

Proposed ADU Code Amendments

Land Use & Housing

May 15, 2025



Recommendations

- Mandated by the State: 1-13
- Proposed by the City:
 - Support: 14,17,19-24
 - Support with modifications: 11,15,16,18,25
- Unaddressed Planning Commission concerns
- Additional community proposals to improve program

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

We support Items 11 & 15 with caveats and modifications

11: Fire Safety Setbacks

15: Fire Zone and Evacuation Route Eligibility

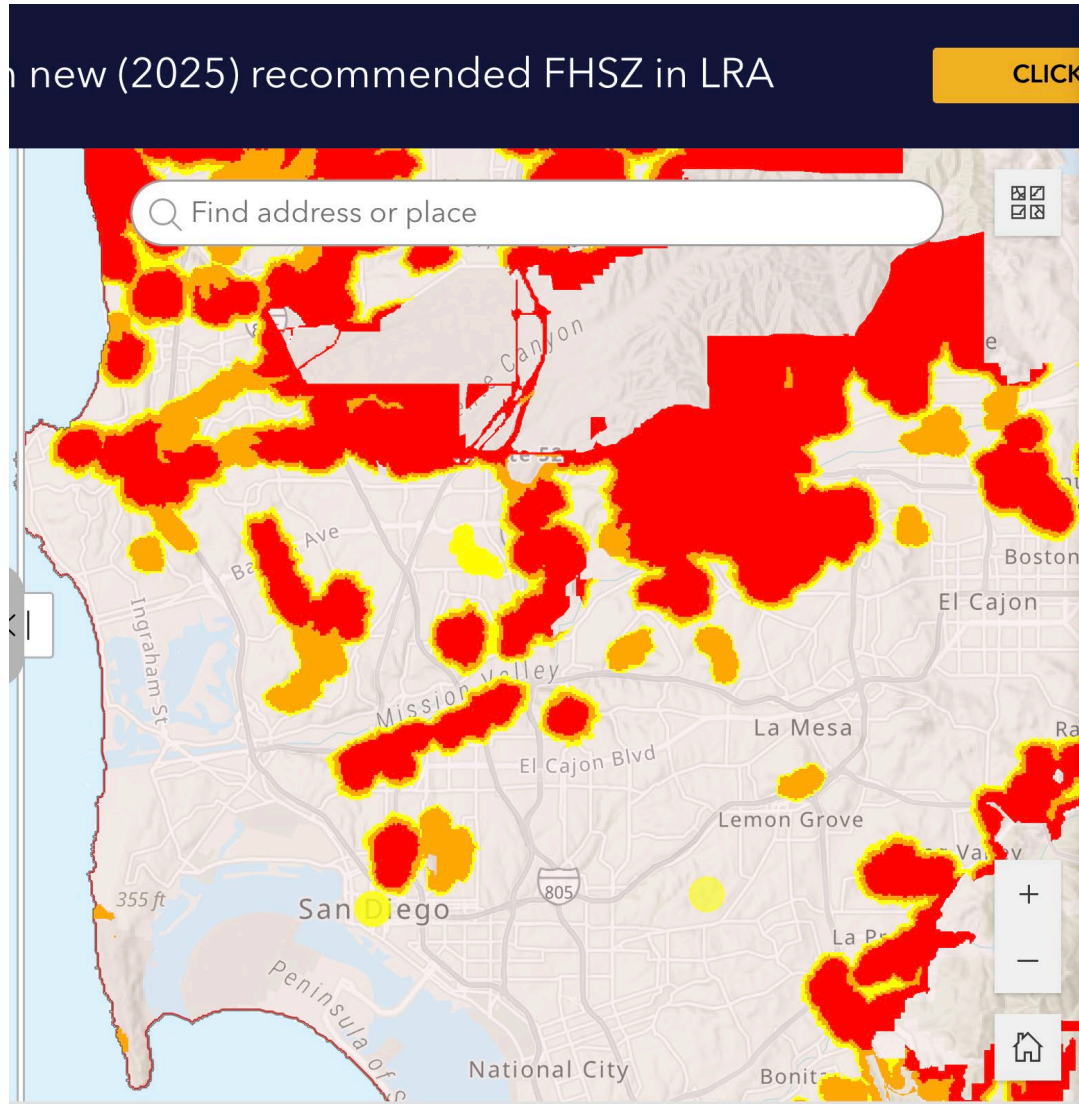
CAVEATS:

- Fire Marshal *must see the plans*
- Proposed San Diego 2025 CalFire Map eliminated almost 30,000 acres of VHFHSZs.

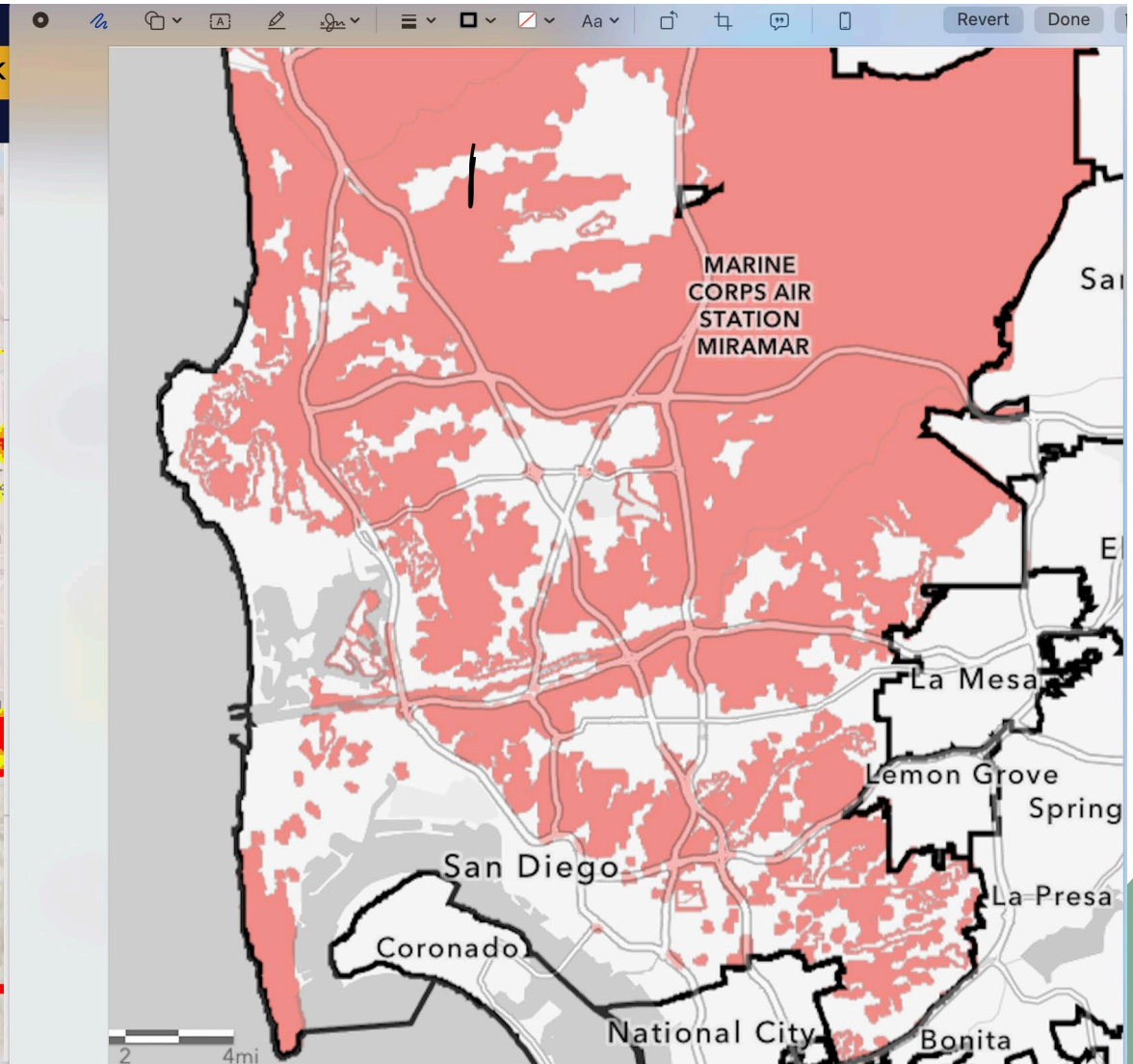
If City's map doesn't retain these VHFHSZs, Items 11 & 15 are much less meaningful, especially south of I-8 and in D2 & D7.

CALFIRE 2025 Map vs. Current SD VHFHSZ Map

San Diego still burns!



2025 CalFire



Current SD

15: Fire safety evacuation code supported by NFABSD & CPC

Make ineligible for the Bonus ADU Program *independently* **BOTH...**

- Parcels in high or very high fire hazard severity zones **AND**
- Parcels on cul-de-sacs or streets with single point on ingress / egress

Planning Department requires both.

Earthquakes create electric/gas fires unrelated to VHFHSZs. Single exit roads are already an evacuation risk without the added Bonus ADUs.

Note: 2 state ADUs per lot can still be built in both these areas

NFABSD supports Item 16 with modification

WE SUPPORT: Development Scale - Capping Bonus ADU-eligible RS zones at 8,000 sf and scaling FAR based on existing SDMC

REQUESTED MODIFICATION: Proposed code only modifies allowable development area (8,000 sf cap, environmentally sensitive lands) for RS-1-5, RS-1-6 & RS-1-7 zones.

- RS-1-12, RS-1-13 and RS-1-14 zones should be capped at 8,000 sf to treat all Bonus ADU-eligible parcels equally

Item 16 further modification

REQUESTED MODIFICATION: We have existing, **objective** Environmentally Sensitive Lands (ESL) code for Allowable Development Area (Chapter 14, Article 3, Division 1).

Apply it to §141.0302(d)(3)(A)(i) to be **consistent** with ADU tree requirements code:

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

NFABSD supports Item 18 with modifications

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

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

REQUESTED MODIFICATION: Replace **TPA** with language in CA 66322.

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

Note: TPA is used 3 times in ADU Code

NFABSD supports Item 25 with modifications

WE SUPPORT: 2-Story ADU limitation – Proposed code

- Only refers to detached ADUs
- Risks 2-story ADU built atop garage or beneath/atop guest quarters, creating a 3-story building

REQUESTED MODIFICATION:

A structure containing an ADU shall not exceed 2 stories, inclusive of any other attached structures.

Unaddressed Planning Commission Concerns

- **Reduce mass & scale of Bonus ADU Program – “guardrails” needed**
 - Still allows up to 10 units on single-family lots
 - 3/5 Commissioners supported cap of 4 units in RS zones
- **Questioned 0-foot setbacks**
- **3/5 Commissioners supported creating minimum size ADUs to promote family housing**
 - Minimum ADUs of 700-750 sf
 - 750 sf to ensure collectible DIFs

NFABSD supports further ADU code amendments

- Cap total housing units at **4 per single-family (RS) parcel**
 - *Eliminate the Calculation Chaos!*
- Remove differentiation between inside and outside SDA; adopt **outside** SDA code citywide
- Adopt state heights, stories and setbacks
- Consider other CPC proposals including sunseting Bonus ADU Program with 6th RHNA Cycle (2029)

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

Consistent with

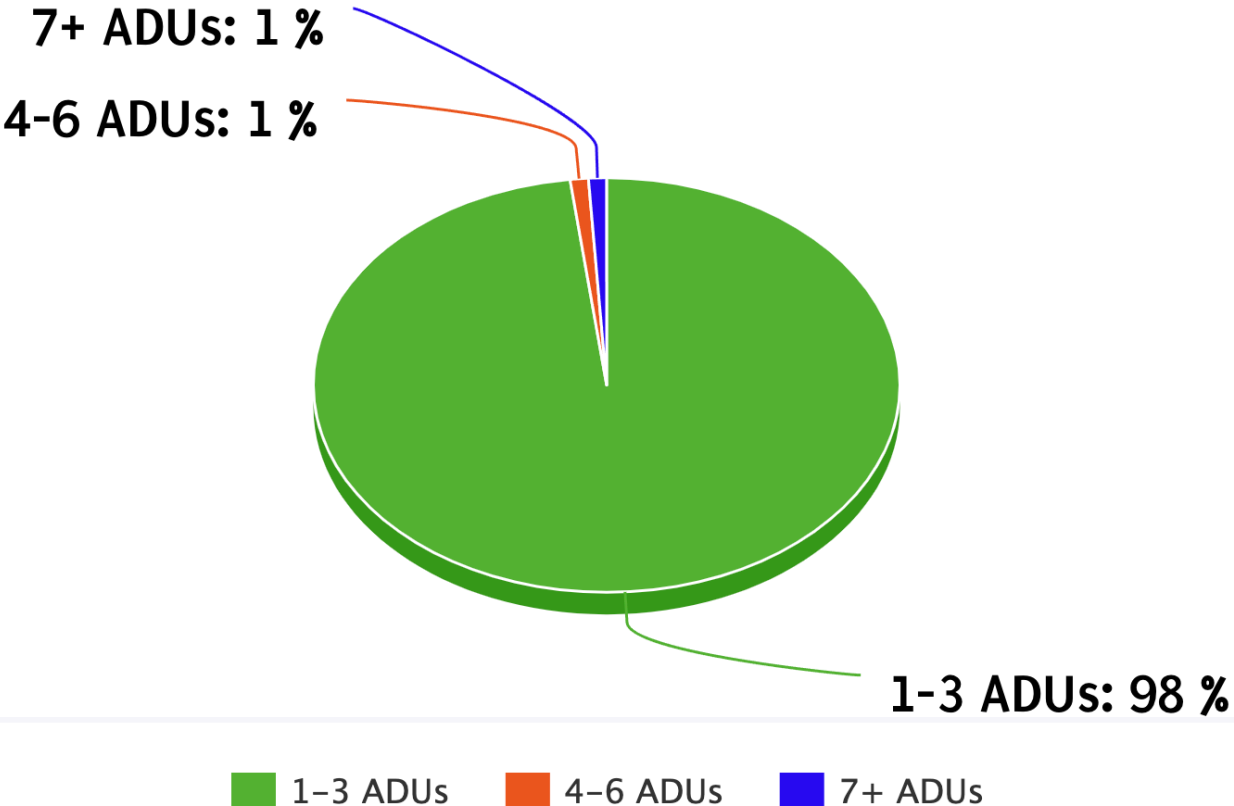
- HUD definition of single-family housing (*24 CFR Section 81.2*)
- SB 9 – “4 means 4”
- 4 DU definition for single-family city trash service eligibility

- Continues affordable housing production
- Allows absorbable gentle density
- Encourages family-sized ADUs
- Minimizes parking issues

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

98% of ADU projects already include 1-3 ADUs

Size of Permitted Bonus ADU Projects
2021-2024



Fewer units encourage larger units

London Moeder Advisors July 2022

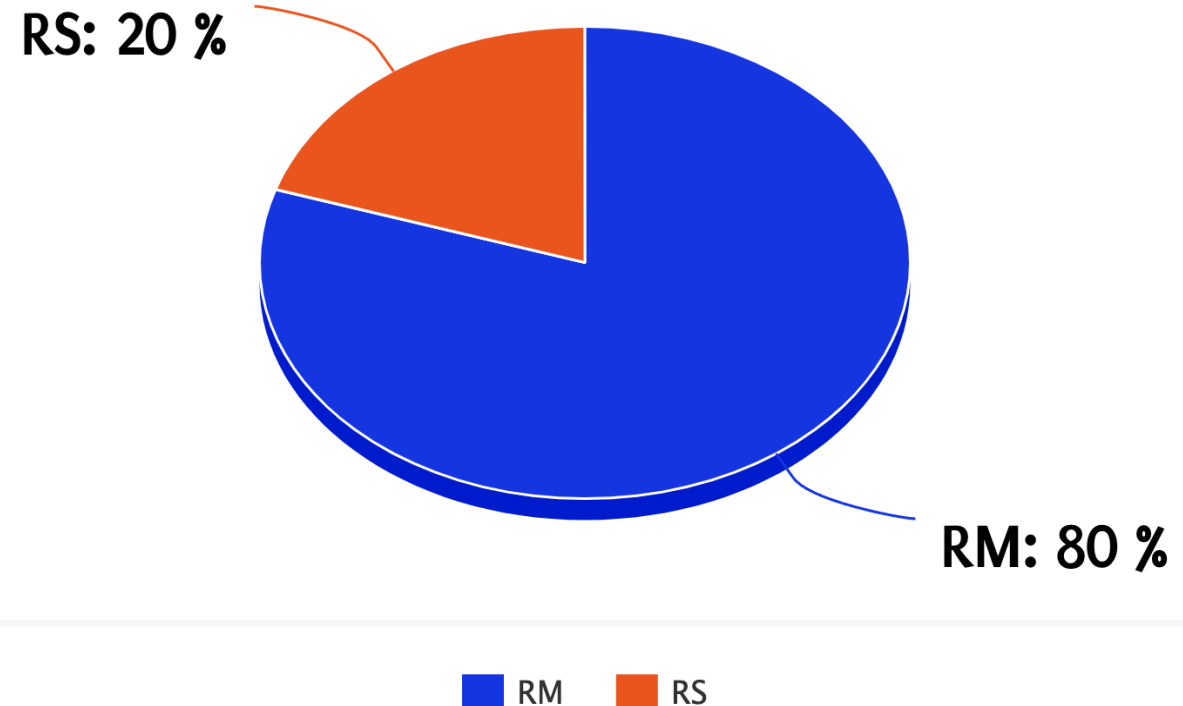
...if policy is going to assume that families will transition to multifamily units, then **100% of recent multifamily growth should have been units with multiple bedrooms. This is the housing crisis linkage that is ignored in today's environment and political landscape. It is also a driving force behind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

<https://londonmoeder.com/wp-content/uploads/2022/09/LMA-These-Arent-The-Homes-Were-Looking-For-July-2022.pdf>

Reducing Bonus Program in RS zones leaves plenty of ADU opportunities

% ADU Projects Permitted Through Bonus ADU Program
2021-2024

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



Equalize Bonus ADU Program inside & outside SDA (CPC)

Take **outside-the-SDA** Bonus ADU code and apply it citywide

- Provides certainty for projects
 - Avoids unpredictability of changing transit plans & CTCAC zones
- SDA is not transit-oriented development
 - Transit users walking shorter avg. distances to transit - 1/3 vs. 1/2 mile (2015/2023 SANDAG Onboard Studies)
 - SDA based on aspirational (2050) transit
- SDA is discriminatory – directs lower income housing to lower opportunity zones

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

- ***STORIES***: 2-story maximum – 5/1/25 Planning Commission recommendation
 - Adopt state-allowed objective design standards for 2-story ADUs
- ***HEIGHT***: 16-18 feet detached / 25 feet attached
 - More privacy for neighbors / less visible from street
 - Consistent with *gentle density* & *granny flat* concepts
- ***SETBACKS***: 4-foot side and rear setbacks for **all** heights
 - Some commissioners questioned 0-foot setbacks as an issue to reconsider
 - Greater access for fire safety
 - Avoids trespassing issues
 - NFABSD supports 5-foot + setbacks in fire zones

Proposed ADU amendments won't gut ADU program

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

No threat of Housing Element decertification

San Diego has discretion to revise Bonus ADU program:

Housing Element commitment to develop or redevelop nonvacant sites with lower income housing units IS being fulfilled:

- Expectation for **40** deed-restricted units per year
- Affordable ADUs in RM zones alone satisfy this goal (**49/yr**)

No threat of Housing Element decertification (cont.)

Complete Communities Housing Solutions (CCHS) averages **123 deed-restricted units/year (very low, low and moderate-income)**

- **These CCHS units are beyond our RHNA commitment**

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

Sunset Bonus ADU Program with 6th Housing Element Cycle

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

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

Neighbors For A Better San Diego recommends

- **Reducing the Bonus ADU Program in RS zones to 4 housing units citywide (1 Home, 1 State Converted, 1 State Detached, 1 City Bonus Deeded/ADA)**
- **Eliminating SDA distinction – equalizing ADU program across San Diego**
- **Adopting state ADU code for heights (16/18' detached & 25' attached), stories (max 2) and setbacks (4'/5'+ in HFHSZs)**

Our recommendations also address Planning Commission's issues:

bulk and scale, family-sized units, and 0-foot setbacks.

Thank you!

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