

RESOLUTION NUMBER R- **316268**

DATE OF FINAL PASSAGE **JUN 23 2025**

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT THE APPROVAL OF THE ACCESSORY DWELLING UNIT AND JUNIOR ACCESSORY DWELLING UNIT REGULATION AMENDMENTS TO THE SAN DIEGO MUNICIPAL CODE AND LOCAL COASTAL PROGRAM AMENDMENT ARE CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT UNDER CEQA GUIDELINES SECTIONS 15282(h) AND 15332.

RECITALS

The Council of the City of San Diego (Council) adopts this Resolution based on the following:

A. The Council will consider approval of amendments to the City of San Diego's Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) regulations to align the San Diego Municipal Code with state law and incorporate revisions requested by the California Department of Housing and Community Development's (HCD). The proposed amendments address ADU and JADU regulations, including minimum and maximum ADU unit size, conversions, rental terms, the number of permitted units, the removal of tree requirements, setbacks, replacement parking and owner-occupancy requirements. The amendments also implement Senate Bill 1211 (Skinner, 2024), which establishes the number of ADU homes allowed on lots with existing or proposed multifamily structures, and Assembly Bill 1033 (Ting, 2023), which allows for the sale and conveyance of ADU homes. The City Planning Department is also proposing amendments to ADU setback requirements in High and Very High Fire Hazard Severity Zones.

B. The proposed amendments also include a modification to remove eligibility for the ADU Home Density Bonus Program in the RS-1-1, RS-1-2, RS-1-3, RS-1-4, RS-1-8, RS-1-

9, RS-1-10 and RS-1-11 base zones that would remove approximately 25,698 acres from the program eligibility. Additionally, 82,970 acres would remain eligible, with 38,583 acres located within the Sustainable Development Area (SDA) and 44,387 acres located outside the SDA. Other proposed amendments to the ADU Home Density Bonus Program include requirements related to minimum unit size, evacuation route access, automatic fire sprinkler installation, parking requirements for developments located outside of a Transit Priority Area, increased penalties for violations and the introduction of new community enhancement fees. These amendments are anticipated to further affect the number of ADU homes that can be developed on eligible lots.

C. The California Environmental Quality Act (CEQA), California Public Resources Code (Code) sections 21000-21189.91, provides in Code section 21083 that the California Office of Planning and Research will promulgate, and the Secretary of the California Natural Resources Agency will adopt, guidelines for implementation of CEQA. The California Office of Planning and Research promulgated, and the Secretary of the California Natural Resources Agency adopted, the guidelines for implementation of CEQA set forth in Title 14 California Code of Regulations sections 15000 through 15387 (CEQA Guidelines).

D. Code section 21084 requires the CEQA Guidelines to include a list of classes of projects that have been determined not to have a significant effect on the environment and are exempt from the provisions of CEQA. CEQA Guidelines sections 15300 through 15333 list classes of projects that have been determined not to have a significant effect on the environment and declared to be exempt from preparation of environmental documents under CEQA.

E. The Council has considered the written record related to the project and all public comments about the potential environmental effects of the project. The Council, using its

independent judgment, has determined that the project is categorically exempt from the provisions of CEQA under CEQA Guidelines section 15282(h) which exempts the adoption of an ordinance regarding second units in a single-family or multifamily residential zone by a city or county to implement the provisions of sections 66314 and 66333 of the Government Code as set forth in section 21080.17 of the Public Resources Code. The adoption of the proposed amendments is also categorically exempt from CEQA pursuant to CEQA Guidelines section 15332 (In-fill Development Projects), as ADU and JADU projects meet the conditions of the Class 32 exemption. Adoption of the proposed amendments will remove zones from eligibility for the ADU Home Density Bonus Program and limit the number of dwelling units that can be developed in eligible zones per the proposed amendments to the City's ADU Regulations and ADU Home Density Bonus Program. These proposed amendments will decrease allowable ADU development in comparison to the existing regulations, which would decrease the potential for any physical effects on the environment.

F. No exception to the application of a categorical exemption set forth in CEQA Guidelines section 15300.2 applies to the project.

G. The Office of the City Attorney prepared this Resolution based on the information provided by City staff, with the understanding that this information is complete and accurate.

ACTION ITEMS

Be it resolved by the Council of the City of San Diego:


1 The project is categorically exempt from the provisions of CEQA under CEQA Guidelines sections 15282(h) and 15332.

2. No exception to the application of a categorical exemption set forth in CEQA Guidelines section 15300.2 applies to the project.

3. The City Clerk, or designee, is directed to file a CEQA Notice of Exemption regarding the project with the Clerk of the Board of Supervisors for the County of San Diego and the State Clearinghouse in the Office of Land Use and Climate Innovation.

APPROVED: HEATHER FERBERT, City Attorney

By



Corrine L. Neuffer
Senior Chief Deputy City Attorney

CLN:jn2
May 15, 2025
Or.Dept: City Planning
Doc. No. 4082427

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on
JUN 16 2025.


DIANA J.S. FUENTES
City Clerk

By 

Deputy City Clerk

Approved: 6/23/25

(date)



TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUN 16 2025, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Foster III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUN 23 2025

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

(Seal)

TODD GLORIA
Mayor of The City of San Diego, California.

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Linda Aruen, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- **316268**