

Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling (JADU) Regulation Amendments to the San Diego Municipal Code and Local Coastal Program Amendment

Land Use and Housing Committee

May 15, 2025

Previous Legislative Actions

2017 Companion Unit/Junior Unit Regulations

2020 Housing Legislative Code Update

2022 Housing Action Package 1.0

2022 Housing Action Package 1.0 – ADU Bonus Program Amendment

2022 Land Development Code Update

2024 Housing Action Package 2.0

2024 Land Development Code Update

Previous Legislative Actions

Requested Accessory Dwelling Unit Bonus Program Amendment (2025)

- On March 4, 2025, the City Council requested that staff return with amendments to the ADU Density Bonus Program within 90 days.
- Remove the applicability for single family zoned parcels in 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 zoned parcels; and
- Provide revisions including, but not limited to, those provided in the February 28, 2025, memorandum to the Land Use and Housing Committee for consideration.

Why Comprehensive Amendments are Needed

March 2025 Council Request

- City Council urged swift amendments to the ADU Home Density Bonus Program to address implementation concerns.

Comprehensive Amendments

- A single action enables focused discussion on improving public safety, development scale, and neighborhood funding.

Simultaneous Adoption

- Adopting all amendments together ensures regulatory certainty and avoids confusion or delays.

Coordination with HCD

- The City will work closely with the California Department of Housing and Community Development (HCD) for timely and efficient implementation.

Permitted ADU Home Project Size 2021-2024

	Permitted ADU Home Project Size			Total
	1 to 3 ADU Homes	4 to 6 ADU Homes	7+ ADU Homes	
Total ADU Home Projects	4,308	51	29	4,388
Total ADUs Homes Permitted	5,182	223	315	5,720

ADU Homes Permitted through the ADU Home Density Bonus Program in RS Zones 2021-2024

RS Zone	ADU Home Density Bonus Program			
	Number of Projects	Percent of Projects in RS Zones	Number of ADU Homes	Percent of ADU Homes in RS Zones
RS-1-1	2	3%	6	1%
RS-1-6	2	3%	13	3%
RS-1-7	64	91%	383	93%
RS-1-14	2	3%	8	2%
Total	70	100%	410	100%

ADU Homes Permitted through the ADU Home Density Bonus Program 2021-2024

	Number of Projects	Affordable ADU Homes	Market Rate ADU Homes	Total ADU Homes
ADU Home Density Bonus Program	348	368	507	875
Percent of Total ADU Home Development	8%	100%	9%	14%

State-Allowed ADU Homes Permitted in the RS Zones 2021-2024

Zone	Number of ADU Homes	Percent of ADU Homes in RS Zones	Percent of RS Zones Acreages
RS-1-1	14	0.5%	3.3%
RS-1-2	27	0.9%	2.8%
RS-1-3	3	0.1%	0.4%
RS-1-4	58	1.9%	2.8%
RS-1-5	12	0.4%	0.6%
RS-1-6	42	1.4%	1.2%
RS-1-7	2,529	84%	42%
RS-1-8	4	0.1%	22.2%

Zone	Number of ADU Homes	Percent of ADU Homes in RS Zones	Percent of RS Zones Acreages
RS-1-9	1	0%	0.7%
RS-1-10	0	0%	0%
RS-1-11	1	0%	0.5%
RS-1-12	1	0%	0.6%
RS-1-13	9	0.3%	2%
RS-1-14	308	10.2%	21%
Total	3,009	100%	100%

ADU Home Projects and Permitted Adu Homes in the RS-1-7 Zones 2021-2024

	Permitted Adu Home Project Size			Total
	1 to 3 ADUs	4 to 6 ADUs	7+ ADUs	
Number of ADU Home Projects	2,501	9	4	2,514
ADU Homes Permitted	2,809	43	60	2,912

ADU and JADU Regulation Amendments

General ADU and JADU Regulations

- 15 Proposed Amendments

ADU Home Density Bonus Program

- 10 Proposed Amendments

Proposed Amendments to Implement State Law

ADU Home Minimum and Maximum Size (Item 1)

- Applies 1,200 size limit to attached/detached ADU homes.
- Converted ADU homes within existing structures are not subject to a size limit.

ADU and JADU Zoning (Item 2)

- Permits ADU and JADU homes in AG (Agricultural–General) Zones.

Proposed Amendments to Implement State Law

Fire Sprinkler Requirements (Item 3)

- Construction of an ADU home shall not trigger the requirement install fire sprinklers for an existing primary dwelling unit or multiple dwelling unit.

Converted ADU and JADU Homes within the Coastal Overlay Zone (Item 4)

- Only ADU and JADU homes within the Coastal Overlay Zone are subject to additional development regulations.

Proposed Amendments to Implement State Law

JADU Rental Terms (Item 5)

- Removes the 31-day minimum rental term requirement for JADU homes.

Number of Permitted ADU and JADU Homes with an Existing or Proposed Single Dwelling Unit (Item 6)

- One JADU home, one converted ADU home, and one detached ADU home are allowed on a lot with a single-family home.

Proposed Amendments to Implement State Law

Tree Requirements (Item 7) (*Revised*)

- Removes the 2 trees per 5,000 sq ft lot area requirement for State-Allowed ADU homes.
- Projects using the ADU Home Density Bonus Program must still provide trees.

Proposed Amendments to Implement State Law

Number of Permitted ADU and JADU Homes with an Existing or Proposed Multiple Dwelling Structure (Item 8) *(Revised)*

- Proposed Structure: Allows up to 2 detached ADU homes.
- Existing Structure:
 - Allows up to 8 detached ADU homes, not to exceed the number of existing homes.
 - Allows conversion of non-livable spaces into ADU homes, limited to 25% of the existing home count.

Proposed Amendments to Implement State Law

Floor Area Ratio Maximums (Item 9)

- State allowed ADU and JADU homes not subject to the FAR requirements.

Side Yard Setbacks for ADU Structures (Item 10)

- ADU home structures must have a minimum street side yard setback of four feet or the base zone street side yard setback, whichever is less.

Proposed Amendments to Implement State Law

Replacement Parking (Item 12)

- Uncovered parking spaces do not require replacement when removed to accommodate an ADU home.

JADU Home-Owner Occupancy Requirement Exemption (Item 13)

- Governmental agencies, land trusts, and housing organizations.

Fire Safety Setbacks (Item 11)

Proposed Amendment

- ADU homes located within High or Very High Fire Hazard Severity Zones require a minimum 5-foot side and rear yard setback.
- Further clarifies the Fire Code Official's existing authority to require greater setbacks when necessary.

ADU Home Separate Sale or Conveyance (Item 23)

Proposed Amendment

- Allows for the subdivision of eligible ADU homes into individual condominium units to be sold separately from the primary home, as allowed under state law.
- Does not apply to ADU homes financed by the San Diego Housing Commission or permitted under the ADU Home Density Bonus.

Two-Story Height Limit (Item 25) (*new*)

Proposed Amendment

- Limits detached ADU home structures to two stories.
- ADU home development would be similar in scale to surrounding neighborhoods.
- Would maintain base zone height.

ADU Home Density Bonus: Applicability (Item 14)

Proposed Amendment

- The ADU Home Density Bonus Program currently applies in all zones that allow residential uses.
- Prohibits the ADU Home Density Bonus Program in 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 base zones.

Current ADU Home Density Bonus Program Applicability

Zones	Within the SDA (~Acres)	Outside of the SDA (~Acres)	Total (~Acres)
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	3,374	22,324	25,698
All Other Eligible Zones	38,583	44,387	82,970
Total	41,957	66,711	108,668

ADU Home Density Bonus: Evacuation Routes (Item 15)

Proposed Amendment

- Requires projects in High or Very High Fire Hazard Severity Zones to be on an improved public street with at least two evacuation routes.
- Prohibits projects on lots located on cul-de-sacs or streets with only one point of ingress and egress.

ADU Home Density Bonus: Required Automatic Fire Sprinkler System (Item 17)

Proposed Amendment

- Requires automatic fire sprinkler systems for all detached affordable ADU homes and bonus ADU homes, similar to the requirements for multiple dwelling unit buildings.



ADU Home Density Bonus: Parking (Item 18)

Proposed Amendment

- Requires one off-street parking space for each affordable ADU home and bonus ADU home located outside of a Transit Priority Area.

ADU Home Density Bonus: Deed Restriction Agreement for Affordable ADU Homes (Item 19)

Proposed Amendment

- Specifies that the deed restriction agreement must be executed prior to the issuance of the first building permit for either an affordable ADU home or bonus ADU home, whichever occurs first.



ADU Home Density Bonus: Affordable ADU Home and Accessible ADU Home Requirement (Item 20)

Proposed Amendment

- Requires affordable and accessible ADU homes to be similar in size and have at least the same number of bedrooms as bonus ADU homes.



ADU Home Density Bonus: Compliance (Item 21)

Proposed Amendment

- Increases penalties for violations of affordability requirements.
- Violations would face a minimum penalty of \$10,000 per ADU home per month, in addition to any other fines outlined in the deed restriction.

ADU Home Density Bonus: Community Enhancement Fee (Item 22)

Proposed Amendment

- State law prohibits local agencies from imposing Development Impact Fees on ADU homes that are under 750 square feet.
- Applies an **opt-in** ADU Home Density Bonus Program Community Enhancement Fee for all affordable and bonus ADU homes under 750 square feet.



Sustainable Development Area (SDA) Definition Clarification (Item 24)

Proposed Amendment

- The ADU Home Density Bonus applies in the SDA.
- The SDA is a defined walking distance along a pedestrian path of travel to a major transit stop.
- A sidewalk must be available to be considered an SDA pedestrian path of travel.



ADU Home Density Bonus: Development Scale (Item 16) (*Revised*)

Proposed Amendment

- ADU homes are intended to be appropriately scaled to the surrounding area.
- Multiple Family Zoned Lots
 - The floor area ratio (FAR) is calculated using the area of the lot that does not contain environmentally sensitive lands.



ADU Home Density Bonus: Development Scale (Item 16) (*Revised*)

Proposed Amendment

- Single Family Zoned Lots
 - The FAR is calculated using a cap of 8,000 square feet for the lot area and/or the area of the lot that does not contain environmentally sensitive lands.
 - The affordable and bonus ADU homes must be at least 475 square feet.
 - The primary home must be at least 700 square feet.

ADU Home Density Bonus: Development Scale (Item 16) *(Revised)*

Potential ADU Home Development on an RS-1-7 Zoned Lot with an 8,000 Square Foot Lot Maximum and a 475 Square Foot Minimum ADU Home Size

Lot Size	FAR	Developable Area	Primary Home	Potential ADU Development Area	Potential ADU Home Development
8,000 sq ft or greater	0.57	4,560 sq ft	1,000 sq ft	3,560 sq ft	7
7,000 sq ft	0.58	4,060 sq ft	1,000 sq ft	3,060 sq ft	6
6,000 sq ft	0.59	3,540 sq ft	1,000 sq ft	2,540 sq ft	5
5,000 sq ft	0.60	3,000 sq ft	1,000 sq ft	2,000 sq ft	4

Option 1: Apply a Smaller Minimum ADU Home Size than Currently Proposed

Option 1a: 400 square foot min. ADU home

- 8,000 sq ft lot → Allows for **8 ADU homes**.
- 5,000 sq ft lot → Allows for **5 ADU homes**.

Option 1b: 350 square foot min. ADU home

- 8,000 sq ft lot → Allows for **10 ADU homes**.
- 5,000 sq ft lot → Allows for **5 ADU homes**.

Option 1: Apply a Smaller Minimum ADU Home Size than Currently Proposed

Option	Lot Size	FAR	Primary Home	Potential ADU Home Development Area	Minimum ADU Home Size	Potential ADU Home Development
1a	8,000 sq ft or greater	0.57	1,000 sq ft	3,560 sq ft	400 sq ft	8
1a	5,000 sq ft	0.60	1,000 sq ft	2,000 sq ft	400 sq ft	5
1b	8,000 sq ft or greater	0.57	1,000 sq ft	3,560 sq ft	350 sq ft	10
1b	5,000 sq ft	0.60	1,000 sq ft	2,000 sq ft	350 sq ft	5

Option 2: Apply a Maximum ADU Cap

Option 2: Maximum ADU Cap

- 8,000+ sq ft lot → Allows for **7 ADU homes**.
- 7,000 sq ft lot → Allows for **6 ADU homes**.
- 6,000 sq ft lot → Allows for **5 ADU homes**.
- 5,000 sq ft lot → Allows for **4 ADU homes**.

Option 2: Apply a Maximum ADU Cap

Lot Size	FAR	Primary Home	Potential ADU Home Development Area	ADU Home Cap	Potential Average ADU Home Size with CAP
8,000 sq ft	0.57	1,000 sq ft	3,560 sq ft	7	508 sq ft
7,000 sq ft	0.58	1,000 sq ft	3,060 sq ft	6	510 sq ft
6,000 sq ft	0.59	1,000 sq ft	2,540 sq ft	5	508 sq ft
5,000 sq ft	0.60	1,000 sq ft	2,000 sq ft	4	500 sq ft

Option 3: Reduced Floor Area Ratio (FAR)

Option 3a: Maximum FAR = 0.50

- 8,000 sq ft lot → **Allows for 6 ADU homes.**
- 5,000 sq ft lot → **Allows for 3 ADU homes.**

Option 3b: Maximum FAR = 0.60

- 8,000 sq ft lot → **Allows for 8 ADU homes.**
- 5,000 sq ft lot → **Allows for 4 ADU homes.**

Option 3: Reduced Floor Area Ratio (FAR)

Option	Lot Size	FAR	Primary Home	Potential ADU Home Development Area	Minimum ADU Home Size	Potential ADU Home Development
3a	8,000 sq ft or greater	0.50	1,000 sq ft	3,000 sq ft	475 sq ft	6
3a	5,000 sq ft	0.50	1,000 sq ft	1,500 sq ft	475 sq ft	3
3b	8,000 sq ft or greater	0.60	1,000 sq ft	3,800 sq ft	475 sq ft	8
3b	5,000 sq ft	0.60	1,000 sq ft	2,000 sq ft	475 sq ft	4



Additional Option: Moderate Income Enhancement

Current Deed Restriction Requirement

- 10 years for ADU homes serving very low-income (50% AMI) or low-income (60% AMI) households.
- 15 years for ADU homes serving moderate-income (110% AMI) households.
- Maximum gross rents for ADU homes restricted at 110% AMI.
 - Studio: \$2,300/month.
 - 1 Bedroom: \$2,629/month.
 - 2 Bedroom: \$2,958/month.

Additional Option: Moderate Income Enhancement

Proposed Enhancement

- Require all bonus ADU homes be deed restricted at the moderate-income level to households earning up to 110% of AMI for a minimum of 15 years.

Outreach

Information was shared in a memorandum from the City Planning Department to the Community Planners Committee on March 21, 2025.

The City Planning Department accepts feedback through its website and continues to welcome input from community members and stakeholders throughout the hearing process.

Community Planners Committee (CPC)

The CPC met on April 22, 2025, and approved the following two motions:

- Approve changes to all RS zones in their RS Zones Matrix. Motion approved: 21-2-0.
- Approve their Proposal #3 for RM zones: Allow 2 City Bonus Affordable ADUs on every RM lot if allowed by the FAR. Excluded from the City Bonus Affordable ADU program would be lots which have maxed out or even over-built their unit density allowance. These lots, along with all others will still allow State ADUs, up to 8. Approval included recommendations in their RM matrix. Motion approved: 21-0-2.

Planning Commission Recommendation

On May 1, 2025, the Planning Commission voted unanimously (5-0-1-1) to recommend approval and included:

- The Commissioner's recommendation of a two-story height limit.
- Request staff to present different options to the City Council regarding development scale including but not limited to a unit count or cap, alternative FAR to the zone, or a minimum size for ADUs under the ADU Home Density Bonus Program.

ADU and JADU Regulation Amendments Timeline



Recommendation

Recommend that the City Council approve

1. An ordinance amending the ADU and JADU Regulations and the ADU Home Density Bonus Program.
2. The ADU Home Density Bonus Program Community Enhancement Fee Resolution.