bonus). However, the property is located within the Sustainable Development Area and the applicant desires to obtain an ADU Bonus in exchange for Affordable ADUs ... The applicant shall restrict 3 affordable bonus ADUs to moderate income households... As a result, the applicant is eligible to build an additional 3 unrestricted bonus ADUs for a cumulative total of 9 ADUs." Housing Commission Report at 1. However, staff emails obtained through Public Records Act request indicate that the site is "only in Transit Priority Area and not in SDA, they cannot propose 8 ADUs and can only have the 2 additional ADUs outside of the existing SDU."

III. The Project is Inconsistent with the Community Plan

The Project is inconsistent with the community character and the goals of the Community Plan. The Project is in the Coastal Overlay Zone within the Peninsula Community Plan area, Ocean Beach Highlands neighborhood. “This neighborhood consists of single- and multifamily structures, many of which predate World War II.” Peninsula Community Plan at 7. Overall Community Goals outlined in the Peninsula Community Plan include among others to “conserve character of existing single-family neighborhood including the very low density character of certain neighborhoods.” Peninsula Community Plan at 11. Moreover, “the basic concept of this Plan is that the existing stable residential neighborhoods which comprise most of Peninsula should be conserved.” Peninsula Community Plan at 13.

According to the Peninsula Community Plan, “the Ocean Beach Highlands area should continue to provide a mix of single-family and low-density multifamily residential development. The half block east of Froude from Muir to Del Monte and Pescadero to Point Loma Avenue ... should be designated for a maximum density of 15 du/acre...” Peninsula Community Plan at 28. By proposing a 12-unit development on a 0.16-acres lot, the Project violates the maximum density envisioned in the Community Plan.

IV. The City Failed to Provide Public Involvement

A significant concern with the City's handling of this project is the lack of public involvement in the decision-making process. By incorrectly processing this project as a Process One application, the City failed to comply with Municipal Code and failed to provide adequate opportunity for public involvement despite the concerns raised by the residents in the area.

The City has effectively eliminated the opportunity for public notice and comment that would normally accompany a development of this scale in the Coastal Overlay Zone. Process Two review provides essential opportunities for community input and public oversight, particularly for projects that substantially alter the character of a neighborhood. The conversion of a single-family residence to a 12-unit development represents a significant change that warrants public participation in the review process. Indeed, the City’s website notes that Community Planning Groups “provide formal mechanisms for community input in the decision-making processes. They give citizens with an opportunity for involvement in advising the City Council, the Planning Commission, and other decision makers on development projects, General or Community Plan amendments, rezonings and public facilities projects.”

The City staff also failed to adequately address questions and concerns raised by the members of the public and failed to provide adequate access to Project-related documents.

V. Conclusion

For the foregoing reasons, Ocean Beach for Responsible Development respectfully requests that the Development Services Department reconsider the review process for this project and apply the appropriate process as required by the Municipal Code, and provide opportunities for public input for a Project this size.

Thank you for your attention to this matter.

Sincerely,



Ezgi Kuyumcu

Scott Grier



Proposed ADU Code Amendments

Neighbors For A Better San Diego

May 1, 2025



Recommendations

- **Mandated by the State: 1-10,12,13**
 - **Disagree with: 7 (trees)**
- **Proposed by the City:**
 - **Support: 11,14,15,17,19-24**
 - **Support with modifications: 16,18**
- **Additional community proposals to improve program**

For clarity – all code refers to single-family (RS) zones unless otherwise stated.

Items we support

11: Fire Safety Setbacks

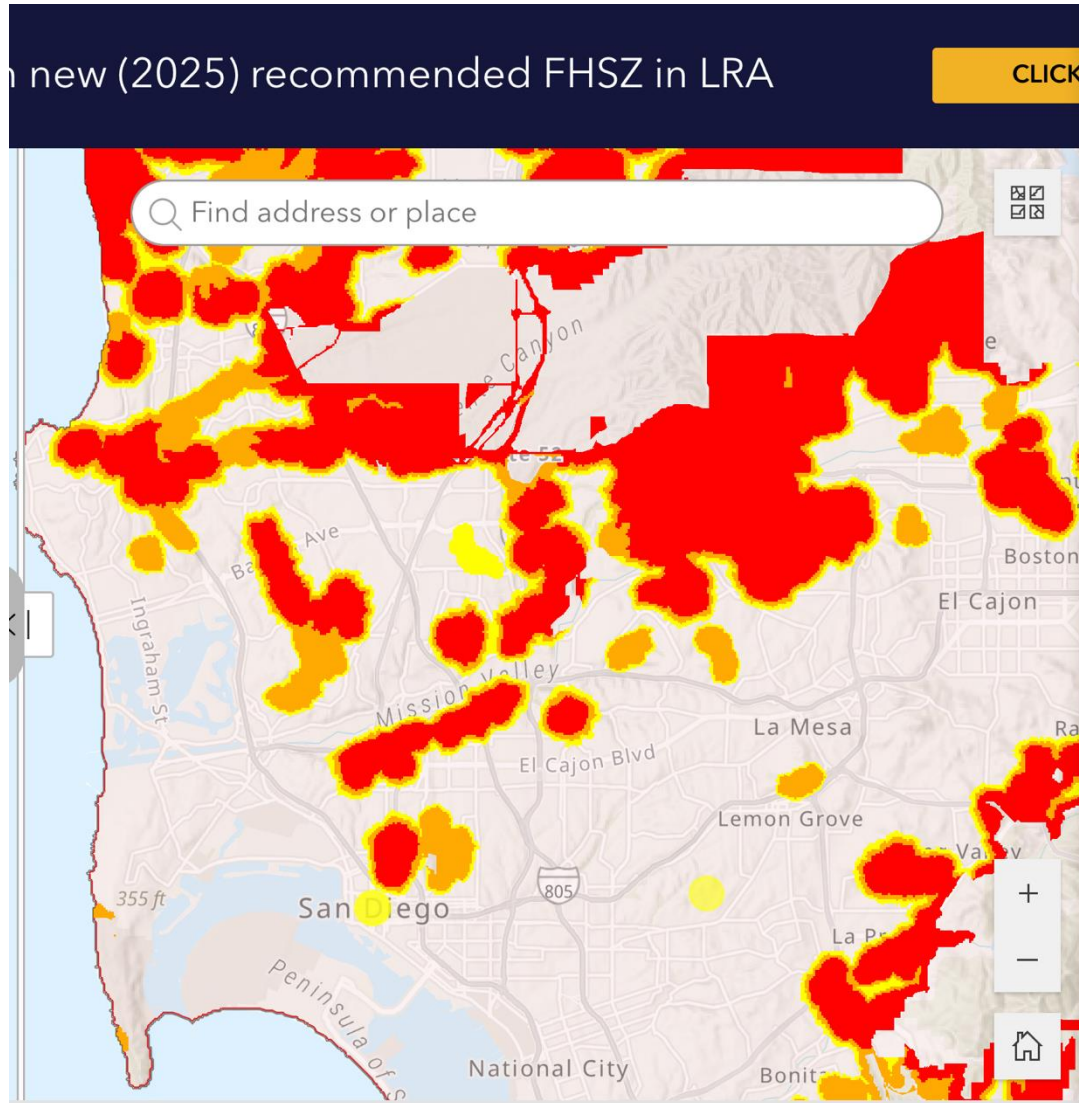
15: Fire Zone and Evacuation Route Eligibility

CAVEATS:

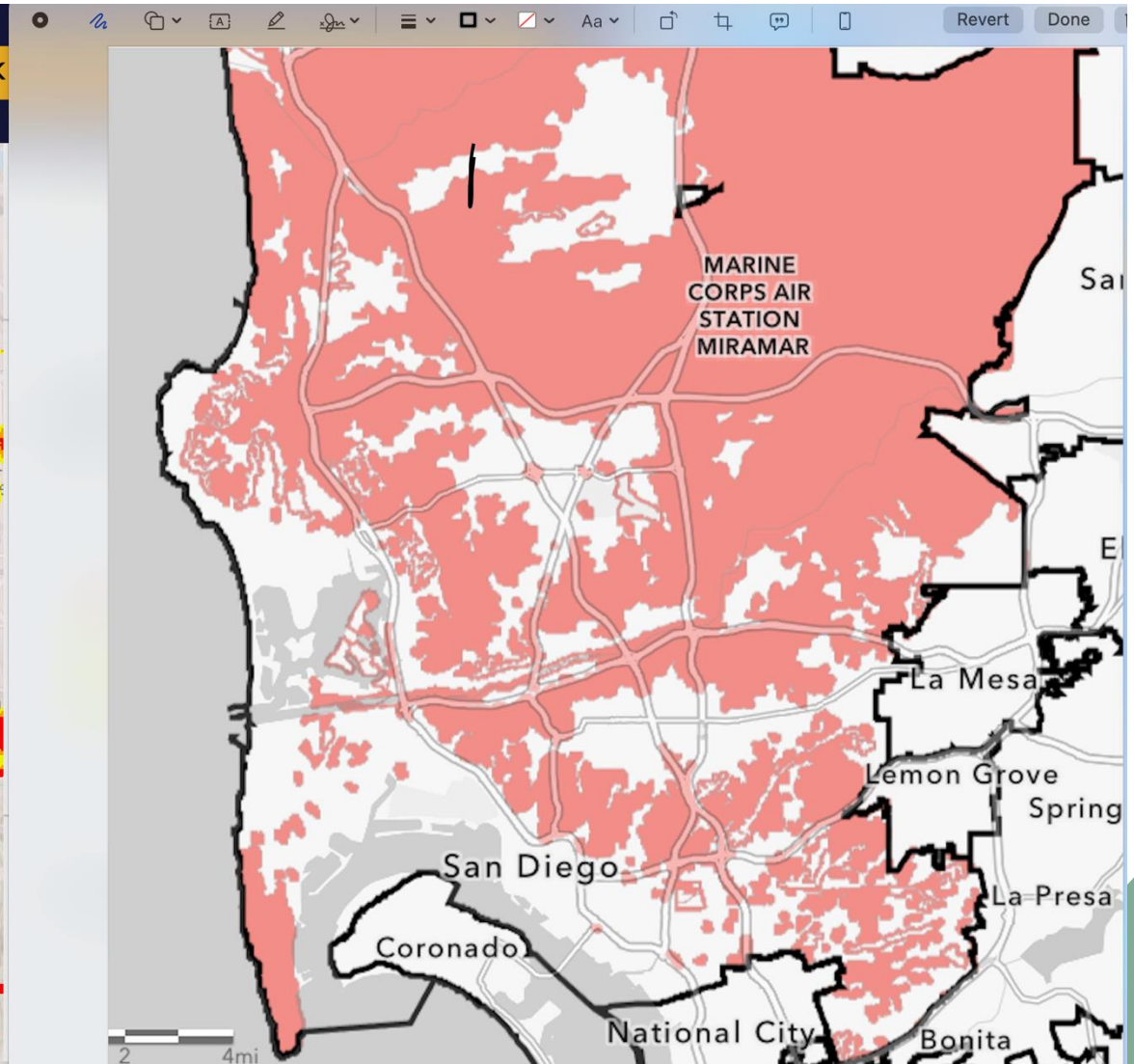
- Fire Marshal *must see the plans*
- Proposed San Diego 2025 CalFire Map eliminated almost 30,000 acres of VHFHSZs. If City's map doesn't retain these highly flammable areas, Items 11 and 15 are significantly less meaningful, especially south of I-8 and in D2 and D7.

CALFIRE 2025 Map vs. Current SD VHFHSZ Map

San Diego still burns!



2025 CalFire



Current SD

NFABSD supports Item 16 with modification

WE SUPPORT: Development Scale - Capping Bonus ADU eligible RS zones at 10,000 sf and scaling FAR based on existing SDMC

REQUESTED MODIFICATION: We have existing, objective Environmentally Sensitive Lands (ESL) code for allowable development area: **Chapter 14, Article 3, Division 1**. Please apply it to §141.0302(d)(3), such as:

“If the premises contains *environmentally sensitive lands*, the lot area used to determine the [FAR] shall be based on the allowable *development* area as described in **Chapter 14, Article 3, Division 1**.”

NFABSD supports Item 18 with modifications

WE SUPPORT: Parking – State doesn't use **TPA** in its ADU parking code. We shouldn't either.

- CA ADU code (66322) uses **one-half of one mile walking distance of public transit** when discussing parking requirements

REQUESTED MODIFICATION: Please replace **TPA** with language in CA 66322.

One off-street parking space shall be required for each affordable ADU and EACH bonus ADU located beyond one-half of one mile walking distance of public transit.

NFABSD supports further ADU code amendments

- **Adopt state heights, stories and setbacks**
- **Cap total housing units at 4 per single-family (RS) parcel**
- **Remove differentiation between inside and outside SDA; adopt outside SDA code citywide**
- **Sunset Bonus ADU Program with 6th Cycle Housing Element**

Adopt state code for ADU height, stories and setbacks (CPC)

- **HEIGHT: 16-18 feet detached / 25 feet attached**
 - Less visible from street
 - Consistent with *gentle density* & *granny flat* concepts
- **STORIES: 2-story maximum**
 - Less visible from street
 - Less intrusive on neighboring properties
 - Adopt state-allowed objective design standards for 2-story ADUs
- **SETBACKS: 4-foot side and rear setbacks for all heights**
 - Greater access for fire safety
 - Avoids trespassing issues

NFABSD and CPC propose capping housing units for Bonus ADU Program at **4 per single-family (RS) parcel**

- 1 primary Dwelling Unit
- 2 state “by-right” market-rate ADUs (1 detached / 1 converted)
- 1 deed-restricted / accessible Bonus ADU

Benefits of capping housing units at **4 per RS parcel**

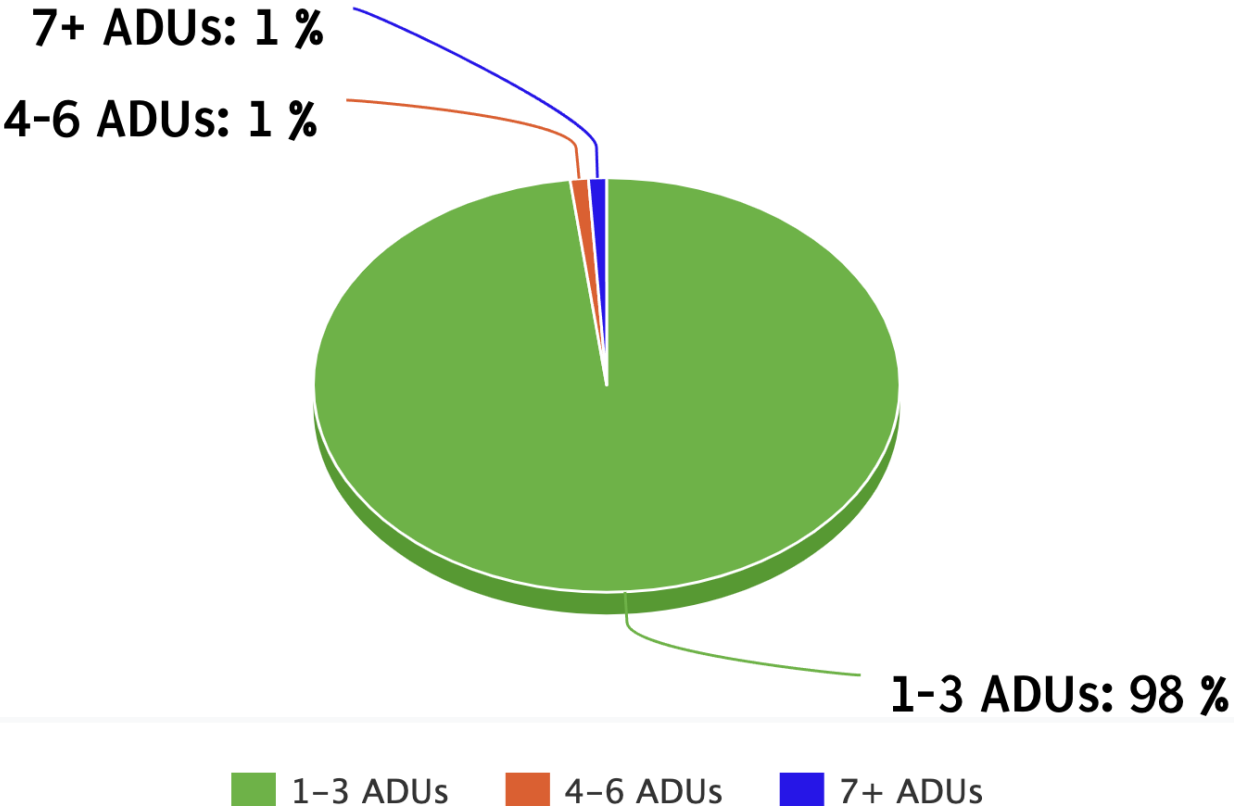
Consistent with

- HUD definition of single-family housing *(24 CFR Section 81.2)*
- SB 9 – “4 means 4”
- 4 DU defines single-family trash service for City
- Continues affordable housing production
- Allows absorbable gentle density
- Minimizes parking issues

Capping housing units at **4 per RS parcel** will not hinder ADU development

98% of ADU projects already include 1-3 ADUs

Size of Permitted Bonus ADU Projects
2021-2024



Fewer units encourage larger units

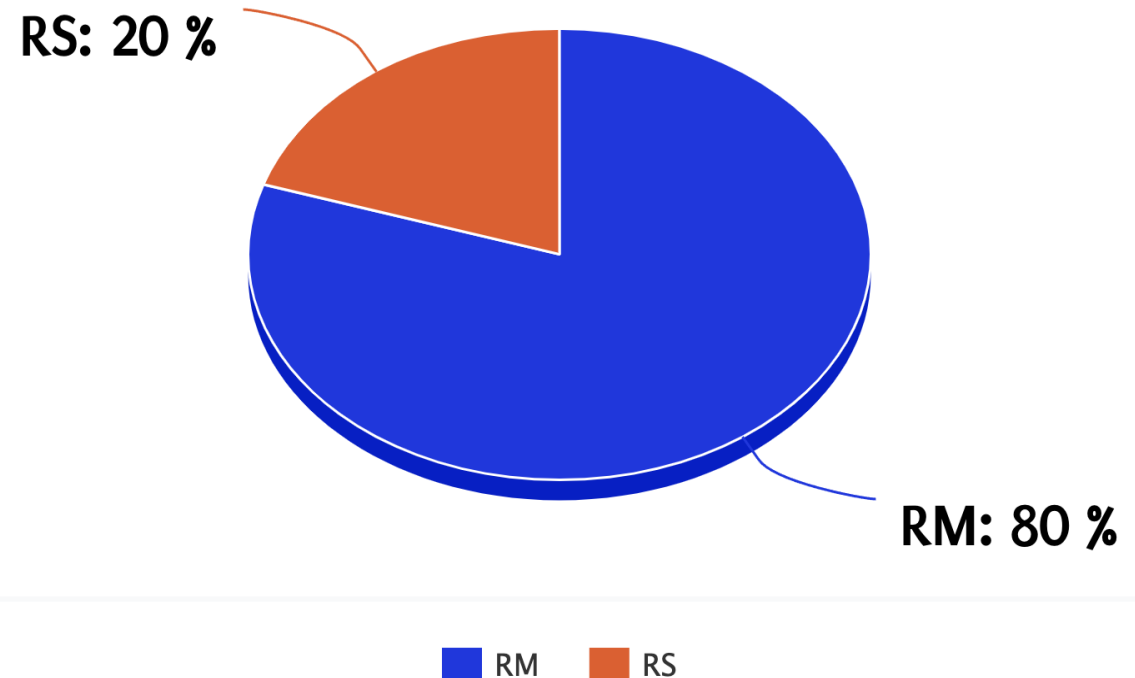
London Moeder Advisors July 2022

...if policy is going to assume that families will transition to multifamily units, then **100% of recent multifamily growth should have been units with multiple bedrooms. This is the housing crisis linkage that is ignored in today's environment and political landscape. It is also a driving force behind people leaving the state.** In essence, if you are a young working professional, you may enjoy living in San Diego in your 20s. **But once you hit mid-30s, and need more space or bedrooms, then you have to leave because moving up is too costly.** This has given way to a new export economy, and the main product is local young talent.

Reducing Bonus Program in RS zones leaves plenty of ADU opportunities

Multifamily zones account for 80% of Bonus ADU Projects (53% Bonus ADUs)

% ADU Projects Permitted Through Bonus ADU Program
2021-2024



Equalize Bonus ADU Program inside & outside SDA (CPC)

Take Bonus ADU code from outside the SDA and apply it citywide

- **Provides certainty for projects**
 - **Ever-changing transit plans make SDA a moving target**
- **SDA is not transit-oriented development**
 - **SANDAG transit studies show people don't walk a mile to transit**
 - **SDA based on aspirational (2050) transit**
- **SDA is discriminatory – directs lower income housing to lower opportunity zones**

Proposed ADU amendments won't gut ADU program

- **98% ADU projects 1-3 ADUs**
- **State has granted an additional market-rate ADU per single-family (RS) parcel**
- **City now allowing ADUs to be sold as condos**
- **State has expanded ADU opportunities in multifamily (RM) zones**

No threat of Housing Element decertification

San Diego has discretion to revise Bonus ADU program because

- **Housing Element commitment to develop or redevelop nonvacant sites with lower income housing units IS being fulfilled:**
 - Expectation for 40 deed-restricted units per year
 - Affordable ADUs in RM zones alone satisfy this goal (49/yr)

No threat of Housing Element decertification (cont.)

- **Housing Element didn't include targets for Complete Communities Housing Solutions (CCHS)**
 - CCHS provides very low, low and moderate-income units not committed to in 2021-2029 Housing Element (avg. 123/yr)

The Housing Crisis Act of 2019 (SB 330) doesn't apply because opt-in density bonus programs such as Bonus ADUs are not zoning changes.

Sunset Bonus ADU Program with 6th Cycle Housing Element

ADU commitments to HCD and supposed threat of Housing Element decertification influenced willingness to amend ADU code.

- Avoid such risks in future by sunseting Bonus ADU Program at close of 6th Cycle Housing Element**
- No downzoning issue (SB 330) as this is an overlay program and not zoning**

Neighbors For A Better San Diego recommends

- **Adopting state ADU code for heights (16/18' detached & 25' attached), stories (max 2) and setbacks (4')**
- **Reducing the Bonus ADU Program in RS zones to 4 housing units with 1 deed-restricted or accessible ADU throughout the city**
- **Eliminating SDA distinction – equalizing ADU program across San Diego**
- **Ending Bonus ADU Program with end of 6th Cycle Housing Element (2029)**

Thank you!

Danna Givot

Neighbors For A Better San Diego

Better4SD@gmail.com

NFABSD.org

