



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: August 20, 2020

REPORT NO. PC-20-051

HEARING DATE: August 27, 2020

SUBJECT: Housing Legislation Code Update to the Municipal Code and Local Coastal Program; Process 5

SUMMARY

Issue: Should the Planning Commission recommend City Council approval of the Housing Legislation Code Update to the San Diego Municipal Code and the Local Coastal Program?

Staff Recommendation: Recommend City Council approval of the proposed Housing Legislation Code Update to the Municipal Code and the Local Coastal Program.

City Strategic Plan Goal and Objectives: Goal #3: Create and sustain a resilient and economically prosperous City. Objective #1: Create dynamic neighborhoods that incorporate mobility, connectivity, and sustainability. Objective #4: Prepare and respond to climate change. Objective #7: Increase the net supply of affordable housing.

Environmental Review: The CEQA and Environmental Policy Section of the Planning Department has reviewed the Housing Legislation Code Update amendments and conducted a consistency evaluation pursuant to CEQA Guidelines Section 15162. Implementation of this project's actions would not result in new significant direct, indirect, or cumulative impacts over and above those disclosed in the previously certified Environmental Impact Report (EIR) for the 2008 General Plan EIR No. 104495/SCH No. 2006091032, certified by the City Council on March 10, 2008, Resolution No. R-303473; the 2020 Addendum to the 2008 General Plan EIR No. 104495/SCH No. 2006091032 for the General Plan Housing Element Update, certified by the City Council on June 18, 2020, Resolution No. R-313099; and the following documents, all referred to as the "CAP FEIR": FEIR for the City of San Diego Climate Action Plan (CAP), certified by the City Council on December 15, 2015 (City Council Resolution R-310176), and the Addendum to the CAP, certified by the City Council on July 12, 2016 (City Council Resolution R-310595). The 2008 General Plan EIR and CAP FEIR are both "Program EIRs" prepared in compliance with California Environmental Quality Act (CEQA) Guidelines Section 15168.

Housing Impact Statement: The proposed amendments would apply citywide and implement California state law requirements related to affordable housing density bonus, homeless housing, and accessory dwelling units, among others. Further, the proposed amendments streamline regulatory requirements and provide additional incentives to increase the supply of housing, with a focus on affordable units.

BACKGROUND

The Land Development Code (LDC) provides the City's regulations for the development and use of property within the City of San Diego and provides information on zoning, subdivisions, grading and other related

land use activities. The LDC is updated regularly through comprehensive updates that promote in-fill development and streamline the permitting process, and through single-issue or topic-specific updates as needed.

The California state legislature passed a number of land use and housing laws in 2019 that became effective January 1, 2020. These laws primarily address accessory dwelling units, affordable housing, and supportive housing for the homeless, as well as requirements to preserve dwelling units and protected dwelling units affordable to very low- and low-income households. Local implementation of these laws is mandatory and amending the LDC to reflect the requirements of these laws will provide clarity for staff, applicants, decision-makers and the public at large. Additionally, while reviewing the applicable state laws and drafting the proposed LDC amendments, staff identified some areas where the LDC is no longer in conformance with the latest state law provisions and the Housing Legislation Code Update package addresses those issues. Lastly, where permitted, the package also includes adaptations and incentives to address local housing needs.

DISCUSSION

The Housing Legislation Code Update Package is grouped into four issue areas: Housing for the Homeless, Affordable Housing Regulations, Accessory Dwelling Units and Junior Accessory Dwelling Units, and Miscellaneous Housing Items. A brief summary of the proposed amendments is provided below. Attachment 1 to this report provides a summary matrix with hyperlinks to the proposed code amendments in strike-out/underline format. The CEQA evaluation memo is included as Attachment 2.

I. Housing for the Homeless

The following LDC amendments address items related to housing for the homeless:

- **Low Barrier Navigation Centers**

Assembly Bill (AB) 101, passed in 2019, requires local jurisdictions to permit Low Barrier Navigation Centers that connect individuals experiencing homelessness with transitional housing by-right in mixed-use and commercial zones that permit multi-family. The Housing Legislation Code Update Package would amend the LDC to define Low Barrier Navigation Centers as a new Separately Regulated Residential Use and permit them, by-right, as a Limited Use in all zones required by AB 101.

- **Emergency Shelters**

Senate Bill 2, passed in 2007, requires local jurisdictions to identify a zone or zones where emergency shelters are allowed by-right without a conditional use or other discretionary permit. The zones which permitted emergency shelters as a by-right use were located primarily within the Midway-Pacific Highway Community, which was rezoned with the recent comprehensive update to the Community Plan. The Housing Legislation Code Update Package would amend the Community Commercial (CC) base zone tables to permit emergency shelters by-right as a Limited Use in all CC zones in order to provide adequate capacity in compliance with SB 2.

- **Transitional Housing and Permanent Supportive Housing**

AB 2162, passed in 2018, requires local jurisdictions to permit Transitional Housing Facilities (THF) and Permanent Supportive Housing (PSH) by-right in all zones that permit multi-family development. The City implemented the requirements of AB 2162 in 2019 with the 12th

Update to the LDC, Phase 1; however, staff has subsequently identified several zones that were inadvertently excluded. The Housing Legislation Code Update Package would amend the RM Base Zone Use Table to permit THF in the RM-5-12 zone; the Industrial Base Zone Use Table to permit THF by-right as a Limited Use in the IP-3-1 base zone and clarify that THF and PSH are subject to the requirements of footnote 15 related to residential development; and the Mixed-Use Base Zone Use Table to permit THF and PSH by-right as Limited Uses.

II. Affordable Housing Regulations

The following LDC amendments address items related to the City's Affordable Housing Regulations (AHR):

- Density Bonus for 100% Affordable Projects (Pre-Density Bonus)

AB 1763, passed in 2019, requires local jurisdictions to provide a new density bonus program that grants a density bonus of 80% outside of Transit Priority Areas (TPAs) and an unlimited bonus within TPAs to projects that construct at least 100% of the pre-density bonus units as affordable to very low income and low income households, except that 20% may be reserved for moderate income households. Eligible projects are also required to receive 4 incentives and within TPAs, 3 additional stories or 33' in height. Waivers are not permitted with this program. The Housing Legislation Code Update Package would amend the City's Affordable Housing Regulations to provide this required incentive, with a local adaptation to allow 5 incentives as opposed to 4 in accordance with the City's more generous allowances for incentives.

- Density Bonus for 100% Affordable Projects (Total Project)

This proposed amendment is not mandated by state law; rather, this amendment is a local adaptation of AB 1763 intended to provide a similar bonus to projects within TPAs that are fully affordable to very low, low, and moderate income households. The Housing Legislation Code Update Package would amend the City's Affordable Housing Regulations to provide an unlimited density bonus, 5 incentives, and an additional 3 stories or 33 feet to projects within TPAs that provide 100% of the total pre-density bonus and post-density bonus units as affordable to very low, low, and moderate income households in any combination.

- Density Bonus for Lower Income Student Housing

SB 1227, passed in 2017, requires a local jurisdiction to provide a density bonus of 35% to projects that provide 20% of the pre-density bonus units as affordable to lower income students, as defined by the bill. The Housing Legislation Code Update Package would amend the City's Affordable Housing Regulations to provide this required incentive, with a local adaptation to allow 2 incentives where none are provided by state law in accordance with the City's more generous allowances for incentives.

- Micro Unit Density Bonus

This proposed amendment is not mandated by state law; rather, this amendment provides regulatory relief for an existing City density bonus program for micro units, which must average no more than 600 square feet with no dwelling unit exceeding 800 square feet. The Housing Legislation Code Update Package would amend the City's Affordable Housing Regulations to eliminate the requirement that micro unit density bonus projects comply

with height and setback requirements, and would allow use of the program within the Downtown Community Planning Area once other bonuses and incentive programs specific to Downtown are utilized.

- Density Bonus on FAR-Based Density Sites

This proposed amendment is not mandated by a modification to state law; rather, it is a correction to the City's regulations to clarify how density bonuses are calculated within zones where the density is controlled by floor area ratio, including Downtown and the recently adopted mixed-use base zones. The Housing Legislation Code Update Package would amend the City's Affordable Housing Regulations to clarify the method by which density bonuses are calculated for FAR-based density zones where the adopted land use plan includes an allowable density range in dwelling units per acre (i.e. the mixed use zones) and those that include only a maximum FAR (i.e. Downtown). Additionally, the amendments will clarify that incentives cannot be used to increase floor area ratio in such zones, which would result in an additional density bonus.

- Miscellaneous AHR Clean-Up Items

The Housing Legislation Code Update Package would amend the City's Affordable Housing Regulations to provide additional clean-up items to ensure compliance with state density bonus law, including minor language edits and updates to the parking table.

III. Accessory Dwelling Units and Junior Accessory Dwelling Units

The following LDC amendments address items related to Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs):

- Replacement of the Companion Unit, Junior Unit and Movable Tiny Homes Regulations with New Accessory Dwelling Unit and Junior Accessory Dwelling Unit Regulations in Order to Implement New State ADU and JADU Legislation

Several bills were passed at the end of 2019 which addressed ADUs and JADUs, including AB 68, AB 587, AB 881, and SB 13. In addition to providing increased allowances for ADUs in conjunction with multiple dwelling unit development, prohibiting the requirement of replacement parking when garages or carports are converted to ADUs or JADUs, and requiring local jurisdictions to permit at least 1 ADU on a premises regardless of maximum lot coverage, maximum floor area ratio, or minimum opens space requirements, the state legislation also required local ADU and JADU ordinances to be reviewed by the California Department of Housing and Community Development (HCD) for consistency with the state regulations. In order to best align our local regulations with state regulations, the Housing Legislation Code Update Package proposes to strike the existing "Companion Unit, Junior Unit and Movable Tiny Houses" regulations in Section 141.0302 in their entirety, and replace them with new "Accessory Dwelling Unit and Junior Accessory Dwelling Unit Regulations that fully comply with and exceed the requirements of state law. As part of this overhaul of the existing regulations, the local defined terms "companion unit" and "junior unit" will be replaced with "Accessory Dwelling Unit (ADU)" and "Junior Accessory Dwelling Unit (JADU)", respectively, and their definitions will be aligned with state law. The new regulations will exceed the requirements of state law in regard to setbacks, by allowing ADUs to encroach into interior side and rear yard setbacks up to the property line, where state law allows the City to require a 4-foot setback in these locations. HCD reviewed the initial draft of the new regulations, and the proposed amendments provided in Attachment

1 reflects comments and edits received by HCD. Lastly, the recently adopted Movable Tiny Houses, which do not fall within the state ADU laws, will be pulled out and established as their own Separately Regulated Residential Use.

- Affordable ADU Incentives

AB 671, passed in late 2019, requires local jurisdictions to incentivize the construction of deed-restricted affordable ADUs, without specific parameters or direction as to what those incentives should be. The Housing Legislation Code Update Package would include in the Accessory Dwelling Unit and Junior Accessory Dwelling Unit regulations a new affordable ADU incentive that would allow the construction of 1 additional ADU for every ADU deed-restricted to very low, low, or moderate income households for a period of 15 years. Outside of TPAs the number of bonus ADUs is limited to 1, and within TPAs there is no limit on the number of bonus ADUs permitted.

- ADU and JADU Parking

State law, specifically Government Code Section 65852.2(d), prohibits the City from requiring parking for ADUs in any of the following instances:

- within one-half mile walking distance of public transit;
- within a designated historic district;
- when the ADU is part of the proposed or existing primary residence or an accessory structure (i.e. if it is attached to an existing structure);
- when on-street parking permits are required but not offered to the occupant of the ADU;
- when there is a car share vehicle within one block of the ADU.

If the above don't apply, then State law allows the City to require parking that does not exceed 1 space per ADU or per bedroom, whichever is less (Gov Code Section 65852.2(a)(1)(D)(x)). Due to the highly limited circumstances in which the City is allowed to require parking, and given the City's desire to encourage both the construction of ADUs and JADUs and use of alternative mobility options, the Housing Legislation Code Update Package will exceed the requirements of state ADU and JADU law by simply eliminating parking requirements for ADUs and JADUs.

IV. Miscellaneous Housing Items

The following LDC amendments address miscellaneous housing items:

- Employee Housing (6 or Fewer)

California Health and Safety Code Section 17021.5(b) requires Employee Housing for 6 or fewer employees to be permitted by-right in all zones that permit single-family. The Housing Legislation Code Update Package would amend the LDC to permit Employee Housing (6 or Fewer) by-right as a Limited Use in all zones that permit single dwelling units.

- Residential Development Consistent with the Land Use Plan

This proposed amendment is not mandated by state law; rather, this amendment was identified by staff as a means to provide regulatory relief and streamline the permitting process. The Housing Legislation Code Update Package would amend the General Rules for

Base Zones to allow residential and residential mixed-use development that exceeds the allowable density of the base zone but complies with the density identified in the adopted land use plan to be permitted by-right with a construction permit, rather than through a Planned Development Permit process. The amendment would allow sites to develop in accordance with the density planned and mitigated for through the land use planning process. This streamlining provision also requires clean-up amendments to the regulations related to Neighborhood Development Permits, Site Development Permits, Planned Development Permits, and Affordable, In-Fill Development and Sustainable Buildings.

- Dwelling Unit Protection Regulations

SB 330, known as the Housing Crisis Act of 2019, requires local jurisdictions to ensure that the number of dwelling units present on a site is not reduced as a result of a single-family, multi-family, residential mixed-use (with at least 2/3 residential), transitional housing, or permanent supportive housing project. It further requires that protected dwelling units affordable to very low income and low income households (including both deed-restricted units and units occupied by such households without a deed-restriction in place) be replaced with deed-restricted units affordable to very low income and low income households. The legislation also includes provisions for relocation assistance and right of first refusal in limited circumstances. The Housing Legislation Code Update Package would amend the LDC to include a new Division 12 in Chapter 14, Article 3 entitled the “Dwelling Unit Protection Regulations.” The Dwelling Unit Protection Regulations implement the dwelling unit and protected dwelling unit replacement provisions of SB 330 precisely, with no additional regulations or requirements. The new division would sunset on January 1, 2025, consistent with the sunset of SB 330.

RECOMMENDATIONS

Housing Legislation Code Update Package Ad Hoc Working Group: In 2019, in accordance with Charter Section 43(b), the Technical Advisory Committee (TAC) and its subcommittee, the Code Monitoring Team (CMT) were disbanded as a recommending body with a vote presented to decision makers. Instead, the Technical Advisory Committee (TAC) modified its operational framework to become a monthly Ad Hoc Committee for a one-year period advising the Development Services on a variety of process improvements. Additionally, members of the former CMT are invited to serve on project-specific, temporary citizens’ working groups to advise the Planning Department on LDC updates.

The Housing Legislation Code Update Package Ad Hoc Working Group was formed in early June 2020, and the proposed package of amendments was reviewed at virtual workshops on June 12th and 26th. The working group discussed the items in the Housing Legislation Code Update Package and provided feedback on the amendment language as presented. Understanding that the majority of the proposed amendments are mandated by state law, comments were limited and minor and have been incorporated into the package wherever possible. Consistent with the group’s function as an Ad Hoc Working Group, no vote or action was taken.

Community Planners Committee (CPC): On July 28, 2020 the Housing Legislation Code Update Package was presented to the Community Planners Committee. The actions taken by CPC at the meeting are detailed in Attachment 3. In summary, CPC voted to recommend approval of all proposed amendments with the exception of two: 1.) a proposed development incentive for multi-family development within transit priority areas on sites less than 0.5 acre (this item has subsequently been withdrawn); and 2.) the elimination of parking requirements for all ADUs and JADUs. The CPC will discuss the elimination of parking requirements for all ADUs and JADUs at their meeting of August 25, 2020. Results of the meeting will be presented by staff during the presentation at Planning Commission.

The Downtown Community Planning Council: On July 15, 2020 the Downtown Community Planning Council (DCPC) reviewed the Housing Legislation Code Update. The DCPC tabled discussion of the item and will resume review and consideration of the package at the August 19, 2020 meeting. Results of the meeting will be presented by staff during the presentation at Planning Commission.

CONCLUSION

Staff recommends approval of the proposed amendments to the Municipal Code. The amendments are consistent with California state land use and housing laws and the goals of the adopted Land Development Code to simplify land development regulations, make the code more adaptable, eliminate redundancies and contradictions, and increase predictability in application of the regulations.

Respectfully submitted,



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Attachments:

1. Housing Legislation Code Update Package Summary Matrix and Draft Amendments
2. California Environmental Quality Act consistency evaluation
3. Summary of actions taken by the CPC at the meeting of July 28, 2020

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HOUSING LEGISLATION CODE UPDATE PACKAGE

Draft San Diego Municipal Code Amendments

The following proposed amendments to the San Diego Municipal Code address recent State housing legislation and ensure compliance with State law.

ITEM	PURPOSE	KEY ACTIONS	CODE SECTIONS
Housing for the Homeless			
Low Barrier Navigation Centers (LBNC)	State Law (AB 101, 2019)	<ul style="list-style-type: none"> Amend Separately Regulated Residential Use division to define LBNC as a new use (similar to Transitional Housing Facilities.) Amend base zone use tables to permit by-right as a Limited Use in mixed-use and commercial zones that permit multi-family. 	<ul style="list-style-type: none"> 141.0317 (new) 131.0222 131.0322 131.0422 131.0522 131.0622 131.0707
Emergency Shelters	State Law (SB 2, 2007)	<ul style="list-style-type: none"> Amend CC base zone use table to permit Emergency Shelters by-right as a Limited Use in all CC zones. 	<ul style="list-style-type: none"> 131.0522
Transitional Housing Facilities and Permanent Supportive Housing	State Law (AB 2162, 2018) / Correction	<ul style="list-style-type: none"> Amend the RM Base Zone Use Table to permit by-right as a Limited Use in RM-5-12 base zone. Amend the Industrial Use Table to permit Transitional Housing by-right as a Limited Use in the IP-3-1 base zone, and to clarify that Transitional Housing and Permanent Supportive Housing are subject to the requirements of footnote 15 related to residential development. Amend the Mixed Use Zone Use Table to permit Transitional Housing and Permanent Supportive Housing by-right as Limited Uses. 	<ul style="list-style-type: none"> 131.0422 131.0622 131.0707
Affordable Housing Regulations (AHR)			
Density Bonus for 100% Affordable Projects (Pre-Density Bonus)	State Law (AB 1763, 2019)	<ul style="list-style-type: none"> Amend AHR to provide an unlimited density bonus within TPAs and 80% outside TPAs to projects that construct 100% of the pre-density bonus units as affordable to very low and low income; 	<ul style="list-style-type: none"> 143.0720(h) 143.0720(l)(7) 143.0740(e)

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ITEM	PURPOSE	KEY ACTIONS	CODE SECTIONS
		<ul style="list-style-type: none"> or 80% very low & low and 20% moderate income. Amend AHR to provide 5 incentives and within TPAs, 3 additional stories or 33 feet. Waivers not permitted for projects within TPAs 	<ul style="list-style-type: none"> 143.0743(g)
Density Bonus for 100% Affordable Projects (Total Project)	Regulatory Relief / Incentive	<ul style="list-style-type: none"> Amend AHR to provide an unlimited density bonus within TPAs to projects that construct 100% of the total pre-density bonus and post-density bonus units as affordable to very low, low, and/or moderate income in any combo. Amend AHR to provide 5 incentives and within TPAs, 3 additional stories or 33 feet. Waivers not permitted for projects within TPAs 	<ul style="list-style-type: none"> 143.0720(i) 143.0720(l)(7) 143.0740(e) 143.0743(g)
Density Bonus for Lower Income Student Housing	State Law (SB 1227, 2017)	<ul style="list-style-type: none"> Define Lower Income Students Amend AHR to provide a density bonus of 35% to projects that provide 20% of the pre-density bonus units as affordable to lower income students. Amend AHR to provide 2 incentives (not provided in SB 1227.) 	<ul style="list-style-type: none"> 113.0103 143.0710 143.0715(a) 143.0720(g) 143.0720(l)(6) 143.0740(f)
Micro Unit Density Bonus	Reg Relief / Incentive	<ul style="list-style-type: none"> Amend AHR to eliminate requirement that micro unit density bonus projects not use incentives or waivers for height or setbacks. Allow use of Micro Unit Density Bonus Downtown once other bonuses are utilized. 	<ul style="list-style-type: none"> 143.0720(l)(9) 156.0309(e)(1)(C)
Density Bonus on FAR-Based Density Sites	Correction	<ul style="list-style-type: none"> Amend AHR to clarify how density bonuses are calculated for sites with FAR-based density. Amend AHR to clarify that incentives cannot be used to increase FAR, which 	<ul style="list-style-type: none"> 143.0720(l)(13) 143.0720(l)(14) 156.0309(e)(1) 143.0740(b)(4)

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ITEM	PURPOSE	KEY ACTIONS	CODE SECTIONS
		would result in an additional density bonus.	
Misc AHR Clean-Up Items	State Law / Correction	<ul style="list-style-type: none"> • Amend AHR to ensure compliance with State Density Bonus Law. • Amend AHR to update parking table. • Amend AHR to clarify additional bonus for height and setback compliant projects. 	<ul style="list-style-type: none"> • 143.0720(c) 143.0720(d) 143.0720(l) 143.0720(n) 143.0743(f) • 143.0744 • 143.0720(l)(8)
Accessory Dwelling Units & Junior Accessory Dwelling Units			
Replacement of Companion Unit, Junior Unit and Movable Tiny Homes Regulations with New Accessory Dwelling Unit and Junior Accessory Dwelling Unit Regulations in Order to Implement New State ADU and JADU Legislation	State Law (AB 68, 2019) (AB 587, 2019) (AB 881, 2019) (SB 13, 2019) / Correction	<ul style="list-style-type: none"> • Amend Separately Regulated Residential Use division to strike the existing Companion Unit, Junior Unit, and Movable Tiny Houses regulations in their entirety. • Amend Separately Regulated Residential Use division to establish new Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) regulations in compliance with State ADU and JADU laws. Highlighted changes include: <ul style="list-style-type: none"> ○ Exemption from Coastal Permit for attached ADUs and JADUs. ○ At least 1 ADU 800 square feet in size must be permitted regardless of maximum lot coverage, maximum floor area ratio, and minimum open space requirements. ○ No replacement parking required for garages or carports converted or demolished to construct ADUs or JADUs. ○ Multiple ADUs possible in multi-family development. 	<ul style="list-style-type: none"> • 141.0302 (old) • 141.0302 (new) 126.0704(a) • 113.0103 • 141.0318 (new) • 131.0112 • 131.0222 131.0322 131.0422 131.0522 131.0622 131.0707 • 1510.0303 • 142.0640(b) 142.0680

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ITEM	PURPOSE	KEY ACTIONS	CODE SECTIONS
		<ul style="list-style-type: none"> ○ Deed-restricted ADUs may be sold/conveyed separately by Non-Profit Organizations. • Amend Definitions section to include Accessory Dwelling Unit, Junior Accessory Dwelling Unit and efficiency kitchen as defined terms. • Amend Separately Regulated Residential Uses to establish Movable Tiny Houses as its own Separately Regulated Residential Use and carry over all existing regulations related to Movable Tiny Houses without change. • Amend General Base Zone Regulations to reflect new ADU and JADU terms and permit in zones in accordance with State law. • Amend all base zone use tables to reflect new ADU and JADU terms. • Amend LJSPDO to reflect new ADU and JADU terms. • Amend Public Facilities Regulations to reflect new ADU and JADU terms. 	
Affordable ADU Incentives	State Law (AB 671)	<ul style="list-style-type: none"> • Amended ADU regulations will provide an ADU bonus that allows for 1 additional ADU for every affordable ADU deed-restricted for 15 years, with a maximum of 1 bonus ADU outside of TPAs 	<ul style="list-style-type: none"> • 141.0302 (new)
ADU and JADU Parking	Reg Relief	<ul style="list-style-type: none"> • Amended ADU and JADU regulations do not require parking for ADUs or JADUs. 	<ul style="list-style-type: none"> • 141.0302 (new)
Misc Housing Items			
Employee Housing (6 or Fewer)	State Law (HSC 17021.5(b))	<ul style="list-style-type: none"> • Amend base zone use tables to permit by-right as a Limited Use in all zones that permit single dwelling unit development. 	<ul style="list-style-type: none"> • 131.0222 131.0422

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ITEM	PURPOSE	KEY ACTIONS	CODE SECTIONS
Residential Development Consistent with the Land Use Plan	Reg Relief	<ul style="list-style-type: none"> Amend LDC to eliminate the requirement to obtain a PDP to construct residential dwelling units consistent with the adopted land use plan. Clean-up items required to accomplish amendment. 	<ul style="list-style-type: none"> 131.0123 (new) 126.0402(q) 126.0404 126.0502 126.0503 126.0602(b)(4) 126.0603 132.1402(b) 143.0302 143.0402 143.0410(a)(3)(D) 143.0455 143.0915(b) 143.0920
Dwelling Unit Protection Regulations	State Law (SB 330, 2019)	<ul style="list-style-type: none"> Amend LDC to include new Chapter 14, Article 3, Division 12 (Dwelling Unit Protection Regulations) to address when and how a development that proposes demolition of existing residential dwelling units must replace those units in order to ensure that the number of residential dwelling units is not reduced through redevelopment of a property. Also amend base zone development regulations tables to state when the new Dwelling Unit Protection Regulations apply. 	<ul style="list-style-type: none"> Chapter 14, Article 3, Division 12 (New) 131.0231 131.0331 131.0431 131.0531 131.0631 131.0709 151.0103(b)(13)

§113.0103 Definitions

Abutting Property through Accessory building [no change in text]

Accessory Dwelling Unit (ADU) means an attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, and is located on a lot with a proposed or existing single dwelling unit or multiple dwelling unit.

Accessory structure through Coastal development [no change in text]

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~~Companion unit means an accessory structure 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.~~

Condominium conversion through Dwelling unit, single [no change in text]

Efficiency kitchen means a food storage and preparation area containing a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches in front.

Encroachment through Internally illuminated sign [no change in text]

Junior Accessory Dwelling Unit (JADU) means ~~an accessory structure~~ dwelling unit that is 500 square feet or less in size and is contained entirely within an existing or proposed, habitable single-single dwelling unit on a residential single dwelling unit lot. A JADU may include separate sanitation facilities or may share sanitation facilities with the single dwelling unit.

Kitchen through Low income [no change in text]

Lower income students means students who have a household income and asset level that does not exceed the level for Cal Grant A or Cal Grant B award recipients as set forth in Section 69432.7(k)(1) of the California State Education Code.

Lowest floor through Yard [no change in text]

§126.0402 When a Neighborhood Development Permit Is Required

(a) through (p) [no change in text]

(q) A Neighborhood Development Permit is required for development consistent with the affordable housing, in-fill projects, and/or sustainable buildings regulations in Section 143.0915, where a Site Development Permit or Planned Development Permit would otherwise be required.

§126.0404 Findings for Neighborhood Development Permit Approval

A Neighborhood Development Permit may be approved or conditionally approved only if the decision maker makes all of the *findings* in Section 126.0404(a) and the supplemental *findings* in Section 126.0404(b) through (h) that are applicable to the proposed *development* as specified in this section.

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These *findings* are not required for affordable housing that is provided pursuant to Chapter 14, Article 3, Division 7, unless the *development* will exceed the allowed incentives.

(a) [no change in text]

(b) Supplemental Findings – Environmentally Sensitive Lands

A Neighborhood Development Permit required in accordance with Section 143.0110 because of potential impacts to *environmentally sensitive lands* maybe approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0404(a):

(1) through (3) [no change in text]

(4) The proposed *development* will be consistent with the City of San Diego's ~~Multiple Species Conservation Program (MSCP) Subarea Plan~~ MSCP Subarea Plan and VPHC.

(5) The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed *development*.

(c) through (f) [no change in text]

~~(g) Supplemental Findings – Development with Density Greater than the Density Identified in an Adopted Land Use Plan~~

~~A Neighborhood Development Permit required in accordance with Section 143.0402 because a *multiple dwelling unit development* with *density* greater than the *density* identified in an adopted *land use plan* is requested may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0404(a):~~

~~(1) The *development* will materially assist in accomplishing the goal of providing affordable housing, in-fill projects, or sustainable buildings opportunities; and~~

~~(2) Any proposed deviations are appropriate at the proposed location.~~

~~(h) Supplemental Findings – Development Incentives for Preservation of Designated Historical Resources, Historical Districts, Traditional Cultural Properties and Important Archaeological Sites~~

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A Neighborhood Development Permit required because a historic preservation *development* incentive is included in accordance with Section 143.0240 may be approved or conditionally approved only if the decision maker makes the *findings* in Section 126.0404(a) and at least one of the following supplemental *findings*:

(1) through (2) [no change in text]

§126.0502 When a Site Development Permit Is Required

- (a) A Site Development Permit decided in accordance with Process Three is required where *environmentally sensitive lands* are present for the following types of *development*, except that if the *development* is affordable housing, an in-fill project, and/or a sustainable building, as described in Section 143.0915, it shall be processed in accordance with Section 126.0503 and Section 143.0110, Table 143-01A:

(1) through (4) [no change in text]

- (b) [no change in text]

- (c) A Site Development Permit decided in accordance with Process Three is required for the following types of *development*.

- (1) In the Community Plan Implementation Overlay Zone, as described in Section 132.1402, development in the area designated “Type B” or development in the area designated “Type A” that does not comply with the development standards in the applicable community plan, except that if the development is affordable housing, an in-fill project, and/or a sustainable building, as described in Section 143.0915, it shall be processed in accordance with Section 126.0503 and Section 132.1402, Table 132-14B.

(2) through (8) [no change in text]

- (d) through (g) [no change in text]

§126.0503 ~~Exemption from a Site Development Permit~~ Reduced Permit and Processing for Affordable Housing, In-Fill Projects, and Sustainable Buildings

Development consistent with the affordable housing, in-fill projects, and/or sustainable buildings regulations in Section 143.0915 that requires a Site Development Permit in accordance with Section 126.0502(a) or Section 126.0502(c)(1) may be permitted in accordance with a Neighborhood Development Permit decided in accordance with Process Two, provided the *findings* in Section

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~~126.0404(a) and all applicable supplemental findings in Section 126.0505(b) through (m) are made. Development impacting environmentally sensitive lands in accordance with Section 126.0502(a) shall also make the supplemental findings in Section 126.0404(b). In the event that a deviation is requested, the applicable supplemental findings in Section 126.0404(c) and 126.0404(f) shall also be requested made.~~

§126.0602 When a Planned Development Permit May Be Requested

- (a) [no change in text]
- (b) The following types of *development* may be requested with a Planned Development Permit decided in accordance with Process Four:
 - (1) through (3) [no change in text]
 - (4) Multiple dwelling unit development requesting increased density where the land use plan expressly provides for increased density with the approval of a Planned Development Permit, except that if the development is affordable housing, an in-fill project, and/or a sustainable building as described in Section 143.0915, it may be permitted with a Neighborhood Development Permit decided in accordance with Section 126.0603.
- (c) [no change in text]

§126.0603 ~~Exemption from a Planned Development Permit~~ Reduced Permit and Processing for Affordable Housing, In-Fill Projects, and Sustainable Buildings

Development consistent with the affordable housing, in-fill projects, and/or sustainable buildings regulations in Section 143.0915 that requires a Planned Development Permit in accordance with Section 126.0602(b)(1) and 126.0602(b)(4) may be permitted in accordance with a Neighborhood Development Permit decided in accordance with Process Two, provided the *findings* in Section 126.0404(a) are made. In the event that a deviation is requested, the supplemental *findings* in Section 126.0404(f) shall also be made.

§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

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Section 141.0302 are exempt, except if the improvements involve any of the following:

(1) through (8) [no change in text]

~~(9) — A companion unit as described in Section 141.0302.~~

(b) through (i) [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 an Accessory Dwelling Unit~~companion unit~~, Junior Accessory Dwelling Unit~~junior unit~~, movable tiny house or employee housing.

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

(D) through (E) [no change in text]

§131.0123 Development That is Consistent with the Land Use Plan But Not the Base Zone

Development that complies with the applicable land use plan, but contains uses and/or density that are not consistent with the underlying base zone may be permitted as follows:

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- (a) Residential development and residential mixed-use development proposing residential uses and/or density that comply with the applicable land use plan may be permitted in accordance with a construction permit decided in accordance with a Process One. Development in accordance with this Section shall not preclude the use of the Affordable Housing Regulations in Chapter 14, Article 3, Division 7, where applicable.
- (b) Development other than that specified in Section 131.0123(a) may be permitted with a Planned Development Permit in accordance with Section 126.0602(a)(2).

§131.0222 Use Regulations Table for Open Space Zones

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 - Single Dwelling Units [no change in text]	[no change in text]					
Separately Regulated Residential Uses						
<u>Accessory Dwelling Units</u>	=	=	=	<u>L</u>	=	
<i>Boarder & Lodger Accommodations</i> [no change in text]	[no change in text]					
<u>Companion Units</u>	-	-	-	<u>L</u>	-	
Continuing Care Retirement Communities [no change in text]	[no change in text]					
Employee Housing:						
6 or Fewer Employees	-	-	-	<u>-L</u>	-	
Residential – Separately Regulated Uses - Employee Housing: 12 or Fewer Employees through Residential – Separately Regulated Uses – Interim Ground Floor Residential [no change in text]	[no change in text]					
<u>Junior Accessory Dwelling Units</u>	-	-	-	L	-	
Live/work Quarters [no change in text]	[no change in text]					
<u>Low Barrier Navigation Center</u>	=	=	=	=	=	

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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
Residential – Separately Regulated Uses - Movable Tiny Houses through Signs – Separately Regulated Signs Uses – Theater Marquees [No change in text.]		[no change in text]					

Footnotes for Table 131-02B

1 through 11 [no change in text]

§131.0231 Development Regulations Table for Open Space Zones

The following development regulations apply in the open space zones as shown in Table 131-02C.

Table 131-02C
Development Regulations for Open Space Zones

Development Regulations [See Section 131.0230 for Development Regulations of Open Space Zones]	Zone Designator	Zones					
	1 st & 2nd >>	OP-		OC-		OR-	
	3rd >>	1-	2-	1-		1-	1-
	4th >>	1		1		1	2
Max Permitted Residential <i>Density</i> (DU Per Lot) through Visibility Area [no change in text]		[no change in text]					
<u>Dwelling Unit Protection Regulations</u> [See Chapter 14, Article 3, Division 12]		==		==		<u>applies</u>	<u>applies</u>

Footnotes for Table 131-02C

1 through 8 [no change in text]

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§131.0322 Use Regulations Table for Agricultural Zones

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 - <i>Single Dwelling Units</i> [no change in text]		[no change in text]			
Separately Regulated Residential Uses					
<u>Accessory Dwelling Units</u>		=		L	
Boarder & Lodger Accommodations [no change in text]		[no change in text]			
<i>Companion Units</i>		-		L	
Residential – Separately Regulated Uses – Continuing Care Retirement Communities through Residential – Separately Regulated Uses – Interim Ground Floor Residential [no change in text]		[no change in text]			
<i>Junior Accessory Dwelling Units</i>		-		L	
Live/Work Quarters [no change in text]		[no change in text]			
<u>Low Barrier Navigation Centers</u>		=		=	
Residential – Separately Regulated Uses - Movable Tiny Houses through Signs – Separately Regulated Signs Uses – Theater Marquees [No change in text.]		[no change in text]			

Footnotes for Table 131-03B

1 through 12 [no change in text]

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§131.0331 Development Regulations Table for Agricultural Zones

The following development regulations apply in the agricultural zones as shown in Table 131-03C.

Table 131-03C
Development Regulations for Agricultural Zones

Development Regulations [See Section 131.0330 for Development Regulations of Agricultural Zones]	Zone Designator	Zones			
	1st & 2nd >>	AG		AR	
	3rd >>	1-	1-	1-	1-
	4th >>	1	2	1	2
Max Permitted Residential <i>Density</i> (DU Per <i>Lot</i>) through Visibility Area [no change in text]		[no change in text]			
<u>Dwelling Unit Protection Regulations</u> [See <u>Chapter 14, Article 3, Division 12</u>]		<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>

Footnotes for Table 131-03C

1 through 7 [no change in text]

§131.0422 Use Regulations Table for Residential Zones

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 - <i>Single Dwelling Units</i> [no change in text]		[no change in text]																							
Separately Regulated Residential Uses																									
<i>Accessory Dwelling Units</i>		<u> </u>	<u> </u>												<u> </u>	<u> </u>									

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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
Boarder & Lodger Accommodations [no change in text]	[no change in text]																								
Companion Units	L		L												L		L								
Continuing Care Retirement Communities [no change in text]	[no change in text]																								
Employee Housing:																									
6 or Fewer Employees	-L		-L												-L		-L								
Residential – Separately Regulated Uses - Employee Housing: 12 or Fewer Employees through Residential – Separately Regulated Uses – Interim Ground Floor Residential [no change in text]	[no change in text]																								
Junior Accessory Dwelling Units	L		L												L		L								
Live/Work Quarters [no change in text]	[no change in text]																								
Low Barrier Navigation Center	=		=												=		=								
Residential – Separately Regulated Uses - Movable Tiny Houses through Signs – Separately Regulated Signs Uses – Theater Marquees [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 - Single Dwelling Units [no change in text]		[no change in text]											

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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
Separately Regulated Residential Uses													
<u>Accessory Dwelling Units</u>		<u>L</u>			<u>L</u>			<u>L</u>			<u>L</u>		<u>L</u>
Boarder & Lodger Accommodations [no change in text]		[no change in text]											
<u>Companion Units</u>		<u>L</u>			<u>L</u>			<u>L</u>			<u>L</u>		<u>L</u>
Continuing Care Retirement Communities [no change in text]		[no change in text]											
Employee Housing:													
6 or Fewer Employees		<u>-L</u>			<u>-L</u>			<u>-L</u>			<u>-L</u>		<u>-L</u>
Residential – Separately Regulated Uses - Employee Housing: 12 or Fewer Employees through Residential – Separately Regulated Uses – Interim Ground Floor Residential [no change in text]		[no change in text]											
<u>Junior Accessory Dwelling Units</u>		<u>L_≡</u>			<u>L_≡</u>			<u>L_≡</u>			<u>L_≡</u>		<u>L_≡</u>
Live/Work Quarters [no change in text]		[no change in text]											
<u>Low Barrier Navigation Center</u>		<u>≡</u>			<u>≡</u>			<u>≡</u>			<u>≡</u>		<u>≡</u>
Residential – Separately Regulated Uses – Movable Tiny Houses through Residential – Separately Regulated Uses – Residential Care Facilities: 7 or more persons [No change in text.]		[no change in text]											
Transitional Housing:													
6 or fewer persons		P			P			P			P		<u>-P</u>
7 or more persons		L			L			L			L		<u>-L</u>

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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
Residential – Separately Regulated Uses – Watchkeeper Quarters through Signs – Separately Regulated Signs Uses – Theater Marquees [No change in text.]		[no change in text]											

Footnotes for Table 131-04B

1 through 11 [no change in text]

§131.0431 Development Regulations Table for Residential Zones

The following development regulations apply in the residential zones as shown in Tables 131-04C, 131-04D, 131-04E, 131-04F, and 131-04G.

(a) RE Zones

**Table 131-04C
Development Regulations for RE Zones**

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone designator	Zones		
	1st & 2nd >>	RE-		
	3rd >>	1-	1-	1-
	4th >>	1	2	3
Max permitted <i>density</i> (DU per <i>lot</i>) through Visibility Area [no change in text]		[no change in text]		
<u>Dwelling Unit Protection Regulations</u> [See Chapter 14, Article 3, Division 12]		<u>applies</u>	<u>applies</u>	<u>applies</u>

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(b) RS Zones

Table 131-04D
Development Regulations for RS Zones

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones						
	1st & 2nd >>	RS-						
	3rd >>	1-	1-	1-	1-	1-	1-	1-
	4th >>	1	2	3	4	5	6	7
Max permitted <i>density</i> (DU per <i>lot</i>) through Visibility Area [no change in text]		[no change in text]						
<u>Dwelling Unit Protection Regulations</u> [See Chapter 14, Article 3, Division 12]		<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones						
	1st & 2nd >>	RS-						
	3rd >>	1-	1-	1-	1-	1-	1-	1-
	4th >>	8	9	10	11	12	13	14
Max permitted <i>density</i> (DU per <i>lot</i>) through Visibility Area [no change in text]		[no change in text]						
<u>Dwelling Unit Protection Regulations</u> [See Chapter 14, Article 3, Division 12]		<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>

Footnotes for Table 131-04D

1 through 8 [no change in text]

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(c) RX Zones

Table 131-04E
Development Regulations for RX Zones

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones	
	1st & 2nd >>	RX-	
	3rd >>	1-	1-
	4th >>	1	2
Maximum Permitted <i>Density</i> (DU per <i>lot</i>) through Visibility Area [no change in text]		[no change in text]	
<u>Dwelling Unit Protection Regulations</u> [See Chapter 14, Article 3, Division 12]		<u>applies</u>	<u>applies</u>

Footnote for Table 131-04E

1 [no change in text]

(d) RT Zones

Table 131-04F
Development Regulations for RT Zones

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones				
	1st & 2nd >>	RT-				
	3rd >>	1-	1-	1-	1-	1-
	4th >>	1	2	3	4	5
Maximum Permitted <i>Density</i> (DU per <i>lot</i>) through Visibility Area [no change in text]		[no change in text]				
<u>Dwelling Unit Protection Regulations</u> [See Chapter 14, Article 3, Division 12]		<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>

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(e) RM Zones

**Table 131-04G
Development Regulations for RM Zones**

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones					
	1st & 2nd >>	RM-					
	3rd >>	1-	1-	1-	2-	2-	2-
	4th >>	1	2	3	4	5	6
Maximum Permitted Density (DU per lot) through Visibility Area [no change in text]	[no change in text]						
<u>Dwelling Unit Protection Regulations</u> [See Chapter 14, Article 3, Division 12]	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones					
	1st & 2nd >>	RM					
	3rd >>	3-	3-	3-	4-	4-	5
	4th >>	7	8	9	10	11	12
Maximum Permitted Density (DU per lot) through Visibility Area [no change in text]	[no change in text]						
<u>Dwelling Unit Protection Regulations</u> [See Chapter 14, Article 3, Division 12]	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>

Footnotes for Table 131-04G

1 through 37 [no change in text]

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§131.0522 Use Regulations Table for Commercial Zones

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-	2-	1-	2-			
	4th >>>	1	2	3	4	5	6	1	1	1	2	1	2	1	2	3	1	2	1
Open Space through Residential - <i>Single Dwelling Units</i> [no change in text]		[no change in text]																	
Separately Regulated Residential Uses																			
<i>Accessory Dwelling Units</i>		<u>L</u>						<u>L</u>		=	<u>L</u>		=	<u>L</u>		<u>L</u>		=	
<i>Boarder & Lodger</i> Accommodations [no change in text]		[no change in text]																	
<i>Companion Units</i>		-						-		-	-		-	-		-	-	-	
Residential – Separately Regulated Uses – Continuing Care Retirement Communities through Residential – Separately Regulated Uses – Interim Ground <i>Floor Residential</i> [no change in text]		[no change in text]																	
<i>Junior Accessory Dwelling Units</i>		-						-		-	-		-	-		-	-	-	
Live/Work Quarters [no change in text]		[no change in text]																	
<u>Low Barrier Navigation Center</u>		<u>L</u>						<u>L</u>		=	<u>L</u>		=	<u>L</u>		<u>L</u>		=	
Residential – Separately Regulated Uses - <i>Movable Tiny Houses</i> through Signs – Separately Regulated Signs Uses – Theater Marquees [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	6				
Open Space through Residential - <i>Single Dwelling Units</i> [no change in text]		[no change in text]																													
Separately Regulated Residential Uses																															
<i>Accessory Dwelling Units</i>		L			-			L			L			L																	

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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	6	1	2	3	4	5	6				
Boarder & Lodger Accommodations [no change in text]		[no change in text]																																			
Companion Units		-			-				-						-					-							-						-				
Residential – Separately Regulated Uses – Continuing Care Retirement Communities through Residential – Separately Regulated Uses – Interim Ground Floor Residential [no change in text]		[no change in text]																																			
Junior Accessory Dwelling Units		-			-				-						-					-							-						-				
Live/Work Quarters [no change in text]		[no change in text]																																			
Low Barrier Navigation Center		L			-				L						L					L							L						L				
Residential – Separately Regulated Uses – Movable Tiny Houses through Institutional – Separately Regulated Uses – Homeless Facilities: Congregate Meal Facilities [no change in text]		[no change in text]																																			
Emergency Shelters		EL			-				EL						EL					EL							EL						EL				
Institutional – Separately Regulated Uses – Homeless Facilities: Homeless Day Centers through Signs – Separately Regulated Signs Uses – Theater Marquees [No change in text.]		[no change in text]																																			

Footnotes for Table 131-05B

1 through 19 [no change in text]

§131.0531 Development Regulations Tables for Commercial Zones

The following development regulations apply in each of the commercial zones as shown in Tables 131-05C, 131-05D, and 131-05E.

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(a) CN Zones

Table 131-05C
Development Regulations for CN Zones

Development Regulations [See Section 131.0530 for Development Regulations of Commercial Zones]	Zone Designator	Zones					
	1st & 2nd >>	CN-					
	3rd >>	1-	1-	1-	1-	1-	1-
	4th >>	1	2	3	4	5	6
Max Permitted Residential Density⁽¹⁾ through Supplemental Residential Regulations [no change in text]	[no change in text]						
<u>Dwelling Unit Protection Regulations</u> [See Chapter 14, Article 3, Division 12]		<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>
Lot Area through Visibility Area [no change in text]	[no change in text]						

Footnotes for Table 131-05C

1 through 5 [no change in text]

(b) CR, CO, CV, and CP Zones

Table 131-05D
Development Regulations for CR, CO, CV, CP Zones

Development Regulations [See Section 131.0530 for Development Regulations of Commercial Zones]	Zone Designator	Zones										
	1st & 2nd >>	CR-	CO-						CV-	CP-		
	3rd >>	1- 2-	1-		2-		3-			1-		1-
	4th >>	1	1	2	1-	2-	1	2	3	1	2	1
Max Permitted Residential Density⁽¹⁾ through Supplemental Residential Regulations [no change in text]	[no change in text]											
<u>Dwelling Unit Protection Regulations</u> [See Chapter 14, Article 3, Division 12]		<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	=

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Supplemental Commercial Regulations through Visibility Area [no change in text]	[no change in text]
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Footnotes for Table 131-05D

1 through 6 [no change in text]

(c) CC Zones

Table 131-05E
Development Regulations for CC Zones

Development Regulation [See Section 131.0530 for Development Regulations of Commercial Zones]	Zone Designator	Zones																	
	1st & 2nd >>	CC-																	
	3rd >>	1-	2-	4-	5-	1-	2-	4-	5-	1-	2-	4-	5-	2-	3-	4-	5-		
	4th >>	1				2				3				4					
Max Permitted Residential <i>Density</i> ⁽¹⁾ through Supplemental Residential Regulations [no change in text]		[no change in text]																	
<u>Dwelling Unit Protection Regulations</u> [See Chapter 14, Article 3, Division 12]		<u>applies</u>				<u>applies</u>				<u>applies</u>				<u>applies</u>					
Lot Area through Visibility Area		[no change in text]																	

Development Regulation [See Section 131.0530 for Development Regulations of Commercial Zones]	Zone Designator	Zones									
	1st & 2nd >>	CC									
	3rd >>	2-	3-	4-	5-	3-	4-	5-	3-	3-	3-
	4th >>	5			6			7	8	9	
Max Permitted Residential <i>Density</i> ⁽¹⁾ through Supplemental Residential Regulations [no change in text]		[no change in text]									
<u>Dwelling Unit Protection Regulations</u> [See Chapter 14, Article 3, Division 12]		<u>applies</u>			<u>applies</u>			<u>applies</u>	<u>applies</u>	<u>applies</u>	
Lot Area through Visibility Area		[no change in text]									

Footnotes for Table 131-05E

1 through 6 [no change in text]

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§131.0622 Use Regulations Table for Industrial Zones

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 - Single Dwelling Units [no change in text]	[no change in text]										
Separately Regulated Residential Uses	[no change in text]										
<u>Accessory Dwelling Units</u>	=	=	<u>L⁽¹⁵⁾</u>	=	=	=	=	=	=	=	=
<u>Boarder & Lodger Accommodations</u> [no change in text]	[no change in text]										
<u>Companion Units</u>	-	-	-	-	-	-	-	-	-	-	-
Residential – Separately Regulated Uses – Continuing Care Retirement Communities through Residential – Separately Regulated Uses – Interim Ground Floor Residential [no change in text]	[no change in text]										
<u>Junior Accessory Dwelling Units</u>	-	-	-	-	-	-	-	-	-	-	-
Live/Work Quarters [no change in text]	[no change in text]										
<u>Low Barrier Navigation Center</u>	=	=	=	=	=	=	=	=	=	=	=
Residential – Separately Regulated Uses – Movable Tiny Houses through Transitional Housing: 6 or Fewer Persons [No change in text.]	[no change in text]										
<u>Permanent Supportive Housing</u>	-	-	<u>-L⁽¹⁵⁾</u>	-	-	-	-	-	-	-	-
Residential Care Facilities											
<u>6 or Fewer Persons</u>	-	-	<u>P⁽¹⁵⁾</u>	-	-	-	-	-	-	-	-
<u>7 or More Persons</u>	-	-	<u>L⁽¹⁵⁾</u>	-	-	-	-	-	-	-	-
Transitional Housing											
<u>6 or Fewer Persons</u>	-	-	<u>L⁽¹⁵⁾</u>	-	-	-	-	-	-	-	-
<u>7 or More Persons</u>	-	-	<u>EL⁽¹⁵⁾</u>	-	-	-	-	-	-	-	-
Residential – Separately Regulated Uses - Watchkeeper Quarters through Signs – Separately Regulated Signs Uses – Theater Marquees [No change in text.]	[no change in text]										

Footnotes for Table 131-06B

1 through 20 [no change in text]

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§131.0631 Development Regulations Table for Industrial Zones

The following development regulations apply in the industrial zones as shown in Table 131-06C.

Table 131-06C
Development Regulations for Industrial Zones

Development Regulations [See Section 131.0630 for Development Regulations of Industrial Zones]	Zone Designator	Zones									
	1st & 2nd >> 3rd >> 4th >>	IP-			IL-			IH-		IS-	IBT-
		1	2	3	1-	2-	3-	1-	2-	1-	1-
		-	-	-							
		1			1			1		1	1
Max permitted residential <i>density</i> ⁽¹⁰⁾ through Supplemental residential regulations [no change in text]		[no change in text]									
<u>Dwelling Unit Protection Regulations</u> [See Chapter 14, Article 3, Division 12]		<u>applies</u>			=			=		=	=
Lot Area through Visibility Area [no change in text]		[no change in text]									

Footnotes for Table 131-06C

1 through 11 [no change in text]

§131.0707 Use Regulations Table for Mixed-Use Zones

Table 131-07A
Use Regulations Table for Mixed-Use 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 >>	RMX			EMX		
	2nd >>	1	2	3	1	2	3
Open Space through Residential - Single Dwelling Units [no change in text]		[no change in text]					
Separately Regulated Residential Uses							
<u>Accessory Dwelling Units</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u> ⁽¹⁾	<u>L</u> ⁽¹⁾	<u>L</u> ⁽¹⁾
<u>Boarder & Lodger Accommodations</u> [no change in text]		[no change in text]					
<u>Companion Units</u>		-	-	-	-	-	-

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Use Categories/Subcategories	Zone Designator	Zones					
	1st >>	RMX			EMX		
	2nd >>	1	2	3	1	2	3
Residential – Separately Regulated Uses – Continuing Care Retirement Communities through Residential – Separately Regulated Uses – Home Occupations [no change in text]		[no change in text]					
<i>Junior Accessory Dwelling Units</i>		-	-	-	-	-	-
Live/Work Quarters [no change in text]		[no change in text]					
<u>Low Barrier Navigation Centers</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
<u>Movable Tiny Houses</u>		<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>
<u>Permanent Supportive Housing</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
Residential – Separately Regulated Uses – Residential Care Facilities through Transitional Housing Facilities: 6 or Fewer Persons [No change in text.]		[no change in text]					
7 or More Persons		<u>€L</u>	<u>€L</u>	<u>€L</u>	<u>€L</u>	<u>€L</u>	<u>€L</u>
Residential – Separately Regulated Uses – Watchkeeper Quarters through Signs – Separately Regulated Signs Uses – Theater Marquees [No change in text.]		[no change in text]					

Footnotes for Table 131-07A

1 through 7 [no change in text]

§132.0709 Development Regulations Table for Mixed-Use Zones

The following development regulations apply in the mixed-use zones as shown in Table 131-07B.

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Table 131-07B
Development Regulations for RMX and EMX Zones

Development Regulations	Zones					
	RMX-			EMX-		
	1	2	3	1	2	3
Minimum Lot Area (sf) through Storage Requirements for Residential Only [no change in text]	[no change in text]					
<u>Dwelling Unit Protection Regulations</u> [See Chapter 14, Article 3, Division 12]	<u>applies</u>					

Footnotes for Table 131-07B

1 through 3 [no change in text]

§132.1402 Where the Community Plan Implementation Overlay Zone Applies

(a) [no change in text]

Table 132-14A
Community Plans with Property in the Community Plan Implementation Overlay Zone

[no change in text]

(b) Table 132-14B shows the location of the supplemental regulations and the type of permit required by this division, if any, for specific types of *development* proposals in this overlay zone.

Table 132-14B
Community Plan Implementation Overlay Zone Applicability

Type of <i>Development</i> Proposal	Supplemental Development Regulations	Required Permit Type/Decision Process
[no change in text]		

Footnotes for Table 132-14B

- (1) A *development* that is affordable housing, an in-fill project, and/or a sustainable building as described in Section 143.0915(b)(4), ~~and/or a sustainable building~~ may be permitted with a Neighborhood Development Permit decided in accordance with Process Two subject to Section 1430920(d).

~~§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) — Companion Units~~

- ~~(1) — A companion unit may not be sold or conveyed separately from the primary dwelling unit.~~
- ~~(2) — Within a multiple dwelling unit zone, a companion unit is permitted on any premises that is limited to a maximum of two dwelling units based on the allowable density, existing area of the premises, and zone.~~
- ~~(3) — The gross floor area of the companion unit shall be included in the floor area ratio for the premises. The gross floor area for an attached companion unit shall not exceed 50 percent of the existing or proposed habitable dwelling unit. A maximum increase of 1,200 square feet is allowed for an attached or detached companion unit.~~
- ~~(4) — No passageway shall be required in conjunction with the construction of a companion unit.~~
- ~~(5) — A permitted garage or non-habitable accessory structure that is converted to a companion unit may maintain the existing setbacks.~~
- ~~(6) — A companion unit may encroach within the interior side and rear yard setbacks up to the property line subject to the following:~~
- ~~(A) — The structure shall not encroach more than a maximum of 30 feet in length;~~

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- ~~(B) — A companion unit may be constructed above a permitted garage or non-habitable accessory structure.~~
- ~~(7) — Parking for the entire premises shall be brought into compliance with Chapter 14, Article 2, Division 5 (Parking Regulations) and with Section 141.0302, except as otherwise indicated herein by the zone.~~

 - ~~(A) — If access from an improved abutting alley exists, vehicular access to parking spaces for the companion unit shall also be from the alley unless the premises has a garage that accommodates all off-street parking required in accordance with this section, except for premises located in the Beach Impact Area or any other zones in which vehicular access from the alley is required.~~
 - ~~(B) — Replacement parking shall be provided on the premises when an existing garage is converted to a companion unit or demolished in conjunction with the construction of a companion unit.~~
 - ~~(C) — Off-street parking space(s) may be located in any configuration, may be within the setback areas, and may include covered or uncovered parking tandem spaces, or mechanical lifts. Off-street parking space(s) 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.~~
 - ~~(D) — Required off-street parking for a companion unit shall not exceed one parking space per unit.~~
- ~~(8) — A companion unit shall be exempt from providing parking if any of the following apply:~~

 - ~~(A) — The companion unit is 500 square feet or less;~~
 - ~~(B) — The companion unit is located within a transit area or a transit priority area;~~
 - ~~(C) — The companion unit is located within a designated historical resource area;~~
 - ~~(D) — The companion unit is already part of the existing single dwelling unit or an existing permitted habitable dwelling unit;~~

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- ~~(E) — The *companion unit* is located within a residential permit parking district;~~
- ~~(F) — The *companion unit* is located within one block of a *car share station*; or~~
- ~~(G) — The *companion unit* is located within one block from a *bike share station*.~~
- ~~(9) — One 24-inch box tree shall be planted in the required front yard of the *premises* or in the abutting *parkway*. Existing trees that are at least 15 feet high and 15 feet in width may be used to satisfy this requirement.~~
- ~~(10) — Within the Coastal Overlay Zone, *companion units* are subject to the provisions of Chapter 12, Article 6, Division 7.~~
- ~~(b) — *Junior Units*~~
 - ~~(1) — A *junior unit* shall be exempt from parking regulations.~~
 - ~~(2) — A *junior unit* shall have a separate exterior entry, with an interior connection to the main living area, and shall include an efficiency kitchen. An efficiency kitchen requires a sink with a maximum waste line diameter of 1.5 inches, a cooking facility with appliances that do not require electrical service of more than 120 volts, or use natural or propane gas, and food preparation counter and storage cabinets.~~
 - ~~(3) — A *junior unit* may include a bathroom, or may share a bathroom with the primary *dwelling unit*.~~
 - ~~(4) — Before a Building Permit may be issued for a *junior unit*, the *record owner* shall enter into an agreement with the City in a form that is approved by the City Attorney. The agreement shall include the following provisions: that neither the primary *dwelling unit* nor the *junior unit* may be sold or conveyed separately from each other; and that the *record owner* shall reside in the primary *dwelling unit* or the *junior unit*. The City will submit the agreement to the County Recorder for recordation. The agreement shall run with the land and be coterminous with the life of the *junior unit*.~~
- ~~(c) — *Movable Tiny Houses*~~
 - ~~(1) — A *movable tiny house* shall be:~~

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- ~~(A) licensed and registered with the California Department of Motor Vehicles; and~~
- ~~(B) exempt from parking regulations.~~
- ~~(2) A movable tiny house shall not:~~
 - ~~(A) be larger than allowed by California state law for movement on public highways;~~
 - ~~(B) exceed one story;~~
 - ~~(C) be able to move under its own power; or~~
 - ~~(D) have a separate address from the primary dwelling unit.~~
- ~~(3) A movable tiny house shall be located:~~
 - ~~(A) on a premises adjacent to a public right-of-way that is at least 20 feet wide. Exterior portions of a movable tiny house shall not be located more than 150 feet from the public right-of-way. A movable tiny house shall be accessed from the public right-of-way by a path that is at least 5 feet wide;~~
 - ~~(B) behind or to the side of the primary dwelling unit and not in any front yard; and~~
 - ~~(C) at a fire separation distance of at least 5 feet from an adjacent lot line and at least 10 feet from any other structures on the premises.~~
- ~~(4) A movable tiny house shall not be located within:~~
 - ~~(A) a brush management zone established pursuant to Section 142.0412; or~~
 - ~~(B) the MHPA.~~
- ~~(5) When sited on a premises, the undercarriage, including wheels, axles, tongue, and hitch, shall be concealed from view. The wheels shall not be removed and shall sit with leveling or support jacks on a paving surface designed in accordance with Section 142.0560(h)(1).~~

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- ~~(6) All mechanical equipment, including heating, ventilation, and air conditioning, shall be incorporated into the structure and not located on the roof.~~
- ~~(7) A movable tiny house shall be connected to water, sewer, and electric utilities. Connections to natural gas are prohibited.~~
- ~~(8) A movable tiny house shall comply with the National Fire Protection Association 1192 Standard on Recreational Vehicles or the American National Standards Institute A119.5 Park Model Recreational Vehicle Standard. A movable tiny house shall be certified by a recognized national certification body as complying with one of these standards and a certified label shall be placed on the movable tiny house to demonstrate compliance.~~
- ~~(9) When located on a premises where the primary dwelling unit is protected with an automatic fire sprinkler system in accordance with Section R313 of the California Residential Code, a movable tiny house shall be protected with an automatic fire sprinkler system.~~
- ~~(10) 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 satisfy 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.~~
- ~~(11) A movable tiny house shall be constructed to include the following design elements:~~
 - ~~(A) Cladding and Trim: Materials used on the exterior shall not be single piece composite, laminates, or interlocked metal sheathing;~~

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- ~~(B) — Windows and Doors: Windows shall be at least double pane glass, labeled 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.~~
- ~~(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.~~

§141.0302 Accessory Dwelling Units and Junior Accessory Dwelling Units

This section provides for the construction of ADUs and 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 encroachment into the interior side yard and rear yard setbacks up to the property line, the elimination of parking requirements for ADUs and JADUs, and an affordable housing bonus that provides 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 in accordance with a 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 ADUs and JADUs:
 - (1) Use Regulations
 - (A) One ADU and one JADU are permitted on a premises located within a single dwelling unit zone.

(B) An ADU or JADU shall not be used for a rental term of less than 31 consecutive days.

(C) Guest quarters and non-habitable accessory structures shall be permitted in addition to ADUs and JADUs.

(2) Development Regulations

(A) A minimum lot size is not required for the construction of an ADU or JADU.

(B) ADUs and JADUs are not subject to the density limitations for the premises.

(C) The gross floor area of an ADU and JADU shall be included in the floor area ratio for the premises.

(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.

(ii) New ADU and JADU structures. New ADU and JADU structures must comply with the front yard and street side yard setbacks of the zone. New ADU and JADU structures may encroach into the required interior side yard and rear yard setbacks up to the property line to accommodate construction of the ADU or JADU.

(E) ADUs and JADUs shall not be required to provide fire sprinklers if they are not required for the primary dwelling unit. When located on a premises where the primary dwelling unit is protected with an automatic fire sprinkler system in accordance with Section R313 of the California Residential Code, a ADU or JADU shall be protected with an automatic fire sprinkler system.

(3) Parking Regulations

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- (A) No on-street parking spaces or off-street parking spaces are required for ADUs and JADUs. 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 space(s) 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 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.
- (4) Development Impact Fees for ADUs and JADUs shall comply with Section 142.0640(b).
- (b) In addition to the requirements in Section 141.0302(a), the following additional regulations are applicable to ADUs:
 - (1) Use Regulations
 - (A) The record owner is not required to live on the same premises as the ADU.
 - (B) The ADU may not be sold or conveyed separately from the primary dwelling unit unless all of the following apply:
 - (i) The ADU was built or developed by a qualified nonprofit corporation. For the purposes of this Section, a qualified nonprofit corporation means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the California Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.
 - (ii) There is an enforceable restriction on the use of the premises on which the ADU is located pursuant to a recorded contract between the qualified buyer and the

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qualified nonprofit corporation. For the purposes of this Section, a qualified buyer means *very low income, low income, median income, or moderate income* households, as specified in Table 141-03A.

- (iii) The *lot* where the *ADU* is located is held pursuant to a recorded tenancy in common agreement that includes an allocation to each qualified buyer an undivided, unequal interest in the *lot* based on the size of the *ADU* each qualified buyer occupies; a repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the property if the buyer desires to sell or convey the property; a requirement that the qualified buyer occupy the property as the qualified buyer's principal residence; and affordability restrictions on the sale and conveyance of the property that ensure the property will be preserved for *very low income, low income, median income or moderate income* households for 45 years for owner-occupied housing and will be sold or resold to a qualified buyer.
- (iv) A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded with the County. A Preliminary Change of Ownership Report shall be filed concurrently with this grant deed pursuant to Section 480.3 of the Revenue and Taxation Code.
- (v) If requested by a utility providing service to the primary residence, the *ADU* has a separate water, sewer, or electrical connection to that utility.

(2) Development Regulations

- (A) *ADUs* shall be permitted in all zones allowing residential uses, consistent with the Use Table of the applicable base zone.
- (B) No more than one *ADU* shall be permitted on a *premises* with an existing or proposed *single dwelling unit*.
- (C) *ADUs* located on a *premises* with an existing or proposed *multiple dwelling unit* shall be permitted as follows:
 - (i) The number of *ADUs* permitted within the habitable area of an existing *multiple dwelling unit structure* is limited to 25 percent of the total number of existing

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dwelling units in the structure, but in no case shall be less than 1 ADU; and

(ii) Two ADUs that are detached from an existing multiple dwelling unit structure are permitted; and

(iii) There is no limit on the number of ADUs permitted within the portions of existing multiple dwelling unit structures that are not used as livable space, including, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each ADU complies with state building standards for dwelling units.

(D) An ADU with a gross floor area of 800 square feet shall be permitted on a premises with an existing or proposed dwelling unit regardless of maximum lot coverage, maximum floor area ratio, and minimum open space requirements.

(E) An ADU may be attached to, located within, or detached from an existing or proposed primary dwelling unit, including garages and habitable or non-habitable accessory structures.

(F) The minimum gross floor area of an ADU shall not be less than 150 square feet. The maximum gross floor area of an ADU shall not exceed 1,200 square feet. An ADU constructed within an existing dwelling unit or accessory structure may construct an additional 150 square feet for ingress and egress only.

(G) ADU Bonus for Affordable ADUs. One additional ADU shall be permitted for every ADU on the premises that is affordable to very low income, low income, and moderate income households for a period of not less than 15 years guaranteed through a written agreement, and a deed of trust securing the agreement, entered into by the applicant and the President and Chief Executive Officer of the San Diego Housing Commission.

(i) There is no limit on the number of bonus ADUs within a transit priority area.

(ii) One bonus ADU is permitted outside a transit priority area.

(iii) For ADUs to be counted as affordable and meet the requirements of this Section, the qualifying criteria in Table 141-03A shall be met.

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Table 141-03A
Qualifying Criteria for Affordable ADU Bonus

	<u>Rental ADUs</u>	<u>For-Sale ADUs¹</u>
	<u>shall be affordable, including an allowance for utilities, at a rent that does not exceed:</u>	<u>shall be affordable at an affordable housing cost that does not exceed:</u>
<u>Very Low Income households</u>	<u>30 percent of 50 percent of the area median income, as adjusted for family size appropriate for the unit.</u>	<u>30 percent of 50 percent of the area median income, as adjusted for family size appropriate for the unit.</u>
<u>Low Income households</u>	<u>30 percent of 60 percent of the area median income, as adjusted for family size appropriate for the unit.</u>	<u>30 percent of 70 percent of the area median income, as adjusted for family size appropriate for the unit.</u>
<u>Moderate Income households</u>	<u>30 percent of 110 percent of the area median income, as adjusted for family size appropriate for the unit.</u>	<u>35 percent of 110 percent of the area median income, as adjusted for family size appropriate for the unit.</u>

Footnotes for Table 141-03A

(1) For-sale ADUs are subject to the requirements of Section 141.0302(b)(1)(B)

(c) In addition to the requirements in Section 141.0302(a), *Junior Accessory Dwelling Units* are subject to the following additional regulations:

(1) Use Regulations

(A) The *record owner* is required to live on the same *premises* as the *JADU*.

(B) The *JADU* may not be sold or conveyed separately from the *primary dwelling unit*.

(C) Before a Building Permit may be issued for a *JADU*, the *record owner* shall enter into an agreement with the City in a form that is approved by the City Attorney. The agreement shall include the following provisions: that the *JADU* may not

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be sold or conveyed separately from the primary dwelling unit; that the agreement may be enforced against future purchasers; and that the record owner shall reside on the premises. The City will submit the agreement to the County Recorder for recordation. The agreement shall run with the land for the life of the JADU.

(2) Development Regulations

- (A) One JADU is permitted on a premises located within a single dwelling unit zone with an existing or proposed primary single dwelling unit.
- (B) A JADU of not less than 150 square feet and not more than 500 square feet is permitted within an existing or proposed single dwelling unit, an attached or detached garage, or ADU. A JADU constructed within an existing structure may construct an additional 150 square feet for ingress and egress only.
- (C) A JADU shall have a separate exterior entry from the primary dwelling unit and shall provide, a kitchen or an efficiency kitchen.

§141.0317 Low Barrier Navigation Center

A Low Barrier Navigation Center means a Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. “Low barrier” refers to best practices to reduce barriers to entry, including the presence of partners if it is not a population-specific site, pets, storage of possessions, and privacy.

A Low Barrier Navigation Center is permitted as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following requirements:

- (a) The navigation center shall offer services to connect people to permanent housing through a services plan that identifies services staffing.
- (b) The navigation center shall have be linked to the San Diego Coordinated Entry System administered by the San Diego Regional Task on the Homeless or a comparable coordinated entry system administered in accordance with

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Section 576.400(d) or Section 578.7(a)(8) of Title 24 of the Code of Federal Regulations, as applicable and in effect on January 1, 2020.

- (c) The navigation center shall comply with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
- (d) The navigation center shall have a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System, as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.

§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) licensed and registered with the California Department of Motor Vehicles; and
- (B) exempt from parking regulations.

(2) A movable tiny house shall not:

- (A) be larger than allowed by California state law for movement on public highways;
- (B) exceed one story;
- (C) be able to move under its own power; or
- (D) have a separate address from the primary dwelling unit.

(3) A movable tiny house shall be located:

- (A) on a premises adjacent to a public right-of-way that is at least 20 feet wide. Exterior portions of a movable tiny house shall not be located more than 150 feet from the public right-of-way. A movable tiny house shall be accessed from the public right-of-way by a path that is at least 5 feet wide;

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- (B) behind or to the side of the primary *dwelling unit* and not in any front yard; and
 - (C) at a fire separation distance of at least 5 feet from an adjacent *lot* line and at least 10 feet from any other structures on the *premises*.
- (4) A *movable tiny house* shall not be located within:
 - (A) a brush management zone established pursuant to Section 142.0412; or
 - (B) the *MHPA*.
- (5) When sited on a *premises*, the undercarriage, including wheels, axles, tongue, and hitch, shall be concealed from view. The wheels shall not be removed and shall sit with leveling or support jacks on a paving surface designed in accordance with Section 142.0560(h)(1).
- (6) All mechanical equipment, including heating, ventilation, and air conditioning, shall be incorporated into the structure and not located on the roof.
- (7) A *movable tiny house* shall be connected to water, sewer, and electric utilities. Connections to natural gas are prohibited.
- (8) A *movable tiny house* shall comply with the National Fire Protection Association 1192 Standard on Recreational Vehicles or the American National Standards Institute A119.5 Park Model Recreational Vehicle Standard. A *movable tiny house* shall be certified by a recognized national certification body as complying with one of these standards and a certified label shall be placed on the *movable tiny house* to demonstrate compliance.
- (9) When located on a *premises* where the primary *dwelling unit* is protected with an automatic fire sprinkler system in accordance with Section R313 of the California Residential Code, a *movable tiny house* shall be protected with an automatic fire sprinkler system.
- (10) 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 satisfy 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.
- (11) A movable tiny house shall be constructed to include the following design elements:
 - (A) Cladding and Trim: Materials used on the exterior shall not be single piece composite, laminates, or interlocked metal sheathing;
 - (B) Windows and Doors: Windows shall be at least double pane glass, labeled 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.
- (b) One movable tiny house may be permitted in addition to Accessory Dwelling Units and Junior Accessory Dwelling Units permitted in accordance with Section 141.0302, guest quarters, and non-habitable structures.
- (c) A 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 Development Impact Fees (as defined in California Government Code Section 66000) shall be required prior to issuance of any Building Permit in areas where Development Impact Fees have been established by City Council resolution or ordinance. Notwithstanding the above, the City Manager may also require the payment of Development Impact Fees 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. ~~Development Impact Fees shall not be required for inclusionary dwelling units provided pursuant to Chapter 14, Article 2, Division 13 if the applicant has satisfied all the requirements of Division 13 for inclusionary dwelling units on the same premises as the market-rate dwelling units.~~ The Development Impact Fee 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 defined as companion units, junior units, movable tiny houses, or guest quarters are exempt from DIFs. Accessory Dwelling Units, Junior Accessory Dwelling Units, movable tiny houses and guest quarters are exempt from DIFs.~~
- (2) Permanent Supportive Housing, low barrier navigation centers, and transitional housing facilities are exempt from DIFs.
- (3) Inclusionary dwelling units provided pursuant to Chapter 14, Article 2, Division 13 are exempt from DIFs if the applicant has satisfied all the requirements of Division 13 for inclusionary dwelling units on the same premises as the market-rate dwelling units.

- (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

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- (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 this 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 an Accessory Dwelling Unit, ~~companion unit~~, ~~junior unit~~, Junior Accessory Dwelling Unit, or movable tiny house.
- (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]

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(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 an *Accessory Dwelling Unit*, ~~*companion unit*~~, ~~*junior unit*~~, *Junior Accessory Dwelling Unit*, or *movable tiny house*.

(C) through (E) [no change in text]

(i) [no change in text]

§143.0302 When Supplemental Neighborhood Development Permit and Site Development Permit Regulations Apply

This Division applies to any *development* proposal for which a Neighborhood Development Permit or Site Development Permit is required as described in Sections 126.0402 and 126.0502, in accordance with Table 143-03A.

**Table 143-03A
Supplemental Neighborhood Development Permit or Site Development Permit
Regulations Applicability**

Type of <i>Development</i> Proposal	Applicable Sections	Required <i>Development</i> Permit/Decision Process
Affordable housing, in-fill projects, and sustainable buildings projects <u>with deviations as described in Section 143.0915, where a Site</u>	<u>126.0503, 126.0603,</u> <u>143.0303, 143.0305,</u> 143.0910, 143.0915, 143.0920	NDP/Process 2

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<u>Development Permit or Planned Development Permit would otherwise be required.</u>		
Development of a large retail establishment of 50,000 or more square feet gross floor area in all commercial, industrial, and mixed-use zones, and in all planned districts, except the Centre City Planned District through Clairemont Mesa Height Limit Overlay Zone	[no change in text]	

§143.0402 When Planned Development Permit Regulations Apply

This Division applies to all development proposals for which a Planned Development Permit is requested, in accordance with Table 143-04A

**Table 143-04A
Supplemental Planned Development Permit Regulations Applicability**

Type of <i>Development</i> Proposal	Applicable Sections	Required <i>Development</i> Permit/Decision Process⁽¹⁾
Residential <i>development</i> requesting deviations from applicable zone regulations ⁽²⁾⁽³⁾	143.0403, 143.0410, 143.0420	PDP/Process 4
Commercial and Industrial <i>development</i> requesting deviations from applicable zone regulations ⁽²⁾⁽³⁾	143.0403, 143.0410, 143.0460	PDP/Process 4
<i>Developments</i> within <i>land use plans</i> where a Planned Development Permit is recommended when other discretionary actions are requested	[no change in text]	
<i>Development</i> that complies with the applicable <i>land use plan</i> designation, but contains uses that are not permitted in the underlying base zone ⁽⁵⁾	143.0403	PDP/Process 3
<i>Multiple dwelling unit development</i> requesting increased <i>density</i> where increased density is expressly provided for in the adopted <u>the land use plan expressly allows for</u>	143.0403, 143.0410, 143.0455, 143.0915	PDP/Process 4

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<u>increased <i>density</i> with the approval of a Planned Development Permit⁽³⁾</u>		
Rural cluster <i>development</i> in the AR and OR zones through Residential <i>development</i> in RS zones of <i>urbanized Communities</i> where a Planned Development Permit is requested	[no change in text]	

Footnotes for Table 143-04A

1 through 4 [no change in text]

5 Residential *development* and residential mixed-use *development* that proposes residential uses and/or *density* that complies with the applicable *land use plan* but not the underlying base zone may be permitted with a *construction permit* decided in accordance Process One subject to Section 131.0123.

§143.0410 General Development Regulations for Planned Development Permits

(a) Deviations

(1) through (2) [no change in text]

(3) A Planned Development Permit may not be used to request deviations from any of the following regulations:

(A) through (C) [no change in text]

(D) Residential *density* ~~unless the residential component is part of a mixed-use (commercial/residential) project and the applicable *land use plan* establishes a higher *density* than the base zone~~ except as provided for in Table 143-04A;

(E) through (G)

(b) through (j) [no change in text]

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§143.0455 Supplemental Planned Development Permit Regulations for Multiple Dwelling Unit Residential Development with Increased Density per the Adopted Land Use Plan

In addition to the general regulations for all Planned Development Permits in Section 143.0410(j)(5) through (11), the following regulations apply to *multiple dwelling unit development* that requests approval of increased *density* ~~through a Planned Development Permit and where the land use plan expressly allows for increased density is expressly provided for in the adopted land use plan~~ with approval of a Planned Development Permit. It is the intent of these regulations to provide increased *density* in pedestrian-friendly *development* that is consistent with the planned character of the neighborhood ~~per as specified in the adopted land use plan~~.

(a) through (b) [no change in text]

§143.0710 Purpose of Affordable Housing Regulations

The purpose of these regulations is to provide incentives for *development* that provides housing for *very low income, low income, moderate income*, or senior households, or *lower income students*, transitional foster youth, disabled veterans, or homeless persons. Additionally, the purpose is to specify how compliance with California Government Code Section 65915 (State Density Bonus Law) will be implemented, as required by California Government Code Section 65915(a)(1). These regulations are intended to materially assist in providing adequate and affordable housing for all economic segments of the community and to provide a balance of housing opportunities throughout the City.

§143.0715 When Affordable Housing Density Bonus Regulations Apply

This Division applies to any *development* where current zoning allows for five or more *dwelling units*, not including *density* bonus units, in exchange for either of the following:

- (a) A portion of the total *dwelling units* in the *development* being reserved for *very low, low, or moderate income* or senior households; or for *lower income students*, transitional foster youth, disabled veterans, or homeless persons in accordance with this Division; or
- (b) [no change in text]

§143.0720 Density Bonus in Exchange for Affordable Housing Units

(a) through (b) [no change in text]

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- (c) A rental affordable housing *density* bonus agreement shall utilize the following qualifying criteria:
- (1) *Very low income* - At least 5 percent of the pre-*density* bonus *dwelling units* in the *development* shall be affordable, including an allowance for utilities, to *very low income* households at a rent that does not exceed 30 percent of 50 percent of the area median income, as adjusted for household size appropriate for the *dwelling unit*; or
 - (2) *Low income* - At least 10 percent of the pre-*density* bonus *dwelling units* in the *development* shall be affordable, including an allowance for utilities, to *low income* households at a rent that does not exceed 30 percent of 60 percent of the area median income, as adjusted for household size appropriate for the *dwelling unit*.
 - (3) through (5) [no change in text]
- (d) A for-sale affordable housing *density* bonus agreement shall utilize the following qualifying criteria:
- (1) *Very low income* - At least 5 percent of the pre-*density* bonus *dwelling units* in the *development* shall be affordable, ~~including an allowance for utilities,~~ to *very low income* households at an affordable housing cost-rent that does not exceed 30 percent of 50 percent of the area median income, as adjusted for household size appropriate for the *dwelling unit*.
 - (2) *Low income* - At least 10 percent of the pre-*density* bonus *dwelling units* in the *development* shall be affordable, ~~including an allowance for utilities,~~ to *low income* households at an affordable housing cost-rent that does not exceed 30 percent of ~~670~~ percent of the area median income, as adjusted for household size appropriate for the *dwelling unit*.
 - (3) *Moderate income* - At least 10 percent of the total *dwelling units* in a common interest development, as defined in California Civil Code Section 4100, shall be affordable to moderate income households at an affordable housing cost that is not less than 28 percent of the gross income of the household, nor exceeds 35 percent of 110 percent of the area median income, as adjusted for household size appropriate for the *dwelling units*, provided that To qualify, all *dwelling units* in the *development* ~~are~~ shall be offered to the public for purchase.
 - (4) through (8) [no change in text]
- (f) [no change in text]

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(g) A lower income students housing density bonus agreement shall utilize the following qualifying criteria:

(1) At least 20 percent of the pre-density bonus units in the development shall be affordable to lower income students at a rent that does not exceed 30 percent of 65 percent of the area median income for a single-room occupancy unit type.

(A) The eligibility of a student shall be verified by an affidavit, award letter, or letter of eligibility provided by the institution of higher education that the student is enrolled in or provided by the California Student Aid Commission that the student receives or is eligible for financial aid, including an institutional grant or fee waiver, from the college or university, the California Student Aid Commission, or the federal government.

(B) For the purposes of calculating a density bonus granted pursuant to Section 143.0720(g), the term "unit" means one rental bed and its pro rata share of associated common area facilities.

(2) All units in the student housing development shall be used exclusively for undergraduate, graduate, or professional students enrolled full time at an institution of higher education accredited by the Western Association of Schools and Colleges or the Accrediting Commission for Community and Junior Colleges. The applicant shall, as a condition of receiving a certificate of occupancy, provide evidence to the satisfaction of the City Manager that the applicant has entered into an operating agreement or master lease with one or more institutions of higher education for the institution or institutions to occupy all units of the student housing development with students from that institution or institutions.

(3) The development will provide priority for the applicable affordable units for lower income students experiencing homelessness. A homeless services provider, as defined in Section 103577(e)(3) of the California Health and Safety Code, or institution of higher education that has knowledge of a person's homeless status may verify a person's status as homeless.

(4) Rental units shall remain available for a period of 55 years or longer, as may be required by other laws or covenants.

(h) A density bonus agreement for a development providing 100 percent of the pre-density bonus dwelling units as affordable to very low income and low

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income households with limited allowances for and moderate income households shall utilize the following qualifying criteria:

- (1) 100 percent of the pre-density bonus dwelling units in the development, exclusive of a manager's unit or units, shall be affordable to very low income or low income households, except that up to 20 percent of the pre-density bonus dwelling units may be affordable to moderate income households.
- (2) Rents for all dwelling units shall be as follows:
 - (A) The pre-density bonus very low income dwelling units in the development shall be affordable, including an allowance for utilities, to very low income households at a rent that does not exceed 30 percent of 50 percent of the area median income, as adjusted for household size, appropriate for the dwelling unit.
 - (B) The pre-density bonus low income dwelling units in the development shall be affordable, including an allowance for utilities, to low income households at a rent that does not exceed 30 percent of 60 percent of the area median income, as adjusted for household size, appropriate for the dwelling unit.
 - (C) The pre-density bonus moderate income dwelling units in the development shall be affordable, including an allowance for utilities, to moderate income households at a rent that does not exceed 30 percent of 110 percent of the area median income, as adjusted for household size, appropriate for the dwelling unit.
 - (D) The rent for the remaining post-density bonus dwelling units in the development shall be set at an amount consistent with the maximum rent levels for a housing development that receives an allocation of state or federal low-income housing tax credits from the California Tax Credit Allocation Committee.
- (3) Rental affordable dwelling units shall remain available for a period of 55 years or longer, as may be required by other laws or covenants.
- (i) A density bonus agreement for a development within a transit priority area providing 100 percent of the total pre-density bonus and post-density bonus dwelling units as affordable to very low income, low income and moderate income households shall utilize the following qualifying criteria:
 - (1) 100 percent of the total pre-density bonus and post-density bonus dwelling units in the development, exclusive of a manager's unit or units, shall be affordable to very low income, low income, or moderate income households in any combination of percentages.

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- (2) Rents for all *dwelling units* in the *development* shall be established as follows:
- (A) *Very low income dwelling units* in the *development* shall be affordable, including an allowance for utilities, to *low income* households at a rent that does not exceed 30 percent of 50 percent of the area median income, as adjusted for household size, appropriate for the *dwelling unit*.
- (B) *Low income dwelling units* in the *development* shall be affordable, including an allowance for utilities, to *low income* households at a rent that does not exceed 30 percent of 60 percent of the area median income, as adjusted for household size, appropriate for the *dwelling unit*.
- (C) *Moderate income dwelling units* in the *development* shall be affordable, including an allowance for utilities, to *moderate income* households at a rent that does not exceed 30 percent of 110 percent of the area median income, as adjusted for household size, appropriate for the *dwelling unit*.
- (3) A for-sale affordable housing *density* bonus agreement shall utilize the following qualifying criteria:
- (1) *Very low income dwelling units* in the *development* shall be affordable to *very low income* households at an affordable housing cost that does not exceed 30 percent of 50 percent of the area median income, as adjusted for household size appropriate for the *dwelling unit*.
- (2) *Low income dwelling units* in the *development* shall be affordable to *low income* households at an affordable housing cost that does not exceed 30 percent of 70 percent of the area median income, as adjusted for household size appropriate for the *dwelling unit*.
- (3) *Moderate income dwelling units* in the *development* shall be affordable to *moderate income* households at an affordable housing cost that is not less than 28 percent of the gross income of the household, nor exceeds 35 percent of 110 percent of the area median income, as adjusted for household size appropriate for the *dwelling units*.
- (4) Rental and for-sale affordable *dwelling units* shall remain available for a period of 55 years or longer, as may be required by other laws or covenants.

- (g) The *density* bonus *dwelling units* shall have recorded against them a Declaration of Covenants, Conditions and Restrictions in favor of the San Diego Housing Commission that shall enjoy first lien position and shall be secured by a deed of trust that may be recorded against the project or unit, as applicable, prior to construction or permanent financing.
- (h) A *condominium conversion* that provides at least 33 percent of the total *dwelling units* to *low income* and *moderate income* households, or 15 percent of the total *dwelling units* to *low income* households, shall be entitled to a *density* bonus of 25 percent or other incentives of equivalent financial value in accordance with State Density Bonus Law and this Division, unless the *development* previously received a *density* bonus or other incentives.
- (i) A *development* proposal requesting an affordable housing *density* bonus is subject to the following:
 - (1) [no change in text]
 - (2) For *development* meeting the criteria for *very low income* households in Section 143.0720(c)(1), the *density* bonus shall be calculated as set forth in Table 143-07A. The increased *density* shall be in addition to any other increase in *density* allowed in this Division, up to a maximum combined *density* increase of 75 percent. ~~For *development* meeting the same criteria within the Centre City Planned District, the bonus shall apply to the maximum allowable floor area ratio applicable to the development consistent with Section 156.0309(e).~~
 - (3) For *development* meeting the criteria for *low income* households in Section 143.0720(c)(2), the *density* bonus shall be calculated as set forth in Table 143-07B. The increased *density* shall be in addition to any other increase in *density* allowed in this Division, up to a maximum combined *density* increase of 75 percent. ~~For *development* meeting the same criteria within the Centre City Planned District, the bonus shall apply to the maximum allowable floor area ratio applicable to the development consistent with Section 156.0309(e).~~
 - (4) For *development* meeting the criteria for *moderate income* households in Section 143.0720(c) and (d), the *density* bonus shall be calculated as set forth in Table 143-07C. The increased *density* shall be in addition to any other increase in *density* allowed in this Division, up to a maximum combined *density* increase of 75 percent. ~~For *development* meeting the same criteria within the Centre City Planned District, the bonus shall apply to the maximum allowable floor area ratio applicable to the development consistent with Section 156.0309(e).~~

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- (5) For *development* meeting the criteria for transitional foster youth, disabled veterans, or homeless persons in Section 143.0720(f), the *density* bonus shall be 20 percent of the total pre-*density* bonus *dwelling units*. A *density* bonus for transitional foster youth, disabled veterans, or homeless persons for *very low income* shall be calculated as set forth in Table 143-07A. ~~For *development* meeting the same criteria within the Centre City Planned District, the bonus shall apply to the maximum allowable floor area ratio applicable to the development consistent with Section 156.0309(e).~~
- (6) For *development* meeting the criteria for *lower income students*, the *density* bonus shall be 35 percent of the total pre-*density* bonus units, calculated in accordance with Section 143.720(g)(1)(B).
- (7) For a *development* providing 100 percent of the pre-*density* bonus *dwelling units* as affordable to *very low income*, *low income* and *moderate income* households in accordance with Section 143.0720(h); or *development* within a *transit priority area* providing at least 100 percent of the total pre-*density* and post-*density* bonus *dwelling units* as affordable to *very low income*, *low income*, and *moderate income* households in accordance with Section 143.0720(i), the *density* bonus shall be as follows:
- (A) For *development* located outside of a *transit priority area*, the *density* bonus shall be 80 percent of the number of units for *low income* households. This bonus does not apply to *development* consistent with Section 143.0720(i).
- (B) For *development* located within a *transit priority area* there shall be no limit on the number of *dwelling units* permitted.
- (68) For *development* meeting the criteria in Sections 143.0720(c)(1), 143.0720(c)(2), 143.0720(d)(1), 143.0720(d)(2), 143.0720(d)(3), 143.0720(e) or 143.0720(f), 143.0720(g), 143.0720(h), or 143.0720(i), where an *applicant* has not requested an incentive or waiver to exceed the maximum *structure height* or *setbacks* of the base zone, an additional *density* bonus of 10 percent of the pre-*density* bonus *dwelling units* shall be granted, provided that *development* of the additional *density* does not cause the need for an incentive, waiver, or deviation to exceed the maximum *structure height* or *setbacks* of the base zone. ~~For *development* meeting the same criteria within the Centre City Planned District, the *density* bonus shall apply to the maximum allowable floor area ratio applicable to the development consistent with Section 156.0309(e).~~
- (79) For micro-unit *development* that provides five or more *dwelling units*; meets the criteria in Sections 143.0720(c)(1), 143.0720(c)(2),

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143.0720(d)(1), 143.0720(d)(2), 143.0720(d)(3), 143.0720(e), or 143.0720(f); provides an average of no more than 600 square feet per dwelling unit with no dwelling unit exceeding 800 square feet; with a portion of the lot located within a Transit priority area; where an applicant has not requested an incentive or waiver to exceed the maximum structure height or setbacks of the base zone; and where the premises can be serviced by all required utilities, a density bonus of up to 100 percent of the pre-density bonus dwelling units shall be granted; provided that development of the additional density does not cause the need for an incentive, waiver, or deviation to exceed the maximum structure height or setbacks of the base zone. For development meeting the same criteria within the Centre City Planned District Ordinance, the development must comply with Section 156.0309(e)(1)(C).

- (810) If the premises is located in two or more zones, the number of dwelling units permitted in the development is the sum of the dwelling units permitted in each of the zones. Within the development, the permitted number of dwelling units may be distributed without regard to the zone boundaries.
- (911) Where the development consists of two or more specifically identified parcels, whether contiguous or noncontiguous, the maximum number of dwelling units permitted on each parcel is calculated based on the area of that parcel.
- (4012) Where the development consists of two or more noncontiguous parcels lying within two or more community planning areas, the dwelling units reserved at levels affordable to very low, low, or moderate income households shall be distributed among these community planning areas in the same proportion as the total number of dwelling units constructed within the development.
- (4113) For development in mixed-use zones, the maximum density identified in the adopted community plan land use map shall be used to calculate the density bonus as set forth in Table 143-07A or Table 143-07B. The allowed density bonus dwelling units shall not be counted towards the maximum allowed floor area ratio of the mixed-use zone or the percentage of the required primary use or secondary use, as that term is defined in Section 131.0702. If the applicable land use plan map identifies an allowable density range in dwelling units per acre, the maximum allowable density in that range shall be used to calculate the density bonus as set forth in Table 143-07A, Table 143-07B or Table 143-07C. The allowed density bonus dwelling units shall not be counted towards the maximum allowed floor area ratio of the zone; and within the mixed-use base zones the allowed density bonus dwelling units shall not be counted towards the percentage of the

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required *primary use* or *secondary use*, as that term is defined in Section 131.0702.

- (14) Within the Centre City Planned District, the maximum *floor area ratio* shall be used to calculate the base *density* and *density bonus* as set forth in Table 143-07A, Table 143-07B, or Table 143-07C, and shall comply with Section 156.0309(e)(1).
- (jm) For purposes of this Division, *density bonus* means an increase in *density* in accordance with Section 113.0222(c) beyond the otherwise maximum allowable *density*; or, if elected by the *applicant*, a lesser percentage of *density* or no increase in *density*.
- (n) All *density* calculations resulting in fractional units shall be rounded up to the next whole number.

§143.0740 Incentives in Exchange for Affordable Housing Dwelling Units

An *applicant* proposing *density bonus* shall be entitled to incentives as described in this Division for any *development* for which a written agreement and a deed of trust securing the agreement is entered into by the *applicant* and the President and Chief Executive Officer of the San Diego Housing Commission. The City shall process an incentive requested by an *applicant* as set forth in this Section.

- (a) [no change in text]
- (b) Items not considered incentives by the City of San Diego include, but are not limited to the following:
- (1) through (3) [no change in text]
- (4) An increase in the maximum permitted *floor area ratio* in *land use plans* that use *floor area ratio* rather than *dwelling units per acre* or *per square foot* as the mechanism to control *density*.
- (c) through (d) [no change in text]
- (e) For a *development* providing 100 percent of the *pre-density bonus dwelling units* as affordable to *very low income*, *low income* and *moderate income* households in accordance with Section 143.0720(h); or *development* within a *transit priority area* providing 100 percent of the total *pre-density* and *post-density bonus dwelling units* as affordable to *very low income*, *low income*, and *moderate income* households in accordance with Section 143.0720(i), five incentives shall be available. If the *development* is located within a *transit priority area* the *applicant* shall also receive a *structure height* increase of up to 3 additional *stories* or 33 feet.

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- (f) For *development* meeting the criteria for *lower income students* in accordance with Section 143.0720(g), two incentives shall be available.

§143.0743 Waivers in Exchange for Affordable Housing Units

An *applicant* proposing *density* bonus shall be entitled to a waiver as described in this Division for an residential *development* for which a written agreement and a deed of trust securing the agreement is entered into by the *applicant* and the President and Chief Executive Officer of the San Diego Housing Commission.

(a) through (e) [no change in text]

- (f) A proposal for the waiver or reduction of *development* regulations pursuant to this Section shall neither reduce nor increase the number of incentives to which the applicant is entitled pursuant to Section 143.0740.

- (g) A residential *development* that receives a waiver from any maximum controls on density pursuant to Section 143.0720(l)(7)(B) shall not be eligible for, and shall not receive, a waiver or reduction of *development* regulations pursuant to this Section.

§143.0744 Parking Ratios for Affordable Housing

Upon the request of an *applicant* for a *development* meeting the criteria in Sections 143.0720(c), 143.0720(d), 143.0720(e), 143.0720(f), 143.0720(g), 143.0720(h) or 143.0720(hi), the vehicular parking ratios in Table 143-07D, as may be applicable, or those set forth in Chapter 14, Article 2, Division 5, inclusive of disabled and guest parking, whichever is lower, shall apply.

Table 143-07D
Parking Reduction for Proximity to Transit

Type of <i>Development</i>	Percent Affordable	Transit Requirement ³	Parking Ratio for <i>Development</i> ¹
Rental or for-sale <i>development</i> containing market rate and <i>low income</i> , <i>very low income</i> and/or <i>moderate income dwelling units</i>	11% 20% 10%	The <i>development</i> is located within a <i>transit priority area</i>	0.5 spaces per bedroom
<ul style="list-style-type: none"> • <i>Very low income</i> • <i>Low income</i> 			

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• <i>Moderate Income</i>			
Rental housing • <i>Low, very low and moderate income</i>	100% ²		0.5 spaces per dwelling unit
Rental housing with an affordable housing cost to lower income senior citizens in accordance with California Civil Code Sections 51.3 and 51.12	100% ²	The <i>development</i> shall have either paratransit service, or be located within ½ mile of unobstructed access to a fixed bus route service that operates at least eight times per day.	0.5 spaces per dwelling unit
<u>Rental housing affordable to low and very low income households that is either a special needs housing development as defined in California Health and Safety Code (CHSC) Section 51312 or a supportive housing development as defined in CHSC Section 50675.14</u>	<u>100%²</u>	<u>The development shall have either paratransit service or be located within ½ mile of unobstructed access to a fixed bus route service that operates at least eight times per day.</u>	<u>0 spaces per dwelling unit</u>

Footnotes for Table 143-07D

1 through 3 [no change in text]

§143.0915 When Supplemental Neighborhood Development Permit Regulations Apply for Affordable Housing, In-Fill Projects, and Sustainable Buildings

These regulations apply to the following types of *development*:

- (a) [no change in text]
- (b) In-fill projects, which is any of the following:
 - (1) through (2) [no change in text]

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- ~~(3) Residential development in accordance with Planned Development Permit Section 143.0402, subject to all applicable supplemental regulations identified in Table 143-04A, where a multiple dwelling unit development with density greater than the density identified in an adopted land use plan is proposed.~~
- ~~(4) Residential development in the Community Plan Implementation Overlay Zone designated “Type A” or “Type B” that does not comply with the development standards, as described in Section 132.1402.~~

(c) [no change in text]

§143.0920 Affordable Housing, In-Fill Projects, and Sustainable Buildings Deviations

Development identified in Section 143.0915 may be permitted with a Neighborhood Development Permit decided in accordance with Process Two, except as provided in Section 143.0920(~~d~~e), for the following:

- (a) *Development* that proposes deviations from applicable Land Development Code regulations in accordance with Section 126.0602(b)(1), provided that the findings in Section 126.0404(a), the supplemental findings in Section 126.0404(f), and all applicable supplemental findings in Section 126.0505(b) through (m) are made. In the event that a deviation is requested, the supplemental findings in Section 126.0404(f) shall also be made.
- (b) [no change in text]
- (c) ~~*Multiple dwelling unit development, in accordance with Planned Development Permit Section 143.0402, Table 143-04A, with density greater than the density identified in an adopted land use plan, provided that the findings in Section 126.0404(a) and (g) are made. Multiple dwelling unit development requesting increased density where the land use plan expressly provides for increased density with the approval of a Planned Development Permit, provided that the findings in Section 126.0404(a) are made. In the event that a deviation is requested, the supplemental findings in Section 126.0404(f) shall also be made.*~~
- (d) Residential development in the Community Plan Implementation Overlay Zone designated “Type A” that does not comply with the development standards and residential development in the Community Plan Implementation Overlay Zone designated “Type B”, as described in Section 132.1402, provided that the findings in Section 126.0404(a) are made. In the event that a deviation is requested, the supplemental findings in Section 126.0404(f) shall also be made.

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(de) A deviation pursuant to Section 143.0920 may not be requested for the following:

(1) through (4) [no change in text]

Chapter 14: General Regulations

Article 3: Supplemental Development Regulations

Division 12: Dwelling Unit Protection Regulations

§143.1201 Purpose of the Dwelling Unit Protection Regulations

The purpose of these regulations is to specify when and how a residential development that proposes demolition of existing dwelling units and/or protected dwelling units must replace those dwelling units. These regulations are intended to implement Government Code Section 66300(d) by requiring replacement of dwelling units and protected dwelling units for any residential development subject to this Division.

§143.1203 When the Dwelling Unit Protection Regulations Apply

This Division applies the following developments with a complete development application between January 1, 2020 and December 31, 2024:

- (a) Single dwelling unit development;
- (b) Multiple dwelling unit development;
- (c) Mixed-use developments consisting of residential and non-residential uses where at least two-thirds of the square footage is designated for residential use; and
- (d) Transitional housing facilities and permanent supportive housing.

§143.1205 Expiration of the Dwelling Unit Protection Regulations

Consistent with Government Code Section 66301, the regulations of this Division shall remain in effect until January 1, 2025, and as of that date is repealed unless a later enacted ordinance deletes or extends that date.

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§143.1207 Definitions

The following definitions apply to this Division in addition to the definitions found in Chapter 11, Article 3, Division 1 of the Land Development Code. Each word or phrase that is defined in this Division or in Chapter 11, Article 3, Division 1 of the Land Development Code appears in the text in italicized letters.

(a) *Protected dwelling unit* means any of the following:

- (1) *Dwelling units* that are or were subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to *very low income* or *low income* households during the five year period preceding the application.
- (2) *Dwelling units* that are or were occupied by *very low income* or *low income* households during the five year period preceding the application.
- (3) *SRO hotel rooms* or other *dwelling units* that were withdrawn from rent or lease in accordance with California Government Code Sections 7061-7060.7 during the 10 year period preceding the application.

§143.1210 Replacement of Dwelling Units

Development subject to this Division shall include at least as many *dwelling units* as the most recent permitted *development* on the *premises*.

§143.1212 Replacement of Protected Dwelling Units

Development subject to this Division that proposes demolition of vacant or occupied *protected dwelling units* on the *premises* shall comply with all of the following:

- (a) The *development* shall include at least as many *dwelling units* as the greatest number of permitted *dwelling units* that existed on the *premises* within the five year period preceding the application.
- (b) The *development* shall replace all existing or demolished *protected dwelling units* on the *premises*.
- (c) The *protected dwelling units* shall be replaced as follows:
 - (1) For a *development* containing any occupied *protected dwelling units*, the *development* must contain at least the same number of replacement *protected dwelling units*, of equivalent size and *bedrooms*, and must be made affordable to and occupied by persons and families in the same

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or a lower income category as the occupied *protected dwelling units*. For unoccupied *protected dwelling units* in the *development*, the replacement *protected dwelling units* shall be made affordable to and occupied by persons and families in the same or lower income category as the last household in occupancy. If the income category of the last household is unknown, it is rebuttably presumed that the *protected dwelling units* were occupied by *very low income* and *low income* renter households in the same proportion of *very low income* and *low income* renter households to all renter households within the City of San Diego, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database, and replacement *protected dwelling units* shall be provided in that same percentage.

- (2) If all of the *protected dwelling units* are vacant or have been demolished within the five years preceding the application, the *development* must contain at least the same number of replacement *protected dwelling units*, of equivalent size and *bedrooms*, as existed at the highpoint of those units in the five year period preceding the application, and must be made affordable to and occupied by persons and families in the same or a lower income category as those in occupancy at that same time. If the income categories are unknown for the highpoint, it is rebuttably presumed that the *protected dwelling units* were occupied by *very low income* and *low income* renter households in the same proportion of *very low income* and *low income* renter households to all renter households within the City of San Diego, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database, and replacement *protected dwelling units* shall be provided in that same percentage.
- (3) All replacement *protected dwelling unit* calculations resulting in fractional units shall be rounded up to the next whole number.
- (4) All rental replacement *protected dwelling units* shall be affordable for at least 55 years through a recorded affordability restriction documented by written agreement, and a deed of trust securing the agreement, entered into by the *applicant* and the President and Chief Executive Officer of the San Diego Housing Commission.
- (5) All for-sale replacement *protected dwelling units* shall be subject to the following provisions:

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- (A) The initial occupant of all for-sale affordable *protected dwelling units* shall be a *very low income* or *low income* household.
- (B) Prior to, or concurrent with, the sale of each *protected dwelling unit*, the *applicant* shall require the buyer to execute and deliver a promissory note in favor of the San Diego Housing Commission so that the repayment of any initial subsidy is ensured.
- (C) Each for-sale *protected dwelling unit* shall be occupied by the initial owner at all times until the resale of the *protected dwelling unit*.
- (D) Upon the first resale of a *protected dwelling unit*, the seller shall comply with all conditions regarding the sale of a *dwelling unit*, as applied by the San Diego Housing Commission, and as set forth in California Government Code Section 65915(c)(2).
- (d) The *applicant* shall provide existing residents of *protected dwelling units* with all of the following:
 - (1) The ability to occupy their units until six months before the start of construction activities with proper notice, pursuant to California Government Code Sections 7260-7277.
 - (2) To those households that remain in a *protected dwelling unit*, the *applicant* shall provide:
 - (A) Relocation benefits pursuant to California Government Code Sections 7260-7277.
 - (B) A right of first refusal for a comparable *dwelling unit* available in the new *development* affordable to the household at an affordable rent or affordable housing cost based on household income in accordance with Table 143-12A.

Table 143-12A
Affordability Levels for Replacement *Protected Dwelling Units*

	<u>Rental <i>Dwelling Units</i></u>	<u>For-Sale <i>Dwelling Units</i></u>
	<u>shall be affordable, including an allowance for utilities, at a rent that does not exceed:</u>	<u>shall be affordable at an affordable housing cost that does not exceed:</u>

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<u>Very Low Income households</u>	<u>30 percent of 50 percent of the area median income, as adjusted for household size appropriate for the unit.</u>	<u>30 percent of 50 percent of the area median income, as adjusted for household size appropriate for the unit.</u>
<u>Low Income households</u>	<u>30 percent of 60 percent of the area median income, as adjusted for household size appropriate for the unit.</u>	<u>30 percent of 70 percent of the area median income, as adjusted for household size appropriate for the unit.</u>

- (e) Any protected dwelling units replaced in accordance with this Division may be counted toward compliance with the Inclusionary Affordable Housing Regulations in Chapter 14, Article 2, Division 13 and the Affordable Housing Regulations in Chapter 14, Article 3, Division 7.

§151.0103 Applicable Regulations

- (a) [no change in text]
- (b) The following regulations apply in all planned districts:
- (1) through (12) [no change in text]
- (13) Land Development Code, Chapter 14, Article 3, Division 12 (Dwelling Unit Protection Regulations).

§156.0309 FAR Regulations and TDRs

- (a) through (d) [No change in text.]
- (e) *FAR Bonuses*

Development may exceed the maximum *base FAR* for the site established by Figure H if the *applicant* provides certain public benefits or *development* amenities. Table 156-0309-A shows the maximum amount of *FAR bonus* that may be earned by providing benefits or amenities, and Figure J shows the maximum *FAR bonus* that may be purchased for a site through the *FAR* Payment Bonus Program (exclusive of bonuses for affordable housing as described in Section 156.0309(e)(1)). *Applicants* utilizing the *FAR bonus* program shall have *CC&Rs* recorded on the property, ensuring that the benefits or amenities provided to earn the bonus are maintained in perpetuity, or in the case of affordable housing, for the duration specified in Section 156.0309(e)(1)(B)(iv).

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The public benefits and *development* amenities that may earn a *FAR bonus* are the following:

TABLE 156-0309-A: <i>FAR BONUS</i>	
Public Benefit/ <i>Development</i> Amenity	<i>FAR Bonus</i> (to be added to maximum <i>Base FAR</i>)
[no change to text]	

- (1) Affordable Housing. An *applicant* proposing a residential *development* that is entitled to a *density* bonus pursuant to Chapter 14, Article 3, Division 7 of the Land Development Code may increase the permitted *FAR* as specified below, ~~except as set forth in Section 143.0720(i)(7).~~

In compliance with the State Density Bonus Law (California Government Code Section 65915), *applicants* may earn *FAR bonus* subject to the following:

- (A) [no change in text]
- (B) *Development* may provide either rental or for-sale affordable ~~units~~*dwelling units*, regardless of whether the market rate ~~units~~*dwelling units* within the *development* are for rent or sale. *Development* under these provisions shall be subject to the following requirements in addition to those in Chapter 14, Article 3, Division 7:

- (i) ~~The qualifying affordable housing units shall be measured as a percentage of the residential portion of the development based on the base FAR, prior to the granting of any bonuses. The permitted FAR for a development containing affordable housing shall be calculated as follows:~~

Permitted FAR equals Pre-AHR bonus FAR minus the non-residential FAR, then multiplied by the AHR bonus percentage, then that total is added to the Pre-AHR bonus FAR.

For the purposes of the above calculation:

Pre-AHR bonus FAR means the Maximum Base FAR found in Figure H plus any additional bonus FAR permitted in Figure K earned through Section 156.0309(e) and Section 156.0309(g).

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AHR bonus percentage means the percentage bonus for affordable housing found in Tables 143-07A, 143-07B, and 143-07C in the Affordable Housing Regulations (AHR).

- (ii) The *FAR bonus* for *development* containing affordable housing shall be calculated as follows:

Permitted *FAR* – Base GSF – NR GSF x Affordable Bonus % + Base GSF / Site Area, where:

Permitted *FAR* – Base Gross Square Feet (GSF) permitted on the site (maximum *base FAR* from Figure H times the site area) minus the GSF of non-residential (NR) area, multiplied by affordable bonus percentage (%), plus Base GSF permitted on the site, divided by site area. NR GSF shall not include non-residential area that is earned through one of the other *FAR Bonus* programs such as *urban open space*, *eco-roofs*, public parking, or *FAR Payment Program*. The number of required affordable *dwelling units* in a *development* utilizing the Affordable Housing Regulations in Chapter 14, Article 3, Division 7 is calculated as follows:

Number of required affordable *dwelling units* equals Pre-AHR bonus *FAR* minus the non-residential *FAR*, then divided by the *development's* proposed residential *FAR*, then multiplied by the number of proposed *dwelling units* in the *development*, then multiplied by the AHR bonus percentage.

(iii) through (iv) [no change in text]

- (C) For *development* proposing to utilize Section 143.0720(i)(9) providing for a 100% *density bonus* for micro-unit *development*, the *development* must first utilize other *FAR* bonus programs as listed in Section 156.0309(e) to achieve a minimum *FAR* bonus of 3.0. If the *bonus FAR* permitted in Figure K is less than 3.0, then the *bonus FAR* in Figure K shall be required.

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

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

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§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~~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~~Accessory Dwelling Units, ~~junior units~~Junior Accessory Dwelling Units, and movable tiny houses; 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]



THE CITY OF SAN DIEGO

MEMORANDUM

DATE: August 14, 2020

TO: Kelley Stanco, Development Project Manager, Planning Department

FROM: Rebecca Malone, AICP, Senior Planner, Planning Department

SUBJECT: Housing Legislation Code Upd Update to the Housing Element of the General Plan ate Package - 15162 Evaluation

The CEQA and Environmental Policy Section of the Planning Department has completed a California Environmental Quality Act (CEQA) Section 15162 consistency evaluation in compliance with Public Resources Code Section 21166 for the proposed amendments to the San Diego Municipal Code related recent California state housing legislation. As described in the attached 15162 evaluation matrix (Attachment 1), the proposed 15 amendments include proposed changes to the San Diego Municipal Code.

Previously Certified CEQA Document

This evaluation was performed to determine if conditions specified in CEQA Guidelines Section 15162 would require preparation of a subsequent environmental document. As outlined in the evaluation matrix attached, the Planning Department has determined that the proposed amendments are consistent with the previously certified Environmental Impact Report (EIR) for the 2008 General Plan EIR No. 104495/SCH No. 2006091032, certified by the City Council on March 10, 2008, Resolution No. R-303473; the 2020 Addendum to the 2008 General Plan EIR No. 104495/SCH No. 2006091032 for the General Plan Housing Element Update, certified by the City Council on June 18, 2020, Resolution No. R-313099; and the following documents, all referred to as the "CAP FEIR": FEIR for the City of San Diego Climate Action Plan (CAP), certified by the City Council on December 15, 2015 (City Council Resolution R-310176), and the Addendum to the CAP, certified by the City Council on July 12, 2016 (City Council Resolution R-310595), and would not result in new significant impacts.

Background

The California state legislature passed a number of land use and housing laws in 2019 that became effective January 1, 2020. These laws primarily address accessory dwelling units, affordable housing, and housing for the homeless, as well as requirements to preserve dwelling units and protected dwelling units affordable to very low- and low-income households. Local implementation of these laws is mandatory and amending the LDC to reflect the requirements of these laws will provide clarity for staff, applicants, decision-makers and the public at large. Additionally, while reviewing the applicable state laws and drafting the proposed LDC amendments, staff identified some areas where the LDC is no longer in conformance with the latest state law provisions and the Housing Legislation Code Update package addresses those issues. Lastly, where permitted, the package also includes adaptations and incentives to address local housing needs.

The General Plan EIR and the CAP FEIR analyzed the environmental effects associated with adoption and implementation of the General Plan, General Plan Housing Element, and the Climate Action Plan.

The Final PEIR for the General Plan found that, although significant impacts could be mitigated through a review of discretionary projects, implementation of the General Plan would result in significant and unavoidable impacts to Agricultural Resources, Air Quality, Biological Resources, Geologic Conditions, Health and Safety, Historic Resources, Hydrology, Land Use, Mineral Resources, Noise, Paleontological Resources, Population and Housing, Public Facilities, Public Utilities, Transportation/Traffic/Circulation/Parking, Visual Effects and Neighborhood Character, and Water Quality as site-specific details of future development projects are unknown at this time.

The Final EIR for the CAP found that the Project would result in significant effects to: Land Use, Visual Effects and Neighborhood Character Resources, Air Quality, Greenhouse Gases, Historical Resources, and Traffic and Circulation. While some of these could be mitigated there would be significant unmitigated impacts relating to: Visual Effects and Neighborhood Character, Air Quality, Historic Resources, and Transportation and Circulation.

In addition, as outlined in detail below, many of the actions are merely incorporation of state law into City of San Diego code. CEQA does not apply to state laws so therefore, any code change that is merely an incorporation of state law does not require further analysis.

Scope of the Proposed Action

The Housing Legislation Code Update Package is grouped into four issue areas: Housing for the Homeless, Affordable Housing Regulations, Accessory Dwelling Units and Junior Accessory Dwelling Units, and Miscellaneous Housing Items. A summary of the proposed amendments is provided below.

I. Housing for the Homeless

The following LDC amendments address items related to housing for the homeless:

- **Low Barrier Navigation Centers**

Assembly Bill (AB) 101, passed in 2019, requires local jurisdictions to permit Low Barrier Navigation Centers that connect individuals experiencing homelessness with transitional housing by-right in mixed-use and commercial zones that permit multi-family. The Housing Legislation Code Update Package would amend the LDC to define Low Barrier Navigation Centers as a new Separately Regulated Residential Use and permit them by-right as a Limited Use in all zones required by AB 101.

- **Emergency Shelters**

Senate Bill 2, passed in 2007, requires local jurisdictions to identify a zone or zones where emergency shelters are allowed by-right without a conditional use or other discretionary permit. The zones which permitted emergency shelters as a by-right use were located primarily within the Midway-Pacific Highway Community, which was rezoned with the recent comprehensive update to the Community Plan. The Housing Legislation Code Update Package would amend the Community Commercial (CC) base zone tables to permit emergency shelters by-right as a Limited Use in all CC zones in order to provide adequate capacity in compliance with SB 2.

- **Transitional Housing and Permanent Supportive Housing**

AB 2162, passed in 2018, requires local jurisdictions to permit Transitional Housing Facilities (THF) and Permanent Supportive Housing (PSH) by-right in all zones that permit multi-family development. The City implemented the requirements of AB 2162 in 2019 with the 12th Update to

the LDC, Phase 1; however, staff has subsequently identified several zones that were inadvertently excluded. The Housing Legislation Code Update Package would amend the RM Base Zone Use Table to permit THF in the RM-5-12 zone; the Industrial Base Zone Use Table to permit THF by-right as a Limited Use in the IP-3-1 base zone and clarify that THF and PSH are subject to the requirements of footnote 15 related to residential development; and the Mixed-Use Base Zone Use Table to permit THF and PSH by-right as Limited Uses.

II. Affordable Housing Regulations

The following LDC amendments address items related to the City's Affordable Housing Regulations (AHR):

- Density Bonus for 100% Affordable Projects (Pre-Density Bonus)

AB 1763, passed in 2019, requires local jurisdictions to provide a new density bonus program that grants a density bonus of 80% outside of Transit Priority Areas (TPAs) and an unlimited bonus within TPAs to projects that construct at least 100% of the pre-density bonus units as affordable to very low income and low income households, except that 20% may be reserved for moderate income households. Eligible projects are also required to receive 4 incentives and within TPAs, 3 additional stories or 33' in height. Waivers are not permitted with this program. The Housing Legislation Code Update Package would amend the City's Affordable Housing Regulations to provide this required incentive, with a local adaptation to allow 5 incentives as opposed to 4 in accordance with the City's more generous allowances for incentives.

- Density Bonus for 100% Affordable Projects (Total Project)

This proposed amendment is not mandated by state law; rather, this amendment is a local adaptation of AB 1763 intended to provide a similar bonus to projects within TPAs that are fully affordable to very low, low, and moderate income households. The Housing Legislation Code Update Package would amend the City's Affordable Housing Regulations to provide an unlimited density bonus, 5 incentives, and an additional 3 stories or 33 feet to projects within TPAs that provide 100% of the total pre-density bonus and post-density bonus units as affordable to very low, low, and moderate income households in any combination.

- Density Bonus for Lower Income Student Housing

SB 1227, passed in 2017, requires a local jurisdiction to provide a density bonus of 35% to projects that provide 20% of the pre-density bonus units as affordable to lower income students, as defined by the bill. The Housing Legislation Code Update Package would amend the City's Affordable Housing Regulations to provide this required incentive, with a local adaptation to allow 2 incentives where none are provided by state law in accordance with the City's more generous allowances for incentives.

- Micro Unit Density Bonus

This proposed amendment is not mandated by state law; rather, this amendment provides regulatory relief for an existing City density bonus program for micro units, which must average no more than 600 square feet with no dwelling unit exceeding 800 square feet. The Housing Legislation Code Update Package would amend the City's Affordable Housing Regulations to eliminate the requirement that micro unit density bonus projects comply with height and setback

requirements, and would allow use of the program within the Downtown Community Planning Area once other bonuses and incentive programs specific to Downtown are utilized.

- Density Bonus on FAR-Based Density Sites

This proposed amendment is not mandated by a modification to state law; rather, it is a correction to the City's regulations to clarify how density bonuses are calculated within zones where the density is controlled by floor area ratio, including Downtown and the recently adopted mixed-use base zones. The Housing Legislation Code Update Package would amend the City's Affordable Housing Regulations to clarify the method by which density bonuses are calculated for FAR-based density zones where the adopted land use plan includes an allowable density range in dwelling units per acre (i.e. the mixed use zones) and those that include only a maximum FAR (i.e. Downtown). Additionally, the amendments will clarify that incentives cannot be used to increase floor area ratio in such zones, which would result in an additional density bonus.

- Miscellaneous AHR Clean-Up Items

The Housing Legislation Code Update Package would amend the City's Affordable Housing Regulations to provide additional clean-up items to ensure compliance with state density bonus law, including minor language edits and updates to the parking table.

III. Accessory Dwelling Units and Junior Accessory Dwelling Units

The following LDC amendments address items related to Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs):

- Replacement of the Companion Unit, Junior Unit and Movable Tiny Homes Regulations with New Accessory Dwelling Unit and Junior Accessory Dwelling Unit Regulations in Order to Implement New State ADU and JADU Legislation

Several bills were passed at the end of 2019 which addressed ADUs and JADUs, including AB 68, AB 587, AB 881, and SB 13. In addition to providing increased allowances for ADUs in conjunction with multiple dwelling unit development, prohibiting the requirement of replacement parking when garages or carports are converted to ADUs or JADUs, and requiring local jurisdictions to permit at least 1 ADU on a premises regardless of maximum lot coverage, maximum floor area ratio, or minimum opens space requirements, the state legislation also required local ADU and JADU ordinances to be reviewed by the California Department of Housing and Community Development (HCD) for consistency with the state regulations. In order to best align our local regulations with state regulations, the Housing Legislation Code Update Package proposes to strike the existing "Companion Unit, Junior Unit and Movable Tiny Houses" regulations in Section 141.0302 in their entirety, and replace them with new "Accessory Dwelling Unit and Junior Accessory Dwelling Unit Regulations that fully comply with and exceed the requirements of state law. As part of this overhaul of the existing regulations, the local defined terms "companion unit" and "junior unit" will be replaced with "Accessory Dwelling Unit (ADU)" and "Junior Accessory Dwelling Unit (JADU)", respectively, and their definitions will be aligned with state law. The new regulations will exceed the requirements of state law in regard to setbacks, by allowing ADUs to encroach into interior side and rear yard setbacks up to the property line, where state law allows the City to require a 4-foot setback in these locations. HCD reviewed the initial draft of the new regulations, and the proposed amendments provided in Attachment 1 reflects comments and edits received by HCD. Lastly, the recently adopted Movable Tiny Houses, which do not fall within the

state ADU laws, will be pulled out and established as their own Separately Regulated Residential Use.

- Affordable ADU Incentives

AB 671, passed in late 2019, requires local jurisdictions to incentivize the construction of deed-restricted affordable ADUs, without specific parameters or direction as to what those incentives should be. The Housing Legislation Code Update Package would include in the Accessory Dwelling Unit and Junior Accessory Dwelling Unit regulations an incentive that would allow the construction of 1 additional ADU for every ADU deed-restricted to very low, low, or moderate income households for a period of 15 years. Outside of TPAs the number of bonus ADUs is limited to 1, and within TPAs there is no limit on the number of bonus ADUs permitted.

- ADU and JADU Parking

State law, specifically Government Code Section 65852.2(d), prohibits the City from requiring parking for ADUs in any of the following instances:

- within one-half mile walking distance of public transit;
- within a designated historic district;
- when the ADU is part of the proposed or existing primary residence or an accessory structure (i.e. if it is attached to an existing structure);
- when on-street parking permits are required but not offered to the occupant of the ADU;
- when there is a car share vehicle within one block of the ADU.

If the above don't apply, then State law allows the City to require parking that does not exceed 1 space per ADU or per bedroom, whichever is less (Gov Code Section 65852.2(a)(1)(D)(x)). Due to the highly limited circumstances in which the City is allowed to require parking, and given the City's desire to encourage both the construction of ADUs and JADUs and use of alternative mobility options, the Housing Legislation Code Update Package will exceed the requirements of state ADU and JADU law by simply eliminating parking requirements for ADUs and JADUs.

IV. Miscellaneous Housing Items

The following LDC amendments address miscellaneous housing items:

- Employee Housing (6 or Fewer)

California Health and Safety Code Section 17021.5(b) requires Employee Housing for 6 or fewer employees to be permitted by-right in all zones that permit single-family. The Housing Legislation Code Update Package would amend the LDC to permit Employee Housing (6 or Fewer) by-right as a Limited Use in all zones that permit single dwelling units.

- Residential Development Consistent with the Land Use Plan

This proposed amendment is not mandated by state law; rather, this amendment was identified by staff as a means to provide regulatory relief and streamline the permitting process. The Housing Legislation Code Update Package would amend the General Rules for Base Zones to allow residential and residential mixed-use development that exceeds the allowable density of the base

zone but complies with the density identified in the adopted land use plan to be permitted by-right with a construction permit, rather than through a Planned Development Permit process. The amendment would allow sites to develop in accordance with the density planned and mitigated for through the land use planning process. This streamlining provision also requires clean-up amendments to the regulations related to Neighborhood Development Permits, Site Development Permits, Planned Development Permits, and Affordable, In-Fill Development and Sustainable Buildings.

- Dwelling Unit Protection Regulations

SB 330, known as the Housing Crisis Act of 2019, requires local jurisdictions to ensure that the number of dwelling units present on a site is not reduced as a result of a single-family, multi-family, residential mixed-use (with at least 2/3 residential), transitional housing, or permanent supportive housing project. It further requires that protected dwelling units affordable to very low income and low income households (including both deed-restricted units and units occupied by such households without a deed-restriction in place) be replaced with deed-restricted units affordable to very low income and low income households. The legislation also includes provisions for relocation assistance and right of first refusal in limited circumstances. The Housing Legislation Code Update Package would amend the LDC to include a new Division 12 in Chapter 14, Article 3 entitled the "Dwelling Unit Protection Regulations." The Dwelling Unit Protection Regulations implement the dwelling unit and protected dwelling unit replacement provisions of SB 330 precisely, with no additional regulations or requirements. The new division would sunset on January 1, 2025, consistent with the sunset of SB 330.

Section 15162 Criteria

When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, based on substantial evidence in light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

- (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

None of the three criteria listed above has occurred, therefore the CEQA and Environmental Policy Section of the Planning Department determined there is no need to prepare subsequent or supplemental environmental documents for Housing Legislation Code Update Package

CEQA 15162 Consistency Evaluation

The CEQA and Environmental Policy Section has reviewed the Housing Legislation Code Update Package and conducted a consistency evaluation pursuant to CEQA Guidelines Section 15162. Implementation of this project's actions would not result in new significant direct, indirect, or cumulative impacts over and above those disclosed in the previously certified EIRs No. 104495/SCH No. 2006091032 and No. 104495/SCH No. 2006091032.



Rebecca Malone, AICP, Senior Planner
Planning Department

RM:asd

CC: CEQA Guidelines Section 15162 Consistency Evaluation Matrix

CEQA Guidelines Section 15162 Consistency Evaluation Matrix
Housing Legislation Code Update Package

Each proposed amendment's consistency with the previously certified Environmental Impact Report (EIR) for the 2008 General Plan EIR No. 104495/SCH No. 2006091032, certified by the City Council on March 10, 2008, Resolution No. R-303473; the 2020 Addendum to the 2008 General Plan EIR No. 104495/SCH No. 2006091032 for the General Plan Housing Element Update, certified by the City Council on June 18, 2020, Resolution No. R-313099; and the following documents, all referred to as the "CAP FEIR": FEIR for the City of San Diego Climate Action Plan (CAP), certified by the City Council on December 15, 2015 (City Council Resolution R-310176), and the Addendum to the CAP, certified by the City Council on July 12, 2016 (City Council Resolution R-310595), is analyzed below, in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15162 and Public Resources Code Section 21166.

In addition, many of the proposed amendments merely incorporate state law into The City of San Diego Municipal Code. CEQA analysis is not required for state law. For those amendments an explanation is provided outlining how the code amendments are just incorporating state law.

No.	Code Section(s)	AMENDMENT DESCRIPTION and CEQA 15162 EVALUATION
Housing for the Homeless		
1	<ul style="list-style-type: none"> 141.0317 131.0222 131.0322 131.0422 131.0522 131.0622 131.0707 	<p><u>Low Barrier Navigation Centers (LBNC)</u></p> <ul style="list-style-type: none"> Amend Separately Regulated Residential Use division to define LBNC as a new use (similar to Transitional Housing Facilities.) Amend base zone use tables to permit by-right as a Limited Use in mixed-use and commercial zones that permit multi-family. <p>CEQA 15162 Evaluation: The proposed amendments would permit Low Barrier Navigation Centers as a by-right Limited Use in all zones as required by AB 101. CEQA does not apply to the ministerial approval of projects. Therefore, the proposed amendments would not result in new significant environmental effects beyond those covered by the 2008 General Plan EIR and CAP FEIR.</p>
2	<ul style="list-style-type: none"> 131.0522 	<p><u>Emergency Shelters</u></p> <ul style="list-style-type: none"> Amend CC base zone use table to permit Emergency Shelters by-right as a Limited Use in all CC zones. <p>CEQA 15162 Evaluation: The proposed amendment would permit Emergency Shelters by-right as a Limited Use in all CC zones in order to provide adequate capacity in compliance with SB 2. CEQA does not apply to the ministerial approval of projects. Therefore, the proposed amendments would not result in new significant environmental effects beyond those covered by the 2008 General Plan EIR and CAP FEIR.</p>

No.	Code Section(s)	AMENDMENT DESCRIPTION and CEQA 15162 EVALUATION
3	<ul style="list-style-type: none"> • 131.0422 • 131.0622 • 131.0707 	<p><u>Transitional Housing Facilities and Permanent Supportive Housing</u></p> <ul style="list-style-type: none"> • Amend the RM Base Zone Use Table to permit by-right as a Limited Use in RM-5-12 base zone. • Amend the Industrial Use Table to permit Transitional Housing by-right as a Limited Use in the IP-3-1 base zone, and to clarify that Transitional Housing and Permanent Supportive Housing are subject to the requirements of footnote 15 related to residential development. • Amend the Mixed Use Zone Use Table to permit Transitional Housing and Permanent Supportive Housing by-right as Limited Uses. <p>CEQA 15162 Evaluation: The proposed clarification and amendments would permit THF and PSH as by-right Limited Uses in all zones as required by AB 2162. CEQA does not apply to the ministerial approval of projects. Therefore, the proposed amendments would not result in new significant environmental effects beyond those covered by the 2008 General Plan EIR and CAP FEIR.</p>
Affordable Housing Regulations (AHR)		
4	<ul style="list-style-type: none"> • 143.0720(h) 143.0720(l)(7) • 143.0740(c) • 143.0743(g) 	<p><u>Density Bonus for 100% Affordable Projects (Pre-Density Bonus)</u></p> <ul style="list-style-type: none"> • Amend AHR to provide an unlimited density bonus within TPAs and 80% outside TPAs to projects that construct 100% of the pre-density bonus units as affordable to very low and low income; or 80% very low & low and 20% moderate income. • Amend AHR to provide 5 incentives and within TPAs, 3 additional stories or 33 feet. • Waivers not permitted for projects within TPAs <p>CEQA 15162 Evaluation: The proposed amendment would provide a density bonus program as required by AB 1763, with a local adaptation to provide 5 incentives where 4 are required by state law. Providing one additional incentive is in-line with the City's current, more permissive incentive structure. This additional incentive would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects since no physical effects to the environment would result from the proposed change. Therefore, the proposed amendments would not result in new significant environmental effects beyond those covered by the 2008 General Plan EIR and CAP FEIR.</p>

No.	Code Section(s)	AMENDMENT DESCRIPTION and CEQA 15162 EVALUATION
5	<ul style="list-style-type: none"> • 143.0720(i) 143.0720(l)(7) • 143.0740(e) • 143.0743(g) 	<p><u>Density Bonus for 100% Affordable Projects (Total Project)</u></p> <ul style="list-style-type: none"> • Amend AHR to provide an unlimited density bonus within TPAs to projects that construct 100% of the total pre-density bonus and post-density bonus units as affordable to very low, low, and/or moderate income in any combo. • Amend AHR to provide 5 incentives and within TPAs, 3 additional stories or 33 feet. • Waivers not permitted for projects within TPAs <p>CEQA 15162 Evaluation: This is a local incentive modeled on AB 1763 but is not implementing state law verbatim. Like AB 1763, this would apply to very low, low, and medium income housing. In addition, this program is only available within Transit Priority Areas (TPA). In order to implement Strategy 3 of the City's CAP, the City must plan communities that reduce reliance on auto-oriented transportation in order to achieve reductions in vehicle-generated greenhouse gas emissions and surrounding roadway vehicular congestion. The CAP FEIR addresses increased residential density in TPAs. Since the proposed amendments increase density within TPAs, this would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects beyond those covered by the 2008 General Plan EIR and CAP FEIR.</p>
6	<ul style="list-style-type: none"> • 113.0103 • 143.0710 143.0715(a) 143.0716 143.0720(g) 143.0720(l)(6) • 143.0740(f) 	<p><u>Density Bonus for Lower Income Student Housing</u></p> <ul style="list-style-type: none"> • Define Lower Income Students • Amend AHR to provide a density bonus of 35% to projects that provide 20% of the pre-density bonus units as affordable to lower income students. • Amend AHR to provide 2 incentives (not provided in SB 1227.) <p>CEQA 15162 Evaluation: The proposed amendments provide a density bonus program as required by SB 1227, with a local adaptation to provide two incentives where none are provided by state law. The two additional incentives are provided in accordance with the City's more generous allowances for incentives. Incentivizing lower income student housing would comply with policies in the 2020 Update to the Housing Element of the General Plan. The proposed amendments would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects beyond those covered by the 2008 General Plan EIR, the 2020 Addendum to the 2008 General Plan EIR, and CAP FEIR.</p>

No.	Code Section(s)	AMENDMENT DESCRIPTION and CEQA 15162 EVALUATION
7	<ul style="list-style-type: none"> • 143.0720(l)(9) • 156.0309(e)(1)(C) 	<p><u>Micro Unit Density Bonus</u></p> <ul style="list-style-type: none"> • Amend AHR to eliminate requirement that micro unit density bonus projects not use incentives or waivers for height or setbacks. • Allow use of Micro Unit Density Bonus Downtown once other bonuses are utilized. <p>CEQA 15162 Evaluation: This is a local incentive would provide regulatory relief for an existing City density bonus program for micro units. In addition, the 2020 update to the Housing Element of the General Plan encourages micro-unit housing to help meet the housing needs of aging adults, students, and lower income individuals. The proposed amendments would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects beyond those covered by the 2008 General Plan EIR, the 2020 Addendum to the 2008 General Plan EIR, and CAP FEIR.</p>
8	<ul style="list-style-type: none"> • 143.0720(l)(13) 143.0720(l)(14) 156.0309(e)(1) • 143.0740(b)(4) 	<p><u>Density Bonus on FAR-Based Density Sites</u></p> <ul style="list-style-type: none"> • Amend AHR to clarify how density bonuses are calculated for sites with FAR-based density. • Amend AHR to clarify that incentives cannot be used to increase FAR, which would result in an additional density bonus. <p>CEQA 15162 Evaluation: The proposed amendment is an update to the LDC to clarify how we already calculate density bonus for sites with FAR-based density. The proposed amendment would not result in new significant environmental effects or substantially increase the severity of previously identified significant effects beyond those covered by the 2008 General Plan EIR and CAP FEIR.</p>
9	<ul style="list-style-type: none"> • 143.0720(c) 143.0720(d) 143.0720(l) 143.0720(n) 143.0743(f) • 143.0744 • 143.0720(l)(8) 	<p><u>Misc. AHR Clean-Up Items</u></p> <ul style="list-style-type: none"> • Amend AHR to ensure compliance with State Density Bonus Law. • Amend AHR to update parking table. • Amend AHR to clarify additional bonus for height and setback compliant projects. <p>CEQA 15162 Evaluation: The propose amendments provide additional clean-up items to ensure compliance with state density bonus law. The proposed amendment would not result in new significant environmental effects or substantially increase the severity of previously identified significant effects beyond those covered by the 2008 General Plan EIR and CAP FEIR.</p>
Accessory Dwelling Units & Junior Accessory Dwelling Units		

No.	Code Section(s)	AMENDMENT DESCRIPTION and CEQA 15162 EVALUATION
10	<ul style="list-style-type: none"> • 141.0302 • 141.0302 126.0704(a) • 113.0103 • 141.0318 • 131.0112 • 131.0222 131.0322 131.0422 131.0522 131.0622 131.0707 • 1510.0303 • 142.0640(b) 142.0680 	<p>Update Regulations: Replacement of Companion Unit, Junior Unit and Movable Tiny Homes Regulations with New Accessory Dwelling Unit and Junior Accessory Dwelling Unit Regulations in Order to Implement New State ADU and JADU Legislation</p> <ul style="list-style-type: none"> • Amend Separately Regulated Residential Use division to strike the existing Companion Unit, Junior Unit, and Movable Tiny Houses regulations in their entirety. • Amend Separately Regulated Residential Use division to establish new Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) regulations in compliance with State ADU and JADU laws. Highlighted changes include: <ul style="list-style-type: none"> • Exemption from Coastal Permit for attached ADUs and JADUs. • At least 1 ADU 800 square feet in size must be permitted regardless of maximum lot coverage, maximum floor area ratio, and minimum open space requirements. • No replacement parking required for garages or carports converted or demolished to construct ADUs or JADUs. • Multiple ADUs possible in multi-family development. • Deed-restricted ADUs may be sold/conveyed separately by Non-Profit Organizations. • Amend Definitions section to include Accessory Dwelling Unit, Junior Accessory Dwelling Unit and efficiency kitchen as defined terms. • Amend Separately Regulated Residential Uses to establish Movable Tiny Houses as its own Separately Regulated Residential Use and carry over all existing regulations related to Movable Tiny Houses without change. • Amend General Base Zone Regulations to reflect new ADU and JADU terms and permit in zones in accordance with State law. • Amend all base zone use tables to reflect new ADU and JADU terms. • Amend LJSPDO to reflect new ADU and JADU terms. • Amend Public Facilities Regulations to reflect new ADU and JADU terms. <p>CEQA 15162 Evaluation: The proposed amendments establish new ADU/JADU regulations in full compliance with state ADU and JADU regulations. The adoption of these amendments are statutorily exempt from CEQA pursuant to CEQA Guidelines 15282(h), which includes the adoption of ordinances to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code. Likewise, additional dwelling units would comply with policies in the Update to the Housing Element of the General Plan. The proposed amendments would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects beyond those covered by the 2020 Addendum to the 2008 General Plan EIR.</p>

No.	Code Section(s)	AMENDMENT DESCRIPTION and CEQA 15162 EVALUATION
11	<ul style="list-style-type: none"> 141.0302 	<p><u>Affordable ADU Incentives</u></p> <ul style="list-style-type: none"> Amended ADU regulations will provide an ADU bonus that allows for 1 additional ADU for every affordable ADU deed-restricted for 15 years, with a maximum of 1 bonus ADU outside of TPAs <p>CEQA 15162 Evaluation: AB 671 requires local jurisdictions to incentivize the construction of deed-restricted affordable ADUs, without specific parameters or direction as to what those incentives should be. The proposed amendment would allow the construction of 1 additional ADU for every ADU deed-restricted to very low, low, or moderate income households for a period of 15 years, with a maximum of 1 bonus ADU outside of TPAs. Additional dwelling units within TPAs would comply with General Plan and CAP goals of providing new residential units in TPAs. The proposed amendments would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects beyond those covered by the 2008 General Plan EIR and CAP FEIR.</p>
12	<ul style="list-style-type: none"> 141.0302 	<p><u>ADU and JADU Parking</u></p> <ul style="list-style-type: none"> Amended ADU and JADU regulations do not require parking for ADUs or JADUs. <p>CEQA 15162 Evaluation: State ADU/JADU law allows a jurisdiction to require parking in very limited circumstances and quantities. Given the limitations imposed by state law and the City's desire to encourage both the construction of ADUs and JADUs and use of alternative mobility options, the Housing Legislation Package will eliminate parking requirements for ADUs. This amendment is consistent with Strategy 3 of the CAP, which includes goals, actions, and targets to reduce reliance on auto-oriented transportation in order to achieve reduction in vehicle-generated greenhouse gas emissions and surrounding roadway vehicular congestion. The proposed amendment would not result in new significant environmental effects or substantially increase the severity of previously-identified significant effects beyond those covered by the 2008 General Plan EIR and CAP FEIR.</p>
Miscellaneous Housing Items		
13	<ul style="list-style-type: none"> 131.0222 131.0422 	<p><u>Employee Housing (6 or Fewer)</u></p> <ul style="list-style-type: none"> Amend base zone use tables to permit by-right as a Limited Use in all zones that permit single dwelling unit development. <p>CEQA 15162 Evaluation: The proposed change would permit Employee Housing (6 or Fewer) as a by-right Limited Use in all zones as required by HSC 17021.5(b). CEQA does not apply to the ministerial approval of projects. Therefore, the proposed amendments would not result in new significant environmental effects beyond those covered by the 2008 General Plan EIR and CAP FEIR.</p>

No.	Code Section(s)	AMENDMENT DESCRIPTION and CEQA 15162 EVALUATION
14	<ul style="list-style-type: none"> • 131.0123 • 126.0402(q) 126.0404 126.0502 126.0503 126.0602(b)(4) 126.0603 132.1402(b) 143.0302 143.0402 143.0410(a)(3)(D) 143.0455 143.0915(b) 143.0920 	<p><u>Residential Development Consistent with the Land Use Plan</u></p> <ul style="list-style-type: none"> • Amend LDC to eliminate the requirement to obtain a PDP to construct residential dwelling units consistent with the adopted land use plan. • Clean-up items required to accomplish amendment. <p>CEQA 15162 Evaluation: This is a local incentive program to allow residential development by-right that complies with the residential use and density of the land use plan. The amendment would allow sites to develop in accordance with the density planned and mitigated for through the land use planning process, which includes environmental review of the designated land uses. The proposed amendments would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects beyond those covered by the 2008 General Plan EIR and CAP FEIR.</p>
15	<ul style="list-style-type: none"> • Chapter 14, Article 3, Division 12 131.0231 131.0331 131.0431 131.0531 131.0631 131.0709 151.0103(b)(13) 	<p><u>Dwelling Unit Protection Regulations</u></p> <ul style="list-style-type: none"> • Amend LDC to include new Chapter 14, Article 3, Division 12 (Dwelling Unit Protection Regulations) to address when and how a development that proposes demolition of existing residential dwelling units must replace those units in order to ensure that the number of residential dwelling units is not reduced through redevelopment of a property. Also amend base zone development regulations tables to state when the new Dwelling Unit Protection Regulations apply. <p>CEQA 15162 Evaluation: The proposed Dwelling Unit Protection Regulations implement the dwelling unit and protected dwelling unit replacement provisions of SB 330 precisely, with no additional regulations or requirements. The proposed amendment would not result in new significant environmental effects or substantially increase the severity of previously identified significant effects beyond those covered by the 2008 General Plan EIR and CAP FEIR.</p>

**ACTIONS BY COMMUNITY PLANNERS COMMITTEE (CPC)
ON THE HOUSING LEGISLATION CODE UPDATE PACKAGE
July 28, 2020**

Motion by Matt Stucky (North Park) to recommend adoption of the Housing Legislation Code Update Package.

Second by Nicholas Reed (Clairemont)

Friendly amendment to the motion by Deborah Watkins (Mission Beach) to exclude the non-State mandated amendments to exempt all Accessory Dwelling Units (ADUs) from parking requirements and the proposed Development Incentives for Small Lots Under 0.5 Acres from the motion.

Friendly amendment declined by the maker of the motion.

Discussion that the motion as seconded belonged to the body, and the body could vote on whether to amend the motion as suggested by Committee-member Watkins.

Second to the proposed amendment to the motion by Howard Wayne (Linda Vista)

VOTE ON WHETHER TO INCLUDE THE AMENDMENT TO THE ORIGINAL MOTION: 17-10-2

(Abstentions: Pacific Beach due to the PB planning group not reviewing the proposed package, and Scripps Miramar Ranch due to the Chair's prerogative to abstain.)

Community	Vote	Community	Vote	Community	Vote
Barrio Logan	-	Linda Vista	Y	Peninsula	Y
Carmel Mt Ranch	-	Midway-Pacific Hwy	N	Rancho Bernardo	Y
Carmel Valley	Y	Mira Mesa	Y	Rancho Penasquitos	Y
Chollas View/Encanto	-	Miramar Ranch North	Y	San Pasqual	Y
City Heights	Y	Mission Beach	Y	San Ysidro	-
Clairemont Mesa	N	Mission Valley	N	Scripps Miramar Ranch	Abst
College Area	Y	Navajo	-	Serra Mesa	-
Del Mar Mesa	-	Normal Heights	Y	Skyline-Paradise Hills	-
Downtown	N	North Park	N	Southeastern San Diego	N
Eastern Area	Y	Ocean Beach	N	Tierrasanta	Y
Greater Golden Hill	Y	Old Town	-	Torrey Highlands	-
Kearny Mesa	-	Otay Mesa	N	Torrey Pines	N
Kensington-Talmadge	Y	Otay Mesa Nestor	-	University	N
La Jolla	Y	Pacific Beach	Abst	Uptown	-

VOTE ON THE MOTION BY NORTH PARK (SECONDED BY CLAIREMONT) AS AMENDED BY THE BODY VIA MOTION BY MISSION BEACH (SECONDED BY LINDA VISTA) to recommend adoption of the Housing Legislation Code Update Package, excluding the non-State mandated amendments to

exempt all Accessory Dwelling Units (ADUs) from parking requirements and the proposed Development Incentives for Small Lots Under 0.5 Acres: **19-5-5**

(Abstentions: Pacific Beach, San Pasqual, Peninsula and Rancho Bernardo due to the full planning group not reviewing the proposed package, and Scripps Miramar Ranch due to the Chair's prerogative to abstain.)

Community	Vote	Community	Vote	Community	Vote
Barrio Logan	-	Linda Vista	Y	Peninsula	Abst
Carmel Mt Ranch	-	Midway-Pacific Hwy	Y	Rancho Bernardo	Abst
Carmel Valley	Y	Mira Mesa	Y	Rancho Penasquitos	N
Chollas View/Encanto	-	Miramar Ranch North	Y	San Pasqual	Abst
City Heights	N	Mission Beach	N	San Ysidro	-
Clairemont Mesa	Y	Mission Valley	Y	Scripps Miramar Ranch	Abst
College Area	Y	Navajo	-	Serra Mesa	-
Del Mar Mesa	-	Normal Heights	Y	Skyline-Paradise Hills	-
Downtown	Y	North Park	Y	Southeastern San Diego	Y
Eastern Area	Y	Ocean Beach	Y	Tierrasanta	N
Greater Golden Hill	Y	Old Town	-	Torrey Highlands	-
Kearny Mesa	-	Otay Mesa	Y	Torrey Pines	Y
Kensington-Talmadge	Y	Otay Mesa Nestor	-	University	Y
La Jolla	N	Pacific Beach	Abst	Uptown	-

Motion by Russ Connelly (City Heights) to not support the non-State mandated amendments to exempt all Accessory Dwelling Units (ADUs) from parking requirements and the proposed Development Incentives for Small Lots Under 0.5 Acres.

Second by Deborah Sharpe (Kensington-Talmadge)

Discussion questioning whether the motion is needed, and whether the action already taken clearly indicates CPC's lack of support for the two non-State mandated items. Additional discussion noting a lack of urgency for those two items since they are not State-mandated, and whether the group should discuss those items again in August following more detailed review amongst the individual planning groups.

Motion withdrawn. The non-State mandated amendments to exempt all Accessory Dwelling Units (ADUs) from parking requirements and the proposed Development Incentives for Small Lots Under 0.5 Acres will return to CPC in August for additional discussion and action.