

HAP 2.0

Frequently Asked Questions

The Missing Middle Housing (SB 10) and Thriving Neighborhoods workshops were held in person on March 2 and March 13, 2023, respectively. The questions and responses provided below are representative of the topics frequently discussed as well as the feedback received at the workshops. The complete Draft HAP 2.0 code amendments can be found [here](#). The City of San Diego is committed to providing a robust community outreach process and values your input. To provide comments on any proposed HAP 2.0 policy and for more information, please visit the [HAP 2.0 website](#).

Missing Middle Housing (SB 10)

Q: How will Missing Middle Housing regulations (SB 10) encourage homeownership?

A: The creation of Missing Middle Housing regulations (SB 10) aims to provide new opportunities to build “missing middle” homes near jobs, schools, transit, and other amenities. The proposed regulations allow the construction of missing middle homes like duplexes, townhomes, rowhomes, and small-scale multifamily development. The regulations aim to increase the production of affordable homes and family homes, while also providing opportunities for home ownership and furthering fair housing. To encourage homeownership, any proposed development utilizing Missing Middle Housing regulations (SB 10) would be required to ensure that the affected parcel or parcels can be subdivided into individual ownership without requiring additional physical improvements to the property.

Q: How will Missing Middle Housing regulations (SB 10) address climate change?

A: The implementation of Missing Middle Housing regulations (SB 10) aims to reduce greenhouse gas emissions through the promotion of transit ridership. As proposed, Missing Middle Housing regulations (SB 10) only applies to parcels located within a Sustainable Development Area (SDA). A SDA refers to an area within a walking distance along a pedestrian path of travel from a Major Transit Stop, including trolley stations and bus stops with two or more intersecting bus lines. The production of Missing Middle Housing within SDAs will provide greater opportunities for residents to walk, bike, and use transit for commuting or daily activities.

Q: How will Missing Middle Housing regulations (SB 10) affect historic districts?

A: As proposed, Missing Middle Housing regulations (SB 10) do not apply to parcels that are located within historic districts adopted before 2023 or parcels designated as historic resources.

Q: How will Missing Middle Housing regulations (SB 10) increase affordable housing?

A: The proposed regulations include provisions to increase affordable housing availability and further fair housing by requiring developments with more than four homes to include at least one home that is affordable to very low-, low-, or moderate-income households. The proposed regulations also require an additional home be affordable to very low- or low-income residents if the development is located within a High or Highest Resource Area as defined by the [California Tax Credit Allocation Committee \(TCAC\)](#). All Accessory Dwelling Units (ADUs), included within the development are also required to be deed restricted affordable for very low-or low-income households.

Q: How will Missing Middle Housing regulations (SB 10) impact parking requirements?

A: Developments utilizing Missing Middle Housing regulations (SB 10) that are located within a [Transit Priority Area \(TPA\)](#) are not required to provide off-street parking. This is consistent with the implementation of state law, Assembly Bill 2097. Developments located outside of a [TPA](#) do not need to provide parking for the first two homes. Any additional homes included within the development beyond the first two are required to have one parking space per home.

Q: How will Missing Middle Housing regulations affect infrastructure improvements?

A: As proposed, developments utilizing Missing Middle Housing regulations (SB 10) will be required to pay a [Development Impact Fee \(DIF\)](#) at the multifamily rate and Neighborhood Enhancement Fund Fees. Neighborhood Enhancement Fund Fees are used solely to fund affordable housing preservation, neighborhood recreation amenities, active transportation, and transit infrastructure projects within communities with access to transit and [Communities of Concern](#).

Q: How many homes will be allowed by Missing Middle Housing regulations (SB 10)?

A: The proposed Missing Middle Housing regulations (SB 10) allow for developments composed of up to a maximum of 10 homes on parcels zoned for multifamily residential. On parcels zoned for single family or townhome residential, the regulations allow one home for every 1,000 square feet of lot area with a maximum of 10 homes.

Thriving Neighborhoods

Q: How will the proposed anti-displacement measures provide tenants protection from displacement?

A: The proposed anti-displacement measures aim to promote the preservation of affordable homes and protect people from displacement caused by new market rate development. The proposed anti-displacement measures make dwelling unit protection regulations, set to expire on January 1, 2025, permanent and remove the existing housing unit replacement exemption for commercial and all mixed-use projects. The proposed measures also provide existing residents in low or lowest resource areas, as defined by the State of California, priority preference to rent new deed-restricted affordable units and provide tenants citywide the right of first refusal for units that are converted into condominiums.

In addition to these proposals in HAP 2.0, Mayor Todd Gloria and Council President Sean Elo-Rivera released a draft of the [Residential Tenant Protections Ordinance to Prevent Displacement and Homelessness](#). The proposed ordinance is designed to provide a high level of protection from evictions for renters to stay in their homes if they are paying their rent and complying with the terms of their lease. This ordinance is scheduled to be heard by the City Council on April 25, 2023.

Q: How will the proposed anti-displacement measures prioritize underserved communities?

A: The HAP 2.0 proposed anti-displacement measures introduce an ordinance that gives existing residents in low or lowest resource [TCAC Opportunity Areas](#) priority preference to rent new deed-restricted affordable units. This would benefit existing community members by promoting the preservation of affordable homes to protect people from displacement caused by new market rate development.

Q: How will amending previously conforming use regulations address air and noise pollution caused by harmful uses in residential areas?

A: Certain existing previously conforming uses, such as wrecking and dismantling of motor vehicles, storage and material scrap yards, are in areas that have been rezoned to allow for homes and mixed-use development as part of a community plan

update. These uses can result in negative effects for community members and reduce the quality of life in these neighborhoods.

The proposed amendments to previously conforming use regulations provide a building FAR incentive to sites with previously conforming uses that are considered to be harmful in the [Promise Zone](#) if the existing use is redeveloped into a conforming use with homes. Additionally, the proposed amendments no longer allow the continuation of a harmful use if it is ended for any reason other than building maintenance, repair, or safety. Finally, the proposed amendments would no longer allow a harmful use to be allowed after a specified period of time. The specified period of time is still under consideration.