Peninsula Community Planning Board
1220 Rosecrans Street PMB 549
San Diego, CA 92106
pcpbsd@gmail.com

Date: May 4th, 2025 (DRAFT)

To: Mayor Gloria, Council President La Cava and City Councilmembers

Subject: Support Recommendations from CPC on Revisions to the Bonus ADU Program

Dear Mayor Gloria and City Councilmembers:

The Peninsula Community Planning Board (PCPB) is submitting this letter on behalf of the Peninsula Community which uniformly opposes the abuse of the Accessory Dwelling Unit (ADU) Density Bonus program. We ask that the Council and City administration adopt the proposals put forth by the Communities Planning Committee (CPC) in the letter provided from Andrea Schlageter dated April 25, 2025 as they apply to all single-family zoned parcels, including RS-1-5, RS-1-6, and RS-1-7. We also request that the majority of the revisions to the ADU and Bonus ADU program be processed through a full code update process, so that the public has proper opportunity to provide feedback on the proposed code revisions. We acknowledge a subset of revisions, namely removal of RS- zones that have minimum lots sizes greater 10,000 sq ft must be processed on a shorter timeframe but the majority of changes being proposed could be processed through a full code update process. We reiterate our support of the ADU code revisions proposed by CPC, and we highlight here some measures in the proposal that we highly support including:

1) Sunsetting the entire Bonus ADU program in all RS-1-, RM-1- and RM-2- zones at the end of the current HCD Housing Element cycle, which is scheduled to end in April 2029, and returning the ADU/JADU program being aligned with state law. The Bonus ADU program was introduced without proper community input and is predatory and detrimental to neighborhoods. A key reason given by the City Councilmembers in the March 4, 2025 meeting for not repealing the program on all RS-1-zoned parcels was concerns with loosing state approval of the City's Housing Element. Hence, by sunsetting the program at the end of the Housing Element cycle will preclude that risk.
2) Not allowing short term vacation rentals on any parcel that has an ADU built on it. While the current city code and state law forbids ADUs from being rented for less than 31 days, the loophole that allows the primary dwelling unit to be rented is problematic. Greater than 8% of the housing units in the 92107 zip code on the Peninsula are currently being rented as full time short term rentals. This is removal of housing supply is driving up rental prices in the area are is not addressing the housing crisis that the Bonus ADU Program claims to be addressing. Therefore we support the CPC recommendation to require that any lot that has built a bonus or state-allowed ADU must have a >31 day rental restriction placed on it.
3) Setbacks and height limits should be reverted to the state standard. Zero setbacks and ADU towers in backyards take away privacy and preclude ADU projects from blending into established neighborhoods.

The Peninsula Community Planning Board has also reviewed the proposals put forth by the City to the Planning Commission on April 25, 2025 and we strongly oppose the following proposed changes:

1) Allowing the rental of JADUs for rental terms of less than 31 days. The primary justification for the blanket allowance of ADUs and JADUs on all residential parcels is based on the premise that California is in a HOUSING CRISIS. Thus, taking units that are likeliest to be the most affordable units in the program and turning them into hotel rooms runs counter to addressing the low- and very-low income housing gap that the City is currently facing. The state is not in a hotel crisis, we are in a housing crisis and the JADUs should remain as housing stock and not be allowed to be rented for less than 31 days. While there is no law to prohibit short-term rentals of JADUs, a review of California Code of Regulations Gov. Code, § 66314 and 66323 shows that there are not state regulations that precludes a municipality or jurisdiction from mandating that JADUs not be rented for terms less than 31 days. We request that the City continue to require JADUs to have rental terms of 31 days or more.

2) If the construction of the ADU results in the FAR being exceeded on a lot then the ADU size limit should be limited to a maximum size of not more than 800 sq ft, which is allowed per Government Code 66323 (2)(A). Allowing a parcel's FAR to be exceeded up to 1200 sq ft, which the City's maximum ADU size limit, runs counter to addressing the concerns that have been raised by almost all communities.

Lastly, the current Sustainable Development Area (SDA) is based on up to 1-mile future aspirational transit for which funding has not been secured. The Peninsula Community Planning Board urges the City Council to 1) revise the SDA to a ½-mile walking distance which is the international standard for transit walksheds and 2) to limit the major transit stops used to define the SDA to those that currently meet the state law definition of a major transit stop, per California Code of Regulations PRC 21064.3, or that are FUNDED to be completed within the next five years per the regional Transportation Improvement Plan. Basing density on transit that may never be built or that will not exist until decades after a development is built is not sustainable and does not promote the development of transit rich communities.

While we recognize the need for increasing affordable housing, the ADU Bonus program is being stretched to extremes and negatively impacting single-family communities citywide. Our single-family and low density multi-family neighborhoods were never designed or built with the infrastructure needed to accommodate such high density developments. The results have a detrimental effect on our community's parking, infrastructure, utilities, traffic, and overall quality of life.

Moreover, the aging water mains, electrical grid, sewer pipes, and roads in our single-family and low density multi-family zoned neighborhoods were not designed to support the demands of large, multi-stacked ADU units, leaving our neighborhoods vulnerable to infrastructure failures and will require significant capital investment by the City to remedy. The current program will overextend the capacity of our infrastructure and leave our neighborhoods exposed to unnecessary risks.

We believe it is essential to balance the goals of affordable housing and preserving the quality of life in our communities through thoughtful planning and attention to infrastructure and existing transit. The ADU Bonus Program does not provide this balance and should be revised so that does not destroy existing vibrant neighborhoods. We urge the City Council to act in addressing the negative impacts of the ADU Bonus Program.

The Peninsula Community Planning Board strongly supports the CPC's recommendations on reforming the Bonus ADU program, strong opposes the conversion of JADUs to STRs and increasing the ADU FAR buster to 1200 sq ft, and recommends revising the SDA to realistic transit. PCPB also requests that the revisions to the ADU/JADU program be vetted through the full code updated process.

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The letter was unanimously approved with a vote of X-X.

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Sincerely,

Eric Law
PCPB Chair

Cc: City of San Diego Planning Department
Community Planners Committee
Neighbors For a Better San Diego