



May 14, 2025

To: Land Use & Housing Committee

Re: Planning Department Proposed Amendments to Accessory Dwelling Unit Regulations

Dear Council Members:

In advance of the [May 15, 2025 Land Use & Housing Committee's meeting](#) on San Diego's Accessory Dwelling Unit (ADU) regulations, the Planning Department has published a Staff Report detailing proposed changes to the Bonus ADU regulations.

It can't be overstated that the Planning Department is violating its March 4, 2025 promise to the Council and to the public that there would be public workshops prior to submitting changes to the Planning Commission. A more fulsome public review process would have allowed discussion and refinement of the Planning Department's proposed amendments, as well as provide input on areas that have not been addressed in the Staff Report and matrix of code amendments.

In addition to the recommendations we make below in response to the Staff Report, Neighbors For A Better San Diego (NFABSD) supports the Community Planners Committee's (CPC) additional recommended changes, which are summarized [HERE](#).

Neighbors For A Better San Diego outlines our key proposals for alternative amendments to San Diego's ADU code in the first attachment.

In the second attachment we provide specific responses to the Planning Department's proposed amendments. Our detailed responses are outlined first in a matrix. Items requiring more extensive comments follow with lengthier explanations. Finally, there is a chart explaining how many units the Planning Department's proposed ADU code would allow on San Diego's single-family lots.

Respectfully,

Danna Givot, Vice Chair
Neighbors For A Better San Diego

Attachments:

Attachment 1. Neighbors For A Better San Diego (NFABSD) Recommended ADU Code Amendments

Attachment 2. Neighbors For A Better San Diego (NFABSD) Responses to Proposed Amendments to the Bonus ADU Program

Attachment 3. Expanded Planning Department Table 7 Including State-Mandated ADUs

ATTACHMENT 1. NEIGHBORS FOR A BETTER SAN DIEGO (NFABSD) RECOMMENDED ADU CODE AMENDMENTS

In addition to the specific responses to the Planning Department's proposed 25 amendments, which are detailed in Attachment 2, Neighbors For A Better San Diego supports the [recommendations](#) of the Community Planners Committee. These key recommendations are highlighted in this attachment:

RECOMMENDATION 1: Cap housing units for the Bonus ADU Program at 4 per single-family (RS) parcel

RECOMMENDATION 2: Equalize the Bonus ADU Program inside & outside Sustainable Development Areas (SDA)

RECOMMENDATION 3: Adopt state code for ADU height, stories and setbacks

Before detailing these recommendations, it is important to anticipate and rebut the primary objections to the above recommendations:

NFABSD's proposed ADU amendments won't gut San Diego's ADU program

Ninety-eight percent (98%) of San Diego's ADU projects permit 1-3 ADUs, so a cap of 4 housing units per single-family lot (3 ADUs and the primary home) won't impact those projects. The state has recently granted an additional by-right market-rate ADU per single-family (RS) parcel, which will allow increased ADU production. The state is also expanding ADU opportunities in multifamily (RM) zones. Finally, the City is considering allowing ADUs to be sold as condos (AB 1033), which should spur ADU building and create more for-sale housing, which is a win-win situation.

There is no threat of Housing Element decertification if the Bonus ADU Program is amended in RS zones.

San Diego has the discretion to revise its Bonus ADU program because its Housing Element commitment to develop or redevelop non-vacant sites with lower income housing units is currently being fulfilled. The commitment made to HCD was for 40 deed-restricted units per year. The affordable ADUs currently being permitted in the RM zones alone satisfy this goal (average 49 units/year).

Furthermore, the Housing Element didn't include deed-restricted housing commitments for the Complete Communities Housing Solutions (CCHS) program. The CCHS program provides deed-restricted very low, low and moderate-income units (average 123 units/year) on non-vacant parcels in San Diego that were not anticipated and committed to in the 2021-2029 Housing Element.

Further, the Housing Crisis Act of 2019 (SB 330) does not prevent amending the Bonus ADU Program, as opt-in density bonus programs like the Bonus ADU initiative are not considered zoning changes.

RECOMMENDATION 1: Cap housing units for the Bonus ADU Program at 4 per single-family (RS) parcel

NFABSD, as does the Community Planners Committee (CPC) proposes that the number of total housing units per single-family parcel be limited citywide as follows:

- 1 primary Dwelling Unit
- 2 state “by-right” market-rate ADUs (1 detached / 1 converted from existing space)
- 1 deed-restricted or accessible Bonus ADU

Capping total housing units to 4 per single-family parcel is consistent with HUD’s definition of single-family housing (24 CFR Section 81.2), with SB 9 (“4 means 4”), and with San Diego’s definition of single-family housing for trash collection.

Allowing one Bonus ADU on every single-family parcel in the city will continue deed-restricted housing production, facilitate absorbable “gentle density” and minimize the parking issues residents are experiencing today.

98% of current ADU projects are 1-3 ADUs (Planning Department Report PC-25-016 4/24/25), so this recommendation will not dramatically impact ADU production.

Fewer ADUs will encourage larger units, which will accommodate families. London Moeder Advisors has informed the city that production of family housing is where San Diego should be focusing its planning efforts:

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.

London Moeder Advisors 7/2022

RECOMMENDATION 2: Equalize the Bonus ADU Program inside & outside Sustainable Development Areas (SDA)

Implicit in the first recommendation to adopt a single set of regulations citywide is that San Diego should take the Bonus ADU code that applies to areas outside the SDA and apply it areas inside the SDA as well. This would provide certainty for projects and avoid the ever-changing transit plans and CTCAC opportunity classifications that make the SDA a moving target. It is also consistent with the four housing units per single-family parcel in the recommendation above.

At a mile or more walking distance from transit, the SDA is not producing transit-oriented development. SANDAG’s 2023 Onboard Passenger Survey indicated that while on average passengers walked 1/2 mile to transit in 2015, in 2023 on average they were walking less than 1/3 mile (.31 miles). So now, ADU residents farther from transit are even less likely to take the bus or trolley versus 10 years ago. Finally, the SDA is based on aspirational, future transit

included in SANDAG's 2050 Regional Plan, which includes bus and trolley stops, plans and schedules that are often unfunded and may never be funded.

RECOMMENDATION 3: Adopt state code for ADU height, stories and setbacks

- **HEIGHT:** 16-18 feet detached / 25 feet attached

State height limits will allow residents privacy and minimize visibility from the street. This will be consistent with the concepts of "granny flats" and "gentle density" and maximize compatibility with the surrounding neighborhoods.

- **STORIES:** 2-story maximum

Limiting ADUs to 2 stories as recommended by the Planning Commission on May 1, 2025, will maximize privacy for neighboring properties and make ADUs less visible from the street. The city can also adopt the state-allowed objective design standards to optimize compatibility with the surrounding community.

The Staff Report has added an Item 25 to address this issue. It is important that this code be drafted such that it includes the total number of stories containing the ADU, not just the ADU itself. For example, adding a two-story ADU above a garage for three total stories should not be permitted.

- **SETBACKS:** 4-foot side and rear setbacks for ADUs of all heights

Several Planning Commissioners questioned the 0-foot ADU setbacks as an issue that merits reconsideration. NFABSD supports eliminating the 0-foot setbacks and reverting to the state-allowed 4-foot setbacks for ADUs of all heights. Four-foot setbacks will enhance safety and avoid trespassing issues. We also support the Planning Department's recommendation for 5-foot or greater setbacks in fire hazard areas, which will further enhance resident and community safety and access for first responders.

ATTACHMENT 2. NEIGHBORS FOR A BETTER SAN DIEGO (NFABSD) RESPONSES TO PROPOSED AMENDMENTS TO THE BONUS ADU PROGRAM

NFABSD has studied the 25 recommendations in the May 9 Staff Report to Land Use & Housing and offers the responses below.

Items 1-13 are being proposed to conform with recently enacted state laws and code interpretation by the Department of Housing and Community Development (HCD).

Items 14-25 are changes to the Bonus ADU program and other ADU changes.

May 9, 2025, Staff Report Proposed Accessory Dwelling Unit (ADU) Amendments

Item	Title (5-9-25 Staff Report)	NFABSD Response
1	ADU Home Minimum and Maximum Size	Compliance with State law
2	ADU and JADU Zoning	Compliance with State law
3	Fire Sprinkler Requirements	Compliance with State law
4	Converted ADU and JADU Homes within the Coastal Overlay Zone	Compliance with State law
5	JADU Home Rental Terms	<p>This amendment is being proposed to comply with State law. However, NFABSD questions whether State law prohibits limiting the rental period for JADUs to 30 consecutive days or more, as asserted by HCD.</p> <p><i>NFABSD has reached out separately to HCD for clarification.</i></p> <p><i>See p.13 for further details.</i></p>
6	Number of Permitted ADU and JADU Homes with an Existing or Proposed Single Dwelling Unit	Compliance with State law

Item	Title (5-9-25 Staff Report)	NFABSD Response
7	Tree Requirements	<p>The tree requirement has been reinstated for Bonus ADUs.</p> <p>NFABSD supports this amendment.</p> <p>NFABSD further recommends that the objective definition of Allowable Development Area referenced in the tree requirement code also be used to determine Allowable Development Area in proposed amendment Item 16.</p>
8	Number of Permitted ADU Homes with an Existing or Proposed Multiple Dwelling Unit Structure	<p>The Planning Department is proposing these changes as required to comply with State law.</p> <p>NFABSD believes that the Planning Department is incorrectly applying the 25% cap to the conversion of non-habitable space instead of applying the 25% cap to conversion of habitable space, as specified in State law.</p> <p><i>NFABSD has separately requested clarification from HCD.</i></p> <p><i>See p.13 for further details.</i></p>
9	Floor Area Ratio Maximums	<p>This amendment is being proposed to comply with State law. HCD indicates that ADUs and JADUs allowed under 66323 are not limited by FAR. Bonus ADUs are limited by FAR as interpreted by the Planning Department.</p> <p>NFABSD recommends adding “state-mandated ADU” as noted in caps below to clarify the code.</p> <p style="padding-left: 40px;">The <i>gross floor area</i> of a STATE-MANDATED ADU shall not be included in the <i>floor area ratio</i> for the <i>premises</i>, except that it shall be included if the <i>premises</i> includes bonus ADU development as set forth in Section 141.0302(d).</p>
10	Side Yard Setbacks for ADU Structures	Compliance with State law
11	Fire Safety Setbacks	<p>NFABSD supports this amendment. However, San Diego must be more mindful of fire risk than the scattershot approach in the 2025 CalFire map, which especially ignores risks in low opportunity neighborhoods south of I-8.</p> <p>Please see extended comments on p. 14 detailing:</p> <p>1) the need to eliminate the Bonus ADU Program in either High Fire Hazard Severity Zones or on roads with single ingress/egress points without requiring both and</p> <p>2) issues of exacerbating risks by adding multiple ADUs to already narrow roads.</p>

Item	Title (5-9-25 Staff Report)	NFABSD Response
12	Replacement Parking	Compliance with State law
13	JADU Homeowner Occupancy Requirement Exemption	Compliance with State law. Note that this extends a benefit to investors that was previously only available to homeowners.
14	ADU Home Density Bonus - Applicability	<p>NFABSD supports this amendment, while recommending that a better approach would be to eliminate the unlimited SDA bonus allowances and adopt the code for parcels outside the SDA (maximum of three ADUs) as a citywide regulation.</p> <p>The Staff Report exaggerates the significance of this amendment. Acreage doesn't equate to actual projects. As noted in Staff Report, only 2 Bonus ADU projects (6 ADUs) were permitted in the affected zones 2021-2024.</p>
15	ADU Home Density Bonus - Evacuation Routes	<p>This is an improvement over previous code. However, NFABSD recommends that the Bonus ADU program be constrained in both High Fire Hazard Severity Zones OR roads with single ingress/egress points rather than just parcels where BOTH conditions apply.</p> <p>San Diego must be more mindful of fire risk than the scattershot approach in the 2025 Cal Fire map, which especially ignores risks in low opportunity neighborhoods south of I-8.</p> <p>Please see extended comments on page 14 regarding:</p> <ol style="list-style-type: none"> 1) the need to eliminate the Bonus ADU Program in either High Fire Hazard Severity Zones or on roads with single ingress/egress points without requiring both and 2) issues of exacerbating risks by adding multiple ADUs to already narrow roads.

Item	Title (5-9-25 Staff Report)	NFABSD Response
16	ADU Home Density Bonus - Development Scale	<p>NFABSD supports amending the code to clarify that the FAR allowance for ADU developments is limited on applicable properties to the Allowable Development Area. However, rather than using the existing applicable code, §141.0302 (d)(3)(A)(i) leaves determination of Environmentally Sensitive Lands (ESL) to subjective judgement. In the interests of simplicity and consistency, it should be tied to SDMC for ESL (Chapter 14, Article 3, Division 1) as the Bonus ADU tree requirement code is.</p> <p>The jumble of ideas in this amendment shows just how defective the revision process has been and why it was so important to have public workshops and other steps that would have allowed the revisions to be fully considered and elaborated.</p> <p>The simplest solution remains the best – NFABSD continues to advocate for adopting the regulations outside the SDA (three ADUs per single-family premises) as a single set of regulations for the entire City, eliminating the SDA distinction.</p> <p>If this recommendation is not accepted, we recommend 1) limiting the allowable development area to the minimum lot size for the zone and 2) including all six Bonus ADU-eligible zones in the floor area ratio adjustments §141.0302 (d)(3)(A)(iii). This requires adding RS-1-12, RS-1-13 and RS-1-14 to the aforementioned code.</p> <p><i>See p.14 for further details.</i></p>
17	ADU Home Density Bonus - Required Automatic Fire Sprinkler System	NFABSD supports this amendment.

Item	Title (5-9-25 Staff Report)	NFABSD Response
18	ADU Home Density Bonus - Parking	<p>The code should clarify that one parking space is required for each ADU permitted under the Bonus ADU Program.</p> <p>The Planning Department is proposing this amendment as allowed by State law. However, the State ADU Parking code (66322) specifies a one-half mile walking distance requirement and not the Transit Priority Area (TPA). Why is the City re-introducing the TPA with all the same problematic cases where people would have to walk up to three miles to get to a major transit stop across a freeway or canyon?</p> <p>Because State law has a different definition of qualifying transit, it may apply to areas that are outside of San Diego's TPA and therefore will result in SDMC being out of compliance with State law.</p> <p>Please note that the TPA is referred to in three places in the proposed ADU code (pgs. 17, 18 and 32).</p> <p><i>See p.16 for further details.</i></p>
19	ADU Home Density Bonus - Deed Restriction Agreement for Affordable ADU Homes	NFABSD supports this amendment.
20	ADU Home Density Bonus - Affordable ADU Home and Accessible ADU Home Requirements	NFABSD supports this amendment, which codifies unit comparability requirements of the affordable/accessible ADUs versus market rate.
21	ADU Home Density Bonus - Compliance	<p>NFABSD supports this amendment but requests that Development Services and the Housing Commission release data on non-compliance.</p> <p>NFABSD also recommends that the penalties be deposited into the Affordable Housing Fund administered by the San Diego Housing Commission, which is also where inclusionary housing in lieu fees go.</p>

Item	Title (5-9-25 Staff Report)	NFABSD Response
22	ADU Home Density Bonus - Community Enhancement Fee	<p>NFABSD supports this amendment, which would provide infrastructure revenue to support additional units.</p> <p>Because state regulations only apply to state-mandated ADUs, San Diego has the discretion to impose fees on opt-in programs, such as the Bonus ADU program.</p>
23	ADU Home Separate Sale or Conveyance	<p>NFABSD supports for-sale ADUs in conjunction with restrictions on number of units.</p> <p>That this amendment needed to be pulled from the ADU code update is an example of why San Diego should be hewing to State law rather than branching off to uses, such as the Bonus ADU program, that were not envisioned by the State Legislature.</p>
24	Sustainable Development Area (SDA) – Definition Clarification	<p>NFABSD supports this amendment, which clarifies that the requirements of the Street Manual apply to the pedestrian path of travel definition of SDAs. (At the March 4 meeting, Planning Director Vonblum confirmed that the sidewalk requirement applies to current projects.)</p> <p>While NFABSD is supportive of making ADU regulations clearer, a better approach would be to remove the SDA distinction altogether, which would provide much needed certainty to both homeowners and ADU developers.</p> <p>Aside from the pedestrian path issue addressed in this amendment, the SDA is even more legally flawed because numerous stops don't meet other legal requirements of major transit stops.</p>

Item	Title (5-9-25 Staff Report)	NFABSD Response
25	Two-Story Height Limit	<p>NFABSD supports restricting ADUs to two stories as recommended by the Planning Commission. However, the proposed Code is problematic. It only refers to detached ADUs and doesn't address some potential pitfalls.</p> <p><i>(7) Height. Detached ADU structures shall not exceed two stories and the overall maximum structure height of the underlying base zone.</i></p> <p>Proposed alternative code:</p> <p><i>A structure containing an ADU shall not exceed 2 stories, inclusive of any other attached structures.</i></p> <p>The proposed code avoids the case of a 2-story ADU being built atop a 1-story garage or guest quarters, as recently happened in University Heights. It also avoids a situation where a 2-story ADU is topped off with another unit (e.g., guest quarters) making the entire structure 3 stories.</p> <p>NFABSD continues to request that height limits for ADUs be reduced to those allowed by the state. Doing so would minimize privacy concerns and visibility from neighboring properties and the street, making good on the Mayor's stated intention of maximizing compatibility with the neighborhoods.</p> <p><i>See p.17 for further details.</i></p>

Acronym Glossary

ADU - Accessory Dwelling Unit

JADU - Junior Accessory Dwelling Unit

HCD - State Department of Housing and Community Development. Specifically refers to the comments of HCD in Attachment 3 of the Staff Report

FAR - Floor Area Ratio. FAR is calculated as the ratio of the square footage of development (structures) to the area of the lot. The allowed maximum FAR of development on a lot depends on the size of the lot.

RS Zones - Residential Single-Family. Even though every "single-family" property in San Diego is allowed at least 4 dwelling units, there are still distinctions in development regulations between single-family and multi-family zoned properties. The most prevalent type of RS zoning in San Diego is RS-1-7, with a minimum lot size of 5,000 square feet.

DSD - Developments Services Department. For ministerial projects, such as Bonus ADU developments, DSD has the sole authority to approve projects. There is no mechanism for appealing ministerial (Process 1) decisions.

DETAILED RESPONSES TO SPECIFIC ITEMS IN PLANNING DEPARTMENT'S PACKAGE FOR MAY 1, 2025, PLANNING COMMISSION HEARING

ITEM 5: JADU Home Rental Terms

It is unclear whether HCD's comments cited in the Staff Report are intended to disallow a prohibition on short-term rentals of Junior Accessory Dwellings or just clarify that state law is mute on the issue. NFABSD requests further clarification because it is important that ADUs and JADUs are not exploited to create short-term rental motels.

Regardless of the disposition of JADU Home Rental Terms, San Diego should continue to require long term occupancy of the remaining units (the primary home and the other accessory dwelling units).

ITEM 8: Number of Permitted ADU Homes with an Existing or Proposed Multiple Dwelling Unit Structure

Draft code language warrants further examination. We believe the Planning Department is incorrectly applying the 25% cap to conversion of non-habitable space instead of applying the 25% cap to habitable space. (66323 (a)(3)(A) and (a)(3)(B)). Below is state code followed by SDMC.

CA 66323(a) Notwithstanding Sections 66314 to 66322, inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

(3)

(A) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures **that are not used as livable space**, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

(B) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shall allow up to **25 percent of the existing multifamily dwelling units**.

SDMC §141.0302 (b)(3)(A) The maximum number of *ADUs* that may be permitted within the existing non-livable space of an existing *multiple dwelling unit structure* shall not exceed 25 percent of the total number of *multiple dwelling units* in the *structure*. The minimum number of *ADUs* that may be permitted within the non-livable space of the existing *structure* is one. For example, non-livable space includes, but is not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages; and

Habitable space conversion to ADUs is not addressed in the City's code.

ITEM 11 Fire Safety Setbacks and ITEM 15 ADU Home Density Bonus - Evacuation Routes

NFABSD and the Community Planners Committee (CPC) have recommended that areas in High or Very High Fire Hazard Severity Zones and, separately, areas served by cul-de-sacs or streets with single points of ingress/egress be ineligible for the Bonus ADU Program because both circumstances can be hazardous to human life. The Planning Department is recommending that only those areas subject to **both** of these circumstances be ineligible for the Bonus ADU Program.

Further, these two fire safety items are only as good as the Fire Maps that the City of San Diego adopts. Therefore, these items come with two caveats:

- The Fire Marshal *must see the plans*. The ministerial process must include a mandatory review by the Fire Marshal of all projects in a High or Very High Fire Hazard Severity Zone (VHFHSZ)
- The proposed San Diego 2025 CalFire Map eliminated almost 30,000 acres of VHFHSZs. If the City's map doesn't retain these highly flammable areas, Items 11 and 15 are significantly less meaningful, especially south of I-8 and in D2 and D7.

Consideration has not been given to street widths as it relates to fire equipment access and evacuation. The Fire Department (FPB A-14-1 Fire Access Roadways) requires 20 feet of unobstructed width on existing streets. While these street conditions have been grandfathered in for existing homes, there is a legal question of whether **new ADU developments** should be allowed on these narrow roads. For example, a new ADU project at 4602 Shoshoni, at the end of a cul-de-sac in a VHFHSZ in Clairemont, has only 16' 9" clearance between parked cars. Still, a bonus ADU project with 11 ADUs was recently permitted on this narrow road, which doesn't meet the fire safety standard.

ITEM 16: ADU Home Density Bonus - Development Scale

Corrections required:

- 1) *There are two different tables labeled Table 6 (p.7 and p. 13).*
- 2) *The 7,000 sf calculation in Table 7 (p.13) is wrong. The Developable Area should be 4,060 sf and the Potential ADU Development Area should be 3,060 sf. The Potential ADU Home Development would therefore be 6.*

NFABSD continues to support allowing only one deed-restricted Bonus ADU on every parcel across the City, eliminating the SDA distinction and radically simplifying the ADU code and program.

If this recommendation is not accepted, we recommend

- 1) Limiting the allowable development area in RS zones to the minimum prescribed lot size for the zone and
- 2) Including all six Bonus ADU-eligible zones in the floor area ratio adjustments code (§141.0302 (d)(3)(A)(iii)). This requires adding RS-1-12, RS-1-13 and RS-1-14 to this code.

§141.0302 (d)(3)(A)(i) leaves determination of Environmentally Sensitive Lands (ESL) to subjective judgement. In the interests of simplicity and consistency, it should be tied to the objective SDMC for ESL (Chapter 14, Article 3, Division 1) like the Bonus ADU tree requirement code (§141.0302 (d)(7)) is.

Increase minimum unit size to provide family housing

The Planning Department did not provide an option to address the Planning Commission's explicit request for a recommendation for a minimum ADU size to produce family-sized ADUs. On May 1, three of five Planning Commissioners expressed support for limiting the minimum square footage of Bonus ADUs to 700 or 750 square feet (sf). They suggested that this would provide the much needed family-sized housing in single-family neighborhoods and, if set at 750 sf, these ADUs would definitely allow the development impact fees needed to bolster San Diego's infrastructure.

The Planning Department's proposed 475 sf minimum ADU size for the Bonus ADUs is close to what developers are building now, contributing to the problems of increasingly large numbers of ADUs on single-family lots (with individual projects ranging from 40 to over 100 ADUs). Perhaps not coincidentally, 475 sf is 25 sf below the 500 sf that the Planning Department is proposing for ADUs to avoid triggering the parking requirement outside 1/2 mile walking distance from public transit (or the inappropriately referenced "TPA" in the proposed city ADU code). Similarly, AB 1154, working its way through the legislature, is also written so that ADUs 500 sf or less would not trigger parking requirements. This new parking requirement threshold will create a regulatory incentive to continue production of ADUs 500 sf or less, working against the creation of family-sized units, which London Moeder Advisors have documented as sorely needed in San Diego.

Proposed AB 1154 Code:

66322(a) A local agency shall not impose any parking standards for an accessory dwelling unit in any of the following instances:

(7) The accessory dwelling unit is 500 square feet or smaller.

For these reasons, NFABSD would request that the minimum size for Bonus ADUs would be 510 sf or larger, preferably family sized. We are unaware of any research or reason to believe that residents of smaller ADUs do not own or need cars, and please recall that these ADUs would be more than 1/2 mile walking distance from public transit.

Other ADU minimum size options

Options 1/1a/1b decrease the minimum ADU size to 400 or 350 sf, which is moving in the wrong direction from the base proposal, increasing the number of units possible on a single-family lot.

Option 2 is a not actually a hard cap based on lot size/allowable developable area as noted by footnote 3: *The total number of ADU homes may vary slightly depending on the actual sizes of the state allowed ADU homes*. Further, Table 9 does not accurately reflect the total number of ADUs permitted under both local regulations and state code.

We recreated Table 7 based on the same parameters as Table 9, but included the state-mandated converted (SC) and detached (SD) ADUs. The number of units on a single-family lot are not “capped” as noted in Table 9. Please see Attachment 3, where the total number of housing units per single-family lot is indicated in red in the far right column and the total number of possible detached ADUs, included those mandated by the state are color coded in blue.

As mentioned in our earlier recommendations, we propose a hard cap of 3 on the number of ADUs allowed on a single-family parcel, meaning the total number of ADUs on a parcel regardless of the size of the parcel. When you add in the primary home, that brings the total number of housing units to 4. Four dwelling units on a single-family zoned parcel is consistent with HUD’s definition of single family housing and San Diego’s own parameters for those parcels which they consider eligible for their single-family trash disposal services. Ninety-eight percent (98%) of ADU project permits in San Diego from 2021 through 2024 did not exceed 1-3 ADUs. Please refer to our earlier recommendations for more details on this citywide proposal.

Option 3 changes the FAR for ADUs to be different from the FAR for the house and zone. This seems extremely convoluted and hard to administer relative to other options. Historically, comments from the Planning Commission, Development Services, the development community and the public have favored simpler and less complex regulations, not more complex code with additional variables and moving parts.

ITEM 18: ADU Home Density Bonus – Parking

We support requiring on-site parking beyond a specified distance from public transit, however, the language for defining that distance must be refined to reflect state ADU code related to parking. The state doesn’t use the TPA in its ADU parking code and therefore we shouldn’t either.

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

We request replacing the TPA with the language in CA 66322, such as:

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.

ITEM 25: Two-Story Height Limit

The proposed Code is problematic. It only refers to detached ADUs and doesn't address some potential pitfalls.

(7) Height. Detached ADU structures shall not exceed two stories and the overall maximum structure height of the underlying base zone.

Proposed alternative code:

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

The proposed code avoids the case of a 2-story ADU being built atop a 1-story garage or guest quarters, as recently happened in University Heights. It also avoids a situation where a 2-story ADU is topped off with another unit (e.g., guest quarters) making the entire structure 3 stories.

NFABSD continues to request that height limits for ADUs be reduced to those allowed by the state (16-18 feet for detached ADUs and 25 feet for attached ADUs). Doing so would minimize privacy concerns and visibility from neighboring properties and the street, making good on the Mayor's stated intention of maximizing compatibility with the neighborhoods.

ATTACHMENT 3. EXPANDED PLANNING DEPARTMENT TABLE 7 INCLUDING STATE-MANDATED ADUS

This attachment breaks down Table 7 of the May 9 Planning Department Staff Report. Neighbors For A Better San Diego's analysis is based on the Planning Department's Chart with the following modifications:

- Numbers for 7,000 sf developable area
- 300 sf carved out of 1,000 sq ft primary home as state allowed ADU from converted space allowing the 700 sf minimum primary home size established in the city's proposed May 9 ADU code.
- Remaining square footage on 8000, 7000 and 6000 sf lots is used to create an additional state detached ADU, which has a minimum size of 150 sq ft. The remaining sq ft are 235, 210 and 165 respectively – enough for a legal studio in each case.

Revised Table 7 Potential ADU Units on an RS-1-7 Zoned Lot Assumes 8,000 Square Foot (sq ft) Lot Maximum; 475 sq ft Minimum ADU; 700 sq ft Minimum House						Total Potential Housing Units Including House (H), 2 State ADUs (SC, SD) + City Bonus ADUs (CB)
Lot Size	FAR¹	Developable Area	Primary Home²	Potential ADU Development Area	Potential # ADUs³	Total Housing Units On Single-Family Lot
8,000 sf or more	.57	4,560 sq ft	1000 sq ft	3,560 sq ft	7.49 ⁴	1 H + 7CB + 1SC + 1SD = 10
7,000 sf	.58	4,060 sq ft	1000 sq ft	3,060 sq ft	6.44 ⁵	1H + 6CB + 1SC + 1SD = 9
6,000 sf	.59	3,540 sq ft	1000 sq ft	2,540 sq ft	5.35 ⁶	1H + 5CB + 1SC + 1SD = 8
5,000 sf	.60	3,000 sq ft	1000 sq ft	2,000 sq ft	4.21	1H + 3CB + 1SC + 1SD = 6

¹ FAR for RS-1-5, RS-1-6 and RS-1-7 is calculated based on the lot area as shown on Table 131 - 04J in the Municipal Code.

² 1,000 square feet for the primary home is an assumption used for calculation purposes only. This allows 300 sf to be carved out for a state allowed ADU converted from existing space while maintaining the 700 sf minimum for the primary home minimum established in the proposed May 9, 2025, ADU amended code.

³ Potential ADU home development includes the *detached* ADU homes permitted by state law, which may be developed by right based on an average ADU home size. *An ADU within the existing home or garage converted from existing space would constitute an additional ADU on these lots (SC = State Converted ADU).* The total number of ADU homes may vary slightly depending on the actual sizes of the state allowed ADU homes. This analysis uses an ADU home size of 475 square feet for each City Bonus (CB) ADU home.

⁴235 sq ft remain available for an 8th state allowed detached (SD) ADU + 7 City allowed Bonus ADUs (CB) + 1 converted from existing space in primary house (SC) = 9 ADUs plus primary home = 10 housing units.

⁵210 sq ft remain available for a 7th state allowed detached ADU (SD), bringing the total potential ADUs on this parcel + 6 City allowed Bonus ADUs (CB) + 1 converted from existing space in primary house (SC) = 8 ADUs plus primary home = 9 housing units.

⁶165 sq ft remain available for a 6th state allowed detached ADU (SD) + 5 City allowed Bonus ADUs (CB) + 1 converted from existing space in existing house (SC) = 7 ADUs plus primary home = 8 housing units.

Legend:

H – House

SC – State ADU Converted from existing space (in these cases, carved from existing house or attached garage)

SD – State allowed Detached ADU (in these cases using extra square footage less than 475 sf minimum size required for City ADUs)

CB – City bonus ADUs (minimum size of 475 square feet applied to all per City's Table 7)