



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: April 24, 2025 REPORT NO. PC-25-016

HEARING DATE: May 1, 2025

SUBJECT: Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) Regulation Amendments to the San Diego Municipal Code and Local Coastal Program Amendment; Process 5

SUMMARY

Issue: Should the Planning Commission recommend City Council approve the adoption of the Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) Regulation Amendments to the San Diego Municipal Code (SDMC) and Local Coastal Program?

Proposed Action: Recommend that the City Council adopt an ordinance amending the ADU and JADU Regulations, including amendments to the ADU Home Density Bonus Program.

Fiscal Considerations: None

Housing Impact Statement: The proposed modification to remove eligibility for the ADU Home Density Bonus Program 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 base zones would remove approximately 25,689 acres from program eligibility. Additionally, 82,970 acres would remain eligible, with 38,583 acres located within the Sustainable Development Area (SDA) and 44,387 acres located outside the SDA. Other proposed amendments to the ADU Home Density Bonus Program include requirements related to evacuation route access, automatic fire sprinkler installation, parking requirements for developments located outside of a Transit Priority Area, increased penalties for violations, and the introduction of new community enhancement fees. These amendments may further affect the number of ADU homes that can be developed on eligible properties.

The proposed amendments to align the ADU and JADU regulations with state law would clarify that on lots developed with a single-family home, up to three units may be permitted, which include one detached ADU home, one converted ADU home (from existing space), and a JADU home. These three ADU homes that state law requires the City to permit are collectively referred to as state required ADU homes. Additionally, on lots with an existing multi-family residential structure, up to eight detached ADU homes may be permitted by right.

Community Planners Committee Recommendation: The Community Planners Committee (CPC) placed an item on the agenda for its March 25, 2025, meeting to consider recommendations regarding the ADU Home Density Bonus Program. In response, Planning Director Heidi Vonblum sent a letter dated March 21, 2025, providing an update on the program and welcoming the CPC's feedback (Attachment 1). Following this correspondence, the CPC established an Ad Hoc ADU Bonus Program Committee, which convened on April 2, 2025, to review the City's proposed revisions and develop possible alternatives. The Ad Hoc Committee presented its recommendations to the full CPC on April 22, 2025, and the CPC approved two motions:

- 1) Approve changes to all RS zones in their RS Zones Matrix. Motion approved: 21-2-0.
- 2) 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.

Environmental Impact: The Environmental Policy Section of the City Planning Department has reviewed the Code Amendment and determined that the adoption of the proposed amendments revising the ADU Regulations and the City's ADU Home Density Bonus program is statutorily exempt from CEQA pursuant to CEQA Guidelines Section 15282(h) which exempts the adoption of an ordinance regarding second units in a single-family or multifamily residential zone by a city or county to implement the provisions of Sections 66314 and 66333 of the Government Code as set forth in Section 21080.17 of the Public Resources Code. The adoption of the proposed amendments is also categorically exempt from CEQA pursuant to CEQA Guidelines Section 15332 (In-fill Development Projects), as ADU and JADU projects meet the conditions of the Class 32 exemption. Adoption of the proposed amendments will remove zones from eligibility for the ADU Home Density Bonus program and limit the number of dwelling units that can be developed in eligible zones per the proposed amendments to the City's ADU Regulations and ADU Home Density Bonus program. These proposed amendments will decrease allowable ADU development in comparison to the existing regulations, which would decrease the potential for any physical effects on the environment.

Furthermore, the Environmental Policy Section of the City Planning Department has reviewed the Code Amendment and determined that the adoption of the proposed amendments revising the ADU Regulations and the City's ADU Home Density Bonus program is consistent with the Final Addendum to the General Plan Program Environmental Impact Report (PEIR) for the General Plan Housing Element Update 2021-2029 (Project No. 104495/SCH No. 2006091032), which was adopted by the San Diego City Council on June 18, 2020 (Resolution R-313099). Therefore, the proposed action is a subsequent discretionary action and is not considered to be a separate project for the purposes of CEQA review pursuant to State CEQA Guidelines Sections 15378(c) and 15060(c)(3). Pursuant to CEQA Statute Section 21166 and CEQA Guidelines Section 15162, there is no change in circumstance, additional information, or project changes to warrant additional environmental review for this action.

BACKGROUND

The City has undertaken several legislative actions to align local regulations with evolving state laws aimed at increasing the production of homes through the development of ADU homes and JADU homes. These efforts reflect an ongoing commitment to addressing the City's housing crisis by expanding opportunities for homes on residentially zoned properties, streamlining permitting processes, and reducing regulatory barriers.

The City amended the Companion Unit and Junior Unit regulations in 2017 to align with state law requirements for ADU homes. The regulations have been updated as part of subsequent amendments to the Land Development Code. The following summarizes the legislative packages that have incorporated new state requirements and local policy priorities, such as affordability, accessibility, sustainability, and neighborhood compatibility, to ensure that ADU regulations effectively support the City's broader housing needs.

[Companion Unit/Junior Unit Regulations \(2017\)](#)

On September 12, 2017, the City Council adopted the Companion Units and Junior Units Regulations, which implemented Senate Bill 1069 (Wieckowski, 2016), Assembly Bill 2299 (Bloom, 2016), and Assembly Bill 2406 (Thurmond, 2016). These regulations streamlined the construction of companion and junior units on residential properties with reduced requirements for parking, zoning setbacks, fire sprinklers, public utilities and fees.

[Housing Legislation Code Update \(2020\)](#)

On October 27, 2020, the City Council adopted the Housing Legislation Code Update, replacing the Companion Unit and Junior Unit regulations with new ADU and JADU regulations. This update implemented Assembly Bill 68 (Ting, 2019), Assembly Bill 587 (Gabriel, 2019), Assembly Bill 881 (Bloom, 2019), and Senate Bill 13 (Wieckowski, 2019). Key amendments included expanded allowances for ADU homes in multi-unit developments, prohibiting replacement parking for garages or carports converted to ADUs or JADUs, and ensuring that at least one ADU home is permitted per premises, regardless of maximum lot coverage, floor area ratio, or minimum open space requirements. In addition, as part of the Housing Legislation Code Update, parking requirements for the state required ADUs and JADUs were eliminated.

This package also implemented Assembly Bill 671 (Friedman, 2019), which required local jurisdictions to incentivize the construction of deed restricted affordable ADU homes. This led to the creation of the now-existing ADU Bonus Program, an affordable housing incentive that allowed for the construction of one additional ADU home for every deed restricted affordable ADU home designated for very low-, low-, or moderate-income households for a period of at least 15 years. Outside of a Transit Priority Area (TPA), only one bonus ADU home was permitted, whereas within a TPA, the number of bonus ADU homes allowed was limited by the height, lot coverage, and floor area ratio of the base zone. The bonus ADU homes were limited to the same total size that a single-family home would otherwise be allowed to be developed on a property.

[Housing Action Package 1.0 \(2022\)](#)

The City Council adopted Housing Action Package 1.0 on March 1, 2022. As part of this package, amendments were made to the ADU regulations to align with Senate Bill 9 (Atkins, 2021) and to respond to community concerns regarding privacy, the loss of mature landscaping, and the need for supportive infrastructure. These amendments included new setback requirements, updated

landscaping, street tree standards to support the urban tree canopy, and a scaled Development Impact Fee applicable to each ADU beyond the second that is also greater than 750 square feet, to address infrastructure needs. State law prohibits the City from collecting development impact fees for any ADU home that is less than 750 square feet.

[Housing Action Package 1.0 – ADU Bonus Program Amendment \(2022\)](#)

On May 24, 2022, the City Council adopted the Housing Action Package ADU Bonus Program Amendment. This amendment resulted from a request made at the February 8, 2022, City Council hearing to modify the ADU Density Bonus Program, specifically the deed restriction term for very low and low-income ADU homes. The action reduced the deed restriction period for ADU homes reserved for very low- and low-income households from 15 years to no less than 10 years. The deed restriction for moderate-income affordable ADU homes was not modified as part of this amendment.

[2022 Land Development Code Update \(2023\)](#)

The 2022 Land Development Code Update, adopted by the City Council on March 7, 2023, introduced the Sustainable Development Area (SDA), a geographic designation aimed at focusing the City's housing incentive programs in areas with convenient access to high-quality transit, and safe, enjoyable options for walking, rolling, and biking. The ADU Home Density Bonus program was also modified to require that eligible developments be located within an SDA, rather than a TPA. This change expanded the program's reach by approximately 4,612 additional developable acres. The SDA eliminated areas that were located outside of certain walking distances due to geographic or other physical barriers and instead utilized a distance measured by a pedestrian path of travel.

[Housing Action Package 2.0 \(2024\)](#)

The City Council adopted Housing Action Package 2.0 on January 4, 2024. This package modified the ADU Home Density Bonus program by creating the Accessible ADU Home Incentive, which encourages the development of ADU homes that meet the accessibility requirements of the California Building Code. Under this amendment, one additional accessible ADU home is allowed if a residential development includes at least two deed restricted affordable ADU homes. This action clarified that JADU homes may only be constructed within an existing single-family home.

[2024 Land Development Code Update \(2024\)](#)

The City Council adopted the 2024 Land Development Code Update on July 22, 2024. This update included minor modifications to clarify the street tree requirements for ADU homes and to align the regulations with state law regarding setbacks for ADU homes and kitchen requirements for JADU homes.

[Accessory Dwelling Unit Bonus Program \(2025\)](#)

On March 4, 2025, the City Council approved an action item requesting that staff return with amendments to the ADU Bonus Program. The City Council voted (6-3-0) to approve the following motion:

- 1) Request City staff to return to City Council within 90 days with an action item to remove the applicability of the ADU Bonus Program from the San Diego Municipal Code conforming the local ADU Bonus Program to state-mandated ADU regulations 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

- 2) Request the City Planning Department to bring forward revisions to the ADU Density Bonus program including, but not limited to, those provided in the February 28, 2025, memorandum to the Land Use and Housing Committee for consideration (Attachment 2).

DISCUSSION

On March 4, 2025, the City Council requested that the City Planning Department return to Council within 90 days with an ordinance to remove the applicability of 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 from the ADU Density Bonus Program. The City Council also directed the City Planning Department to bring forward additional revisions to the ADU Home Density Bonus Program, as outlined in the City Planning Department's February 28, 2025, memorandum to the Land Use and Housing Committee. In response to the City Council's discussion urging expeditious action and the need to consider all amendments to the ADU Home Density Bonus Program comprehensively to address community and City Council concerns, the City Planning Department is proposing an ordinance to amend the ADU Home Density Bonus Program and make other revisions necessary to comply with state laws related to ADU homes.

The City received comments from the California Department of Housing and Community Development (HCD) on October 30, 2024, which identified differences and inconsistencies between the City's current ADU regulations and state law and requested that the regulations be brought into compliance (Attachment 3). To address HCD's comments, the proposed action includes amendments to the citywide ADU and JADU regulations to ensure consistency with state law with respect to state-required ADU and JADU homes. This will also help to avoid delays in bringing this proposal to City Council since the City is required to submit all proposed amendments to the ADU and JADU regulations to HCD following City Council adoption.

Considering the ADU Home Density Bonus Program more comprehensively allows for a robust discussion on how the proposed amendments can simultaneously address issues related to public safety, development scale, and neighborhood enhancement funding. The proposal also allows the City Planning Department to efficiently coordinate with HCD to ensure that these reforms can go into effect in line with the Council's desire for quick action. The single proposed action ensures certainty that these changes will be enacted simultaneously, rather than in phases. Adopting these proposed amendments together ensures the City Council and the public understand where and how many ADU homes are allowed throughout the City.

Additionally, the City Planning Department will be engaging with the public and interested stakeholders to assist in developing the Neighborhood Homes for All of Us initiative later this year. Neighborhood homes are townhomes, rowhomes, and small-scale multiple-home buildings that are built to the same scale as surrounding traditional single homes, which can provide home options for first-time homebuyers, families with children, and middle-income households. Neighborhood Homes for All of Us will include home design guidelines to provide sample plans, layouts, designs, financing strategies and regulations to allow for the development of these homes in more areas in the City to enhance the City's neighborhoods.

A summary of the 24 proposed amendments is provided below, and a detailed description is included in the ADU and JADU Regulation Amendments list (Attachment 4) and the draft Strikeout/Underline Ordinance (Attachment 5).

Analysis

Between 2021 and 2024, the City permitted 4,388 projects, resulting in a total of 5,720 ADU homes, as shown in Table 1. Approximately 98 percent of these projects (4,308) resulted in the development of 1 to 3 ADU homes, accounting for 5,182 permitted ADU homes. Additionally, 51 projects, totaling 223 ADU homes, included 4 to 6 ADU homes, while 29 projects, totaling 315 ADU homes, included 7 or more ADU homes.

Table 1: Permitted ADU Homes 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

The ADU Home Density Bonus Program currently applies to 108,668 acres within the City. The proposed removal of 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 base zones would result in approximately 25,698 fewer acres eligible for the program, which would account for a reduction of 24 percent of the current applicable acreage as shown in Table 2. Of this total, 3,374 acres are located within the SDA. In comparison, the remaining 22,324 acres are located outside the SDA (where a maximum of 1 bonus ADU home and 1 affordable ADU home are allowed). With this proposed amendment, 82,970 acres would remain eligible for the ADU Home Density Bonus program, including 38,583 acres within the SDA and 44,387 acres outside the SDA.

Table 2: 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 & RS-1-11 Zones	3,374	22,324	25,698
All Other Eligible Zones	38,583	44,387	82,970
Total	41,957	66,711	108,668

Between 2021 and 2024, the ADU Home Density Bonus Program facilitated the permitting of 348 projects, resulting in 368 affordable ADU homes and 507 market-rate ADU homes, for a total of 875 permitted ADU homes, as shown in Table 3. The ADU Home Density Bonus Program represents approximately 8 percent of the total 4,388 ADU projects and 14 percent of the total 5,720 ADU homes permitted.

Table 3: 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%

In the RS (Residential-Single Unit) base zones, the City permitted 410 ADU homes through 70 ADU Home Density Bonus Program projects between 2021 and 2024, as shown in Table 3. Of these, 2 projects in the RS-1-1 base zone permitted 6 ADUs; 2 projects in the RS-1-6 base zone permitted 13 ADU homes; 2 projects in the RS-1-14 base zone permitted 8 ADU homes; and 64 projects in the RS-1-7 base zone permitted 383 ADU homes.

Table 4: 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%

Between 2021 and 2024, the City permitted 3,009 state-required ADU homes within the City's RS base zones as shown in Table 5. The City permitted 2,529 state-required ADU homes within the RS-1-7 base zone, representing 84 percent of the total state-required ADU homes, while covering 42 percent of the total acreage within RS base zones. The City permitted 308 state-required ADU homes within the RS-1-14 base zone, accounting for 10 percent of the total state-required ADU homes and covering 21 percent of the RS base zone acreage. The City permitted 58 ADU state-required homes (2 percent) within the RS-1-4 base zone and 42 state-required ADU homes (1 percent) within the RS-1-6 zone. The City permitted between 3 and 27 state-required ADU homes within the RS-1-1, RS-1-2 and RS-1-3 base zones despite representing varying proportions of the RS base zone acreage. The City permitted 4 state-required ADU homes within the RS-1-8 base zone, which covers 22 percent of the RS base zone acreage.

Table 5: State-Required 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 Acreage
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	84.0%	42.0%
RS-1-8	4	0.1%	22.2%
RS-1-9	1	0.0%	0.7%
RS-1-10	0	0.0%	0.0%
RS-1-11	1	0.0%	0.5%
RS-1-12	1	0.0%	0.6%
RS-1-13	9	0.3%	2.0%
RS-1-14	308	10.2%	21.0%
Total	3,009	100.0%	100.0%

A total of 2,514 projects were approved in the RS-1-7 base zone, resulting in the permitting of 2,912 ADU homes between 2021 and 2024, as shown in Table 6. Almost all the projects, representing approximately 99 percent (2,501 projects), included 1 to 3 ADU homes, producing 2,809 ADU homes. In the RS-1-7 base zone, 9 projects were comprised of 4 to 6 ADU homes, resulting in 43 ADU homes, while 4 projects resulted in 7 or more ADU homes, totaling 60 ADU homes.

Table 6: ADU Home Projects and Permitted ADU Homes in the RS-17 Zones 2021-2024				
	1 to 3 ADUs	4 to 6 ADUs	7+ ADUs	Total
Number of ADU Home Projects	2,501	9	4	2,514
ADU Homes Permitted	2,809	43	60	2,912

General ADU and JADU Regulation Amendments (13 Items)

Thirteen proposed amendments would update the ADU and JADU regulations to align with state law. Each proposed amendment has a corresponding item number in the ADU and JADU Regulation Amendments list (Attachment 4).

ADU Home Minimum and Maximum Size (Item 1)

The definition of an ADU in the Land Development Code and the related regulations are not currently aligned with state law. Specifically, the Land Development Code defines an ADU as a dwelling unit that is 1,200 square feet in size or less. However, the California Department of Housing and Community Development has interpreted Government Code Section 66321(b)(1) to mean that ADUs created through the conversion of existing space,

regardless of whether they are within a single dwelling unit or multiple dwelling unit structure, are not subject to a maximum size limit.

This proposed amendment would remove the 1,200 square feet from the definition of an ADU home and clarify in the regulations that only attached and detached ADU homes are subject to the 1,200 square feet maximum. ADU homes constructed entirely within an existing single dwelling unit or accessory structure are not subject to a maximum gross floor area, and they may also include up to 150 square feet of additional floor area for ingress and egress only, consistent with state law. Additionally, ADU homes within an existing multi-dwelling unit structure are not subject to a maximum gross floor area.

ADU and JADU Zoning (Item 2)

Government Code Section 66323(a)(1) allows for the development of an ADU home on a lot with a proposed or existing single dwelling unit. Additionally, Government Code Section 66333(a) permits one JADU home on lots zoned for single-family residential use. This proposed amendment updates the Use Table for Agricultural Zones to permit ADU and JADU homes, subject to the applicable separately regulated use regulations, in the Agricultural-General Zones, where single dwelling units are already a permitted use. This change ensures consistency with state law and clarifies that residential accessory uses such as ADU and JADU homes are allowed in these zones.

Fire Sprinkler Requirements (Item 3)

Government Code Sections 66314(d)(12) and 66323(d) prohibit a local agency from requiring the installation of fire sprinklers in the existing primary dwelling unit or existing multiple dwelling units solely as a result of constructing ADU homes. This proposed amendment clarifies that the construction of an ADU home shall not trigger a requirement to install fire sprinklers in the existing primary dwelling unit or multiple dwelling unit, unless such installation is otherwise required under the California Building Standards Code, ensuring consistency with state law.

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

ADU and JADU homes converted from an existing dwelling unit or accessory structure located outside of the Coastal Overlay Zone must be approved through a ministerial process per state law. This proposed amendment clarifies that the following development regulations apply only within the Coastal Overlay Zone: An existing structure may not be converted or reconstructed into an ADU or JADU home 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.

JADU Home Rental Terms (Item 5)

Government Code Section 66315 permits local agencies to enact a minimum stay requirement for ADU homes. However, the City's current regulations impose a minimum rental period of 31 consecutive days for both ADUs and JADUs homes. This proposed amendment removes the minimum rental term requirement for JADU homes to ensure alignment with state law.

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

HCD interprets Government Code Section 66323(a) to require local agencies to permit one JADU home, one converted ADU home within a single-family home or accessory structure (i.e., converting an existing detached garage into an ADU), and one detached ADU home on a lot with an existing or proposed single dwelling unit. This proposed amendment clarifies that, on a lot with an existing or proposed single dwelling unit, one JADU home, one converted ADU home, and one detached ADU home may be permitted.

Tree Requirements (Item 7)

HCD has determined that Government Code Section 66323 prohibits a local agency from requiring any development or design standard for ADU or JADU homes that are not mandated by state law. This proposed amendment removes the ADU and JADU landscaping requirements for trees, since HCD has determined that the City may not impose these requirements. The City Planning Department will consider other options for increasing tree requirements in other housing programs where not otherwise prohibited by state law.

Number of Permitted ADU Homes with an Existing or Proposed Multiple Dwelling Unit Structure (Item 8)

Government Code Section 66323 allows the development of up to two detached ADU homes on a lot with a proposed multiple dwelling unit structure and permits the construction of up to eight detached ADU homes on a lot with an existing multiple dwelling unit structure. Additionally, it allows the creation of ADU homes within non-livable spaces of the existing structure, up to 25 percent of the total number of existing dwelling units, with a minimum of one ADU home. This proposed amendment aligns the City's regulations with state law by implementing the following:

- On lots with a proposed multiple dwelling unit structure:
 - Allows the development of up to two detached ADU homes.
- On lots with an existing multiple dwelling unit structure:
 - Allows the development of up to eight detached ADU homes;
 - Permits the creation of ADU homes within non-livable spaces (e.g., storage rooms, garages), with the number of ADU homes not exceeding 25 percent of the total number of existing units, and a minimum of one ADU home required; and
 - Ensures that the combined total of detached ADU homes and ADU homes within non-livable space does not exceed the number of existing multiple dwelling units in the structure.

Floor Area Ratio Maximums (Item 9)

HCD has determined that ADUs and JADUs allowed under Government Code Section 66323 are not subject to the floor area ratio (FAR) maximums of the underlying base zone. The proposed amendment specifies that ADU and JADU homes permitted under state law are not subject to the FAR requirements of the underlying base zone. However, these ADU and JADU homes remain subject to applicable setback and height limits, which continue to regulate the allowable development area. In addition, if a development utilizes the ADU Home Density Bonus Program, the state required ADU homes will count toward the

overall FAR requirements of the underlying base zone.

Side Yard Setbacks for ADU Structures (Item 10)

HCD has interpreted state law to require a minimum setback for all side yards, including street side yards for ADU homes. This proposed amendment specifies that ADU structures are allowed a street side yard setback of four feet or the base zone street side yard setback, whichever is less, to be consistent with state law.

Fire Safety Setbacks (Item 11)

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. These standards include requirements related to fire separation, defensible space, and structure placement, particularly in areas with elevated wildfire risk. This proposed amendment requires ADU homes located within High or Very High Fire Hazard Severity Zones to maintain a minimum five-foot interior side and rear yard setback to provide adequate defensible space between all structures on the premises and adjacent native or naturalized vegetation. Additionally, the amendment further ensures authority for the Fire Code Official to require greater interior side or rear yard setbacks when necessary to ensure compliance with the California Fire Code and to address specific site conditions related to fire safety.

Replacement Parking (Item 12)

Government Code Section 66314(d)(11) prohibits local agencies from requiring off-street replacement parking when an uncovered parking space is demolished or converted for the construction of an ADU home. This proposed amendment adds uncovered parking spaces to the list of parking types that do not require replacement when removed to accommodate an ADU home. However, consistent with existing local regulations, replacement parking for the removal of uncovered spaces will still be required for properties located within the Beach Impact Area of the Parking Impact Overlay Zone and outside of a Transit Priority Area, where parking demand is of particular concern.

JADU Home Owner Occupancy Requirement Exemption (Item 13)

Government Code Section 66333(b) exempts governmental agencies, land trusts, and housing organizations from the owner-occupancy requirement for JADU homes. This proposed amendment updates the City's JADU regulations to exempt governmental agencies, land trusts, and housing organizations from the owner-occupancy requirement, ensuring consistency with state law and facilitating affordable housing development.

ADU Home Separate Sale or Conveyance (Item 23)

Government Code Sections 66340-66342 authorize cities to adopt an ordinance permitting the conversion of ADU homes into separate condominium units, allowing them to be sold independently from the primary residence. This proposed amendment implements AB 1033 by establishing local regulations that allow for the subdivision of eligible ADU homes into individual condominium units, enabling them to be sold separately from the main dwelling, subject to applicable mapping, building, and ownership requirements. ADU homes that have received financing or other forms of assistance from the San Diego Housing Commission, as well as other deed restricted ADU

homes, cannot be converted into condominiums or sold separately from the primary residence for the duration of the deed restriction agreement. By allowing existing or proposed ADU homes to be sold independently, this proposed amendment expands opportunities for homeownership in the City.

ADU Home Density Bonus Program Amendments (10 Items)

Ten proposed amendments affect the ADU Home Density Bonus Program. Since the program is an opt-in program that allows for the development of more ADU homes than state law requires, the City may apply additional regulations for these developments. Each proposed amendment is referenced by its corresponding item number in the ADU and JADU Regulation Amendments list (Attachment 4).

ADU Home Density Bonus - Applicability (Item 14)

The ADU Home Density Bonus Program currently applies in all zones that allow residential uses. This can result in ADU developments in residential zones that allow very low-density development, resulting in ADU homes that can be out of scale with the surrounding neighborhood context. The proposed amendment would prohibit the application of the ADU Home Density Bonus Program in the following very low-density residential zones: 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. Each of these zones has minimum lot sizes of 10,000 square feet or greater. As discussed above, prohibiting these zones would remove 25,689 acres from the opt-in program.

ADU Home Density Bonus - Evacuation Routes (Item 15)

The ADU Home Density Bonus Program does not include specific regulations that address evacuation routes. This proposed amendment would apply specific evacuation route requirements. Specifically, it would require lots otherwise eligible for the ADU Home Density Bonus Program in High or Very High Fire Hazard Severity Zones to be on an improved public street with at least two evacuation routes. The proposed amendment also prohibits the program on lots in High and Very High Fire Hazard Severity Zones that front a cul-de-sac or have only one point of ingress or egress. These changes are intended to improve emergency access and evacuation safety for ADU homes permitted under the program.

ADU Home Density Bonus - Development Scale (Item 16)

The development scale of projects utilizing the ADU Home Density Bonus Program is intended to be appropriately scaled to the surrounding area. There are instances where unusually large lots or lots that contain undevelopable environmentally sensitive lands can lead to outlier results under the existing program. This proposed amendment would require ADU Home Density Bonus Program projects on lots that only permit single family homes and exceed the minimum base zone lot size to have their floor area ratio (FAR) capped at 10,000 square feet. In addition, if the lot contains environmentally sensitive lands, the FAR would be calculated using only the portion of the lot that does not contain environmentally sensitive lands, using a maximum lot area of 10,000 square feet. For the RS-1-5, RS-1-6, and RS-1-7 base zones, which use a scaled system to determine the FAR, the FAR would be calculated using the adjusted lot area. On lots that allow for the development of multiple units, family homes, and contain environmentally sensitive lands, the FAR would be calculated using only the portion of the lot that does not contain

environmentally sensitive land. This proposed change is intended to address concerns raised by the Council as well as community groups and community members about projects located primarily in the RS-1-7 base zone (5,000 square foot minimum lot size) that have resulted in larger floor building sizes because the lots have contained environmentally sensitive lands or are located on unusually large lots.

- As an example, under this proposed amendment, a 10,000 square foot premises within the RS-1-7 base zone that contains 5,000 square feet of environmentally sensitive lands would have a 0.60 floor area ratio calculated based on 5,000 square feet, resulting in a maximum allowable floor area of 3,000 square feet. Where an existing 1,500 square foot primary dwelling currently exists, this would leave 1,500 square feet remaining for the development of ADU homes on that property, inclusive of the state required ADU homes.
- As another example, a 30,000 square foot premises within the RS-1-7 base zone that contains no environmentally sensitive lands would have a 0.55 floor area ratio calculated based on 10,000 square feet, resulting in a maximum allowable floor area of 5,500 square feet. Where an existing 1,500 square foot primary dwelling currently exists, this would leave 4,000 square feet remaining for development of ADU homes, inclusive of the state required ADU homes.

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

The ADU Home Density Bonus Program allows for the development of additional ADU homes beyond what state law allows. Therefore, this proposed amendment would clearly require fire sprinklers to enhance public safety and mitigate fire risks. Specifically, all detached affordable ADU homes and bonus ADU homes permitted under the ADU Home Density Bonus Program would be required to include an automatic fire sprinkler system, consistent with the requirements for multiple dwelling unit buildings.

ADU Home Density Bonus - Parking (Item 18)

The ADU Home Density Bonus Program currently does not require parking. However, the development of multiple ADU homes on a lot may increase demand for on-street parking. This proposed amendment would require one off-street parking space for each affordable ADU home and bonus ADU home located outside of a Transit Priority Area. In accordance with state law, the City cannot require parking for ADU homes located within a Transit Priority Area.

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

The ADU Home Density Bonus Program 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 permitted affordable ADU home. However, clarification is needed regarding the timeline for completing the agreement. This proposed amendment specifies that the written agreement and deed of trust 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 Requirements (Item 20)

The ADU Home Density Bonus Program does not address the required size or bedroom mix for affordable or accessible ADU homes. This proposed amendment clarifies that affordable ADU homes and accessible ADU homes constructed through the program must be comparable in size and include at least the same number of bedrooms as the bonus ADU homes.

ADU Home Density Bonus - Compliance (Item 21)

Landowners who rent affordable ADU homes built under the ADU Home Density Bonus Program in violation of the deed restriction to rent the ADU home to qualified households are currently subject to penalties based on the amount overcharged, plus 10 percent interest. Increasing the penalty could further deter violations and strengthen enforcement. This proposed amendment increases the penalty for violations of the deed restriction on affordable ADU homes permitted under the ADU Home Density Bonus Program. Specifically, if the terms of the deed restriction agreement to rent or sell the ADU home to a qualified household are violated, the applicant or record owner shall be liable for a minimum penalty of \$10,000 per ADU home per month, in addition to any other fines outlined in the deed restriction agreement. By increasing the penalty, this proposed amendment aims to ensure that affordable ADU homes remain available to qualifying households, aligning with the program's intent of increasing affordable housing opportunities.

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

California Government Code Section 66324(c)(1) prohibits local agencies from imposing Development Impact Fees on ADU homes that are under 750 square feet. However, homes developed through the ADU Home Density Bonus Program can increase the demand on neighborhood-serving infrastructure. This proposed amendment requires applicants opting into the ADU Home Density Bonus Program to pay an ADU Home Density Bonus Program Community Enhancement Fee for all affordable and bonus ADU homes under 750 square feet permitted through the program. This will ensure that all ADU Homes permitted through the ADU Home Density Bonus Program are subject to either Citywide Development Impact Fees or the ADU Home Density Bonus Program Community Enhancement Fee.

The City would calculate the fee based on the square footage of each affordable and bonus ADU home under 750 square feet. This would mirror the Citywide Development Impact Fee typically applied to multifamily dwelling units, as outlined in the Citywide Mobility DIF (Resolution R-314273), Citywide Library DIF (Resolution R-314272), and Citywide Fire DIF (Resolution R-314271). The City would use the fee to fund neighborhood-enhancing infrastructure, including active transportation projects, fire facilities, libraries, and parks and recreation improvements. The draft ADU Home Density Bonus Program Community Enhancement Fee Resolution is included as Attachment 6. The funds would be available to be expended on needed infrastructure and would be prioritized in accordance with Council Policy 800-14, Prioritizing Capital Improvement Program Projects.

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

The ADU Home Density Bonus allows for additional ADU homes within the SDA. The Municipal Code defines the SDA based on a defined walking distance along a pedestrian path of travel to a major transit stop. The City Planning Department's interpretation of a pedestrian path of travel includes safe areas for pedestrians to walk, separated from vehicular travel, indicated by the presence of sidewalks. This proposed amendment clarifies the City Planning Department's interpretation that the pedestrian path of travel must include a sidewalk to be considered a pedestrian path of travel, as defined in the City's Street Design Manual.

OUTREACH

Due to the 90-day timeline for bringing this proposal to City Council, the City Planning Department could not conduct dedicated outreach meetings specific to the proposed amendments to the ADU and JADU regulations and the ADU Home Density Bonus Program. However, information was shared in a memorandum from the City Planning Department to the Community Planners Committee on March 21, 2025 (Attachment 1), to facilitate discussions related to a recommendation from the Committee. Additionally, the City Planning Department continues to welcome feedback from community members and stakeholders through the hearing process, including hearings at the Planning Commission, Land Use & Housing Committee, and the City Council.

CONCLUSION

The City Planning Department recommends approval of the proposed amendments to the ADU and JADU regulations and the ADU Home Density Bonus Program. The proposed amendments to the Municipal Code will bring the City's ADU regulations into alignment with state law and provide greater clarity. The proposed reforms to the ADU Home Density Bonus Program will also encourage continued development while enhancing public safety and ensuring the ADU homes are consistent with the surrounding neighborhoods. Therefore, staff recommends that the Planning Commission forward a recommendation to the City Council to approve the proposed amendments to the ADU and JADU regulations in the San Diego Municipal Code and Local Coastal Program.

Respectfully submitted,



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City Planning Department



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City Planning Department

Attachments:

1. Memorandum to the Community Planners Committee from March 21, 2025
2. Memorandum to the Land Use and Housing Committee from February 28, 2025
3. Correspondence from the Department of Housing and Community Development from October 30, 2024
4. ADU and JADU Regulation Amendments List
5. Draft Strikeout/Underline Ordinance
6. Draft ADU Home Density Bonus Program Community Enhancement Fee Resolution