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To San Diego City Council

When setting out to provide recommendations for changes to the Bonus Accessory Dwelling Unit (ADU) Program the Community Planners Committee (CPC) followed three guiding principals: adhere to state law, treat all development applicants equally, and find a way to address the lag in affordable housing at the lower end of the Area Median Income (AMI) scale.

To follow the first guiding principal, the City and the State should be held at their word and to the reasoning for increased density. SB 9 is the overriding state legislation for single family lots (RS zone), which allows for lots to be split. Pairing this with the state ADU regulations every RS zoned lot can have a primary residence, an ADU, a Junior ADU (JADU), and a bonus ADU. Thus the CPC has come up with a "4 means 4" proposal. This is the simplest way of adhering to state law, while clarifying what the max density in RS zones is.

There are many good arguments in favor of capping density in RS zones at four.

- At the City level, four is the dividing line between having trash services provided or having the option to contract out.

- At the federal level, four is the dividing line HUD uses to qualify a property as single family or multi family.

- Financing regulations change when you go from four housing units to five housing units.

With **"4 means 4"** as our starting point, the CPC recommends allowing for one bonus ADU in any and all RS zones. The CPC also recommends that this bonus ADU be deeded affordable. Considering every Councilmember agrees the City is in a housing crisis, particularly a low income and missing middle housing crisis, more needs to be done to fill this gap.

According to the San Diego Housing Commission, there is a deficit of around 92,000 housing units for very low and extremely low (<50% AMI and <30% AMI respectively) income residents, while there is a surplus of housing units for low income and moderate income (<80% AMI and <120% AMI respectively). To fix this, **the affordability tier assigned to the bonus ADU should be tied to the CTAC zone rating. Meaning that areas that are the highest resourced should have the most affordable units (<30% AMI) while the lowest resourced areas should have their bonus ADU affordability set at 80-120% AMI**. This will stop the packing of neighborhoods with one type of housing, and to a degree address the under building of low income affordable units.

Additionally, it is concerning that the deed restrictions on Bonus ADUs are not the same as other deed restricted housing. **To treat all development applicants equally, and simplify the code the deed restrictions on ADUs should be brought in line with the rest of the City deed restrictions, which is 55 years**.

Since the City's Bonus ADU program has been passed, the state has increased the number of allowable ADUs in multi family zones (RM Zones). As of now, you can build one market rate ADU for every dwelling unit on the lot up to eight (8) ADUs. If you only have one dwelling unit on the lot you are still allowed your two (2) ADUs. Therefore the city has room to scale back the Bonus ADU program in RM zones.

The CPC intention is to to keep this proposal simple: two (2) affordable Bonus ADUs are allowed on any RM lots. Additionally, the CPC believes the same affordability standards be

applied to the RM zones that we are requesting in the RS zones, i.e. the most affordable units go into the highest resourced areas.

Finally, we have **four recommendations that should apply across both the RS and RM Bonus ADU programs**.

First, state law strictly forbids ADUs from being rented for less than 31 days, but it is a gaping loophole to allow someone to build an ADU move into that and rent their primary residence out on STR platforms. This loophole needs to be closed for the good of San Diego's housing supply. **The CPC recommends that any dwelling unit on a lot that has built bonus or state ADUs have >31 day rental restrictions placed on it**.

Second, to ensure residents are not parking over a quarter mile away from their homes, **one parking space per ADU should be required outside of a Transit Priority Area (TPA)**. As we know, TPAs do not always have an active high quality public transportation route, they can just have a planned route. Under the current ordinance, affordable ADUs would become market rate ADUs before those transportation routes will be provided. In the meantime it is necessary to maintain an off-street parking stock. Any development inside a TPA will still have no parking requirements.

Third, **the CPC requests that setbacks and height limits be reverted to the state standard**. One of the biggest complaints from neighbors is the zero setback and towering ADUs being built adjacent to their back yards, taking away any privacy. This will also help ensure a new development blends into the neighborhoods which will lead to less complaints about ADUs.

Fourth, to addresses safety concerns around evacuations **the Bonus ADU program should not apply in Very High Fire Hazard Severity zones or streets where there is a single egress** (e.g. cul-de-sacs)

The members of the CPC are looking forward to the robust debate that will come with the public discussions starting with the Planning Commission on May 1st. We will see you there!

Sincerely,

Andrea Schlageter
Chair, Community Planners Committee.

*Matrices of the proposed changes for the RS and RM zones can be found by scrolling down.

RS/RX Zoning Proposal	CPC Recommendation	Existing Rules/Interpretations
Sunset Clause	Sunset program with Housing Element (2029)	None - Permanent
Density		
Qty/Lot	**4 Maximum (regardless of SDA)** 1 primary + 2 state market rate units + 1 bonus (affordable) 1. 4 = SB9's "4 means 4" 2. 4 is the dividing line between SF and MF for many regulations (HUD) 3. 4 divides City trash service from contracting out 4. 4 is under coastal inclusionary regs limit 5. Financing regulations differ between 4 and 5.	**(in SDA)** (house + 1-2 state ADUs) + (unlimited bonus pairs) = ∞ units + JADU **(outside SDA)** (house + 1-2 state ADUs) + (2 Bonus ADUs) = 4-5 total units + JADU
Qty/Lot (lot size based)	Support City proposal, however other CPC proposals mostly moot this regulation.	**(in SDA)** City proposing total ban on bonus ADUs in zones with a lot minimum of > 10k
FAR	Support City proposal for Environmentally Sensitive Lands	All FAR in Base Zoning is usable - except on Open Space/ESL
Zones	RS-1-1 through RS-1-14 Zones RX Zones	City proposal only exempts: RS-1-1, RS-1-2, RS-1-3, RS-1-4, RS-1-8, RS-1-9, RS-1-10, RS-1-11
Scale		
Height	16-18 ft detached; 25 ft attached; All ADUs follow state height rule.	30 ft for both state and bonus ADUs
Stories	2 (both story & height limit apply)	No restriction
Square Ft	1200 max – 150 min	1200 max – 150 min
Setbacks (Rear/Side)	4 ft side/rear setback. No change to street side yard setbacks.	0 ft; or 4 ft when above 16 ft ht/2 stories and abuts residential property. Must comply with required street side yard setbacks.
Brush Mgmt Setback	No Comment	5 ft brush management setback proposed by city (AB1379?)
Exterior Space		
Private Exterior Space	Require private exterior space similar to RM zones with 4 units or less	Currently not required in RS zones, yet is a requirement for RM zones. (see §131.0455 for RM rules for fewer than 4 units)
Common Open Space	Limit RS lots to 4 units or less, so common open space rules don't apply.	Currently not required in RS zones, yet is a requirement for RM zones. (see §131.0456 for RM rules for greater than 4 units)
Parking Regulations	Support recommendation for 1 parking space per unit outside of ½ mile from any transit, as opposed to high quality transit. While parking can't be required for the state ADUs per state law, inside the ½ mile walking distance Transit Parking Standards zone, within RS zones, require parking for the *single* City Bonus ADU.	0 spaces **(in SDA)** / 0 spaces **(outside SDA)** – (state allows 1 space > ½ mile walk to any transit, not just high-quality transit)
SDA Size	SDA no longer applies	1 mile walking distance
Compliant Pedx Path	SDA no longer applies	Yes – **(in SDA)**
SDA Transit Program	SDA no longer applies	**RTP** Long Term 2050 Plan (uses 2035 Subset, but 2035 is not funded)

VHFHSZ (Fire Zones)	No bonus ADUs in VHFHSZs, and all cul de sacs and loops with single point of ingress/egress.	State law recommends 'other safety improvements' for > 30 units PRC §4290.5
Affordability		
Deed Length	55 years	15 Years – (10 yrs)
Income (AMI %)	To Affirmatively Further Fair Housing - Bonus Unit AMI by CTCAC zone: Highest – up to 30% AMI High – up to 60% AMI Moderate – up to 80% AMI Low – up to 110% AMI	110% Moderate – (other current limits 60%, 50%)
STVR	Do not allow parcels with a/any Bonus ADU to rent out <u>any</u> units, including primary house, for less than 31 days.	ADU can't be STVR'd, but main house is allowed to STVR. No net gain in housing supply.
Individual Sale	Support staff proposal	Currently only charities – State/City proposing to allow individual sale
DIFs		
State Units (2)	No Change/No Comment	DIF can apply when > 750 sf (but City has no DIF so as to = local SB9 rules)
City Bonus Units (1)	No Change/No Comment	DIF can apply when > 750 sf / proposing "Opt-in Fee" in lieu of DIF

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RM Zoning Proposal	CPC Recommendation	Existing Rules/Interpretations
Sunset Clause		None - Permanent
Density		
Qty/Lot	**See attached document for 3 proposals for consideration by CPC.** All City Bonus Units would be 100% deeded affordable and follow the same rules proposed for the RS Zones.	**Unlimited Bonus in an SDA** **One Bonus ADU outside an SDA** (SB1211) State law now allows a minimum of 2 ADUs or 1 ADU for every existing unit on the lot, up to 8. Also, up to 25% of an existing dwelling unit structure can be converted to an ADU. All uninhabitable space may be converted to an ADU regardless of quantity.
FAR	Support City proposal for Environmentally Sensitive Lands	All FAR in Base Zoning is usable - except on Open Space/ESL Minimum FAR is 1.25
Height	Follow municipal code	Municipal code
Exterior Space		
Private Exterior Space	Require private exterior space as required by RM code.	See §131.0455 for RM rules.
Common Open Space	Require common open space when there are 4 units or more.	See §131.0456 for RM rules for greater than 4 units.
Parking Regulations	Support recommendation for 1 parking space outside of ½ mile from any transit	**0 spaces (in SDA) / 0 spaces (outside SDA)** – (state allows 1 space > ½ mile walk to any transit, not just high-quality transit)
STVR	Do not allow parcels with a/any Bonus ADU to rent out <u>any</u> units for less than 31 days.	ADU can't be STVR'd, but main house is allowed to STVR
Individual Sale	Support staff proposal	Currently only charities – State/City proposing to allow individual sale
DIFs		
	Charge DIF for all units greater than 750	DIF can apply when > 750 sf
	Support opt-in fee	Opt-in Fee when using the Bonus ADU program > 750 sf