

ORDINANCE NUMBER O- 21477 (NEW SERIES)DATE OF FINAL PASSAGE JUL 21 2022

AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 6, DIVISION 7 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 126.0704, 126.0707, AND 126.0708; AND AMENDING CHAPTER 14, ARTICLE 1, DIVISION 3 BY AMENDING SECTIONS 141.0302 AND 141.0318, ALL RELATING TO ACCEPTING THE CALIFORNIA COASTAL COMMISSION'S SUGGESTED MODIFICATIONS REQUIRED FOR CERTIFICATION OF THE MOVABLE TINY HOUSES AMENDMENTS TO THE COMPANION UNIT AND JUNIOR UNIT REGULATIONS AND THE HOUSING LEGISLATION CODE UPDATE TO THE MUNICIPAL CODE AND LOCAL COASTAL PROGRAM.

WHEREAS, on August 4, 2020, the Council of the City of San Diego (Council) adopted the Movable Tiny Houses amendments to the Companion Unit and Junior Unit Regulations of the Land Development Code pursuant to Ordinance O-21223 (Movable Tiny Houses Ordinance); and

WHEREAS, on October 27, 2020, the Council adopted the Housing Legislation Code Update to the Land Development Code pursuant to Ordinance O-21254 (Housing Legislation Update Ordinance); and

WHEREAS, the Movable Tiny Houses Ordinance and Housing Legislation Update Ordinance amended the Land Development Code, which serves as the Implementation Plan to the City's certified Local Coastal Program (LCP); and

WHEREAS, as an amendment to the City's certified LCP, the Movable Tiny Houses Ordinance and Housing Legislation Updated Ordinance must be certified by the California Coastal Commission (Commission) as consistent with Coastal Act policies prior to being effective in the Coastal Overlay Zone; and

WHEREAS, on December 17, 2021, the Commission considered certification of the Movable Tiny Houses Ordinance and the Housing Legislation Update Ordinance; and

WHEREAS, the Commission approved the Movable Tiny Houses Ordinance and Housing Legislation Update Ordinance with modifications related to parking requirements for Moveable Tiny Houses, Accessory Dwelling Units (ADU), and Junior Accessory Dwelling Units (JADU) located on premises located within the Beach Impact Area, but outside of a Transit Priority Area, additional requirements regarding assumption of risk and prohibition of shoreline protection for Movable Tiny Houses, ADUs, and JADUs on premises located within an area of future sea level rise but outside of a Special Flood Hazard Area, and additional regulations related to ADUs and JADUs and their permitting within the Coastal Overlay Zone; and

WHEREAS, the City desires to accept the Commission's modifications; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 12, Article 6, Division 7 of the San Diego Municipal Code is amended by amending sections 126.0704, 126.0707, and 126.0708 to read as follows:

§126.0704 Exemptions from a Coastal Development Permit

The following *coastal development* is exempt from the requirement to obtain a Coastal Development Permit:

- (a) Improvements to existing *structures* are exempt, except if the improvements involve any of the following:
 - (1) through (8) [No change in text.]
 - (9) *Accessory Dwelling Units and Junior Accessory Dwelling Units* that are not completely contained in the existing primary *structure*

or include increases in habitable area or include conversion of nonhabitable space. Such *ADUs* and *JADUs* are considered self-contained residential units within new construction and are therefore ineligible for an exemption.

(b) through (j) [No change in text.]

§126.0707 Decision Process for a Coastal Development Permit

(a) A decision on an application for a City-issued Coastal Development Permit in the non-*appealable area* of the Coastal Overlay Zone shall be made in accordance with Process Two, except that a decision on an application for a *capital improvement program project* or *public project* in the non-*appealable* or the *appealable area* of the Coastal Overlay Zone shall be made in accordance with Section 126.0707(c). The decision may be appealed to the Planning Commission in accordance with Section 112.0504.

(b) through (c) [No change in text.]

(d) Except for Coastal Development Permits issued in accordance with Section 126.0707(g), conditions may be imposed by the decision maker when approving a Coastal Development Permit to carry out the purpose and the requirements of this division. The conditions may include a provision for public access, open space, or conservation easements or the relocation or redesign of proposed site improvements. In any *subdivision* or other land division, such conditions shall be imposed at the time of the *subdivision* or other land division, rather than through subsequent

development permits. When conditions pertaining to public access, open space, or conservation easements are imposed, the City Manager shall notify the Executive Director of the Coastal Commission as set forth in Section 126.0719.

(e) through (f) [No change in text.]

(g) A decision on an application for a City-issued Coastal Development Permit for an *Accessory Dwelling Unit* or *Junior Accessory Dwelling Unit* in the non-*appealable area* of the Coastal Overlay Zone shall be made as follows:

- (1) The Coastal Development Permit shall be issued as a Building Permit in accordance with Process One as specified in Section 112.0502 and Chapter 12, Article 9, Division 2. Sections 126.0711, 126.0712, 126.0713, 126.0715 and 126.0716 related to recordation, issuance, initial utilization, time extension, and modification or amendment of a Coastal Development Permit shall not apply.
- (2) If the proposed coastal development involves any of the activities in Section 126.0704(a)(1)-(2) or Section 126.0704(a)(4)-(8), a Coastal Development Permit shall be required in accordance with a Process Two as specified in Section 126.0707(a).

§126.0708 Findings for Coastal Development Permit Approval

Except for Coastal Development Permits issued in accordance with Section 126.0707(g), an application for a Coastal Development Permit may be approved

or conditionally approved only if the decision maker makes all of the *findings* in Section 126.0708(a) and the supplemental *findings* in Section 126.0708(b) that are applicable to the proposed *development*. Coastal Development Permits issued in accordance with Section 126.0707(g) shall be approved if the administrative *findings* in Section 126.0708(c), and if applicable, the supplemental *findings* in Section 126.0708(b), are satisfied.

(a) through (b) [No change in text.]

(c) The following administrative *findings* shall be made for Coastal Development Permits required for *Accessory Dwelling Units* and *Junior Accessory Dwelling Units* permitted in accordance with Section 126.0707(g) in order to ensure that the *development* conforms to the Local Coastal Program:

- (1) The proposed *coastal development* will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a *Local Coastal Program land use plan*.
- (2) The proposed *coastal development* permit will preserve existing public views to and along the ocean and other scenic coastal areas as specified in the *Local Coastal Program land use plan* and Chapter 13, Article 2, Division 4.
- (3) The proposed *coastal development* complies with the Environmentally Sensitive Lands Regulations in Chapter 14, Article 3, Division 1.

- (4) The proposed *coastal development* does not involve any of the activities in Section 126.0704(a)(1)-(2) or Section 126.0704(a)(4)-(8).

Section 2. That Chapter 14, Article 1, Division 3 of the San Diego Municipal Code is amended by amending sections 143.0302 and 141.0318 to read as follows:

§141.0302 *Accessory Dwelling Units and Junior Accessory Dwelling Units*

Section 141.0302 provides for the construction of *Accessory Dwelling Units (ADUs)* and *Junior Accessory Dwelling Units (JADUs)*, consistent with the requirements of state law, and is intended to encourage the construction of *ADUs* and *JADUs* through several local regulatory provisions, including allowing encroachment into the interior side *yard* and rear *yard setbacks* up to the *property line*, eliminating parking requirements for *ADUs* and *JADUs*, and providing an affordable housing bonus of one additional *ADU* for every deed-restricted affordable *ADU* constructed on the *premises*, as specified in the regulations below. *ADUs* are permitted in all zones allowing residential uses and *JADUs* are permitted in all *single dwelling unit* zones by-right as a limited use decided in accordance with Process One, indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) The following regulations are applicable to both *ADUs* and *JADUs*:
- (1) [No change in text.]
 - (2) *Development* Regulations
 - (A) through (C) [No change in text.]
 - (D) The following *setback* allowances are applicable:

(i) Conversion of existing *structure* to an *ADU* or *JADU*. No *setback* is required for an existing *dwelling unit* or *accessory structure* that is converted to an *ADU* or *JADU*, or to a portion of an *ADU* or *JADU*. An *ADU* or *JADU* that is constructed in the same location and to the same dimensions as an existing *structure* may continue to observe the same *setbacks* as the *structure* it replaced. An existing *structure* may not be converted to or reconstructed as an *ADU* or *JADU* if the *structure* does not conform to the wetlands regulations in Section 143.0141(b), the sensitive coastal bluffs regulations in Section 143.0143, the coastal beaches regulations in Section 143.0144, or the Supplemental Regulations of the Coastal Overlay Zone in Section 132.0403.

(ii) [No change in text.]

(E) [No change in text.]

(F) Within the Coastal Overlay Zone, the following regulations apply to *ADUs* or *JADUs* constructed outside of Special Flood Hazard Areas and within an area of future sea level rise (with a 75-year horizon) as determined by the City Manager based on the Sea Level Rise Policy Guidance

adopted by the California Coastal Commission, as it applies to residential *development*:

- (i) The *ADU* or *JADU* shall comply with the regulations in Section 143.0146(c) and, if applicable, Section 143.0146(g). The *base flood elevation* utilized, and the applicability of Section 143.0146(g), shall be based on the *FIRM Zone of the Special Flood Hazard Area* in closest proximity to the *premises* on which the *ADU* or *JADU* is proposed. The permit requirements of 143.0110(b) and other regulations of Chapter 14, Article 3, Division 1 do not apply.
- (ii) Hard shoreline armoring shall not be constructed to protect an *ADU* or *JADU* from the effects of coastal hazards, including, but not limited to, sea level rise.
- (iii) The *record owner* of the *ADU* or *JADU* shall enter into an acknowledgement agreement with the City in a form that is approved by the City Attorney. The agreement shall include the following acknowledgements and provisions:
 - (1) that the *ADU* or *JADU* is located in an area

of future sea level rise that may become hazardous in the future; (2) that sea level rise could render it difficult or impossible to provide services to the site; (3) that the boundary between public land (tidelands) and private land may shift with rising seas and the *development* approval does not permit encroachment onto public trust land; 4) that additional adaptation strategies may be required in the future to address sea level rise consistent with the Coastal Act and certified *Local Coastal Program*; (5) that the owner waives any rights under Coastal Act Section 30235 and related *Local Coastal Program* policies to hard shoreline armoring to protect the *ADU* or *JADU*; and (6) that the *structure* may be required to be removed or relocated and the site restored if it becomes unsafe.

- (iv) The record owner of the *ADU* or *JADU* shall provide notice to all occupants of the *ADU* or *JADU* of the acknowledgements and provisions specified in Section 141.0302(a)(2)(F)(ii) and (iii).

(3) Parking Regulations

- (A) No on-street parking spaces or *off-street parking spaces* are required for *ADUs* and *JADUs* except as specified in Section 141.0302(a)(3)(B).
- (B) When an *ADU* or *JADU* is proposed on a *premises* located both within the Beach Impact Area of the Parking Impact Overlay Zone and outside of a *transit priority area*, one *off-street parking spaces* located consistent with Section 141.0302(a)(3)(D) shall be required per *ADU* or *JADU*, unless any of the following apply:
 - (i) The *ADU* or *JADU* is 500 square feet or less;
 - (ii) The *premises* is located within a *historical district* that is a *designated historical resource*;
 - (iii) The *ADU* or *JADU* is attached to the proposed or existing primary *dwelling unit* or *accessory structure*;
 - (iv) The *premises* is located within a residential permit parking district;
 - (v) There is a car share vehicle located within one block of the *premises*.
- (C) When a garage, carport, or covered parking *structure* is demolished in conjunction with the construction of an *ADU* or *JADU*, or converted to an *ADU* or *JADU*, replacement of

those *off-street parking spaces* is not required unless the *premises* is located both within the Beach Impact Area of the Parking Impact Overlay Zone and outside of a *transit priority area*, in which case the parking shall be replaced in a location consistent with Section 141.0302(a)(3)(D).

(D) If *off-street parking spaces* are required in accordance with Section 141.0302(a)(3)(B) or 141.0302(a)(3)(C), or if the applicant chooses to provide *off-street parking spaces* for *ADUs* and/or *JADUs* located on the *premises*, those spaces shall comply with the following:

- (i) *Off-street parking spaces* may be located in any configuration, may be within the *setback* areas, and may include tandem spaces or mechanical lifts.
- (ii) *Off-street parking spaces* shall be located within *hardscape* areas and shall comply with the minimum standards and guidelines to provide safe and efficient means of vehicular access to the *lot*.

(4) [No change in text.]

(b) through (c) [No change in text.]

§141.0318 Movable Tiny Houses

Movable tiny houses are permitted as a limited use in accordance with Process One in the zones indicated with an “L” in the Use Regulations Tables in

Chapter 13, Article 1 (Base Zones) and Chapter 15, Article 1, Division 4 (General and Supplemental Regulations), subject to the following regulations.

(a) *Development Regulations*

(1) *A movable tiny house shall be:*

(A) [No change in text.]

(B) exempt from parking regulations unless the *movable tiny house* is located in the Beach Impact Area of the Parking Impact Overlay Zone but outside of a *transit priority area*, in which case one *off-street parking space* shall be required if there is already an *Accessory Dwelling Unit* or *Junior Accessory Dwelling Unit* present on the same *premises*.

(2) through (11) [No change in text.]

(12) Within the Coastal Overlay Zone, the following regulations apply to *movable tiny houses* constructed outside of Special Flood Hazard Areas and within an area of future sea level rise (with a 75-year horizon) as determined by the City Manager based on the Sea Level Rise Policy Guidance adopted by the California Coastal Commission, as it applies to residential *development*:

(A) Hard shoreline armoring shall not be constructed to protect a *movable tiny house* from the effects of coastal hazards, including, but not limited to, sea level rise.

- (B) The *record owner* of the *movable tiny house* shall enter into an acknowledgement agreement with the City in a form that is approved by the City Attorney. The agreement shall include the following acknowledgements and provisions: (1) that the *movable tiny house* is located in an area of future sea level rise that may become hazardous in the future; (2) that sea level rise could render it difficult or impossible to provide services to the site; (3) that the boundary between public land (tidelands) and private land may shift with rising seas and the *development* approval does not permit encroachment onto public trust land; (4) that additional adaptation strategies may be required in the future to address sea level rise consistent with the Coastal Act and certified *Local Coastal Program*; (5) that the owner waives any rights under Coastal Act Section 30235 and related *Local Coastal Program* policies to hard shoreline armoring to protect the *movable tiny house*; and (6) that the *structure* may be required to be removed or relocated and the site restored if it becomes unsafe.

(C) The *record owner* of the *movable tiny house* shall provide notice to all occupants of the *movable tiny house* of the acknowledgements and provisions specified in Section 141.0318(a)(12)(A) and (B).

(b) through (c) [No change in text].

Section 3. That a full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 4. That this Ordinance shall not take effect until the date the California Coastal Commission unconditionally certifies these provisions as a Local Coastal Program amendment, or until the thirtieth day from and after its final passage, whichever occurs later.

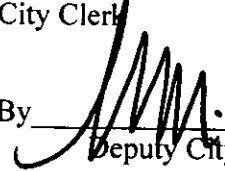
APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Corrine L. Neuffer
Corrine L. Neuffer
Chief Deputy City Attorney

CLN:cm
05/27/2022
Or.Dept: Planning
Doc. No. 2926862_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUL 12 2022.

ELIZABETH S. MALAND
City Clerk

By  _____
Deputy City Clerk

Approved: 7/21/22
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck-Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 6, DIVISION 7 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 126.0704, 126.0707, AND 126.0708; AND AMENDING CHAPTER 14, ARTICLE 1, DIVISION 3 BY AMENDING SECTIONS 141.0302 AND 141.0318, ALL RELATING TO ACCEPTING THE CALIFORNIA COASTAL COMMISSION'S SUGGESTED MODIFICATIONS REQUIRED FOR CERTIFICATION OF THE MOVABLE TINY HOUSES AMENDMENTS TO THE COMPANION UNIT AND JUNIOR UNIT REGULATIONS AND THE HOUSING LEGISLATION CODE UPDATE TO THE MUNICIPAL CODE AND LOCAL COASTAL PROGRAM.

§126.0704 Exemptions from a Coastal Development Permit

The following *coastal development* is exempt from the requirement to obtain a Coastal Development Permit:

- (a) Improvements to existing *structures*; ~~including the construction of attached Accessory Dwelling Units and Junior Accessory Dwelling Units in accordance with Section 141.0302~~ are exempt, except if the improvements involve any of the following:

(1) through (8) [No change in text.]

- (9) Accessory Dwelling Units and Junior Accessory Dwelling Units that are not completely contained in the existing primary structure or include increases in habitable area or include conversion of nonhabitable space. Such ADUs and JADUs are considered

self-contained residential units within new construction and are therefore ineligible for an exemption.

(b) through (j) [No change in text.]

§126.0707 Decision Process for a Coastal Development Permit

(a) A decision on an application for a City-issued Coastal Development Permit in the *non-appealable area* of the Coastal Overlay Zone shall be made in accordance with Process Two, except that a decision on an application for a *capital improvement program project* or *public project* in the *non-appealable* or the *appealable area* of the Coastal Overlay Zone shall be made in accordance with Section 126.0707(c). The decision may be appealed to the Planning Commission in accordance with Section 112.0504.

(b) through (c) [No change in text.]

(d) ~~Except for Coastal Development Permits issued in accordance with Section 126.0707(g),~~ conditions may be imposed by the decision maker when approving a Coastal Development Permit to carry out the purpose and the requirements of this division. The conditions may include a provision for public access, open space, or conservation easements or the relocation or redesign of proposed site improvements. In any *subdivision* or other land division, such conditions shall be imposed at the time of the *subdivision* or other land division, rather than through subsequent development permits. When conditions pertaining to public access, open space, or conservation easements are imposed, the City Manager shall

notify the Executive Director of the Coastal Commission as set forth in Section 126.0719.

(e) through (f) [No change in text.]

(g) A decision on an application for a City-issued Coastal Development Permit for an Accessory Dwelling Unit or Junior Accessory Dwelling Unit in the non-appealable area of the Coastal Overlay Zone shall be made as follows:

(1) The Coastal Development Permit shall be issued as a Building Permit in accordance with Process One as specified in Section 112.0502 and Chapter 12, Article 9, Division 2. Sections 126.0711, 126.0712, 126.0713, 126.0715 and 126.0716 related to recordation, issuance, initial utilization, time extension, and modification or amendment of a Coastal Development Permit shall not apply.

(2) If the proposed coastal development involves any of the activities in Section 126.0704(a)(1)-(2) or Section 126.0704(a)(4)-(8), a Coastal Development Permit shall be required in accordance with a Process Two as specified in Section 126.0707(a).

§126.0708 Findings for Coastal Development Permit Approval

Except for Coastal Development Permits issued in accordance with Section 126.0707(g), an application for a Coastal Development Permit may be approved or conditionally approved only if the decision maker makes all of the *findings* in Section 126.0708(a) and the supplemental *findings* in Section 126.0708(b) that are

applicable to the proposed *development*. Coastal Development Permits issued in accordance with Section 126.0707(g) shall be approved if the administrative findings in Section 126.0708(c), and if applicable, the supplemental findings in Section 126.0708(b), are satisfied.

(a) through (b) [No change in text.]

(c) The following administrative findings shall be made for Coastal Development Permits required for Accessory Dwelling Units and Junior Accessory Dwelling Units permitted in accordance with Section 126.0707(g) in order to ensure that the development conforms to the Local Coastal Program:

(1) The proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan.

(2) The proposed coastal development permit will preserve existing public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan and Chapter 13, Article 2, Division 4.

(3) The proposed coastal development complies with the Environmentally Sensitive Lands Regulations in Chapter 14, Article 3, Division 1.

- (4) The proposed *coastal development* does not involve any of the activities in Section 126.0704(a)(1)-(2) or Section 126.0704(a)(4)-(8).

§141.0302 *Accessory Dwelling Units and Junior Accessory Dwelling Units*

Section 141.0302 provides for the construction of *Accessory Dwelling Units (ADUs)* and *Junior Accessory Dwelling Units (JADUs)*, consistent with the requirements of state law, and is intended to encourage the construction of *ADUs* and *JADUs* through several local regulatory provisions, including allowing encroachment into the interior side *yard* and rear *yard setbacks* up to the *property line*, eliminating parking requirements for *ADUs* and *JADUs*, and providing an affordable housing bonus of one additional *ADU* for every deed-restricted affordable *ADU* constructed on the *premises*, as specified in the regulations below. *ADUs* are permitted in all zones allowing residential uses and *JADUs* are permitted in all *single dwelling unit* zones by-right as a limited use decided in accordance with Process One, indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) The following regulations are applicable to both *ADUs* and *JADUs*:
- (1) [No change in text.]
 - (2) *Development* Regulations
 - (A) through (C) [No change in text.]
 - (D) The following *setback* allowances are applicable:
 - (i) Conversion of existing *structure* to an *ADU* or *JADU*. No *setback* is required for an existing

dwelling unit or accessory structure that is converted to an *ADU* or *JADU*, or to a portion of an *ADU* or *JADU*. An *ADU* or *JADU* that is constructed in the same location and to the same dimensions as an existing *structure* may continue to observe the same *setbacks* as the *structure* it replaced. An existing *structure* may not be converted to or reconstructed as an *ADU* or *JADU* if the *structure* does not conform to the wetlands regulations in Section 143.0141(b), the sensitive coastal bluffs regulations in Section 143.0143, the coastal beaches regulations in Section 143.0144, or the Supplemental Regulations of the Coastal Overlay Zone in Section 132.0403.

(ii) [No change in text.]

(E) [No change in text.]

(F) Within the Coastal Overlay Zone, the following regulations apply to *ADUs* or *JADUs* constructed outside of Special Flood Hazard Areas and within an area of future sea level rise (with a 75-year horizon) as determined by the City Manager based on the Sea Level Rise Policy Guidance adopted by the California Coastal Commission, as it applies to residential development.

- (i) The ADU or JADU shall comply with the regulations in Section 143.0146(c) and, if applicable, Section 143.0146(g). The base flood elevation utilized, and the applicability of Section 143.0146(g), shall be based on the FIRM Zone of the Special Flood Hazard Area in closest proximity to the premises on which the ADU or JADU is proposed. The permit requirements of 143.0110(b) and other regulations of Chapter 14, Article 3, Division 1 do not apply.
- (ii) Hard shoreline armoring shall not be constructed to protect an ADU or JADU from the effects of coastal hazards, including, but not limited to, sea level rise.
- (iii) The record owner of the ADU or JADU shall enter into an acknowledgement agreement with the City in a form that is approved by the City Attorney. The agreement shall include the following acknowledgements and provisions: (1) that the ADU or JADU is located in an area of future sea level rise that may become hazardous in the future; (2) that sea level rise

could render it difficult or impossible to provide services to the site; (3) that the boundary between public land (tidelands) and private land may shift with rising seas and the development approval does not permit encroachment onto public trust land; 4) that additional adaptation strategies may be required in the future to address sea level rise consistent with the Coastal Act and certified *Local Coastal Program*; (5) that the owner waives any rights under Coastal Act Section 30235 and related *Local Coastal Program* policies to hard shoreline armoring to protect the *ADU* or *JADU*; and (6) that the structure may be required to be removed or relocated and the site restored if it becomes unsafe.

(iv) The record owner of the *ADU* or *JADU* shall provide notice to all occupants of the *ADU* or *JADU* of the acknowledgements and provisions specified in Section 141.0302(a)(2)(F)(ii) and (iii).

(3) Parking Regulations

- (A) No on-street parking spaces or *off-street parking spaces* are required for *ADUs* and *JADUs* except as specified in Section 141.0302(a)(3)(B). ~~If the applicant chooses to provide off-street parking spaces for *ADUs* and/or *JADUs* located on the premises, those spaces shall comply with the following:~~
- ~~(i) *Off-street parking spaces* may be located in any configuration, may be within the *setback* areas, and may include tandem spaces or mechanical lifts.~~
 - ~~(ii) *Off-street parking spaces* shall be located within *hardscape* areas and shall comply with the minimum standards and guidelines to provide safe and efficient means of vehicular access to the *lot*.~~
- (B) When ~~an~~ garage, carport, or covered parking *structure* is demolished in conjunction with the construction of an *ADU* or *JADU*; or converted to an *ADU* or *JADU*, replacement of ~~those~~ is proposed on a *premises* located both within the Beach Impact Area of the Parking Impact Overlay Zone and outside of a *transit priority area*, one *off-street parking spaces* is ~~not~~ located consistent with Section 141.0302(a)(3)(D) shall be required- per *ADU* or *JADU*, unless any of the following apply:
- (i) The *ADU* or *JADU* is 500 square feet or less;

- (ii) The premises is located within a historical district that is a designated historical resource;
 - (iii) The ADU or JADU is attached to the proposed or existing primary dwelling unit or accessory structure;
 - (iv) The premises is located within a residential permit parking district;
 - (v) There is a car share vehicle located within one block of the premises.
- (C) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or JADU, or converted to an ADU or JADU, replacement of those off-street parking spaces is not required unless the premises is located both within the Beach Impact Area of the Parking Impact Overlay Zone and outside of a transit priority area, in which case the parking shall be replaced in a location consistent with Section 141.0302(a)(3)(D).
- (D) If off-street parking spaces are required in accordance with Section 141.0302(a)(3)(B) or 141.0302(a)(3)(C), or if the applicant chooses to provide off-street parking spaces for ADUs and/or JADUs located on the premises, those spaces shall comply with the following:

- (i) Off-street parking spaces may be located in any configuration, may be within the setback areas, and may include tandem spaces or mechanical lifts.
- (ii) Off-street parking spaces shall be located within hardscape areas and shall comply with the minimum standards and guidelines to provide safe and efficient means of vehicular access to the lot.

(4) [No change in text.]

(b) through (c) [No change in text.]

§141.0318 Movable Tiny Houses

Movable tiny houses are permitted as a limited use in accordance with Process One in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) and Chapter 15, Article 1, Division 4 (General and Supplemental Regulations), subject to the following regulations.

(a) *Development Regulations*

(1) A *movable tiny house* shall be:

(A) [No change in text.]

(B) exempt from parking regulations unless the *movable tiny house* is located in the Beach Impact Area of the Parking Impact Overlay Zone but outside of a *transit priority area*, in which case one *off-street parking space* shall be required if there is already an *Accessory Dwelling Unit* or

Junior Accessory Dwelling Unit present on the same premises.

(2) through (11) [No change in text.]

(12) Within the Coastal Overlay Zone, the following regulations apply to movable tiny houses constructed outside of Special Flood Hazard Areas and within an area of future sea level rise (with a 75-year horizon) as determined by the City Manager based on the Sea Level Rise Policy Guidance adopted by the California Coastal Commission, as it applies to residential development:

(A) Hard shoreline armoring shall not be constructed to protect a movable tiny house from the effects of coastal hazards, including, but not limited to, sea level rise.

(B) The record owner of the movable tiny house shall enter into an acknowledgement agreement with the City in a form that is approved by the City Attorney. The agreement shall include the following acknowledgements and provisions: (1) that the movable tiny house is located in an area of future sea level rise that may become hazardous in the future; (2) that sea level rise could render it difficult or impossible to provide services to the site; (3) that the boundary between public land (tidelands) and private land may shift with rising seas and the development approval

does not permit encroachment onto public trust land;
(4) that additional adaptation strategies may be required
in the future to address sea level rise consistent with the
Coastal Act and certified *Local Coastal Program*; (5)
that the owner waives any rights under Coastal Act
Section 30235 and related *Local Coastal Program*
policies to hard shoreline armoring to protect the
movable tiny house; and (6) that the *structure* may be
required to be removed or relocated and the site
restored if it becomes unsafe.

(C) The *record owner* of the *movable tiny house* shall
provide notice to all occupants of the *movable tiny*
house of the acknowledgements and provisions
specified in Section 14L.0318(a)(12)(A) and (B).

(b) through (c) [No change in text].

CLN:cm
05/27/2022
Or.Dept: Planning
Doc. No. 2926863_2

Passed by the Council of The City of San Diego on JUL 12 2022, 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<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"/>
Chris Cate	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUL 21 2022

AUTHENTICATED BY:

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

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By [Signature], Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JUN 20 2022

and on JUL 21 2022

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By [Signature], Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O-_____