

## ADU and JADU Regulation Amendments List

Number	Name of Item	Code Section(s)	Why Is This Amendment Needed?	What Does This Amendment Do?
1	<b>ADU Home Minimum and Maximum Size</b>	113.0103 141.0302(b)(6)(D)	ADUs are currently defined as being 1,200 square feet or less. Government Code Section 66321(b)(1) does include a maximum size for converted ADUs, regardless of whether they are within a single dwelling unit or multiple dwelling unit structure.	Amends the definition of an ADU to align with state law. It also clarifies that only attached and detached ADUs shall not exceed 1,200 square feet, and ADUs constructed within an existing multiple dwelling unit structure do not have a maximum size limit.
2	<b>ADU and JADU Zoning</b>	131.0322 – Table 131-03B	Certain zones that allow a single dwelling unit do not currently allow for the development of an ADU or JADU. However, Government Code Section 66323(a)(1) allows for the development of ADUs on lots with a proposed or existing single dwelling unit. Additionally, Government Code Section 66333(a) permits one JADU on lots zoned for single family residences.	Updates the Use Table for the Agricultural Zones to permit ADUs and JADUs, subject to separately regulated use regulations, in the Agricultural-General Zones.
3	<b>Fire Sprinkler Requirements</b>	141.0302(a)(6)(C)	Government Code Sections 66314(d)(12) and 66323(d) prohibit the construction of an ADU from triggering a requirement to install fire sprinklers in the existing primary dwelling unit or multiple dwelling unit.	Specifies that constructing an ADU shall not trigger a requirement to install fire sprinklers in the existing primary dwelling unit or multiple dwelling unit unless required in accordance with the California Building Standards Code.
4	<b>Converted ADU and JADU Homes within the Coastal Overlay Zone</b>	141.0302(a)(7)	ADUs and JADUs converted from an existing dwelling unit or accessory structure outside of the Coastal Overlay Zone must be approved through a ministerial process, however, additional requirements are included for ADUs and JADUs in the Coastal Zone.	Clarifies that the following development regulation applies only within the Coastal Overlay Zone: an existing structure may not be converted or reconstructed into an ADU or JADU if it does not conform to the wetlands regulations in Section 143.0141(b), sensitive coastal bluff regulations in Section 143.0143, coastal beach regulations in Section 143.0144, and the Supplemental Regulations of the Coastal Overlay Zone in Section 132.0403.
5	<b>JADU Home Rental Terms</b>	141.0302(a)(8)	Government Code Section 63315 only allows local agencies to enact a minimum stay requirement for ADUs. However, the City's current regulations require a minimum rental period of 31 consecutive days for both ADUs and JADUs.	Deletes the minimum rental term requirement for JADUs to align with state law, ensuring that rental term restrictions apply only to ADUs.
6	<b>Number of Permitted ADU and JADU Homes with an Existing or Proposed Single Dwelling Unit</b>	141.0302(b)(1)	The Department of Housing and Community Development has determined that Government Code Section 66323(a) requires local agencies to permit one detached ADU, one converted ADU, and one JADU on a lot with an existing or proposed single dwelling unit.	Clarifies that on a lot with an existing or proposed single dwelling, one JADU, one converted ADU, and one detached ADU are permitted.
7	<b>Tree Requirements</b>	141.0302(b)(2)(E)	The Department of Housing and Community Development has determined that Government Code Section 66323 prohibits a local agency from requiring any development or design standard for ADUs or JADUs that are not mandated by state law. Currently, the City has landscaping requirements for ADU and JADU development.	Deletes the ADU and JADU landscaping requirements for trees, as these standards are not required by state law and are therefore prohibited.
8	<b>Number of Permitted ADU Homes with an Existing or Proposed Multiple Dwelling Unit Structure</b>	141.0302(b)(2) 141.0302(b)(3)	Senate Bill 1211 (Skinner, 2024) allows the development of up to two ADUs on a lot with a proposed multiple dwelling unit structure and allows up to eight detached ADUs and a specific number of ADUs within non-livable spaces on a lot with existing multiple unit structures.	Allows the development of up to two detached ADUs on a lot with a proposed multiple dwelling unit structure and allows up to eight detached ADUs on a lot with an existing multiple dwelling unit structure, consistent with state law. Additionally, allows ADUs totaling up to 25% of the total number of existing dwelling unit to be built within non-livable areas of the existing structure with a minimum of one ADU. The combined total of detached ADUs and ADUs within the non-livable space of an existing structure may not exceed the number of existing dwelling units in the multiple dwelling unit structure, consistent with state law.
9	<b>Floor Area Ratio Maximums</b>	141.0302(b)(6)(E) 141.0302(c)(4)(A)	The Department of Housing and Community Development has determined that ADUs and JADUs allowed under Government Code Section 66323 are not subject to the floor area ratio maximums of the underlying base zone.	Specifies that ADUs and JADUs allowed under state law are not subject to the floor area ratio (FAR) requirements of the underlying base zone. However, these ADUs and JADUs would still be subject to applicable setbacks and height limits, which continue to regulate the allowable development area. If a development utilizes the ADU Home Density Bonus Program, the ADU units are subject to the FAR requirements of the underlying base zone.
10	<b>Side Yard Setbacks for ADU Structures</b>	141.0302(b)(7)(B)	Government Code Section 66314(d)(7) prohibits a local agency from requiring a side setback greater than four feet for an ADU. However, the City's existing ADU regulations require that structures comply with the street side yard setback of the base zone, which may be greater than four feet.	Specifies that the street side yard setback for ADU structures must be four feet or the base zone side setback, whichever is less, in order to comply with state law.
11	<b>Fire Safety Setbacks</b>	141.0302(b)(7)(C)	The California Building Standards Code (Title 24) authorizes local agencies to enforce fire and life safety requirements where necessary to protect public health and safety.	Requires five foot minimum interior side yard and rear yard setbacks for ADUs within a High or Very High Fire Hazard Severity Zone to provide defensible space between all structures on the premises and adjacent native or naturalized vegetation. In addition, allows the Fire Code Official to require a greater interior side yard or rear side yard setback to ensure compliance with the California Fire Code.
12	<b>Replacement Parking</b>	141.0302(b)(8)(C)	Senate Bill 1211 (Skinner, 2024) prohibits local agencies from requiring the replacement of off-street parking spaces when an uncovered parking space is demolished or converted to construct an ADU.	Adds uncovered parking spaces to the list of parking space types that do not need to be replaced when demolished to construct an ADU. Replacement parking for the removal of uncovered parking spaces is still required for properties located within the Beach Impact Area of the Parking Impact Overlay Zone and outside of a Transit Priority Area.

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13	JADU Home Owner Occupancy Requirement Exemption	141.0302(c)(1)(G)	Government Code Section 66333(b) exempts a governmental agency, land trust, or housing organization from the owner occupancy requirement for a JADU.	Adds a provision to the JADU regulations exempting governmental agencies, land trusts, and housing organizations from the owner occupancy requirements.
14	ADU Home Density Bonus - Applicability	141.0302(d)(1)(A)	The <b>ADU Home Density Bonus Program</b> applies in any zone that allows residential uses, which can result in ADU developments that are out of scale with the surrounding neighborhoods, especially neighborhoods with large minimum lot sizes.	Prohibits the <b>ADU Home Density Bonus Program</b> in the RS-1-1, RS-1-2, RS-1-3, RS-1-4, RS-1-8, RS-1-9, RS-1-10 and RS-1-11 zones.
15	ADU Home Density Bonus - Fire Safety and Evacuation Routes	141.0302(d)(2)	The <b>ADU Home Density Bonus Program</b> is currently allowed within High and Very High Fire Hazard Severity Zones without regulations to ensure adequate evacuation routes serve the development.	<b>ADU Home Density Bonus Program</b> projects located on lots within High or Very High Fire Hazard Severity Zones must be on an improved public street that has at least two evacuation routes. It also prohibits the program on lots that front a cul-de-sac or only have one point of ingress or egress.
16	ADU Home Density Bonus - Development Scale	141.0302(d)(3)	The <b>ADU Home Density Bonus Program</b> does not have requirements to determine the developable area on a single family zoned lots to ensure the development is appropriately scaled to the surrounding area.	This proposed amendment would require <b>ADU Home Density Bonus Program</b> projects on lots that only allow single dwelling units to calculate the floor area ratio (FAR) with a cap of 10,000 square feet. In addition, if the lot contains environmentally sensitive lands, the FAR would be calculated based on the portion of the lot that does not contain environmentally sensitive land, with the same 10,000 square foot cap. In multiple dwelling unit zones, the FAR would be calculated based on the portion of the lot that does not contain environmentally sensitive lands.
17	ADU Home Density Bonus - Required Automatic Fire Sprinkler System	141.0302(d)(4)	Under state law, ADUs are not required to provide fire sprinklers if the primary dwelling unit is not subject to that requirement. However, the <b>ADU Home Density Bonus Program</b> allows additional ADUs that should be required to include fire sprinklers to enhance public safety.	Requires that all detached affordable ADUs and bonus ADUs proposed under the <b>ADU Home Density Bonus Program</b> include an installed automatic fire sprinkler system.
18	ADU Home Density Bonus - Parking	141.0302(d)(5)	The <b>ADU Home Density Bonus Program</b> does not require parking. However, when multiple ADUs are approved under this program, it may increase demand for on-street parking in the surrounding neighborhood.	Requires one off-street parking space for each affordable ADU and bonus ADU developed through the <b>ADU Home Density Bonus Program</b> for development located outside of the Transit Priority Area. State law prohibits the City from requiring parking within a Transit Priority Area.
19	ADU Home Density Bonus Program - Deed Restriction Agreement For Affordable ADU Homes	141.0302(d)(6)	The <b>ADU Home Density Bonus Program</b> requires a written agreement and a deed of trust, executed by the applicant and the President and Chief Executive Officer of the San Diego Housing Commission, for each affordable ADU built. Clarification is needed on the timeline for completing the agreement.	Clarifies that the written agreement and deed of trust securing the agreement for the <b>ADU Home Density Bonus Program</b> must be executed prior to the issuance of the first building permit for either an affordable ADU or a bonus ADU, whichever occurs first.
20	ADU Home Density Bonus Program - Affordable ADU Home and Accessible ADU Home Requirements	141.0302(d)(6)(A)(iv) 141.0302(e)(C)	The <b>ADU Home Density Bonus Program</b> does not include requirement for the size or bedroom mix for affordable ADUs or accessible ADUs.	Clarifies that affordable ADUs and accessible ADUs constructed through the <b>ADU Home Density Bonus Program</b> must be comparable in size and contain at least the same number of bedrooms as the bonus ADUs.
21	ADU Home Density Bonus - Compliance	141.0302(d)(6)(C)	Violations of the affordability requirements in the deed restriction for affordable ADUs under the <b>ADU Home Density Bonus Program</b> are subject to penalties based solely on the amount overcharged, plus interest. An increased amount could assist in preventing future violations.	Increases the penalty for affordability requirements deed restriction violations regarding affordable ADUs built under the <b>ADU Home Density Bonus Program</b> , ensuring that affordable homes remain available for qualifying households.
22	ADU Home Density Bonus - ADU Bonus Program Community Enhancement Fee	141.0302(d)(7)	Under state law, the City is unable to charge Development Impact Fees to ADUs under 750 square feet. However, additional ADUs permitted through the <b>ADU Home Density Bonus Program</b> contribute to increased demand for neighborhood-serving infrastructure.	Requires applicants opting into the <b>ADU Home Density Bonus Program</b> to pay an ADU Home Density Bonus Program Community Enhancement Fee based on the square footage of the bonus and affordable ADUs that are under 750 square feet. The fee would be used to fund neighborhood-serving infrastructure amenities that include active transportation, fire facilities, libraries, and park and recreation improvements.
23	ADU Home Separate Sale or Conveyance	125.0431 141.0302(f) 143.0815 144.0501	Assembly Bill 1033 (Ting, 2023) allows Cities to pass an ordinance to allow for the conversion of ADUs into separate condominium units, allowing the ADUs to be purchased independently of the primary residence.	Establishes regulations to allow for the subdivision of ADUs into separate condominium units that can be sold individually.
24	Sustainable Development Area (SDA) - Definition Clarification	113.0103	The SDA is measured using a defined walking distance along a pedestrian path of travel to a major transit stop. The intent of the regulation was that the pedestrian path of travel is along a sidewalk.	Clarifies that walking distance to a major transit stop must include a sidewalk to be considered a pedestrian path of travel.