



The City of



Planning Department

FACT SHEET

Accessory Dwelling Units

Background Summary

Accessory Dwelling Units (ADU) are independent residential dwelling units located on the same lot as a single-family home. These units can be attached to an existing home or garage, or stand-alone structures. They are created by converting existing areas of a home or built as an addition to the existing structure or property. ADUs have the potential to increase housing affordability (both for homeowners and tenants) by creating a wider range of housing options within the community, enabling seniors to stay near family as they age, and facilitating better use of the existing housing fabric in established neighborhoods.

The City of San Diego received feedback expressing concern regarding the City's ADU and Junior Accessory Dwelling Unit (JADU) regulations, which were significantly updated in 2017-2018, amended in 2019, and further updated with the adoption of the 2020 Housing Legislation Code Update Package last year. The City would like to provide clarifications regarding the content of the City's regulations and the requirements of California State ADU and JADU laws, and this fact sheet is intended to explain those clarifications in detail.

The ADU and JADU regulations adopted as part of the 2020 Housing Legislation Code Update received a full and transparent hearing process (as documented in Enclosures 1, 2 and 3), with public engagement, detailed staff presentations, public testimony, and discussion; support from the Community Planners Committee; and unanimous votes from the Planning Commission, the City Council's Land Use & Housing Committee and the City Council. The City stands behind this process and the City's new regulations for ADUs and JADUs, which reduce the cost of homeownership for property owners and can be a valuable source of naturally affordable housing, senior housing, student housing, generational housing, and now with the City's ADU bonus program, deed-restricted affordable housing.

How Does State Law Affect the City of San Diego's ADU Regulations?

State ADU law (Government Code Section [65852.2](#)) and State JADU law (Government Code Section [65852.22](#)) establish the minimum requirements which a local jurisdiction must implement regarding ADUs and JADUs. Local jurisdictions may exceed the minimum requirements and adapt them to local conditions to meet the intent of the State ADU law to facilitate the construction of ADUs. The State ADU Law also requires the California Department of Housing and Community Development (HCD) to review local changes to ensure that local regulations comply with State ADU and JADU laws.





Were the City's ADU Regulations Adopted in a Full Public Process?

Yes. The City was transparent throughout the process for the 2017-2018 and 2019 Companion Unit and Junior Unit regulation amendments and the 2020 Housing Legislation Code Update, detailing the requirements of State ADU and JADU law, how the City complied with the requirements, and where and how the City adapted or modified the requirements as allowed by State law. This is detailed in the [report](#) and [presentation](#) (55:53 mark) to the Planning Commission on Aug. 27, 2020, the [report](#) and [presentation](#) (2:20:30 mark) to the [Land Use and Housing](#) (LU&H) committee of the City Council on Sept. 17, 2020, and in the [report](#) and [presentation](#) (3:09:20 mark) to the [City Council](#) on Oct. 13, 2020.

The 2020 Housing Legislation Code Update received a full staff presentation, public comment, discussion and vote at the Community Planners Committee, Planning Commission, LU&H and City Council, which can be viewed at the links above. The only consent agenda action was for the second reading of the ordinance, which is common for second readings following presentation, discussion and adoption at the first hearing. This occurs with nearly all ordinances and is especially common when the ordinance passed unanimously at the first reading, as was the case here.

Are the City's ADU Regulations Allowing More ADUs than Required by State Law?

The "base" number of ADUs allowed for single-family and multi-family development is consistent with the minimum required by State law. The City's "Affordable ADU Bonus" program was created in response to AB 671, which mandates local jurisdictions to incentivize the construction of affordable ADUs without any specific direction or parameters as to how that should be accomplished. The Affordable ADU Bonus program allows for the construction of one unrestricted ADU for every affordable ADU deed-restricted for 15 years. Outside of Transit Priority Areas (TPAs), projects would be limited to one additional unrestricted ADU. Within TPAs, the number of additional ADUs does not have a specific limit. In all instances, the number of bonus ADUs would be physically limited by FAR, lot coverage, and height requirements. This means that, aside from setbacks, the ultimate building mass allowed would be no different than what a single dwelling unit or multi-family structure could build on the lot, depending on whether the ADU is located in a single-family or multi-family zone. The primary difference is the number of housing units provided.

Did the State of California Review the City's 2020 ADU Legislation?

Yes. HCD is required to review local ADU and JADU ordinances for consistency with the state regulations. HCD reviewed the City's local implementation of AB 671 for compliance with State law. The City's Affordable ADU Bonus program not only implements AB 671, but the City's [Housing Element](#) as well. The Housing Element provides the framework for how the City will meet its Regional Housing Needs Assessment (RHNA) goal of 108,036 new housing units over the next 8 years, 64,179 of which must be affordable to moderate- or lower-income households. Policy HE-C.7 of the Housing Element requires the City to "Incentivize the provision of ADUs that are covenant-restricted for very low, low, and moderate-income households." The City's Affordable ADU Bonus program fulfills this policy direction.

The information regarding the City's Affordable ADU Bonus program and its impetus was presented clearly and transparently to the City Council on page 5 of the [report](#) to City Council under the heading "Affordable ADU Incentives" and in the [staff presentation](#) at the 3:19:12 mark.





Did the City's 2020 Legislation Increase the Allowable Building Heights for ADUs?

No. Building height for ADUs and JADUs did not change in the 2020 Housing Legislation Code Update. The 2017-2018 amendments to the Companion Unit and Junior Unit regulations allowed ADUs and JADUs (formerly referred to as companion units and junior units) to comply with the same height limit as the base zone in which it is located. This was consistent with State law, which required local jurisdictions to allow a minimum of 16 feet in building height for ADUs and JADUs. The City's 2020 Housing Legislation Code Update continued requiring ADUs and JADUs to comply with the same base zone height that the primary structure is subject to. This provided consistency with prior local allowances and avoided the creation of non-conforming structures by changing the regulations to be more restrictive than they were previously.

Did the City's 2020 Legislation Eliminate Building Setbacks for ADUs?

No. Prior to the 2020 Housing Legislation Code Update, the City allowed ADUs and JADUs to encroach into the side and rear yard setbacks up to the property line for 30 feet of building length. The City's 2020 Housing Legislation Code Update continued that policy, expanding it to apply to the entire length of the building. This has been consistent with State law, which prohibits jurisdictions from requiring a side and rear yard setback of more than four feet for ADUs and JADUs. This further facilitated the construction of ADUs while preserving front yard setbacks and existing structures; and provided consistency with prior local allowances, thereby avoiding the creation of non-conforming structures by changing the regulations to be more restrictive than they were previously.

Do the City's ADU Regulations Allow Front Yards to Convert to Parking Lots?

No. Front yards cannot be turned into parking lots as a result of the City's ADU and JADU regulations, as the City's [maximum paving regulations](#) (SDMC 131.0447), [landscape regulations](#), and safe and accessible parking regulations apply to premises with ADUs and JADUs.

Did the City's 2020 Legislation Eliminate the Development Impact Fees (DIFs) for ADUs?

No. The application of DIF to ADUs and JADUs did not change with the 2020 Housing Legislation Code Update. Before the 2020 Housing Legislation Code Update in 2018, the City waived DIFs for all ADUs and JADUs to encourage their construction. State law prohibits jurisdictions from imposing impact fees for ADUs and JADUs less than 750 square feet in size. The City's ADU regulations meet the intent of the State ADU law to facilitate the construction of ADUs, and the City's 2020 Housing Legislation Code Update continued that policy, which provided consistency with prior local allowances.

Can the City's ADU Regulations be Amended?

Yes, but any proposed changes will require HCD review to determine consistency with State ADU law and its intent to incentivize ADU construction. The City has an annual program to update the Land Development Code to adjust programs and policies as may be required as implementation occurs, or as new State legislation is passed. The Planning Department is always open to considering new ideas for code changes. Proposals for items to be included in the yearly Land Development Code update can be submitted annually between December and April through an [online portal](#) on the Planning Department website.





Where can I Find More Information about the City's ADU Regulations?

This fact sheet can be found at the [City of San Diego Development Services Department website](#), which includes documents and resources related to the City's ADU and JADU regulations including relevant code sections, an info bulletin, and a description of submittal requirements.

Enclosures:

1. Links to the 2017-2018 "Amendments to the Land Development Code and Local Coastal Program to Modify the Companion Unit Regulations and Add Junior Units":
 - a. [Planning Commission Agenda of May 25, 2017](#)
 - b. [Planning Commission Minutes of May 25, 2017](#)
 - c. [Report to Planning Commission](#)
 - d. [Staff Presentation to the Planning Commission](#)
 - e. [Smart Growth and Land Use Docket of June 14, 2017](#)
 - f. [Smart Growth and Land Use Actions of June 14, 2017](#)
 - g. [Report to Smart Growth and Land Use](#) (see docket for attachments)
 - h. [Staff Presentation to Smart Growth and Land Use](#) (1:13:10 mark)
 - i. [City Council Docket of July 24, 2017](#)
 - j. [City Council Minutes of July 24, 2017](#)
 - k. [Report to City Council](#) (see docket for attachments)
 - l. [Staff Presentation to the City Council](#) (3:29:08 mark)

2. Links to the 12th Update to the Land Development Code, Phase 1 (2019):
 - a. [Planning Commission Agenda of May 9, 2019](#)
 - b. [Planning Commission Minutes of May 9, 2019](#)
 - c. [Report to Planning Commission](#)
 - d. [Staff Presentation to the Planning Commission](#) (1:29:25 mark)
 - e. [Land Use and Housing Committee Docket of June 12, 2019](#)
 - f. [Land Use and Housing Committee Actions of June 12, 2019](#)
 - g. [Report to Land Use and Housing Committee](#) (see docket for attachments)
 - h. [Staff Presentation to Land Use and Housing Committee](#) (2:16:56 mark)
 - i. [City Council Docket of July 23, 2019](#)
 - j. [City Council Minutes of July 23, 2019](#)
 - k. [Report to City Council](#) (see docket for attachments)
 - l. [Staff Presentation to the City Council](#) (1:11:10 mark)

3. Links to the 2020 Housing Legislation Code Update:
 - a. [Planning Commission Agenda of August 27, 2020](#)
 - b. [Planning Commission Minutes of August 27, 2020](#)
 - c. [Report to the Planning Commission](#)
 - d. [Staff Presentation to the Planning Commission](#) (55:53 Mark)



- e. [Land Use and Housing Committee Docket of September 17, 2020](#)
- f. [Land Use and Housing Actions of September 17, 2020](#)
- g. [Report to the Land Use & Housing Committee](#) (see docket for attachments)
- h. [Staff Presentation to the Land Use & Housing Committee](#) (2:20:30 mark)
- i. [City Council Docket of October 13, 2020](#)
- j. [City Council Minutes of October 13, 2020](#)
- k. [Report to the City Council](#) (see docket for attachments)
- l. [Staff Presentation to the City Council](#) (3:09:20 mark)