



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: March 26, 2020 REPORT NO. PC-20-017

HEARING DATE: April 16, 2020

SUBJECT: Movable Tiny Houses
Municipal Code Amendment and Local Coastal Program Amendment
Process Five

SUMMARY

Issues: Should the Planning Commission recommend to the City Council approval of an amendment to the City's Municipal Code and Local Coastal Program to allow movable tiny houses?

Staff Recommendation: Recommend approval of the amendments as proposed to the City Council.

City Strategic Plan Goal and Objectives:

Goal #3: Create and sustain a resilient and economically prosperous City.

Objective #7: Increase the net supply of affordable housing.

Environmental Review: The CEQA and Environmental Policy Section has reviewed the proposed amendments to Companion and Junior Unit Ordinance and they are statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 21080.17 of the California Public Resources Code (PRC) (CEQA not applicable to local ordinances regulating the construction of dwelling units and second units). The Ordinance is exempt from CEQA under CEQA Guidelines Sections 15301 (Existing Facilities), 15302 (Replacement or Reconstruction), 15303 (New Construction or Conversion of Small Structures), and that none of the exceptions under 15300.2 apply.

Housing Impact Statement: The proposed amendments would apply to all Community Plans City-wide. The proposed amendments reduce the development regulations, thereby increasing housing availability.

Land Use & Housing Committee:

On October 9, 2019, the Land Use & Housing Committee voted to request the City Attorney, Council District Seven, and the Land Use and Housing Committee Consultant to prepare a Municipal Code amendment permitting movable tiny homes in the City of San Diego.

Previous Council/ Committee:

On November 11, 2018, the Select Committee on Homelessness heard an information item titled, "Innovative Housing Panel Discussion: Presentations on Community Land Trusts, Tiny Homes, and other Affordable Housing Models." The Committee expressed support to amending the companion unit and junior unit ordinance to allow for movable tiny houses.

BACKGROUND

Companion units (CU) and junior units (JU), also commonly referred to as Accessory Dwelling Units (ADUs) are essential components to address the housing needs of San Diegans. They provide flexible housing options for families, friends, students, the elderly, in-home health care providers, people with disabilities, and others.

In recent years, several local jurisdictions have taken the lead to allow movable tiny houses as a new housing typology. Movable tiny houses make particular sense in coastal California due to the habitable climate and need for creative housing solutions. Movable tiny house ordinances have been approved in Fresno (2018), San Luis Obispo (2019), and Los Angeles (2019). The County of Santa Clara's Planning Commission recommended a new ordinance in January 2020, and the County is scheduled to vote on it in the upcoming months. Movable tiny houses ordinances are also in process in the counties of Humboldt, Monterey, Placer, and San Luis Obispo and the cities of Richmond, Sacramento, Oakland, and San Jose.

In the counties of Alameda, Contra Costa, Lake, Mendocino, Napa, Sacramento, and Sonoma, movable tiny houses are allowed as "caregiver dwellings" in the backyard of a person who needs assistance.

DISCUSSION

In 2016 and 2017, the California Legislature enacted numerous laws that significantly altered the State's regulations regarding Accessory Dwelling Units. The primary motivation for introducing these modifications was to provide efficient, affordable, and sustainable housing opportunities.

State law, among other provisions, allows local jurisdictions to adopt less restrictive requirements on ADUs, *"Government Code Section 65852.2 (g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit."*

On July 24, 2017, the City of San Diego passed O-20857 N.S. (Companion Units and Junior Units) to amend SDMC Ch. 14, Article 01, Division 03 to reduce barriers and encourage the development of companion units and junior units.

On November 11, 2018, the Select Committee on Homelessness heard an information item, "Innovative Housing Panel Discussion: Presentations on Community Land Trusts, Tiny Homes, and other Affordable Housing Models." The Committee expressed interest in amending the companion unit and junior unit ordinance to allow for movable tiny houses.

On May 10, 2019, the Department of Housing and Community Development reviewed the

proposed ordinance and issued an advice letter, “supporting the City’s efforts to encourage and allow a variety of housing choices, including ‘tiny houses’ as an ADU as defined in the proposed ordinance amendment”. The Department of Housing and Community Development has issued thirteen similar letters to local agencies.

On October 9, 2019, the Land Use & Housing voted to request the City Attorney, Council District Seven, and the Land Use and Housing Committee Consultant prepare a Municipal Code amendment permitting moveable tiny homes in the City of San Diego.

The proposed changes will amend the ordinance for Companion Units and Junior Units to add movable tiny house as a separately regulate use. A movable tiny house would be subject to additional restrictions.

ALTERNATIVES:

The Planning Commission may recommend to the City Council that it does not adopt the Municipal Code amendments or that it adopt the Municipal Code changes with modifications.

CONCLUSION:

Movable tiny houses are a new housing typology that falls under the state definition of an accessory dwelling unit, defined as "an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated" (Gov. Code Section 65852.2 (i)(4)). The inclusion of movable tiny houses into the Companion and Junior Unit ordinance would not foreseeably result in a new development that would result in potential cumulative impacts. Movable tiny houses provide a lower-cost option when building a Companion unit. Allowing this new housing typology would help address the housing needs by encouraging housing supply, choice, and affordability.

Respectfully submitted,

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City Council - District 7

Laura Black
Deputy Director
Planning Department

Attachments:

1. Draft Code language (Strikeout/Underline)
2. Department of Housing and Community Development comment letter May 10, 2019

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 113.0103; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 131.0112; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2 BY AMENDING SECTION 131.0222; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3 BY AMENDING SECTION 131.0322; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 131.0422; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5 BY AMENDING SECTION 131.0522; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 BY AMENDING SECTION 131.0622; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 15 BY AMENDING SECTIONS 132.1510, 132.1515, AND 132.1535; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 3 BY AMENDING SECTION 141.0302; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 6 BY AMENDING SECTIONS 142.0640 AND 142.0680; AMENDING CHAPTER 15, ARTICLE 5, DIVISION 2 BY AMENDING SECTION 155.0238; AMENDING CHAPTER 15, ARTICLE 10, DIVISION 3 BY AMENDING SECTION 1510.0303; AMENDING CHAPTER 15, ARTICLE 16, DIVISION 1 BY AMENDING SECTION 1516.0112 RELATING TO THE PERMITTING OF MOVABLE TINY HOUSES.

WHEREAS, over the past decade, new housing development has not kept pace with job or population growth, resulting in housing costs that have increased at a much faster rate than income levels; and

WHEREAS, the City of San Diego currently regulates alternative housing models that contribute to addressing home supply and affordability such as accessory dwelling units (ADU's), referred to as companion units and junior units in the San Diego Municipal Code (SDMC); and

WHEREAS, alternative housing models, such as movable tiny houses, can provide flexible housing options for family members, friends, students, the elderly, in-home health care providers, people with disabilities, and others; and

WHEREAS, this Ordinance proposes to add regulations applicable to movable tiny houses as a separately regulated residential use within the SDMC's companion unit and junior unit regulations to encourage housing supply, choices, and affordability; and

WHEREAS, state law allows local agencies to adopt less restrictive requirements for the creation of ADU's; and

WHEREAS, state law provides homeowners the opportunity to own accessory dwelling units on their residential property with reduced requirements for parking, zoning setbacks, fire sprinklers, public utilities and fees; and

WHEREAS, the Department of Housing and Community Development (HCD) reviewed a draft of the proposed Ordinance and issued a comment letter on May 10, 2019, stating that HCD "supports the City's efforts to encourage and allow a variety of housing choices, including 'tiny houses' as an ADU as defined in the proposed ordinance amendment"; and

WHEREAS, movable tiny houses will allow for in-fill development that maintains the scale and character of existing development; and

WHEREAS, movable tiny houses will provide an equitable distribution of housing opportunities that are cost accessible to all residents; therefore, reducing regulatory and procedural barriers to increasing housing production and capacity in appropriate locations; and

WHEREAS, movable tiny houses expand housing opportunities and support current homeowners in retaining their homeowner status by providing rental income to homeowners;
NOW, THEREFORE,

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

Section 1. That Chapter 11, Article 3, Division 1 of the San Diego Municipal Code is amended by amending section 113.0103, to read as follows:

§113.0103 Definitions

Abutting property through Motel [No change in text.]

Movable tiny house means an *accessory structure* that is between 150 and 430 square feet in size on a residential *lot* that provides independent living facilities for one or more persons, independent of the primary *dwelling unit*, which includes permanent provisions for living, sleeping, eating, cooking and sanitation.

MSCP Subarea Plan through Yard [No change in text.]

Section 2. That Chapter 13, Article 1, Division 1 of the San Diego Municipal Code is amended by amending section 131.0112, to read as follows:

§131.0112 Descriptions of Use Categories and Subcategories

- (a) The following are descriptions of each use category and subcategory found in the Use Regulations Tables of each base zone. These descriptions shall be used to classify specific uses into use subcategories for the purpose of determining applicable use regulations, in accordance with Section 131.0110. A description of separately regulated uses is located in Section 131.0112(b).
(1) through (2) [No change in text.]

(3) Residential Use Category

This category includes uses that provide living accommodations for one or more persons. The residential subcategories are:

(A) [No change in text.]

(B) *Mobilehome Parks* — A *premises* with two or more *mobilehomes* used as *dwelling units* other than a *companion unit* or *movable tiny house, junior unit*, or employee housing.

(C) *Multiple Dwelling Unit*- *Dwelling units* where more than one dwelling unit, other than a *companion unit*, or *movable tiny house, junior unit*, or employee housing, is located on a single lot.

(D) [No change in text.]

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

(b) [No change in text.]

Section 3. That Chapter 13, Article 1, Division 2 of the San Diego Municipal Code is amended by amending section 131.0222, to read as follows:

§131.0222 Use Regulations Table for Open Space Zones

The uses allowed in the open space zones are shown in Table 131-02B.

Legend for Table 131-02B

[No change in text.]

Table 131-02B
Use Regulations Table for Open Space Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones					
	1st & 2nd >>	OP-		OC-		OR ⁽¹⁾ -	
	3rd >>	1-	2-	1-		1-	1-
	4th >>	1	1	1	1	2	1
Open Space through Residential, Separately Regulated Residential Uses, Live/Work Quarters [No change in text.]		[No change in text.]					
<i>Movable Tiny Houses</i>		-	-	-		L	-
<i>Permanent Supportive Housing through Signs, Separately Regulated Signs Uses, Theater Marquees</i> [No change in text.]		[No change in text.]					

Footnotes for Table 131-02B [No change in text.]

Section 4. That Chapter 13, Article 1, Division 3 of the San Diego Municipal Code is amended by amending section 131.0322, to read as follows:

§131.0322 Use Regulations Table for Agricultural Zones

The uses allowed in the agricultural zones are shown in Table 131-03B.

Legend for Table 131-03B

[No change in text.]

Table 131-03B
Use Regulations Table for Agricultural Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
Open Space through Residential, Separately Regulated Residential Uses, Live/Work Quarters [No change in text.]		[No change in text.]			

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd >> 3rd >> 4th >>	AG		AR	
		1-		1-	
		1	2	1	2
<i>Movable Tiny Houses</i>		-		L	
<i>Permanent Supportive Housing through Signs, Separately Regulated Signs Uses, Theater Marquees</i> [No change in text.]		[No change in text.]			

Footnotes for Table 131-03B [No change in text.]

Section 5. That Chapter 13, Article 1, Division 4 of the San Diego Municipal Code is amended by amending section 131.0422, to read as follows:

§131.0422 Use Regulations Table for Residential Zones

The uses allowed in the residential zones are shown in Table 131-04B.

Legend for Table 131-04B

[No change in text.]

Table 131-04B
Use Regulations Table for Residential Zones

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																								
	1st & 2nd>>	RE-			RS-														RX-			RT-				
	3rd >>	1-			1-														1-			1-				
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4	5	
Open Space through Residential, Separately Regulated Residential Uses, Live/Work Quarters [No change in text.]		[No change in text.]																								
Movable Tiny Houses		L			L														L			L				

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																									
	1st & 2nd>>	RE-			RS-														RX-		RT-						
	3rd >>	1-			1-														1-		1-						
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4	5		
<i>Permanent Supportive Housing through Signs, Separately Regulated Signs Uses, Theater Marquees</i> [No change in text.]		[No change in text.]																									

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones											
	1st & 2nd >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Open Space through Residential, Separately Regulated Residential Uses, Live/Work Quarters [No change in text.]		[No change in text.]											
Movable Tiny Houses		L			L			L			L		L
Permanent Supportive Housing through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]											

Footnotes for Table 131-04B [No change in text.]

Section 6. That Chapter 13, Article 1, Division 5 of the San Diego Municipal Code is amended by amending section 131.0522, to read as follows:

§131.0522 Use Regulations Table for Commercial Zones

The uses allowed in the commercial zones are shown in Table 131-05B.

Legend for Table 131-05B

[No change in text.]

Table 131-05B
Use Regulations Table for Commercial Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																	
	1st & 2nd >>	CN ⁽¹⁾ -						CR-		CO-						CV-		CP-	
	3rd >>	1-						1-	2-	1-	2-		3-		1-	1-			
	4th >>	1	2	3	4	5	6	1	1	1	2	1	2	1	2	3	1	2	1
Open Space through Residential, Separately Regulated Residential Uses, Live/Work Quarters [No change in text.]		[No change in text.]																	
<i>Movable Tiny Houses</i>		-						-	-	-	-	-	-	-	-	-	-	-	
<i>Permanent Supportive Housing through Signs, Separately Regulated Signs Uses, Theater Marquees</i> [No change in text.]		[No change in text.]																	

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																								
	1st & 2nd >>	CC-																								
	3rd >>	1-			2-			3-			4-			5-												
	4th >>	1	2	3	1	2	3	4	5	4	5	6	7	8	9	1	2	3	4	5	6	1	2	3	4	5
Open Space through Residential, Separately Regulated Residential Uses, Live/Work Quarters [No change in text.]		[No change in text.]																								
Movable Tiny Houses		-			-			-			-			-												
Permanent Supportive Housing through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]																								

Footnotes for Table 131-05B [No change in text.]

Section 7. That Chapter 13, Article 1, Division 2 of the San Diego Municipal Code is amended by amending section 131.0622, to read as follows:

§131.0622 Use Regulations Table for Industrial Zones

The uses allowed in the industrial zones are shown in Table 131-06B.

DRAFT

Legend for Table 131-06B

[No change in text.]

Table 131-06B
Use Regulations Table for Industrial Zones

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd> >	IP-			IL-			IH-		IS-	IBT-
	3rd >>	1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
	4th >>	1	1	1	1	1	1	1	1	1	1
Open Space through Residential, Separately Regulated Residential Uses, Live/Work Quarters [No change in text.]	[No change in text.]										
Movable Tiny Houses	-	-	-	-	-	-	-	-	-	-	-
Permanent Supportive Housing through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]										

Footnotes for Table 131-05B [No change in text.]

Section 8. That Chapter 13, Article 2, Division 15 of the San Diego Municipal Code is amended by amending sections 132.1510, 132.1515, and 132.1535, to read as follows:

§132.1510 Noise Compatibility

Noise compatibility between airport operations and proposed *development* within Review Area 1 of this overlay zone shall be evaluated as follows:

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

Legend for Table 132-15D

[No change in text.]

Table 132-15D

Noise Compatibility Criteria

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Aircraft Noise Exposure (dB CNEL)			
	60-65	65-70	70-75	75-80
Open Space through Residential, Separately Regulated Residential Uses, Live/Work Quarters [No change in text.]	[No change in text.]			
<i>Movable Tiny Houses</i>	P ²	P	-	-
Residential Care Facilities through Industrial, Separately Regulated Industrial Uses, Wrecking & Dismantling of Motor Vehicles [No change in text.]	[No change in text.]			

Footnotes to Table 132-15D [No change in text.]

§132.1515 Safety Compatibility

Safety compatibility between airport operations and proposed *development* within Review Area 1 of this overlay zone shall be evaluated in accordance with this Section.

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

Legend for Table 132-15F

[No change in text.]

Table 132-15F

Safety Compatibility Criteria for MCAS Miramar

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	APZ I	APZ II	TZ
Maximum People Per Acre	25	50	300
Open Space through Residential, Separately Regulated Residential Uses, Live/Work Quarters [No change in text.]	[No change in text.]		
<i>Movable Tiny Houses</i>	P	P	P
Residential Care Facilities through Industrial, Separately Regulated Industrial Uses, Wrecking & Dismantling of Motor Vehicles [No change in text.]	[No change in text.]		

Footnotes to Table 132-15F [No change in text.]

§132.1535 Previously Conforming

This section applies to the *development* and operation of existing uses of *structures* located within the Airport Land Use Compatibility Overlay Zone that were legally established in an airport influence area prior to adoption of an Airport Land Use Compatibility Plan.

- (a) [No change in text.]
- (b) Reconstruction, alteration or expansion of a *previously conforming* use or *structure* may be permitted with a Building Permit as follows:
 - (1) *Previously conforming single dwelling units* and associated *companion units* or *movable tiny houses*, and *junior units*, as

applicable, may be reconstructed, altered or expanded in compliance with the development regulations of the underlying base zone.

(2) through (4) [No change in text.]

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

Section 9. That Chapter 14, Article 1, Division 3 of the San Diego Municipal Code is amended by amending section 141.0302, to read as follows:

§141.0302 Companion Units, Junior Units, and Movable Tiny Houses

Companion units, junior units, and movable tiny houses are each 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) through (b) [No change in text.]

(c) *Movable Tiny Houses*

- (1) *A movable tiny house* shall be exempt from providing parking.
- (2) *A movable tiny house* shall be licensed and registered with the California Department of Motor Vehicles.
- (3) *A movable tiny house* shall not be larger than allowed by California State Law for movement on public highways.
- (4) *A movable tiny house* shall not be able to move under its own power.

- (5) A *movable tiny house* shall not exceed one story.
- (6) A *movable tiny house* shall have a total floor area between 150 and 430 square feet of habitable living space, including bathrooms and fixed counters.
- (7) A *movable tiny house* shall be located behind the primary *dwelling unit* and not in any required front yard. A *movable tiny house* may encroach within the interior side yard but the structure shall not encroach more than a maximum of 30 feet in length.
- (8) A *movable tiny house* shall not have a separate address from the primary *dwelling unit*.
- (9) When sited on a *premises*, the undercarriage (wheels, axels, tongue, and hitch) of a *movable tiny house* shall be concealed from view.
- (10) The wheels of a *movable tiny house* shall not be removed. The wheels and leveling or support jacks shall sit on a paving surface designed in accordance with Section 142.0560(h)(1).
- (11) Mechanical equipment of a *movable tiny house*, including heating, ventilation, and air conditioning equipment shall be incorporated into the structure and not located on the roof.
- (12) A *movable tiny house* shall be connected to water, sewer and electric utilities. Connections to natural gas are prohibited.
- (13) A *movable tiny house* shall be certified by a recognized national

certification body as complying with the National Fire Protection Association 1192 Standard on Recreational Vehicles or the American National Standards Institute A119.5 Park Model Recreational Vehicle Standard. Certification shall include placement of a certified label on the *movable tiny house* to demonstrate compliance with the construction standards.

- (14) A *movable tiny house* shall not be located within a brush management zone established pursuant to Section 142.0412 of the Landscape Regulations.
- (15) A *movable tiny house* shall be located on a *premises* adjacent to a *public right-of-way* having a width of at least 20 feet. No exterior portion of a *movable tiny house* shall be located more than 150 feet from the *public right-of-way*. A *movable tiny house* shall be accessed with a path having a width of at least 5 feet.
- (16) A *movable tiny house* shall be located at a fire separation distance of at least 5 feet from an adjacent *lot* line and shall be located at least 10 feet from any other structures on the *premises*.
- (17) When located on a *premises* where the primary *dwelling unit* is protected with an automatic fire sprinkler system, a *movable tiny house* shall be protected with an automatic fire sprinkler in compliance with Section R313 of the California Residential Code.
- (18) When located within the Very High Fire Hazard Severity Zone as

established pursuant to Chapter 5, Article 5, Division 94, a *movable tiny house* shall be constructed to meet the following additional requirements:

- (A) A *movable tiny house* shall be protected with an automatic fire sprinkler system in compliance with Section R313 of the California Residential Code even if located on a *premises* where the primary *dwelling unit* is not protected with an automatic fire sprinkler system;
- (B) Exterior walls shall be constructed with ignition resistant materials in compliance with Section R337 of the California Residential Code; and
- (C) Glazed openings, including skylights, shall comply with Section R337 of the California Residential Code.

(19) A *movable tiny house* shall be constructed to include the following design elements:

- (A) Cladding and Trim: Materials used on the exterior shall exclude single piece composite, laminates, or interlocked metal sheathing;
- (B) Windows and Doors: Windows shall be at least double pane glass, labelled for building use, and include exterior trim. Windows and doors shall not have radius corners;
- (C) Roofs: Roofs shall be sloped to drain over the roof edge. At

least 50 percent of the roof area shall have a roof slope of 2:12 or more. Roof coverings shall comply with the Residential Building Regulations in Chapter 14, Article 9, Division 9; and

- (D) Living Area Extensions: The roof and all exterior walls shall not be fixed with slide-outs, tip-outs, or other forms of mechanically articulating room area extensions.

(20) A *movable tiny house* shall not be located within the *MHPA*.

- (d) Only one *companion unit* or *movable tiny house*, and one *junior unit* is permitted on a *premises*. Guest quarters and non-habitable structures shall be permitted in addition to the *companion unit* or *movable tiny house*, and *junior unit*.

- (e) *Companion units* are not subject to Section 131.0450.

- (f) A *companion unit*, *junior unit*, or *movable tiny house* shall not be used for a rental term of less than 30 consecutive days.

Section 10. That Chapter 14, Article 2, Division 6 of the San Diego Municipal Code is amended by amending sections 142.0640 and 142.0680, to read as follows:

§142.0640 Impact Fees for Financing Public Facilities

- (a) [No change in text.]

- (b) Payment of Fees

The payment of DIFs (as defined in California Government Code Section 66000) shall be required prior to issuance of any Building Permit in areas

where DIFs have been established by City Council resolution or ordinance. Notwithstanding the above, the City Manager may also require the payment of DIFs prior to issuance of any construction permit issued or required for development that would increase demand for public facilities and/or result in the need for new public facilities. The DIFs due shall be determined in accordance with the fee schedule approved by the applicable City Council resolution in effect upon the issuance of a Building Permit, or Construction permit, as applicable, and may include an automatic increase consistent with Section 142.0640(c).

Exemptions:

(1) Accessory dwelling units, including dwelling units as defined as companion units, movable tiny houses, junior units, or guest quarters are exempt from DIFs.

(2) [No change in text.]

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

§142.0680 Cost Reimbursement District Regulations

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

(f) Actions Necessary to Form a Cost Reimbursement District

(1) [No change in text.]

(2) Notice and Hearing on Formation of Cost Reimbursement District.

(A) [No change in text.]

(B) The City Clerk shall cause a notice of the hearing, in substantially the following form, to be published once in a newspaper of general circulation in the City at least ten (10) calendar days prior to the hearing:

DRAFT

NOTICE OF HEARING

The City Council of the City of San Diego will hold a public hearing at _____ on _____ at the City Council Chambers on the 12th Floor of the City Administration Building, 202 C Street, San Diego, California, 92101 to consider the establishment of a reimbursement district for the financing of certain public facilities and related improvements within the City otherwise known as the Cost Reimbursement District No. (_____).

Your property is located within the proposed boundaries of the cost reimbursement district and may be subject to a lien to pay a portion of the cost of providing such facilities. If, within a twenty-year period from the date of forming the district, you either file a final map or are issued a building permit, the lien amount will become due and payable. Payment of the lien under these reimbursement proceedings shall not be required in the following circumstances:

- (a) [No change in text.]
- (b) For issuance of a building permit for the addition of accessory structures to an existing dwelling unit provided the accessory structure is not a companion unit or movable tiny house, or junior unit.
- (c) through (e) [No change in text.]

The boundaries of the district are more particularly described by Plat No. _____ which is on file in the Office of the City Clerk.

All persons desiring to testify with respect to: the necessity of the proposed public improvements, the cost of the proposed public improvements, the benefited area or the amount of the costs eligible to be recovered, may appear and be heard at this hearing.

(C) [No change in text.]

(3) [No change in text.]

(g) [No change in text.]

(h) Lien on Property

(1) through (6) [No change in text.]

(7) If, during the period following the formation of the cost reimbursement district, any person records a final map (subdivision, parcel, or consolidation map) or applies for a building permit for construction on a lot for which a lien for public improvements has been established in accordance with section 142.0680, and such person or predecessor in interest has not paid the lien to the City, the established lien shall be paid prior to the earlier of the filing of the final map or the issuance of the building permit. Payment of the lien shall not be required in the following circumstances:

(A) [No change in text.]

(B) For issuance of a building permit for the addition of accessory structures to an existing dwelling unit provided the accessory structure is not a companion unit or movable tiny house, or junior unit.

(C) through (E) [No change in text.]

(i) [No change in text.]

Section 11. That Chapter 15, Article 5, Division 2 of the San Diego Municipal Code is amended by amending section 155.0238, to read as follows:

§155.0238 Use Regulations Table of CU Zones

The uses allowed in the CU zones are shown in Table 155-02C:

Legend for Table 155-02C

[No change in text.]

**Table 155-02C
Use Regulations Table for CU Zones**

Use Categories/Subcategories [See Land Development Code Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >>	CU-									
	3rd >>	1-(1)		2-			3-				
	4th >>	1	2	3	4	5	3(2)(12)	6	7	8	
Open Space through Residential, Separately Regulated Residential Uses, Live/Work Quarters [No change in text.]		[No change in text.]									
Movable Tiny Houses		L		-			-				
Residential Care Facilities through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]									

Footnotes for Table 155-02C [No change in text.]

Section 12. That Chapter 15, Article 10, Division 3 of the San Diego Municipal Code is amended by amending section 1510.0303, to read as follows:

§1510.0303 Single-Family Zone - Permitted Uses

In the Single-Family (SF) Zone, designated on that certain map referenced in Section 1510.0102, no building or improvement or portion thereof shall be

erected, constructed, converted, established, altered, or enlarged, nor shall any premises be used except for one or more of the following uses:

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

(c) Boarder and lodger accommodations; Companion units or movable tiny houses, and junior units; Family day care homes; Garage, yard and estate sales; Guest quarters and habitable accessory buildings; Home occupations; Community gardens; and Temporary real estate sales offices and model homes as a limited use in accordance with the applicable regulations in Chapter 14, Article 1 (Separately Regulated Use Regulations).

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

Section 13. That Chapter 15, Article 16, Division 1 of the San Diego Municipal Code is amended by amending section 1516.0112, to read as follows:

§1516.0112 Use Regulations for Old Town San Diego Residential Zones

The uses allowed in the Old Town San Diego Residential zones are shown in Table 1516-01B.

Legend for Table 1516-01B

[No change in text.]

Table 1516-01B

Use Regulations for Old Town Residential Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd >>	OTRS-	OTRM-		
	3rd >>	1-	1-	2-	
	4th >>	1	1	1	2
Open Space through Residential, Separately Regulated Residential Uses, Live/Work Quarters [No change in text.]		[No change in text.]			
<i>Movable Tiny Houses</i>		L	L	L	
Residential Care Facilities through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]			

Footnotes for Table 1516-01B [No change in text.]

Section 14. 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 15. That prior to becoming effective, this Ordinance shall be submitted to the San Diego County Regional Airport Authority (SDCRAA) for a consistency determination.

That if the SDCRAA finds this Ordinance consistent with the Airport Land Use Compatibility Plans (ALUCP) for San Diego International Airport, Marine Corps Air Station Miramar, Gillespie Field, Montgomery Field, and Brown Field Airports (collectively, Airports), this Ordinance shall take effect and be in force on the thirtieth day from and after the finding of

consistency, or on the thirtieth day from and after its final passage, whichever is later, except that the provisions of this Ordinance inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

That if the SDCRAA determines that this Ordinance is inconsistent or conditionally consistent, subject to proposed modifications, with the ALUCPs for the Airports, the Ordinance shall be submitted to the City Council for reconsideration.

That if the SDCRAA determines that this Ordinance is conditionally consistent with the ALUCPs for the Airports, but that consistency is subject to proposed modifications, the City Council may amend this Ordinance to accept the proposed modifications, and this Ordinance as amended shall take effect and be in force on the thirtieth day from and after its final passage, except that the provisions of this Ordinance as amended inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

That a proposed decision by the City Council to overrule a determination of inconsistency or to reject the proposed modifications for a finding of conditional consistency shall include the findings required pursuant to Public Utilities Code section 21670 and require a two-thirds vote. The proposed decision and findings shall be forwarded to the SDCRAA, the California Department of Transportation, Division of Aeronautics, and the airport operators for the Airports. The City Council shall hold a second hearing not less than 45 days from the date

the proposed decision and findings were provided, at which hearing any comments submitted by the public agencies shall be considered and a final decision to overrule a determination of inconsistency shall require a two-thirds vote.

That if the City Council makes a final decision to overrule a determination of inconsistency, this Ordinance shall take effect and be in force on the thirtieth day from and after that final decision, except that the provisions of this Ordinance inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

Section 16. That no permits shall be issued for development that is inconsistent with the provisions of this Ordinance unless complete applications for such permits are submitted to the City prior to the date on which the applicable provisions of this Ordinance become effective.

APPROVED: MARA W. ELLIOTT, City Attorney

By

Lindsey H. Sebastian
Deputy City Attorney

LJS:als
03/12/2020
Or.Dept: Planning
Doc. No.: 2341834

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

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 113.0103; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 131.0112; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2 BY AMENDING SECTION 131.0222; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3 BY AMENDING SECTION 131.0322; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 131.0422; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5 BY AMENDING SECTION 131.0522; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 BY AMENDING SECTION 131.0622; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 15 BY AMENDING SECTIONS 132.1510, 132.1515, AND 132.1535; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 3 BY AMENDING SECTION 141.0302; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 6 BY AMENDING SECTIONS 142.0640 AND 142.0680; AMENDING CHAPTER 15, ARTICLE 5, DIVISION 2 BY AMENDING SECTION 155.0238; AMENDING CHAPTER 15, ARTICLE 10, DIVISION 3 BY AMENDING SECTION 1510.0303; AMENDING CHAPTER 15, ARTICLE 16, DIVISION 1 BY AMENDING SECTION 1516.0112 RELATING TO THE PERMITTING OF MOVABLE TINY HOUSES.

§113.0103 Definitions

Abutting property through Motel [No change in text.]

Movable tiny house means an accessory structure that is between 150 and 430 square feet in size on a residential lot that provides independent living facilities

for one or more persons, independent of the primary *dwelling unit*, which includes permanent provisions for living, sleeping, eating, cooking and sanitation.

MSCP Subarea Plan through Yard [No change in text.]

§131.0112 Descriptions of Use Categories and Subcategories

- (a) The following are descriptions of each use category and subcategory found in the Use Regulations Tables of each base zone. These descriptions shall be used to classify specific uses into use subcategories for the purpose of determining applicable use regulations, in accordance with Section 131.0110.

A description of separately regulated uses is located in Section 131.0112(b).

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

(3) Residential Use Category

This category includes uses that provide living accommodations for one or more persons. The residential subcategories are:

(A) [No change in text.]

(B) *Mobilehome Parks* — A *premises* with two or more *mobilehomes* used as *dwelling units* other than a *companion unit* or movable tiny house, *junior unit*, or employee housing.

(C) *Multiple Dwelling Unit*- *Dwelling units* where more than one dwelling unit, other than a *companion unit* or movable tiny house, *junior unit*, or employee housing, is located on a single *lot*.

(D) [No change in text.]

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

(b) [No change in text.]

§131.0222 Use Regulations Table for Open Space Zones

The uses allowed in the open space zones are shown in Table 131-02B.

Legend for Table 131-02B

[No change in text.]

**Table 131-02B
Use Regulations Table for Open Space Zones**

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones					
	1st & 2nd >>	OP-		OC-	OR ⁽¹⁾ -		OF ⁽¹¹⁾ -
	3rd >>	1-	2-	1-	1-	1-	
	4th >>	1	1	1	1	2	1
Open Space through Residential, Separately Regulated Residential Uses, Live/ w Work Quarters [No change in text.]		[No change in text.]					
<u>Movable Tiny Houses</u>		≡	≡	≡	<u>L</u>		≡
Permanent Supportive Housing through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]					

Footnotes for Table 131-02B [No change in text.]

§131.0322 Use Regulations Table for Agricultural Zones

The uses allowed in the agricultural zones are shown in Table 131-03B.

Legend for Table 131-03B

[No change in text.]

**Table 131-03B
Use Regulations Table for Agricultural Zones**

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
Open Space through Residential, Separately Regulated Residential Uses, Live/Work Quarters [No change in text.]		[No change in text.]			
<u>Movable Tiny Houses</u>		≡		<u>L</u>	
Permanent Supportive Housing through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]			

Footnotes for Table 131-03B [No change in text.]

§131.0422 Use Regulations Table for Residential Zones

The uses allowed in the residential zones are shown in Table 131-04B.

Legend for Table 131-04B

[No change in text.]

Table 131-04B
Use Regulations Table for Residential Zones

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																								
	1st & 2nd>>	RE-		RS-														RX-		RT-						
	3rd >>	1-		1-														1-		1-						
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4	5	
Open Space through Residential, Separately Regulated Residential Uses, Live/Work Quarters [No change in text.]		[No change in text.]																								
Movable Tiny Houses		L		L														L		L						

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																									
	1st & 2nd>>	RE-			RS-														RX-			RT-					
	3rd >>	1-			1-														1-			1-					
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4	5		
<i>Permanent Supportive Housing</i> through Signs, Separately Regulated Signs Uses , Theater <i>Marquees</i> [No change in text.]		[No change in text.]																									

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones											
	1st & 2nd >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Open Space through Residential, Separately Regulated Residential Uses, Live/Work Quarters [No change in text.]		[No change in text.]											
<u>Movable Tiny Houses</u>		<u>L</u>			<u>L</u>			<u>L</u>			<u>L</u>		<u>L</u>
Permanent Supportive Housing through Signs, Separately Regulated Signs Uses , Theater <i>Marquees</i> [No change in text.]		[No change in text.]											

Footnotes for Table 131-04B [No change in text.]

§131.0522 Use Regulations Table for Commercial Zones

The uses allowed in the commercial zones are shown in Table 131-05B.

Legend for Table 131-05B

[No change in text.]

Table 131-05B

Use Regulations Table for Commercial Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones														
	1st & 2nd >>	CN ⁽¹⁾ -					CR-		CO-					CV-		CP-
	3rd >>	1-					1-	2-	1-	2-	3-	1-	1-			
	4th >>	1	2	3	4	5	6	1	1	1	2	1	2	1	2	3
Open Space through Residential, Separately Regulated Residential Uses, Live/Work Quarters [No change in text.]		[No change in text.]														
<u>Movable Tiny Houses</u>		≡					≡	≡	≡	≡	≡	≡	≡	≡	≡	≡
<i>Permanent Supportive Housing through Signs, Separately Regulated Signs Uses, Theater Marquees</i> [No change in text.]		[No change in text.]														

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																								
	1st & 2nd >>	CC-																								
	3rd >>	1-			2-			3-			4-			5-												
	4th >>	1	2	3	1	2	3	4	5	4	5	6	7	8	9	1	2	3	4	5	6	1	2	3	4	5
Open Space through Residential, Separately Regulated Residential Uses, Live/Work Quarters [No change in text.]		[No change in text.]																								
<u>Movable Tiny Houses</u>		≡			≡			≡			≡			≡												
Permanent Supportive Housing through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]																								

Footnotes for Table 131-05B [No change in text.]

§131.0622 Use Regulations Table for Industrial Zones

The uses allowed in the industrial zones are shown in Table 131-06B.

Legend for Table 131-06B

[No change in text.]

Table 131-06B
Use Regulations Table for Industrial Zones

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd> >	IP-			IL-			IH-		IS-	IBT-
	3rd >>	1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
	4th >>	1	1	1	1	1	1	1	1	1	1
Open Space through Residential, Separately Regulated Residential Uses, Live/Work Quarters [No change in text.]	[No change in text.]										
<u>Movable Tiny Houses</u>	=	=	=	=	=	=	=	=	=	=	=
<i>Permanent Supportive Housing through Signs, Separately Regulated Signs Uses, Theater Marquees</i> [No change in text.]	[No change in text.]										

Footnotes for Table 131-05B [No change in text.]

§132.1510 Noise Compatibility

Noise compatibility between airport operations and proposed *development* within

Review Area 1 of this overlay zone shall be evaluated as follows:

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

Legend for Table 132-15D

[No change in text.]

Table 132-15D

Noise Compatibility Criteria

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Aircraft Noise Exposure (dB CNEL)			
	60-65	65-70	70-75	75-80
Open Space through Residential, Separately Regulated Residential Uses, Live/Work Quarters [No change in text.]	[No change in text.]			
<u>Movable Tiny Houses</u>	<u>P²</u>	<u>P</u>	<u>=</u>	<u>=</u>
Residential Care Facilities through Industrial, Separately Regulated Industrial Uses, Wrecking & Dismantling of Motor Vehicles [No change in text.]	[No change in text.]			

Footnotes to Table 132-15D [No change in text.]

§132.1515 Safety Compatibility

Safety compatibility between airport operations and proposed *development* within

Review Area 1 of this overlay zone shall be evaluated in accordance with this

Section.

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

Legend for Table 132-15F

[No change in text.]

Table 132-15F

Safety Compatibility Criteria for MCAS Miramar

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	APZ I	APZ II	TZ
Maximum People Per Acre	25	50	300
Open Space through Residential, Separately Regulated Residential Uses, Live/Work Quarters [No change in text.]	[No change in text.]		
<u>Movable Tiny Houses</u>	<u>P</u>	<u>P</u>	<u>P</u>
Residential Care Facilities through Industrial, Separately Regulated Industrial Uses, Wrecking & Dismantling of Motor Vehicles [No change in text.]	[No change in text.]		

Footnotes to Table 132-15F [No change in text.]

§132.1535 Previously Conforming

This section applies to the *development* and operation of existing uses of *structures* located within the Airport Land Use Compatibility Overlay Zone that were legally established in an airport influence area prior to adoption of an Airport Land Use Compatibility Plan.

- (a) [No change in text.]
- (b) Reconstruction, alteration or expansion of a *previously conforming* use or *structure* may be permitted with a Building Permit as follows:

- (1) *Previously conforming single dwelling units and associated companion units or movable tiny houses, and junior units*, as applicable, may be reconstructed, altered or expanded in compliance with the development regulations of the underlying base zone.

(2) through (4) [No change in text.]

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

§141.0302 Companion Units, Junior Units, and Movable Tiny Houses

Companion units, ~~and junior units~~, and movable tiny houses are each 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) through (b) [No change in text.]

(c) *Movable Tiny Houses*

- (1) *A movable tiny house shall be exempt from providing parking.*
- (2) *A movable tiny house shall be licensed and registered with the California Department of Motor Vehicles.*
- (3) *A movable tiny house shall not be larger than allowed by California State Law for movement on public highways.*
- (4) *A movable tiny house shall not be able to move under its own power.*

- (5) A movable tiny house shall not exceed one story.
- (6) A movable tiny house shall have a total floor area between 150 and 430 square feet of habitable living space, including bathrooms and fixed counters.
- (7) A movable tiny house shall be located behind the primary dwelling unit and not in any required front yard. A movable tiny house may encroach within the interior side yard but the structure shall not encroach more than a maximum of 30 feet in length.
- (8) A movable tiny house shall not have a separate address from the primary dwelling unit.
- (9) When sited on a premises, the undercarriage (wheels, axels, tongue, and hitch) of a movable tiny house shall be concealed from view.
- (10) The wheels of a movable tiny house shall not be removed. The wheels and leveling or support jacks shall sit on a paving surface designed in accordance with Section 142.0560(h)(1).
- (11) Mechanical equipment of a movable tiny house, including heating, ventilation, and air conditioning equipment shall be incorporated into the structure and not located on the roof.
- (12) A movable tiny house shall be connected to water, sewer and electric utilities. Connections to natural gas are prohibited.
- (13) A movable tiny house shall be certified by a recognized national

certification body as complying with the National Fire Protection Association 1192 Standard on Recreational Vehicles or the American National Standards Institute A119.5 Park Model Recreational Vehicle Standard. Certification shall include placement of a certified label on the *movable tiny house* to demonstrate compliance with the construction standards.

(14) *A movable tiny house* shall not be located within a brush management zone established pursuant to Section 142.0412 of the Landscape Regulations.

(15) *A movable tiny house* shall be located on a *premises* adjacent to a *public right-of-way* having a width of at least 20 feet. No exterior portion of a *movable tiny house* shall be located more than 150 feet from the *public right-of-way*. *A movable tiny house* shall be accessed with a path having a width of at least 5 feet.

(16) *A movable tiny house* shall be located at a fire separation distance of at least 5 feet from an adjacent *lot* line and shall be located at least 10 feet from any other structures on the *premises*.

(17) When located on a *premises* where the primary *dwelling unit* is protected with an automatic fire sprinkler system, a *movable tiny house* shall be protected with an automatic fire sprinkler in compliance with Section R313 of the California Residential Code.

(18) When located within the Very High Fire Hazard Severity Zone as

established pursuant to Chapter 5, Article 5, Division 94, a
movable tiny house shall be constructed to meet the following
additional requirements:

(A) *A movable tiny house* shall be protected with an automatic
fire sprinkler system in compliance with Section R313 of
the California Residential Code even if located on a
premises where the primary *dwelling unit* is not protected
with an automatic fire sprinkler system;

(B) Exterior walls shall be constructed with ignition resistant
materials in compliance with Section R337 of the
California Residential Code; and

(C) Glazed openings, including skylights, shall comply with
Section R337 of the California Residential Code.

(19) *A movable tiny house* shall be constructed to include the following
design elements:

(A) Cladding and Trim: Materials used on the exterior shall
exclude single piece composite, laminates, or interlocked
metal sheathing;

(B) Windows and Doors: Windows shall be at least double
pane glass, labelled for building use, and include exterior
trim. Windows and doors shall not have radius corners;

(C) Roofs: Roofs shall be sloped to drain over the roof edge. At

least 50 percent of the roof area shall have a roof slope of 2:12 or more. Roof coverings shall comply with the Residential Building Regulations in Chapter 14, Article 9, Division 9; and

(D) Living Area Extensions: The roof and all exterior walls shall not be fixed with slide-outs, tip-outs, or other forms of mechanically articulating room area extensions.

(20) A movable tiny house shall not be located within the MHPA.

~~(e)~~(d) Only one *companion unit* or movable tiny house, and one *junior unit* is permitted on a *premises*. Guest quarters and non-habitable structures shall be permitted in addition to the *companion unit* or movable tiny house, ~~or~~ and junior unit.

~~(d)~~(e) *Companion units* are not subject to Section 131.0450.

~~(e)~~(f) A *companion unit*, ~~or junior unit~~, or movable tiny house shall not be used for a rental term of less than 30 consecutive days.

§142.0640 Impact Fees for Financing Public Facilities

(a) [No change in text.]

(b) Payment of Fees

The payment of DIFs (as defined in California Government Code Section 66000) shall be required prior to issuance of any Building Permit in areas where DIFs have been established by City Council resolution or ordinance. Notwithstanding the above, the City Manager may also require

the payment of DIFs prior to issuance of any *construction permit* issued or required for *development* that would increase demand for public facilities and/or result in the need for new public facilities. The DIFs due shall be determined in accordance with the fee schedule approved by the applicable City Council resolution in effect upon the issuance of a Building Permit, or *Construction permit*, as applicable, and may include an automatic increase consistent with Section 142.0640(c).

Exemptions:

(1) Accessory *dwelling units*, including *dwelling units* as defined as *companion units*, *movable tiny houses*, *junior units*, or guest quarters are exempt from DIFs.

(2) [No change in text.]

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

§142.0680 Cost Reimbursement District Regulations

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

(f) Actions Necessary to Form a Cost Reimbursement District

(1) [No change in text.]

(2) Notice and Hearing on Formation of Cost Reimbursement District.

(A) [No change in text.]

(B) The City Clerk shall cause a notice of the hearing, in substantially the following form, to be published once in a newspaper of general circulation in the City at least ten (10) calendar days prior to the hearing:

NOTICE OF HEARING

The City Council of the City of San Diego will hold a public hearing at

_____ on _____ at the City

Council Chambers on the 12th Floor of the City Administration Building, 202 C Street, San

Diego, California, 92101 to consider the establishment of a reimbursement district for the

financing of certain public facilities and related improvements within the City otherwise known as the Cost Reimbursement District No. (_____).

Your property is located within the proposed boundaries of the cost reimbursement district and may be subject to a lien to pay a portion of the cost of providing such facilities. If, within a twenty-year period from the date of forming the district, you either file a final map or are issued a building permit, the lien amount will become due and payable. Payment of the lien under these reimbursement proceedings shall not be required in the following circumstances:

- (a) [No change in text.]
- (b) For issuance of a building permit for the addition of accessory structures to an existing dwelling unit provided the accessory structure is not a companion unit or movable tiny house, or junior unit.
- (c) through (e) [No change in text.]

The boundaries of the district are more particularly described by Plat No. _____ which is on file in the Office of the City Clerk.

All persons desiring to testify with respect to: the necessity of the proposed public improvements, the cost of the proposed public improvements, the benefited area or the amount of the costs eligible to be recovered, may appear and be heard at this hearing.

- (C) [No change in text.]
- (3) [No change in text.]
- (g) [No change in text.]
- (h) Lien on Property
- (1) through (6) [No change in text.]

(7) If, during the period following the formation of the cost reimbursement district, any person records a *final map* (subdivision, parcel, or consolidation map) or applies for a building permit for construction on a lot for which a lien for *public improvements* has been established in accordance with section 142.0680, and such person or predecessor in interest has not paid the lien to the City, the established lien shall be paid prior to the earlier of the filing of the *final map* or the issuance of the building permit. Payment of the lien shall not be required in the following circumstances:

(A) [No change in text.]

(B) For issuance of a building permit for the addition of *accessory structures* to an existing *dwelling unit* provided the *accessory structure* is not a *companion unit* or movable tiny house, or *junior unit*.

(C) through (E) [No change in text.]

(i) [No change in text.]

§155.0238 Use Regulations Table of CU Zones

The uses allowed in the CU zones are shown in Table 155-02C:

Legend for Table 155-02C

[No change in text.]

Table 155-02C
Use Regulations Table for CU Zones

Use Categories/Subcategories [See Land Development Code Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >>	CU-									
	3rd >>	1 ⁻⁽¹⁾		2-			3-				
	4th >>	1	2	3	4	5	3 ⁽²⁾⁽¹²⁾	6	7	8	
Open Space through Residential, Separately Regulated Residential Uses, Live/Work Quarters [No change in text.]		[No change in text.]									
<u>Movable Tiny Houses</u>		<u>L</u>		<u>=</u>			<u>=</u>				
Residential Care Facilities through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]									

Footnotes for Table 155-02C [No change in text.]

§1510.0303 Single-Family Zone - Permitted Uses

In the Single-Family (SF) Zone, designated on that certain map referenced in Section 1510.0102, no building or improvement or portion thereof shall be erected, constructed, converted, established, altered, or enlarged, nor shall any premises be used except for one or more of the following uses:

- (a) through (b) [No change in text.]
- (c) Boarder and lodger accommodations; Companion units or movable tiny houses, and junior units; Family day care homes; Garage, yard and estate sales; Guest quarters and habitable accessory buildings; Home occupations; Community gardens; and Temporary real estate sales offices and model homes as a limited use in accordance with the applicable

regulations in Chapter 14, Article 1 (Separately Regulated Use Regulations).

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

§1516.0112 Use Regulations for Old Town San Diego Residential Zones

The uses allowed in the Old Town San Diego Residential zones are shown in Table 1516-01B.

Legend for Table 1516-01B

[No change in text.]

Table 1516-01B

Use Regulations for Old Town Residential Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd >>	OTRS-	OTRM-		
	3rd >>	1-	1-	2-	
	4th >>	1	1	1	2
Open Space through Residential, Separately Regulated Residential Uses, Live/Work Quarters [No change in text.]		[No change in text.]			
<u>Movable Tiny Houses</u>		<u>1</u>	<u>1</u>	<u>1</u>	
Residential Care Facilities through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]			

Footnotes for Table 1516-01B [No change in text.]

LJS:als
03/12/2020
Or.Dept:Planning
Doc. No.: 2339795

STATE OF CALIFORNIA - BUSINESS CONSUMER SERVICES AND
HOUSING AGENCY DEPARTMENT OF HOUSING AND
COMMUNITY DEVELOPMENT DIVISION OF
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EDMUND G. BROWN JR., Governor



May 10, 2019

Barrett Tetlow
Office of City Councilmember Scott Sherman
City of San Diego
202 C Street #110A
San Diego, CA 92101

Dear Barrett Tetlow

RE: San Diego City's Accessory Dwelling Unit (ADU) Ordinance

Thank you for the opportunity to review and comment on the city's proposed revisions to its adopted Accessory Dwelling Unit (ADU) ordinance to include "tiny houses". Housing and Community Development (HCD) submits these comments pursuant to Government Code Section 65852.2(h).

The California legislature found and declared that, among other things, allowing accessory dwelling units (ADUs) provides additional rental housing (Government Code Section 65852.150). ADUs are an essential component of addressing housing needs in California and include options for family members, friends, students, the elderly, in-home health care providers, people with disabilities and others.

HCD appreciates the city's efforts to revise its ADU ordinance and meet the requirements of ADU law (Gov. Code Section 65852.2 and 65852.150). The proposed ordinance amendment takes an important step in encouraging housing supply, choices and affordability. Amending the ordinance as proposed will facilitate addressing the housing needs of the City of San Diego and the state. HCD supports the city's efforts to encourage and allow a variety of housing choices, including "tiny houses" as an ADU as defined in the proposed ordinance amendment.

HCD appreciates the city's efforts in the preparation of the proposed amendment to its ordinance and welcomes the opportunity to continue collaborating with the city. Please feel free to contact Greg Nickless, of our staff, at (916) 274-6244.

Sincerely

Paul McDougall
Housing Policy Manager