

# 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
<b>Homeless Housing</b>			
Low Barrier Navigation Centers (LBNC)	State Law (AB 101, 2019)	<ul style="list-style-type: none"> <li>Amend Separately Regulated Residential Use division to define LBNC as a new use (similar to Transitional Housing Facilities.)</li> <li>Amend base zone use tables to permit by-right as a Limited Use in mixed-use and commercial zones that permit multi-family.</li> </ul>	141.0317 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"> <li>Amend CC base zone use table to permit Emergency Shelters by-right as a Limited Use in all CC zones.</li> </ul>	131.0522
Transitional Housing	Correction	<ul style="list-style-type: none"> <li>Amend the RM Base Zone Use Table to permit by-right as a Limited Use in RM-5-12 zone.</li> </ul>	131.0422
<b>Affordable Housing Regulations (AHR)</b>			
Density Bonus for 100% Affordable Projects (Pre-Density Bonus)	State Law (AB 1763, 2019)	<ul style="list-style-type: none"> <li>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 &amp; low and 20% moderate income.</li> <li>Amend AHR to provide 4 incentives and within TPAs, 3 additional stories or 33 feet.</li> </ul>	143.0720(h) 143.0720(l)(7) 143.0740(e)
Density Bonus for 100% Affordable Projects (Total Project)	Reg Relief	<ul style="list-style-type: none"> <li>Amend AHR to provide an unlimited density bonus within TPAs and 80% outside 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 combination.</li> <li>Amend AHR to provide 4 incentives and within TPAs, 3 additional stories or 33 feet.</li> </ul>	143.0720(i) 143.0720(l)(7) 143.0740(e)
Density Bonus for Lower Income Student Housing	State Law (SB 1227, 2017)	<ul style="list-style-type: none"> <li>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.</li> <li>Amend AHR to provide 2 incentives for lower income student housing (not provided in SB 1227.)</li> </ul>	143.0710 143.0715 143.0716 143.0720(g) 143.0720(l)(6) 143.0740(f)
Micro Unit Density Bonus	Reg Relief	<ul style="list-style-type: none"> <li>Amend AHR to eliminate requirement that micro unit density bonus projects not use incentives or waivers for height or setbacks.</li> <li>Allow use of Micro Unit Density Bonus Downtown once other bonuses are utilized.</li> </ul>	143.0720(l)(9) 156.0309(e)(1)(C)

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Density Bonus on FAR-Based Density Sites	Correction	<ul style="list-style-type: none"> <li>• Amend AHR to clarify how density bonuses are calculated for sites with FAR-based density.</li> <li>• Amend AHR to clarify that incentives cannot be used to increase FAR, which would result in an additional density bonus.</li> </ul>	143.0720(l)(13) 143.0740(b)(4) 156.0309(e)(1)
Misc Clean-Up Items	Correction	<ul style="list-style-type: none"> <li>• Amend AHR to ensure compliance with State Density Bonus Law.</li> <li>• Amend AHR to update parking table.</li> <li>• Amend AHR to clarify affordable unit calculation for studio units when constructing affordable units off-site.</li> </ul>	143.0720(c) 143.0720(d) 143.0720(l) 143.0720(n) 143.0740(b) 143.0743 143.0744 143.07445
<b>Accessory Dwelling Units</b>			
Replacement of Companion Unit and Junior Unit Regulations with New Accessory Dwelling Unit Regulations	Clarifying	<ul style="list-style-type: none"> <li>• Amend Separately Regulated Residential Use division to strike the existing Companion Unit and Junior Unit regulations in their entirety.</li> <li>• Amend Separately Regulated Residential Use division to establish new Accessory Dwelling Unit (ADU) regulations as an umbrella land use category that includes Companion Units and Junior Units. (New ADU regulations will be fully in compliance with State ADU and JADU laws.)</li> <li>• Amend all base zone use tables to reflect new structure of ADU as umbrella land use category for Companion Units and Junior Units.</li> </ul>	113.0103 141.0302 131.0222 131.0322 131.0422 131.0522 131.0622 131.0707
Implementation of State ADU Legislation	State Law (AB 68, 2019) (AB 587, 2019) (AB 881, 2019) (SB 13, 2019)	<ul style="list-style-type: none"> <li>• Amended ADU regulations will be fully in compliance with State ADU and JADU laws, including: <ul style="list-style-type: none"> <li>○ Exemption from Coastal Permit for Attached ADUs.</li> <li>○ 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.</li> <li>○ No replacement parking required for garages or carports converted/demolished to construct ADU.</li> <li>○ Multiple ADUs possible in multi-family development.</li> <li>○ Deed-restricted Companion Units may be sold/conveyed separately.</li> </ul> </li> </ul>	113.0103 126.0704 141.0302 131.0222 131.0322 131.0422 131.0522 131.0622 131.0707
Affordable ADU Incentives	State Law (AB 671)	<ul style="list-style-type: none"> <li>• Amended ADU regulations will provide an ADU bonus that allows for 1 additional ADU for every affordable ADU deed-restricted for 15 years.</li> </ul>	141.0302
ADU Parking	Reg Relief	<ul style="list-style-type: none"> <li>• Amended ADU regulations do not require parking for ADUs.</li> </ul>	141.0302

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<b>Misc Housing Items</b>			
Employee Housing (6 or Fewer)	State Law	<ul style="list-style-type: none"> <li>Amend base zone use tables to permit by-right as a Limited Use in all zones that permit single dwelling unit development.</li> </ul>	131.0222 131.0422
Efficiency Units	State Law (AB 352, 2017)	<ul style="list-style-type: none"> <li>Amend Separately Regulated Residential Use division to define Efficiency Dwelling Units as a new use (tied to building code definition.) No limit on density, setbacks, lot coverage, height, etc within TPAs or within 1 mile of UCSD or SDSU.</li> <li>Amend base zone use tables to permit by-right as a Limited Use in mixed-use and commercial zones that permit multi-family.</li> </ul>	113.0103 141.0318 131.0222 131.0322 131.0422 131.0522 131.0622 131.0707
Development Incentives for Small Lot Developments	Reg Relief	<ul style="list-style-type: none"> <li>Amend the LDC to encourage the construction of multi-family housing on small in-fill lots by providing the use of one incentive to deviate from a development regulation if the project is located within a TPA and proposes to construct at least 90% of the max density permitted. (Incentive cannot be used to deviate from density or FAR, &amp; height deviation is limited to 30%.)</li> </ul>	131.0467 131.0540(d) 152.0304 152.0307 152.0310 152.0319 159.0307
Allow Residential Development in Accordance with the Land Use Plan By-Right	Reg Relief	<ul style="list-style-type: none"> <li>Amend LDC to eliminate the requirement to obtain a PDP to construct residential dwelling units consistent with the adopted land use plan.</li> <li>Clean-up items encountered during edits.</li> </ul>	131.0123 (new)
Housing Crisis Act of 2019	State Law (SB 330, 2019)	<ul style="list-style-type: none"> <li>Amend LDC to include new Chapter 14, Article 3, Division 12 (Residential 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 Protection Regulations apply.</li> </ul>	131.0231 131.0331 131.0431 131.0531 131.0631 131.0709  Chapter 14, Article 3, Division 12 (New)