

San Diego Planning Commission Meeting

PHONE-IN TESTIMONY PERIOD NOW OPEN FOR

ITEM 1: Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) Regulation Amendments to the San Diego Municipal Code and Local Coastal Program

To call in and make public comment on this item:



Telephone - Dial 669-254-5252 or (Toll Free) 833-568-8864

When prompted, input Webinar ID: 160 944 0367



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

Planning Commission

May 1, 2025

<https://www.sandiego.gov/planning/work/land-development-code>



Previous Legislative Actions

2017 Companion Unit/Junior Unit Regulations

2022 Housing Action Package 1.0

2020 Housing Legislative Code Update

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

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:
 - 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
 - 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.

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 Homes 2021-2024

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

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%

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

RS Zones	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%

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 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

	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

ADU and JADU Regulation Amendments

General ADU and JADU Regulations

- 14 Proposed Amendments

ADU Home Density Bonus Program

- 10 Proposed Amendments

Proposed Amendments to Implement State Law

- **ADU Home Minimum and Maximum Size (Item 1)**
 - Removes the 1,200 sq ft size limit from the ADU definition and applies it only to attached and detached ADUs.
 - Clarifies that converted ADUs within existing structures are not subject to a size limit, except for an additional 150 sq ft allowed for ingress/egress.
- **ADU and JADU Zoning (Item 2)**
 - Updates the Use Table for AG (Agricultural–General) Zones to permit ADU and JADU homes, as they allow for single dwelling units.

Proposed Amendments to Implement State Law

- **Fire Sprinkler Requirements (Item 3)**
 - Clarifies that the construction of an ADU home shall not trigger a requirement to install fire sprinklers for an existing primary dwelling unit or multiple dwelling unit, unless required under the California Building Standards Code.
- **Converted ADU and JADU Homes within the Coastal Overlay Zone (Item 4)**
 - Clarifies that only ADU and JADU homes within the Coastal Overlay Zone are subject to additional development regulations.
- **JADU Rental Terms (Item 5)**
 - Removes the 31-day minimum rental term requirement for JADU homes.

Proposed Amendments to Implement State Law

- **Side Yard Setbacks for ADU Structures (Item 10)**
 - Specifies that ADU structures have a minimum street side yard setback of four feet or the base zone street side yard setback, whichever is less, to be consistent with state law.
- **Replacement Parking (Item 12)**
 - Adds uncovered parking spaces to the list of parking types that do not require replacement when removed to accommodate an ADU home.
- **JADU Home-Owner Occupancy Requirement Exemption (Item 13)**
 - Exempts governmental agencies, land trusts, and housing organizations from the JADU owner-occupancy requirement.

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

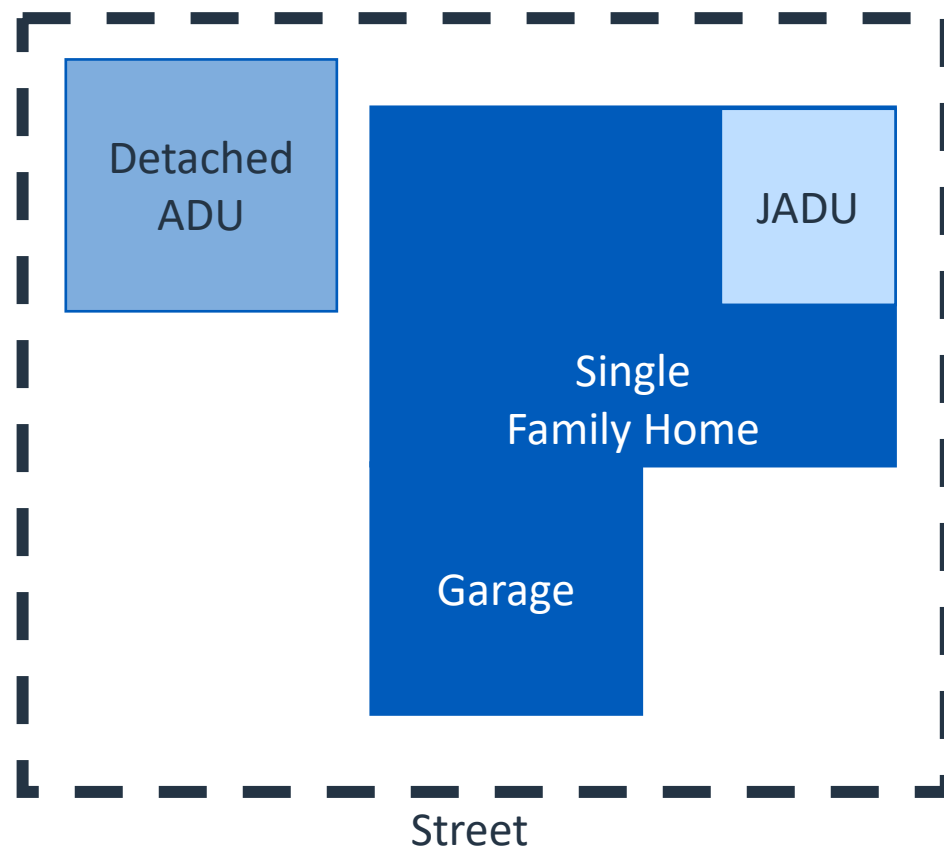
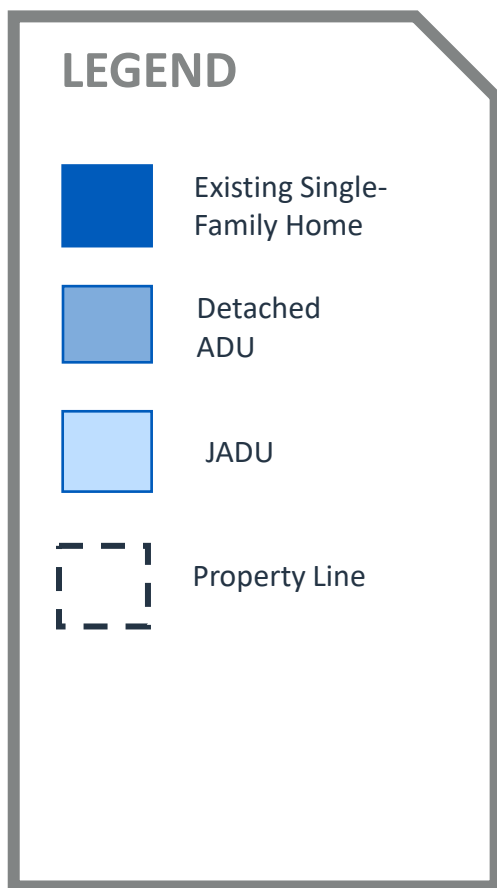
Current Issue

- HCD interprets Government Code Section 66323(a) to require local agencies to permit one JADU home, one converted ADU home, and one detached ADU home on a lot with an existing or proposed single family home.
- The City's regulations allow one ADU and one JADU in all Single Dwelling Unit Zones.

Proposed Amendment

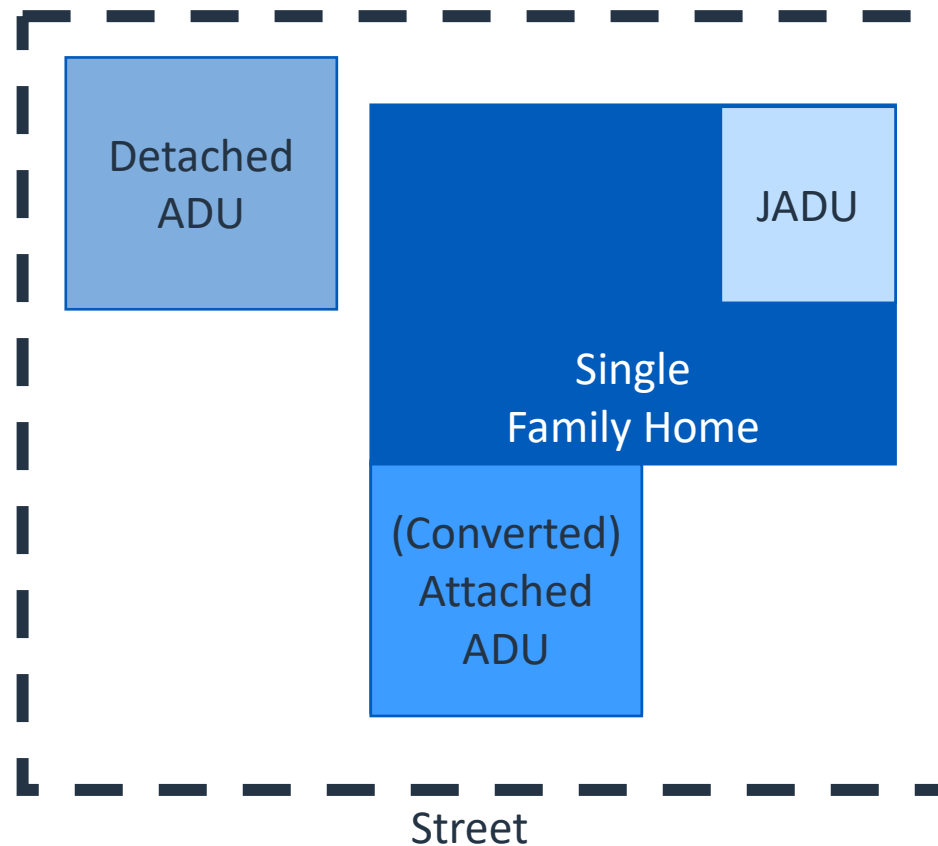
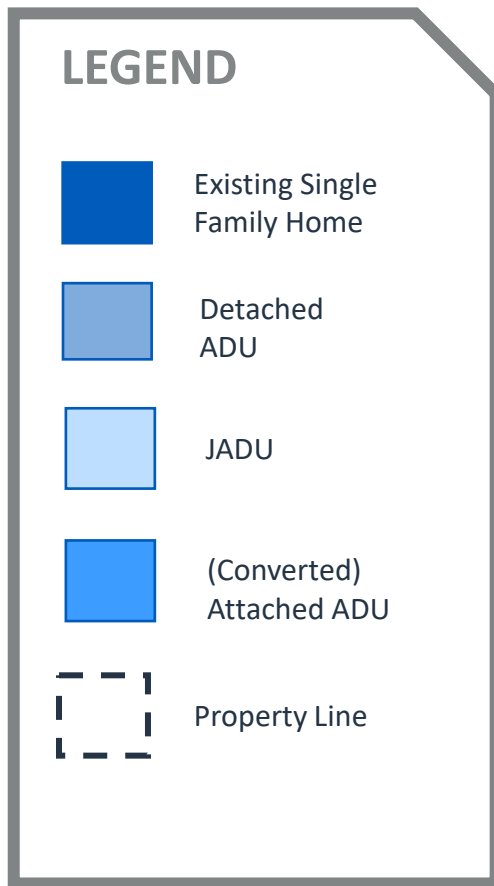
- Clarifies that one JADU home, one converted ADU home, and one detached ADU home may be permitted, on a lot with an existing or proposed single family home.

Number of Permitted ADUs with an Existing or Proposed Single Dwelling Unit (Item 6)



Current City Regulations

Number of Permitted ADUs with an Existing or Proposed Single Dwelling Unit (Item 6)



**Proposed
Amendment**

Tree Requirements (Item 7)

Current Issue

- Government Code Section 66323 prohibits a local agency from requiring any ADU development or design standard not mandated by state law.
- City has landscape requirements for ADUs.

Proposed Amendment

- Removes the ADU and JADU landscaping requirements for trees.
- 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)

City Regulations





- Existing or Proposed Multiple Dwelling Unit Structure
 - 2 attached or detached ADU homes
 - No limit to the number of converted ADU homes in non-livable spaces
 - Converted ADU homes in livable spaces, up to 25% of existing multiple dwelling unit structure (minimum one)

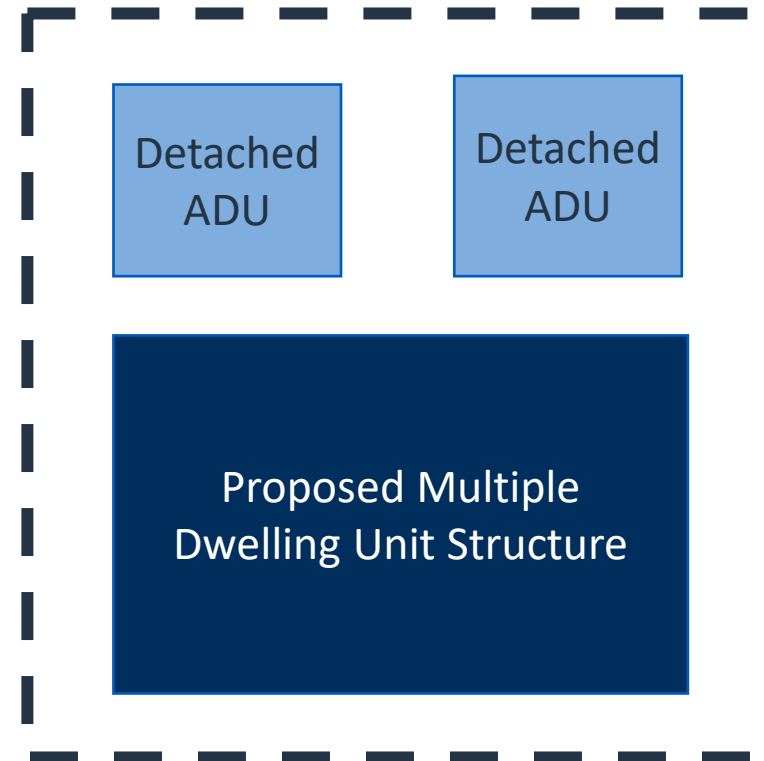
State Law

- Proposed Multiple Dwelling Unit Structure
 - 2 detached ADU homes
- Existing Multiple Dwelling Unit Structure
 - Up to 8 detached ADU homes
 - Converted ADU homes in non-livable spaces, up to 25% of existing multiple dwelling units (minimum one)
 - Total detached and converted ADU homes cannot exceed the number of existing multiple dwelling units.

Number of Permitted ADUs with Proposed Multiple Dwelling Unit Structure (Item 8)

LEGEND

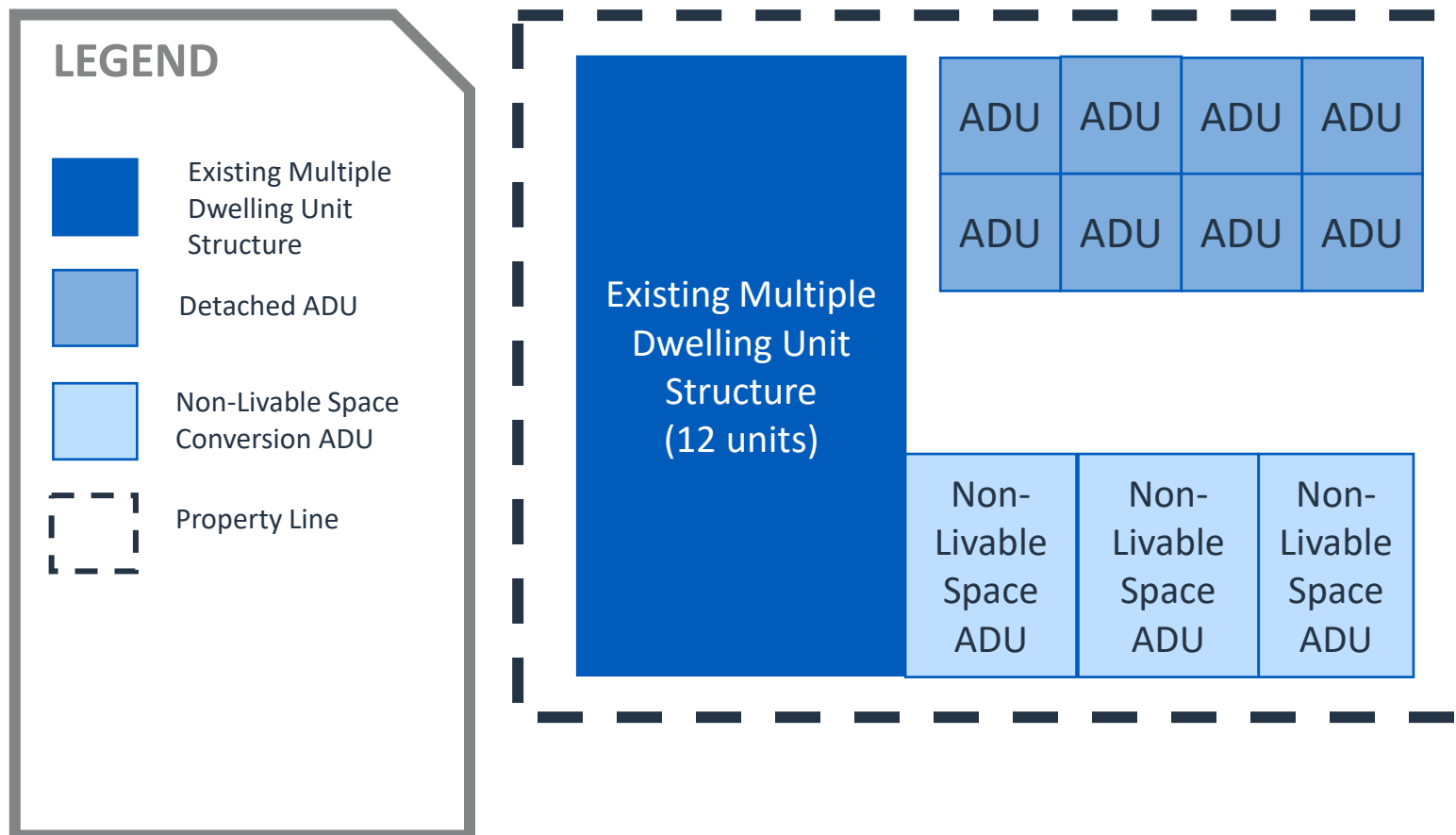
-  Proposed Multiple Dwelling Unit Home
-  Detached ADU
-  Non-Livable Space Conversion ADU
-  Property Line



Proposed Amendment

- 2 detached ADUs
- No livable space conversions
- No unlivable space conversions

Number of Permitted ADUs with an Existing Multiple Dwelling Unit Structure (Item 8)



Proposed Amendment

- 8 detached ADUs
- Non-livable space conversions: up to 25% of the existing number of units
- Total detached and converted ADU homes cannot exceed the number of existing multiple dwelling units.

Floor Area Ratio Maximums (Item 9)

Current Issue

- HCD has determined that state-required ADUs and JADUs allowed under Government Code Section 66323 are not subject to the floor area ratio (FAR) maximums of the underlying base zone.

Proposed Amendment

- Specifies that ADU and JADU homes permitted under state law are not subject to the FAR requirements of the underlying base zone.
- These ADU and JADU homes remain subject to applicable setback and height limits, which will continue to regulate the allowable development area.

Fire Safety Setbacks (Item 11)

Current Issue

- 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.

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 the necessary 5 feet of defensible space.
- Ensures authority for the Fire Code Official to require greater interior side or rear yard setbacks when necessary.

ADU Home Separate Sale or Conveyance (Item 23)

Current Issue

- 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.

Proposed Amendment

- Allows 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 financed by the San Diego Housing Commission or permitted under the ADU Home Density Bonus Program cannot be converted into condominiums or sold separately from the primary residence while the deed restriction is in effect.

ADU Home Density Bonus – Applicability (Item 14)

Current Issue

- The ADU Home Density Bonus Program currently applies in all zones that allow residential uses, including zones that allow very low-density development with larger minimum lot sizes.

Proposed Amendment

- Prohibits 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.

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)

Current Issue

- The ADU Home Density Bonus Program does not include specific regulations that address evacuation routes.

Proposed Amendment

- Requires 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.
- 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.

ADU Home Density Bonus – Development Scale (Item 16)

Current Issue


- ADU Home Density Bonus Program is intended to be appropriately scaled to the surrounding area.
- Unusually large lots or lots that contain undevelopable environmentally sensitive lands can lead to outlier results under the existing program.

Proposed Amendment

- On a lot with a single-family home that exceeds the minimum base zone lot size, the floor area ratio (FAR) calculation is capped at 10,000 square feet.
- On lots that only permit single-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 lands, using a maximum lot area of 10,000 square feet.
- On lots that allow for the development of multiple-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 lands.

ADU Home Density Bonus Development Scale (Item 16)

LEGEND

-  10,000 SF Lot
-  5,000 SF Environmentally Sensitive Land
-  5,000 SF Developable Area

FAR = 0.60




FAR Calculation = $(5,000 \times 0.60)$ **3,000 SF of
Development Allowed**



10,000 Square Feet - RS-1-7 Zone

ADU Home Density Bonus Development Scale (Item 16)

LEGEND

-  30,000 SF lot
-  30,000 SF
Developable Lot Area
-  10,000 SF
ADU Bonus Eligible

FAR = 0.55
FAR Calculation =
(10,000 x 0.55) **5,500 SF of
Development Allowed**



30,000 SF Lot - RS-1-7 Zone

ADU Home Density Bonus Development Scale (Item 16)

LEGEND

-  20,000 SF lot
-  5,000 SF Environmentally Sensitive Land
-  15,000 SF Developable Lot Area
-  10,000 SF ADU Bonus Eligible

FAR = 0.55

FAR Calculation =

(10,000 x 0.55) **5,500 SF of Development Allowed**



20,000 Square Feet Lot - RS-1-7 Zone

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

Current Issue

- The City does not expressly require fire sprinklers for multiple ADUs under the ADU Home Density Bonus Program.

Proposed Amendment

- 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)

Current Issue

- ADU Home Density Bonus Program currently does not require parking.

Proposed Amendment

- Require 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)

Current Issue

- The ADU Home Density Bonus Program requires a written agreement by the applicant and the San Diego Housing Commission for each permitted affordable ADU home, however, clarification is needed regarding the timeline for completing the agreement.

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 Requirement (Item 20)

Current Issue

- The ADU Home Density Bonus Program does not address the required size or bedroom mix for affordable or accessible ADU homes.

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)

Current Issue

- Affordable ADU homes rented in violation of the deed restriction are currently subject to penalties based on the amount overcharged, plus 10 percent interest.

Proposed Amendment

- 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)

Current Issue

- California Government Code Section 66324(c)(1) prohibits local agencies from imposing Development Impact Fees on ADU homes that are under 750 square feet.

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.
- All ADU Bonus Homes would be subject to either Citywide Development Impact Fees (where allowed by state law) or the ADU Home Density Bonus Community Enhancement Fee.

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

Current Issue

- The ADU Home Density Bonus allows for additional ADUs within the SDA.
- The SDA is a defined walking distance along a pedestrian path of travel to a major transit stop, which includes safe areas for pedestrians to walk, separated from vehicular travel, indicated by the presence of sidewalks.

Proposed Amendment

- Clarifies that the current definition of an SDA that requires a pedestrian path of travel must include a sidewalk to be considered a pedestrian path of travel.

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 accepted feedback through its website and continues to welcome feedback from community members and stakeholders through 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.

ADU and JADU Regulation Amendments Timeline



Recommendation

Recommend that the City Council approve an ordinance amending the ADU and JADU Regulations and the ADU Home Density Bonus Program.

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