



COUNTY OF SAN DIEGO

LAND USE AGENDA ITEM

BOARD OF SUPERVISORS

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DATE: March 4, 2026

05

TO: Board of Supervisors

SUBJECT

ADU ORDINANCE AMENDMENT INCLUDING THE SEPARATE SALE OF ADUs AND RELATED CEQA EXEMPTION (DISTRICTS: ALL)

OVERVIEW

This action proposes updates to the Accessory Dwelling Unit (ADU) section of the Zoning Ordinance (ADU Ordinance) with an amendment. The proposed ADU Ordinance Amendment Including the Separate Sale of ADUs (Amendment), includes updates to align with new mandatory State laws, and introduces an opt-in program to provide smaller, more attainable homeownership opportunities.

The County of San Diego continues to make periodic and regular updates to the Zoning Ordinance to streamline and advance housing efforts in the unincorporated area and maintain alignment with new mandatory State laws. Advancing and improving the Zoning Ordinance has been consistently identified as a priority by industry stakeholders and the community and is a shared objective of the Board of Supervisors (Board).

In 2025, the Chief Administrative Officer established the *Housing for All* initiative to unify and accelerate cross-department efforts to address the housing crisis through a near-term workplan anchored in the Board's adopted "5 Ps" Housing Solutions Framework—Protect, Preserve, Produce, Promote, and Prevent—which identifies expanding homeownership opportunities, including through innovative tools, as a key action.

Today's Amendment works to advance these shared goals by updating the ADU Ordinance with mandatory State requirements, clarifying public guidance, and providing a tool to create new pathways to homeownership through the separate sale of ADUs.

The first component of the proposed Amendment incorporates updates for alignment with State laws adopted in 2023 and 2024, and reorganizes the ADU Ordinance for clear public guidance and improved transparency. The second component establishes a County program under Assembly Bill (AB) 1033 to enable the separate sale of ADUs as condominiums in the unincorporated area.

Effective January 2024, AB 1033 allows jurisdictions on an opt-in basis to adopt local ordinances permitting the separate sale of ADUs as condominiums, and establishes requirements for separate ownership. A local program for the separate sale of ADUs allows the County to create

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opportunities to build generational wealth, give families flexibility to downsize, reduce displacement, or expand multigenerational living scenarios. The program could also support seniors who wish to age in place while accessing the value of their property.

On March 13, 2024 (10), the Board directed staff to evaluate the feasibility of allowing the separate sale of ADUs in the unincorporated area. In response, staff began community and stakeholder outreach to inform the development of a local ordinance. Based on that input, the Board took formal action on October 9, 2024 (5), directing staff to move forward with the development of a local program that goes beyond the baseline provisions established under AB 1033. Specifically, the Board directed staff to incorporate local eligibility criteria into the program, such as a right of first refusal for owner-occupants, and to further explore additional standards that may be appropriate for implementation in the unincorporated area.

Staff have prepared five options for the Board’s consideration regarding implementation of AB 1033. The Board may elect to adopt the State framework as-is, adopt one or more local eligibility criteria in addition to State law, or decline to opt in. Adoption of any local criteria would establish a County-specific program that builds upon, and is consistent with the baseline framework provided by AB 1033. The following options are intended to balance community priorities with State allowances and support the County’s *Housing for All* initiative by expanding homeownership opportunities. These options were informed by stakeholder input gathered through the County’s public engagement process.

- Option 1: State Framework. Adopt AB 1033 as implemented by the State, allowing separate sales of ADUs consistent with State law without establishing additional local eligibility requirements.
- Option 2: Right of First Refusal. Right of First Refusal contracts must be established. Each condo owner must give either their current tenant or another condo owner living on the same lot the first chance to buy the unit if it’s put up for sale.
- Option 3: Detached ADUs Only. The ADU must be detached from the primary unit. Limitation to detached units allows clearer physical and ownership distinctions between the primary residence and the secondary unit.
- Option 4: New Construction Only. The ADU must be new development. Eligibility for the separate sale of ADUs is limited to those that have been newly constructed as condominiums and did not exist prior to condo mapping.
- Option 5: Don’t opt in to AB 1033. The County would not opt in to allow the separate sale of ADUs, and current regulations would remain until any future Board action.

While these options were developed based on stakeholder input, they were further refined through the course of community outreach and feedback. The Planning Commission recommended adoption of the State Framework without local eligibility criteria as the most flexible and expansive approach.

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Today's request is for the Board to consider and adopt the section of the ADU Ordinance that addresses updates needed to comply with mandatory State law; consider and adopt the section of the ADU Ordinance that allows the separate sale of ADUs; and, at the Board's discretion, provide direction regarding local eligibility criteria to be applied to the separate sale of ADUs in the unincorporated area.

**RECOMMENDATION(S)
PLANNING COMMISSION**

On December 5, 2025, the Planning Commission recommended that the Board of Supervisors adopt the ADU Ordinance Amendment, including a program for the separate sale of ADUs as written under State law, without any additional local eligibility criteria described in the programmatic options presented by County Staff. The Commission reviewed all of the options for local eligibility criteria and expressed concerns that local criteria would restrict implementation, and ultimately supported a fully State-aligned approach as the most flexible and expansive option for implementation of the program.

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

1. Find the update to the County's Zoning Ordinance implementing State law governing the permitting of ADUs is not a "project" and is exempt from CEQA under CEQA Guidelines section 15378(b)(4) as it merely aligns the County's Zoning Ordinance with State law already in effect. Changes related to the separate sale of ADUs do not require analysis under CEQA as the transfer of ownership of these homes will not cause a direct or reasonably foreseeable indirect physical change in the environment.
2. Adopt the Form of Ordinance, Section 6156.x through 6156.x.C including Section 8900 Table AL-1.0, that addresses updates needed to comply with mandatory State law, (Attachment A, on file with the Clerk of the Board):

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE PART SIX: GENERAL REGULATIONS: ACCESSORY USE REGULATIONS Related to Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) Section 6156.x (Clean Copy)

3. Adopt the Form of Ordinance, Section 6156.x.D, that allows the separate sale of ADUs, and at the Board of Supervisors' discretion, provide direction on local eligibility programmatic options for the separate sale of ADUs in the unincorporated area, (Attachment A, on file with the Clerk of the Board):

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE PART SIX: GENERAL REGULATIONS: ACCESSORY USE REGULATIONS Related to Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) Section 6156.x (Clean Copy)

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EQUITY IMPACT STATEMENT

Planning & Development Services (PDS) recognizes the historic and ongoing housing inequities that affect many residents in the San Diego region, including barriers to homeownership and challenges in accessing stable, attainable housing. The ADU Ordinance Amendment Including the Separate Sale of ADUs (Amendment) supports greater housing equity in the unincorporated area by improving clarity in ADU regulations and creating new, attainable pathways to homeownership. Aligning the County’s Zoning Ordinance with recent State law reduces procedural barriers that can disproportionately affect first-time buyers and lower-income households. The local program developed under AB 1033 would allow ADUs to be sold separately as smaller, more attainable ownership units, providing opportunities for households to build equity, for seniors to age in place, and for families to remain in their communities.

SUSTAINABILITY IMPACT STATEMENT

This Amendment helps support the County’s housing goals by making it easier for residents to build and understand Accessory Dwelling Unit (ADU) regulations and by creating new opportunities for attainable homeownership. Allowing ADUs to be sold separately as smaller homes can provide more flexible housing choices for first-time homebuyers, multigenerational families, and seniors who wish to remain in their communities. The program supports sustainable growth by encouraging housing within existing neighborhoods where infrastructure, services, and transportation already exist. By keeping the process clear and voluntary the Amendment helps residents make informed housing decisions while supporting stable, long-term community living.

FISCAL IMPACT

There is no fiscal impact associated with today’s recommendation. The proposed legislative updates to the Zoning Ordinance are part of the Planning & Development Services workplan to maintain alignment with State housing laws, and can be completed with existing staff resources. There will be no net change in General Fund cost and no additional staff years required.

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

During public outreach staff presented at the Community Planning and Community Sponsor Groups (CPSGs) Chairs meeting in Summer and Fall of 2025. Staff presented the Amendment to nine CPSGs that requested individual presentations, including Lakeside, Valley Center, Spring Valley, Sweetwater, Crest/Dehesa/Harbison Canyon/Granite Hills, Warner Springs, Campo/Lake Morena, Rainbow, and Fallbrook. Through these discussions, members shared a range of perspectives. Some expressed concerns about potential impacts to local infrastructure and the availability of rental housing. Others highlighted potential benefits, such as creating new homeownership opportunities, supporting multigenerational living, and providing a pathway for homeowners to access equity. While each Community Planning Group (CPG) raised unique questions and considerations, only the Valley Center CPG and Fallbrook CPG voted recommending that the County opt out of creating a local program under AB 1033 (i.e., no separate sale of ADUs program).

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CPSG feedback on the separate sale of ADUs highlighted several considerations and concerns. However, of the three options for local eligibility criteria, Option 3 – Detached ADUs Only, was more positively received due to the reduced total number of ADUs that could potentially be sold. Limiting separate sales to detached ADUs would generally allow one ADU per single family lot to be sold, as generally only one detached ADU per single family lot may be permitted by the County.

Leading up to the Board of Supervisors hearing, some CPGs expressed continued opposition to allowing the separate sale of ADUs and concerns related to the potential density increase that may arise from future ADU development in general in unincorporated areas (see comment letters in Attachment E).

INVOLVED PARTIES

N/A

PLANNING COMMISSION VOTE

On December 5, 2025, the Planning Commission voted 6–0 to recommend that the Board of Supervisors adopt the proposed Zoning Ordinance Amendment and implement AB 1033 as written in State law.

BACKGROUND

Recognizing that housing remains a top priority for both the Board of Supervisors (Board) and the public, the Chief Administrative Officer’s (CAO) *Housing for All* initiative aligns with Board direction and State housing law to advance strategies that expand housing options and homeownership opportunities, such as consideration of the separate sale of Accessory Dwelling Units (ADUs).

In recent years, the State of California has adopted a series of new laws to reduce barriers to the development of ADUs and Junior Accessory Dwelling Units (JADUs), as part of the State’s broader effort to increase housing supply, improve affordability, and support flexible living arrangements. This legislation reflects a Statewide policy shift toward recognizing ADUs as an important housing strategy that provides housing options, supports multi-generational living, and integrates units into existing neighborhoods and infrastructure. As a result of this legislative framework, ADU production has increased substantially across California, including in both incorporated and unincorporated areas of San Diego County.

State law requires local jurisdictions to update their development regulations to align with evolving ADU standards, including streamlining permitting, limiting discretionary review, and clarifying allowable unit types and configurations. In the absence of local updates, jurisdictions are required to implement State standards directly. Accordingly, the County is required to periodically amend its Zoning Ordinance to ensure consistency with State law and maintain local control over implementation where permitted. The County implements new State housing laws as they are adopted and provides fact sheets, guidance materials, and permitting resources to assist applicants in navigating ADU regulations. The ADU Ordinance update in 2023 incorporated State legislation adopted through 2022.

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Under State law, ADUs are permitted on properties zoned for residential or multifamily use and may be developed as new detached or attached units or through the conversion of existing structures. State law requires that certain ADUs must be approved ministerially, including new construction detached ADUs that are one story and less than 800 square feet or conversion ADUs of any size within an existing converted structure. While State law mandates certain exemptions such as lot coverage, front setbacks and design standards, these units must still comply with building code and health and safety requirements. ADUs may be approved ministerially on a site with a single-unit building, such as a single-family home, townhome, or detached units, or on a site with a multi-unit building, such as an apartment or condominium building. State law establishes the number and types of ADUs that are allowed on a single-family parcel, which include one new construction detached ADU, one JADU within the primary residence of up to 500 square feet, and one converted or attached ADU located within existing permitted space or an addition to the primary residence. In practice, this means a single-family parcel can accommodate up to four units: the primary home, one attached ADU, one JADU, and one detached ADU.

Today's Amendment includes two components. First, it updates the County's Zoning Ordinance to reorganize and clarify the ADU regulations, improving usability and ensuring consistency with State law, including legislation enacted in 2023 and 2024. A summary of the legislation reviewed as part of the Amendment is included in Attachment C. Second, the Amendment establishes a local program under AB 1033 that would allow for the separate sale of ADUs. This is where the Board has discretion to direct staff on how to proceed.

Amendment Part 1: Legislative Updates

The legislative updates are designed to provide clearer guidance for the public and enhance community understanding by removing ambiguities in ordinance language, particularly regarding which ADU approvals are considered ministerial versus subject to discretionary local development standards. The reorganization separates ministerial criteria from local development standards, with the new ministerial section outlining all allowable combinations of ADUs and JADUs that can be created without discretionary review. Language has also been updated to clarify that local requirements cannot be more restrictive than the State's ministerial standards. By ensuring consistency with State law, the Amendment does not exceed State requirements but rather provides a clear framework for implementing them locally. Key provisions of State law include allowing a range of detached and attached ADUs, establishing size and setback limits, and limiting discretionary review where units meet ministerial criteria. The Amendment does not change the State's ADU mandates in single-family zones. The County will continue to follow the standards established by State law.

Amendment Part 2: Separate Sale of ADUs

Adopted in 2023 and effective January 2024, AB 1033 is an opt-in bill that allows jurisdictions to adopt local ordinances permitting the separate sale of ADUs as condominiums. A local program for the separate sale of ADUs would not increase the number of ADUs allowed; it would only provide the option to sell an ADU as a separate unit under certain conditions. These baseline requirements are provided under State law, which each jurisdiction must follow. The law enables separate ownership of portions of a single property without a traditional lot split, which is often infeasible due to minimum lot size or access constraints. Instead, property owners could record a

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condominium map, allowing them to divide ownership without the lot size barrier and reduce time and costs.

On March 13, 2024 (10), the Board directed staff to evaluate the feasibility of allowing the separate sale of ADUs in the unincorporated area. In response, staff conducted outreach with stakeholders, property owners, and the development community to assess interest, concerns, and ideas for structuring a local program for the separate sale of ADUs. Based on this input, the Board took formal action on October 9, 2024 (5), directing staff to move forward with development of a local program for the separate sale of ADUs, in accordance with AB 1033, that incorporates State-mandated provisions as well as potential local eligibility criteria informed by community input.

AB 1033 establishes a baseline framework for allowing ADUs to be sold as condominiums, including compliance with the Subdivision Map Act, formation of a Homeowners Association (HOA), and separate property tax assessments. While the legislation sets Statewide standards, it also allows local governments flexibility to adopt additional local eligibility criteria.

The Board has directed staff to explore measures such as a “Right of First Refusal” for tenants or co-owners and other local eligibility criteria designed to address community priorities. A local program for the separate sale of ADUs is intended to expand homeownership opportunities by creating smaller, more attainable units, while also providing options for seniors and families to downsize, remain in their communities, and access property equity. Participation would be voluntary, and not all properties may qualify. The ordinance includes clear guidance on the condominium creation process, utility and mapping requirements, and HOA formation, to ensure that the program is understandable, accessible, and responsive to public input.

Allowing separate sales of ADUs offers potential benefits for homeowners, buyers, and developers. Homeowners could access equity by selling the primary residence while remaining in the ADU, while buyers would gain access to lower-cost homes, typically 40–60% of the price of a single-family home. Developers would gain financing flexibility since small ADU condominium projects (fewer than four units) face fewer federal lending requirements and are eligible for additional funding opportunities. With ADUs accounting for about 45% of the County’s housing permits issued in 2024, the ability to sell them separately could expand ownership opportunities and increase housing supply. Stakeholders, including housing advocates and developers, have generally expressed support, citing affordability, first-time homebuyer opportunities, and equity benefits. However, concerns remain about parking, driveway access, and potential impacts in areas with limited infrastructure, particularly regarding water and sewer capacity.

Separate Sale Process

For an ADU to be sold separately from the primary residence, property owners must create a condominium plan and complete a condominium conversion of existing units. This requirement applies to both the primary dwelling and ADUs and establishes each unit as a legally distinct ownership interest. Under AB 1033, JADUs are not eligible to be established as individual condominium units and therefore may not be sold separately.

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Threshold Requirements

Prior to creating a condominium, the ADU must have received final approval from the PDS Building Division, as demonstrated by a signed-off building permit. In addition, if the property is subject to an existing mortgage, the property owner must obtain a letter of consent from the lender before proceeding with the creation or conversion process.

Condo Creation Process

The condominium creation must comply with both the Davis-Stirling Common Interest Development Act and the Subdivision Map Act. Property owners are required to prepare a condominium plan prepared by a licensed surveyor or civil engineer. This plan establishes the legal boundaries of each unit, describes the units, and identifies the common areas to be shared by all owners. A site plan is also required to document building footprints, spacing between structures, and the configuration of utility connections. Once these requirements are satisfied, the property owner must file a parcel map or final map to complete the condominium creation.

HOA Requirements

For properties located within an existing Homeowners Association (HOA), written authorization from the HOA must be obtained prior to proceeding. As part of the condominium creation, Covenants, Conditions, and Restrictions (CC&Rs) must be prepared to formally establish the HOA. The CC&Rs define responsibilities for common areas, establish dues and insurance requirements, and set forth rules governing the operation and enforcement of the HOA. The newly formed HOA will be responsible for managing shared facilities and common area expenses, with HOA dues used to fund these costs and allocate utility charges for shared services among condominium owners.

Utility Coordination and Environmental Review

Property owners must notify all applicable utility providers, including water, sewer, gas, and electric services, as utility coordination is a key component of the condominium creation process. Although separate water metering is not typically required for existing ADUs, it may be required when an ADU is converted into a condominium for separate sale. The local utility provider will determine whether a separate water line or sewer service lateral is necessary. For properties served by septic systems or private wells, the County of San Diego Department of Environmental Health and Quality (DEHQ) must review and provide approval that the current septic system and/or water well meets all applicable requirements to support a condominium creation prior to the filing of a condominium map. Requirements for separate gas and electrical metering vary based on site-specific conditions and are determined by the local utility provider in accordance with regulations established by the California Public Utilities Commission.

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PROJECT ANALYSIS

Options for a Local Program for the Separate Sale of ADUs

AB 1033 establishes baseline requirements that jurisdictions must follow to permit the separate sale of ADUs as condominiums. In response to the Board direction to explore potential local eligibility criteria beyond these State-mandated provisions, staff have prepared five options for the Board's consideration regarding implementation of AB 1033. The Board may adopt the State framework without additional local criteria, adopt one or more of the local eligibility options described below, or decline to opt in to AB 1033 at this time.

The Planning Commission reviewed the options for local eligibility criteria and recommended adopting the baseline state framework under AB 1033 without any local eligibility criteria that would limit a program for the separate sale of ADUs.

If the Board chooses to follow the recommendation of the Planning Commission and adopts a local program for the separate sale of ADUs without any local eligibility criteria, this would generally allow the separate sale of up to two ADUs on a single family lot, as attached and detached ADUs would both be eligible for separate sale.

Should implementation reveal trends or outcomes that warrant adjustment, the Board may amend the program in the future. Zoning Ordinance clean-ups and amendments are a regular component of the Planning & Development Services' (PDS) workplan and provide an established process for bringing forward future revisions to refine or improve the program.

Option 1: State Framework

Under this option, the Board may choose to implement AB 1033 as written in State law, allowing the separate sale of ADUs in accordance with the State's baseline requirements without establishing any additional local eligibility criteria. This approach would rely solely on the framework adopted by the State for property owners seeking to pursue the separate sale of ADUs. By not introducing local requirements beyond those required under AB 1033, the County would remove local eligibility criteria and ensure that the program is implemented in a manner that aligns directly with State legislation.

Option 2: Right of First Refusal

Under this option, Right of First Refusal (ROFR) contracts must be established; each condominium owner must give either the current tenant or another condominium owner living on the same lot the first opportunity to purchase the unit if it's put up for sale. This would require the owner of either an ADU condominium or primary residence condominium to establish a ROFR contract with an occupant of their choice on the same lot. This ROFR only applies while the ROFR holder is living there, and it must be offered again to a new tenant or owner if the original ROFR holder moves out. Before a condominium owner accepts a purchase offer, written notice of the offer must be provided to the ROFR holder, who shall have 60 days in which to execute a sales agreement which matches the original offer.

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This option creates opportunities for owner-occupied units. Additionally, the option includes the potential to provide existing tenants with an opportunity for homeownership and provides potential for owners to expand multi-generational living situations. This option was created based on feedback from fair housing advocates with the intent to protect renters by providing an opportunity to stay in place and transition to homeownership. However, there was opposition from stakeholders noting that requiring a ROFR could complicate transactions, reduce marketability, and place additional burdens on property owners. The feasibility of including this option may be hindered by the ability to enforce compliance, as ongoing monitoring of each ADU condominium sale would be required.

Option 3: Detached ADUs Only

Under this option, the ADU must be detached from the primary unit; only detached ADUs would qualify for separate sales. Any ADU physically attached to the primary residence would not be eligible and would instead need to be sold or conveyed together with the primary residence as a single condominium unit. An important distinction was noted for ADUs connected to accessory structures, such as a detached garage. In those cases, the ADU and all or part of the accessory structure could be combined and sold together as one condominium unit. In summary, detached ADUs may qualify for separate sale, while attached ADUs must remain tied to the primary residence unless they are connected to a detached accessory structure, in which case they may be sold together as a unit.

The intent of this option is to simplify the process of converting an ADU to separate ownership by focusing eligibility on detached units. Detached ADUs create clearer physical and ownership distinctions between the primary residence and the secondary unit, which can make the condominium mapping and sale process more straightforward. Limiting separate sale to detached ADUs would reduce the total potential number of ADUs that could be sold on a residential lot. For single family lots this would mean that generally one ADU may be sold in most scenarios, because the County only allows one detached ADU to be permitted per single family lot.

By focusing eligibility on detached ADUs only, the process for separate ownership may be clearer and more predictable for sellers and buyers. Restricting attached ADUs from separate ownership reduces complexity and uncertainty that may arise from an array of possible types of attached structures and shared physical infrastructure between the primary and secondary units. Procedural steps may be more transparent and accessible with this option. Limiting eligibility to detached ADUs generally restricts separate sales to one ADU per single family lot, as State law allows one detached ADU per single family dwelling, and the County only allows the minimum number of ADUs required by State law. Under State law, multifamily properties may have 2 to 8 detached ADUs. Separate sale would be restricted to these detached units under this option. By narrowing the program to ADUs that are already physically independent structures, this approach limits the number of units that qualify.

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Option 4: New Construction Only

Under this option, the ADU must be new construction; eligibility for separate sale would be limited to ADUs that are newly constructed as part of development projects that undergo formal subdivision review. It is most applicable to larger-scale developments where multiple units, including ADUs, are planned, designed, and sold together as part of an integrated condominium project. Existing ADUs on a parcel prior to condominium mapping would not be eligible for separate sale under this option, and individual homeowners could not convert these existing ADUs into condominiums for sale.

Stakeholder feedback was that new development projects are generally better equipped to address community priorities related to parking, access, and infrastructure. Because these projects are designed comprehensively from the outset, the project could incorporate coordinated site planning solutions—such as shared driveways, designated parking areas, and private entries—that are often difficult or infeasible to retrofit into existing developments.

Limiting eligibility for ADU condominium sales to new development projects may establish a clear framework for facilitating separate sales at the time of project approval. This approach would allow for parking, access, and infrastructure considerations to be evaluated and addressed during project design and review. Stakeholder input also noted support for development projects that include infrastructure improvements as part of project implementation. However, since this option would not apply to previously constructed ADUs, it may be too limited in scope. Since 2020 alone, approximately 1,756 ADUs have been permitted in the County, and these units would not be eligible for separate sale under this option. Limiting eligibility in this manner would reduce the effectiveness of a local program in expanding homeownership opportunities in the unincorporated areas.

Option 5: Don't opt in to AB 1033

The Board may choose not to pursue a local program under AB 1033. The County would not adopt provisions allowing the separate sale of ADUs, and existing regulations would remain in place pending any future Board action.

ENVIRONMENTAL STATEMENT

The Amendment is not a “project” and is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines section 15378(b)(4) as it merely aligns the County’s Zoning Ordinance with State law already in effect. Changes related to the separate sale of ADUs do not require analysis under CEQA as the transfer of ownership of these homes will not cause a direct or reasonably foreseeable indirect physical change in the environment. See *Pacific Palisades Property Owners Assn v. City of Los Angeles*, 42 Cal. App. 3d 781, 791 (1974).

PUBLIC INPUT

Preparing the Amendment involved extensive outreach to ensure alignment with State law and responsiveness to community priorities. From Spring through Fall 2025, staff held small group meetings with industry and environmental stakeholders, attended Community Planning and Sponsor Group (CPSG) meetings, conducted public webinars, and reviewed written comments from the public. Feedback focused on ADU development requirements, environmental and

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locational considerations, housing supply and affordability, fire safety and infrastructure constraints, and the design of a local program for separate ADU sales. Key comment themes that emerged included the need for clear ministerial review procedures; concerns about rural development pressures, infrastructure demands, and environmental impacts; and questions about how ownership of ADUs may affect rental housing availability. To better understand these potential impacts, staff partnered with Ascent, through SANDAG's Housing Acceleration Program, to evaluate trends in jurisdictions with similar policies. While separate ADU sales are new in California, research from Seattle and Austin shows that allowing condominium ADUs has not increased rents relative to traditional housing, and in Austin, roughly 40 percent of ADU condominiums continue to operate as rentals. These findings suggest that permitting separate ADU sales can expand homeownership opportunities without substantially reducing rental supply. The full memorandum prepared by the technical assistance team is provided in Attachment D.

Community engagement highlighted both opportunities and constraints associated with allowing separate ADU sales. Stakeholders noted that many existing ADUs were originally designed as rentals and may not meet subdivision or condominium standards, while others emphasized that detached ADUs offer clearer ownership separation and easier regulatory implementation. Participants also raised questions regarding fire access, infrastructure capacity, and compliance with State-mandated subdivision, environmental, and safety requirements—all of which remain governing factors in determining eligibility for condominium creation. During public engagement, some CPSGs expressed opposition to the separate sale of ADUs and concerns about future ADU development in general. Additionally, during the public review period, stakeholders also submitted written comments on the Amendment (Attachment E). Feedback informed the development of program design options, including limiting eligibility to detached units or newly constructed ADUs within subdivision maps. While many technical requirements are dictated by State law, staff incorporated local refinements to improve clarity, predictability, and efficiency. The resulting Amendment balances State housing mandates with community priorities and available research, supporting safe, equitable, and sustainable ADU development in the unincorporated county. A summary of the themes raised during public engagement is included in Attachment F.

DEPARTMENT REASONS FOR RECOMMENDATION

Staff recommends the adoption of the attached Form of Ordinance that addresses updates needed to comply with mandatory State law. These updates codify recently adopted ADU legislation and bring the ADU Ordinance into alignment with State law. Language in the Ordinance has been updated to clarify existing guidance and reflect that local criteria is not more restrictive than State required ministerial criteria for ADUs and JADUs. Without these updates to the ADU Ordinance, the County risks non-compliance with State code.

Staff recommends the adoption of the attached Form of Ordinance that creates a local program for the separate sale of ADUs and asks the Board of Supervisors to provide direction on local eligibility programmatic options. This program is aligned with the Initiatives of the County of San Diego's 2026-2031 Strategic Plan. This program would expand homeownership opportunities by allowing ADUs to be sold separately from primary residences as condominiums, fostering a more diverse range of housing types. This program offers the potential to reduce displacement by allowing families to downsize in place or expand multigenerational living situations.

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LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today’s proposed actions support the Initiatives identified in the County of San Diego’s 2026-2031 Strategic Plan, which provides a countywide framework for advancing sustainability, equity, innovation, and community well-being. Specifically, the proposed Amendment responds to the need for a broader range of homeownership opportunities to promote long-term economic sustainability for individuals and families across a wider range of income levels (Sustainability Initiative); leverages policy tools and existing infrastructure to expand housing opportunities that respond to community needs (Equity Initiative); encourages innovative approaches to land use planning and housing delivery (Empower Initiative); supports community stability by creating opportunities for families to remain together and for residents to age in place (Community Initiative); and incorporates equity and environmental justice considerations to reduce disparities in access to housing (Justice Initiative). These actions are advanced within the County’s *Housing for All* framework, which brings together enterprise-wide efforts under a unified “One County” organizational approach to urgently address housing and homelessness while aligning with the County’s Strategic Initiatives related to equity, inclusion, and sustainability.

Respectfully submitted,



DAHVIA LYNCH
Deputy Chief Administrative Officer

ATTACHMENTS

Note: Due to the size of the attachments, the documents are available online through the Clerk of the Board’s website at www.sandiegocounty.gov/content/sdc/cob/bosa.html.

- Attachment A – AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE PART SIX: GENERAL REGULATIONS: ACCESSORY USE REGULATIONS Related to Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) Section 6156.x (Clean Copy)
- Attachment B – AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE PART SIX: GENERAL REGULATIONS: ACCESSORY USE REGULATIONS Related to Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) Section 6156.x (Underline Copy)
- Attachment C – Legislative Updates
- Attachment D – Ascent Memorandum
- Attachment E – Public Comment Letters
- Attachment F – Summary of Outreach Themes
- Attachment G – Action Sheet