



THE CITY OF SAN DIEGO

## Report to the Planning Commission

**DATE ISSUED:** December 9, 2021 **REPORT NO. PC-21-057**

**HEARING DATE:** December 16, 2021

**SUBJECT:** Homes for All of Us: Housing Action Package  
Municipal Code and Local Coastal Program Amendments  
Process 5

### **SUMMARY**

**Issue:** Should the Planning Commission recommend City Council approval of the Housing Action Package, which includes amendments to the San Diego Municipal Code and the Local Coastal Program?

**Staff Recommendation:** Recommend the City Council approve the proposed Housing Action Package.

**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.

**Environmental Review:** The Environmental Policy Section of the Planning Department has reviewed the Housing Action 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 following certified environmental documents:

1. Final Environmental Impact Report (EIR) for the Land Development Code (DEP No. 96-033/SCH No. 1996081056) certified by the San Diego City Council on November 18, 1997 (Resolution R-289458);
2. Final Program EIR (PEIR) for the General Plan (Project No. 104495/SCH No. 2006091032) certified by the San Diego City Council on March 10, 2008 (Resolution R-313099);
3. Addendum to the General Plan PEIR for the Housing Element Update (SCH No. 2006091032) certified by the San Diego City Council on June 18, 2020 (Resolution R-313099); and
4. Final PEIR for Complete Communities: Housing Solutions and Mobility Choices (SCH No. 2019060003) certified by the San Diego City Council on November 9, 2020 (Resolution R-313279).

Pursuant to CEQA Section 21166 and CEQA Guidelines Section 15162 there is no change in circumstance, additional information, or project changes to warrant additional environmental review (Attachment 2).

SB 9 also adds Government Code Sections 65852.21 and 66411.7, which include the provision that an ordinance adopted to implement these sections, "shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code." Thus, the proposed amendments to adopt the provisions of SB 9 are not a project subject to CEQA. The CEQA evaluation memo is included as Attachment 2.

**Housing Impact Statement:** The proposed amendments would apply citywide. The proposed amendments streamline regulatory requirements, implement state law, and provide additional incentives to increase the supply of housing.

## **BACKGROUND**

Homes for All of Us includes this Housing Action Package, as well as the citywide community plan update framework called Blueprint San Diego and the creation of a Middle Income Housing Working Group. Through updates to the Land Development Code, the Housing Action Package aims to incentivize and promote new housing opportunities throughout the city that San Diegans of all income levels can afford.

Senate Bill 9 (SB 9), which is also known as the California Housing Opportunity & More Efficiency (HOME) Act, was signed into law in September 2021. SB9 has the potential to provide new housing opportunities throughout the State and requires each local jurisdiction to allow an urban lot split and construction of two units on each lot. SB 9 will become effective State-wide on January 1, 2022.

Since SB 9 allows local agencies to tailor some aspects of its implementation, including setback requirements, parking, urban tree canopy and development impact fees, the Housing Action Package also includes amendments to ensure alignment with the City's ADU regulations.

## **DISCUSSION**

This Housing Action Package is comprised of three parts. The first part, Local Housing Programs and Incentives, incorporates amendments to the Land Development Code that would incentivize the construction of more homes, focus development near transit and create permanent affordability. The second part implements Senate Bill 9 (SB 9) by adding a new division to the Land Development Code, and the third part provides refinements to the existing Accessory Dwelling Unit (ADU) regulations to align with the SB 9 regulations as well as address other community concerns related to the existing regulations.

### **Part 1: Local Housing Programs and Incentives**

**Affordable Housing in All Communities:** These amendments would allow 100% affordable housing and density bonus units in areas near transit, identified as Highest and High Resource Communities by the State of California and in communities with less than 5% deed-restricted affordable housing. "High resource" communities generally have access to high paying jobs, high performing schools, and better air quality. This would further the city's climate and equity goals and this proposal is a key component to the City's efforts to further fair housing and make all communities in San Diego more accessible to live in.

**Employee Housing Incentive Program:** These amendments would allow non-residential development in transit priority areas to build affordable housing or pay into the Affordable Housing Trust fund in exchange for development incentives. Currently, new office buildings, retail stores, industrial facilities, and other non-residential projects do not have an opportunity to provide housing for the new

employees the development brings to the City. This proposal is intended to assist in the promotion of job growth in the City while also addressing the housing crisis.

Live/Work Flexibility: These amendments would amend requirements for Live/Work units to encourage more opportunities for living and working in the same space. Currently, the City allows for the development of Live/Work units that function as both a home and place of business. Over the past several years, the workforce needs have changed, and more Live/Work units are desired to accommodate more people who work remotely.

Housing at City Facilities: These amendments would allow for by-right housing developments on existing and new publicly owned sites. For example, when the City constructs a library or other public facility, it could include housing units in the development. The City could also build housing on parking lots or other City-owned existing built spaces.

Housing Accessibility Program: These amendments would provide incentives to housing developments that include more accessible housing, including housing for people that are elderly or people with disabilities. Residents with disabilities need more opportunities to live in accessible homes with adequate space in kitchens and bathrooms and accessible routes throughout the building. As San Diego's population ages, creating accessible homes is an important way to ensure more residents can remain in homes in San Diego.

Housing for Families: These amendments would incentivize the construction of housing units with three or more bedrooms to allow families of all sizes more housing opportunities. Additional incentives would be provided for three or more bedroom units reserved for moderate-income households.

Timeline adjustments: These amendments would extend the building permit expiration to streamline phased development of residential master plan projects.

Affordable Housing Permit Requirements: These amendments would remove the requirement for additional discretionary permits for increases in density for development that complies with the affordable housing regulations.

## **Part 2: Senate Bill 9**

Senate Bill 9 provides opportunities for new neighborhood housing that provides more options for individuals and families to maintain and build intergenerational wealth by creating duplexes and subdividing lots while providing safeguards to ensure responsible development that can address the housing crisis. Specifically, Senate Bill 9 requires a city to ministerially approve the following:

- (1) A housing development of no more than two units on certain single-family zoned parcels and/or;
- (2) The subdivision of a parcel zoned for single family use, into two approximately equal parcels.

SB 9 specifies several requirements local jurisdictions must impose on projects that seek to use its provisions, as well as prohibits local jurisdictions from imposing certain requirements or standards on such projects, leaving some level of flexibility for the City to implement its requirements in a way that is best tailored for San Diego.

The proposed implementation of SB 9 would create a new division in the Land Development Code Chapter 14. The regulations would apply only within single-family residential zones and would not apply within farmlands, wetlands, the Multiple Habitat Planning Area, Environmentally Sensitive Lands, very high fire severity zones (unless certain mitigation measures are met), hazardous waste sites, earthquake fault zones, special flood hazard areas, floodways, or a site with a designated historical resource or within a designated historical district. Also, SB 9 does not allow the proposed development to demolish or alter dwelling units that are affordable covenant restricted, that have been occupied by a tenant in the last three years, or that are single room occupancy hotel rooms.

SB 9 requires local agencies to allow an urban lot split in a single-family zone into no more than two separate lots, to be approximately equal in size and not smaller than 1,200 square feet in lot area. If another unit is constructed on the subdivided lot, then SB 9 requires an agreement to demonstrate that the owner will reside in one of the dwelling units on either lot for a minimum of three years.

Under SB 9, the development regulations of the underlying single family residential zone would continue to apply, except as specified in SB 9, or in instances where application of a development regulation would preclude an urban lot split and the construction of at least one additional 800 square foot unit on each lot, regardless of non-compliance with other base zone regulations. The table below illustrates how specific development regulations of a single-family residential zone are impacted both by SB 9 and the City's proposed implementation of SB 9.

| Development Regulation               | Strict Application of SB 9 Requirements   | City Proposed SB 9 Requirements  |
|--------------------------------------|---|--|
| <b>Dwelling Units Per Lot</b>        | 2   | 2  |
| <b>Minimum Lot Size</b>              | 40% of existing lot and no less than 1,200 sf.                                      | 40% of existing lot and no less than 1,200 sf.   |
| <b>Minimum Lot Dimensions</b>        | Not specified.  | Waived and determined by lot size.   |
| <b>Street Frontage</b>               | Not specified.  | Compliance with base zone where feasible and access easement where infeasible.   |
| <b>Side and Rear Setbacks</b>        | 4' maximum  | 4' for multi-story buildings adjacent to residential.<br>0' for multi-story buildings adjacent to non-residential and all single-story buildings.                                      |
| <b>Parking</b>                       | Up to 1 parking space per unit outside of TPAs.<br>No required parking inside TPAs. | 1 parking space for 3 <sup>rd</sup> and 4 <sup>th</sup> unit outside of TPAs.<br>1 parking space per unit within Beach Parking Impact outside TPAs.<br>No required parking inside TPA. |
| <b>Tree Canopy</b>                   | Not specified.  | 1 tree for every 5,000 sf of lot area.<br>Compliance with street tree regulations if more than 2 units are constructed.  |
| <b>Development Impact Fees (DIF)</b> | Permitted   | First 2 units are exempt.<br>3 <sup>rd</sup> and 4 <sup>th</sup> units pay scaled DIF.   |

| Development Regulation                | Strict Application of SB 9 Requirements | City Proposed SB 9 Requirements  |
|---------------------------------------|---|--|
| <b>Construction of ADUs and JADUs</b> | Local discretion.                       | Not permitted in conjunction with SB 9 implementation <sup>1</sup> . (See separate ADU Regulations in Part 3.) |
| <b>Short Term Rentals</b>             | Not permitted.                          | Not permitted.   |

### Part 3: Accessory Dwelling Unit and Junior Accessory Dwelling Unit Regulations

The Housing Action Package also includes amendments related to Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) Regulations to ensure alignment with the City's implementation of SB 9, as well as to address community concerns related to privacy, loss of mature landscaping, and the need for supportive infrastructure. The amendments to the ADU and JADU regulations include new setback requirements to address privacy, landscape and street tree requirements to address tree canopy, and DIF requirements to address supportive infrastructure, as shown in the table below:

| Development Regulation               | Strict Application of State ADU Law                     | Existing City ADU/JADU Regulations | Proposed Amendments to City ADU/JADU Regulations  |
|--------------------------------------|---|------------------------------------|---|
| <b>Side and Rear Setbacks</b>        | 4' maximum.   | 0' for all ADUs and JADUs.         | 4' for multi-story ADUs/JADUs adjacent to residential.<br><br>0' for multi-story ADUs/JADUs adjacent to non-residential and all single-story ADUs/JADUs.                                |
| <b>Tree Canopy</b>                   | Not specified.  | Not specified.                     | If three or more ADUs are constructed, 1 tree must be provided on site for every 5,000 sf of lot area.<br><br>Compliance with street tree regulations for all ADU and JADU development. |
| <b>Development Impact Fees (DIF)</b> | Proportionate DIF allowed for square footage above 750. | All ADUs/JADUs exempt from DIF.    | First 2 Units are Exempt.<br><br>All ADUs in Excess of two that are greater than 750 square feet pay proportionate or scaled DIF <sup>2</sup> , whichever is lower.                     |
| <b>Utilization of SB 9</b>           | Local discretion.                                       | N/A                                | Not permitted in conjunction with ADUs/JADUs <sup>1</sup> . (See separate regulations that implement SB 9 in Part 2.)   |

<sup>1</sup> An applicant must choose whether to use the provisions of SB 9 or the City's ADU/JADU regulations and may not use both.

<sup>2</sup> "Proportionate DIF" reflects a percentage of the primary dwelling unit and would be calculated by dividing the square footage of the ADU by the square footage of the primary dwelling unit. The resulting percentage would be multiplied against the standard DIF rate, resulting in a proportionate DIF. "Scaled DIF" is scaled based on the square footage of the ADU in accordance with Table 142-06A in Chapter 14, Article 2, Division 6 of the Municipal Code.

The proposed amendments to the ADU and JADU regulations also include clean-ups items that provide greater clarification for those implementing the regulations, but do not change the regulations themselves or how they are implemented by the City.

**Outreach**

For the first eight amendments described above, code language has been available since August 2021 for public review and input. Staff hosted two virtual public workshops in August to receive initial feedback on the draft code language, which were recorded and posted to the Housing Action Package webpage. An online public engagement tool has been available for public input since August, and was advertised to stakeholders, the media, and Council offices for distribution to community members. The engagement tool also asks community members for suggestions about additional actions the City could take to create more housing options, and those suggestions will be taken under consideration for a future package of housing code amendments in 2022.

**Recommendations**

Community Planners Committee (CPC): This project is being heard at the December 14, 2021, CPC meeting. Staff will provide the Planning Commission with a memo detailing CPC's recommendation prior to the Planning Commission hearing.

**CONCLUSION**

Staff recommends approval of the proposed Housing Action package.

Respectfully submitted,



Heidi Vonblum  
Deputy Director  
Planning Department



Renee Mezo  
Development Project Manager  
Planning Department

HV/RM

Attachments:

1. Draft Ordinance Language
2. California Environmental Quality Act Memo dated November 24, 2021

**DRAFT**

**HOUSING ACTION PACKAGE**

**Amendments to the Municipal Code**

**December 7, 2021**



The Draft Housing Action Package presents the amendments in three sections for clarity and ease of navigation:

**Section 1: Local Housing Programs and Incentives**

**Section 2: Implementing Regulations for SB 9**

**Section 3: Amendments to the City's Accessory Dwelling Unit and Junior Accessory Dwelling Unit Regulations.**

DRAFT



## Section 1: Local Housing Programs and Incentives

### Employee Housing Incentive Program

#### §98.0502 Establishment of the San Diego Affordable Housing Fund

- (a) There is established a fund to be known as the San Diego Affordable Housing Fund. The Affordable Housing Fund shall consist of funds received from the commercial development linkage fees paid to the City pursuant to Chapter 9, Article 8, Division 6 of the San Diego Municipal Code; revenues from the Transient Occupancy Tax as provided in Section 35.0128 of the San Diego Municipal Code; funds received from the Employee Housing Incentive Program Fee paid to the City pursuant to Section 143.0742 of the San Diego Municipal Code; funds received from in lieu fees paid to the City and revenues received from promissory note repayments, shared equity payments, or other payments collected pursuant to Chapter 14, Article 2, Division 13 of the San Diego Municipal Code; and any other appropriations as determined from time to time by legislative action of the City Council. The Affordable Housing Fund shall be administered by the San Diego Housing Commission pursuant to the provisions of this Division, the appropriation ordinances and applicable Council policies.
- (b) There is also established within the Affordable Housing Fund, a San Diego Housing Trust Fund account. Except for funds received from the

Employee Housing Incentive Program Fee paid to the City pursuant to Section 143.0742 of the San Diego Municipal Code and funds received from in lieu fees paid to the City and revenues received from promissory note repayments, shared equity payments, or other payments collected pursuant to Chapter 14, Article 2, Division 13 of the San Diego Municipal Code; all funds received by the Affordable Housing Fund, either from special funds or general fund appropriations, shall be deposited in the Housing Trust Fund account. The administration and use of monies from the San Diego Housing Trust Fund shall be subject to all provisions under this Division related to the Affordable Housing Fund.

- (c) There is also established within the Affordable Housing Fund, an Inclusionary Housing Fund account. Funds received from the Employee Housing Incentive Program Fee paid to the City pursuant to Section 143.0742 of the San Diego Municipal Code, funds received from in lieu fees paid to the City, and revenues received from promissory note repayments, shared equity payments, or other payments collected pursuant to Chapter 14, Article 2, Division 13 of the San Diego Municipal Code shall be deposited in the Inclusionary Housing Fund account. The administration and use of monies from the Inclusionary Housing Fund shall be subject to all provisions under this Division related to the Affordable Housing Fund.

§143.0742 ~~Incentives for Commercial~~ Non-Residential Development

~~An applicant for a commercial development that has entered into an agreement with an applicant for a residential development that provides at least 15 percent of the dwelling units as affordable to very low income households or at least 30 percent of the dwelling units as affordable to low income households in accordance with Section 143.0720 shall be entitled to a development bonus in accordance with Government Code Section 65915.7(b) provided that:~~

~~(a) — The agreement shall be approved by the City Manager and identify how the applicant for the commercial development will contribute to affordable housing in one of the following ways:~~

~~(1) — Directly constructing the affordable dwelling units;~~

~~(2) — Donating a portion of the commercial site or another site that meets the criteria in Section 143.0742(b) for development of the affordable dwelling units; or~~

~~(3) — Financially contributing to the development of the affordable dwelling units.~~

~~(b) — The residential development shall be located within the City of San Diego, in close proximity to public amenities, and within a Transit Priority Area.~~

The Employee Housing Incentive Program shall be implemented in accordance with this Section. An applicant for non-residential development as defined in this

Section that contributes to the construction of affordable housing through the payment of the Employee Housing Incentive Program Fee, as adopted by City Council Resolution, shall be entitled to receive incentives, as set forth below.

(a) Eligible Non-residential *Development*.

(1) The non-residential *development* shall be located in a *Transit Priority Area*.

(2) For purposes of this Section, non-residential *development* includes all subcategories within the Retail Sales, Commercial Services, and Office use categories, and the Light Manufacturing and Research & Development subcategories within the Industrial use category in accordance with Section 131.0122(a), but does not include Separately Regulated Uses within these use categories.

(c) Incentives shall be consistent with Sections 143.0740(a)(1), 143.0740(b)(1)-(3), and 143.0740(c), with the following exceptions:

(1) Incentives may not be used to deviate from minimum *floor area ratio* requirements for residential uses.

(2) *Floor area ratio* may not be increased by more than 1.5.

## Live/Work Flexibility

### §131.0622 Use Regulations Table for Industrial Zones

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

**Legend for Table 131-06B [No change in text]**

**Table 131-06B**

**Use Regulations Table for Industrial Zones**

| Use Categories/ Subcategories<br>[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    |
| <b>Open Space through <i>Rooming House</i> [No change in text]</b>  |                 |                     |       |                         |                     |     |    |    |     |    |     |      |
| <i>Shopkeeper Units</i>   |                 | [No change in text] | -     | <u>P<sup>(15)</sup></u> | [No change in text] |     |    |    |     |    |     |      |
| <i>Single Dwelling Units through Separately Regulated Residential Uses Junior Accessory Dwelling Units</i> [No change in text]                                  |                 | [No change in text] |       |                         |                     |     |    |    |     |    |     |      |
| Live/Work Quarters  |                 | [No change in text] | -     | <u>P<sup>(15)</sup></u> | [No change in text] |     |    |    |     |    |     |      |
| Low Barrier Navigation Center through Separately Regulated <i>Signs</i> Uses Theater <i>Marquees</i> [No change in text]  |                 | [No change in text] |       |                         |                     |     |    |    |     |    |     |      |

**§131.0623 Additional Use Regulations of Industrial Zones**

The additional use regulations identified in this Section are applicable to uses where indicated in Table 131-06B. In addition to the use-specific regulations below, the combined *gross floor area* for the uses identified in Sections 131.0623(a), (b), (d), (h), (k), (m), and (n) shall not exceed 35 percent of the

allowable *gross floor area* of the *premises*.

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

(j) To encourage and facilitate living in closer proximity to employment opportunities, Residential-uses in the IP-3-1 zone are permitted subject to the following regulations:

(1) Residential *development* is permitted in accordance with the Business Park - Residential Permitted CPIOZ of the applicable community plan; subject to the following:

(2A) Residential *development* ~~comprises no more than~~ shall not exceed a maximum of 49 percent of the total *lot* area within the Business Park - Residential Permitted CPIOZ or a maximum of 49 percent of the gross floor area of the premises; and

(3B) Residential *development* ~~complies~~ shall comply with the *development* regulations of the residential zone identified in the Business Park - Residential Permitted CPIOZ of the applicable community plan, except that the *lot* area, *lot* dimensions, *floor area ratio*, and *setback* requirements of the IP-3-1 zone shall apply.

(2) Residential *development* is permitted outside of the Business Park - Residential Permitted CPIOZ as follows:

(A) Live/work quarters in accordance with Section 141.0311;

(B) Shopkeeper units may include space for uses in accordance with Section 131.0623(j)(2)(C); and shall comply with the requirements in Section 141.0311.

(C) A maximum of 49 percent of the gross floor area on the premises may be used for residential uses. At least 51 percent of the gross floor area shall be used for Retail Sales, Commercial Services, Artisan Food and Beverage Producer, Offices, Research and Development, or Light Manufacturing.

(D) The residential area and the business area must be occupied by the same tenant and no portion of the residential area shall be rented or sold separately; and

(E) The residential area is permitted above the business area, adjacent to, or behind the business area, provided that there is internal access between the residential area and business area;

### **141.0311 Live/Work Quarters**

Live/work quarters are studio spaces designed to integrate living space into the workspace in buildings that were originally and are primarily designed for industrial or commercial occupancy that have been converted to integrate

~~living space into the work space.~~ Live/work quarters are 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 regulations.

- (a) [No change in text.]
- (b) ~~A maximum of 49 percent of the floor area~~ of each live/work quarters may be used or arranged for residential purposes such as sleeping, ~~kitchen, bathroom, and closet.~~ The minimum floor area used or arranged for non-residential purposes shall be 100 square feet.
- (c) through (h) [No change in text.]

## Affordable Housing in All Communities

### §142.1305 Methods of Compliance

- (a) The requirement to provide inclusionary *dwelling units* may be met in any of the following ways:
  - (1) through (3) [No change in text]
  - (4) On different *premises* from the *development* that does not meet the locational criteria in Section 142.1305(a)(2) but within the City of San Diego, if the receiver site is within a *transit priority area*, in an area identified as a High or Highest Resource California Tax Credit Allocation Committee Opportunity Area according to the most recent California State Treasurer TCAC/HCD Opportunity



Area Maps, and less than five percent of the existing *dwelling units* in that community planning area are covenant-restricted to very low income, low income, or moderate income households.

(45) By payment of an Inclusionary In Lieu Fee in accordance with Section 142.1306 in lieu of constructing all or a portion of the inclusionary *dwelling units* required in Section 142.1304(a) or Section 142.1304(b);

(5-6) By rehabilitation of existing *dwelling units* or SRO *hotel* rooms or conversion of *guest rooms* in a *motel* or *hotel* to inclusionary *dwelling units* in accordance with Section 142.1307; or

(67) By land donation in accordance with Section 142.1308.

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

**§143.0745 Locating Required Affordable Dwelling Units Off-site**

*A development* that complies with the Affordable Housing Regulations may provide all or a portion of the required affordable *dwelling units* off-site in accordance with the following:

(a) [No change in text.]

(b) Off-site affordable *dwelling units* that do not meet the locational criteria in Section 143.0745(a) may be located in an area where the receiver site is within a *Transit Priority Area*, an area identified as a High or Highest

Resource California Tax Credit Allocation Committee(CTCAC)

Opportunity Area, and less than five percent of the existing *dwelling units* in that community planning area are covenant-restricted to *very low income, low income, or moderate income* households.

(bc) Off-site affordable *dwelling units* that do not meet the locational criteria in Section 143.0745(a) may be approved with a Process Four Planned Development Permit in accordance with Section 126.0604.

(ed) At a minimum, the same number of affordable *dwelling units* required of the *development* must be provided, at the same affordability levels and the same total *bedroom* count as the *development*. The *applicant* may provide different *bedroom* mixes to meet the total *dwelling unit* and *bedroom* count minimums.

(de) The *applicant*, prior to the issuance of the first building permit for the *development*, shall secure the required number of off-site affordable *dwelling units* and enter into an agreement(s) with the President and Chief Executive Officer of the San Diego Housing Commission establishing the same terms and conditions set forth in Section 143.0720 for similar affordable *density bonus dwelling units*.

(ef) Off-site affordable *dwelling units* may be located in an existing *structure(s)*, provided the *applicant* provides evidence that the existing *structure* has a remaining useful life of at least 55 years from the issuance of a Certificate of Occupancy pursuant to Section 143.0745(f)(2)(B) and

complies with current Building Code standards, to the satisfaction of the City Manager. Off-site affordable *dwelling units* that are occupied at the time the application is *deemed complete* shall comply with the State Relocation Act pursuant to Government Code Section 7260.

(~~f~~g) Prior to the issuance of the first building permit, the *applicant* shall record a deed restriction against the off-site *development* that:

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

## Housing for Families

### §143.0720 Density Bonus in Exchange for Affordable Housing Units

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

(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) [No change in text.]

(2) Rents for all *dwelling units* in the *development* shall be established as follows:

(A) through (B) [No change in text.]

(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*~~, except that; 20 percent of the *dwelling units* may be affordable up to 30 percent of 150 percent of the area median income, if those units contain at least three *bedrooms*.

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

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

(l) 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.~~

(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.~~

(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 50 percent.~~

(5) through (14) [No change in text.]

(15) For *development* that meets 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), 143.0720(f), 143.0720(g), 143.0720(h), or 143.0720(i), where at least 20 percent of the total *dwelling units* are three *bedrooms* or greater, an additional *density* bonus of 20 percent shall be granted and an additional *density* bonus of 10 percent of the pre-*density* bonus *dwelling units* shall be granted if the *density* bonus *dwelling units* provided contain at least three *bedrooms*.

(m) through (n) [No change in text.]

## Affordable Housing in All Communities and Housing at City Facilities

### §143.0746 Affordable Housing in High or Highest Resource California Tax Credit

#### Allocation Committee Areas

(a) Affordable housing may be permitted in High or Highest Resource California Tax Credit Allocation Committee Areas in accordance with Process One on a premises located within a base zone that does not otherwise allow multiple dwelling unit development, subject to all of the following:

(1) The development proposes to construct one or more of the following:

(A) A multiple dwelling unit development in which at least 100 percent of the total dwelling units, exclusive of a manager's unit or units, are covenant-restricted as affordable to very low income, low income, or moderate income households;

(B) Permanent supportive housing;

(C) Transitional housing; or

(D) An emergency shelter.

(2) The premises is located:

(A) Within a Transit Priority Area;

(B) Within an area identified as a High or Highest Resource CTCAC Opportunity Area according to the most recent California State Treasurer TCAC/HCD Opportunity Area Maps;

(C) Within a community planning area in which less than 5 percent of the existing *dwelling units* are covenant-restricted to *very low income, low income, or moderate income* households; and

(D) Outside of an area identified as Industrial or Open Space in a *land use plan*.

(3) The residential *density* shall be determined for the portion of the applicable portion of the *premises* as follows:

(A) Within Mobility Zone 1 (the Downtown Community Planning Area), the *density* and *floor area ratio* shall be unlimited.

(B) Within an area as defined in Section 143.1103(a)(3) as Mobility Zone 3, *density* shall be limited by a maximum *floor area ratio* of 6.5.

(C) Within an area as defined in Section 143.1103(a)(3) as Mobility Zone 4, *density* shall be limited by a maximum *floor area ratio* of 4.0.

- (4) The residential *development* shall comply with the development of the RM-2-5 zone with the exception of density, floor area ratio, lot area and lot dimensions of which the underlying zone shall apply.
- 5) *Development* consistent with the criteria in this Section shall be entitled to incentives waivers in accordance with Sections 143.0740 through 143.0743.
- (6) The *development* shall comply with the regulations of the Airport Land Use Compatibility Zone.
- (7) *Dwelling units* shall remain available and affordable for a period of 55 years or longer, as may be required by other laws or covenants.
- (b) Affordable housing may be permitted on a *premises* owned by a public agency or a qualified nonprofit corporation in accordance with Process One on a *premises* located within a base zone that does not allow *multiple dwelling unit development*, subject to all of the following:
- (1) The *premises* is owned by a public agency or a qualified nonprofit corporation.
- (2) The *development* proposes to construct one of the following:
- (A) A *multiple dwelling unit development* in which at least 25 percent of the total *dwelling units*, exclusive of a manager's unit or units, are covenant-restricted as affordable to *very*



low income, low income, or moderate income households;

(B) Permanent supportive housing;

(C) Transitional housing; or

(D) An emergency shelter.

(3) The premises is located:

(A) Within Mobility Zone 1, 2, or 3 as defined in Section 143.1103(a); and

(B) Outside of an area identified as Industrial or Open Space in a land use plan.

(4) The residential density shall be determined for the portion of the applicable portion of the premises as follows:

(A) Within Mobility Zone 1, (the Downtown Community Planning Area),, the density and floor area ratio shall be unlimited.

(B) Within an area as defined in Section 143.1103(a)(3) as Mobility Zone 3, density shall be limited by a maximum floor area ratio of 6.5.

(C) Within an area as defined in Section 143.1103(a)(3) as Mobility Zone 4, density shall be limited by a maximum

floor area ratio of 4.0.

- (5) The residential *development* shall comply with the development regulations of the RM-2-5 zone with the exception of density, floor area ratio, lot area and lot dimensions of which the underlying zone shall apply.
- (6) Development consistent with the criteria in this Section shall be entitled to incentives and waivers in accordance with Sections 143.0740 through 143.0743.
- (7) The *development* shall comply with the regulations of the Airport Land Use Compatibility Zone.
- (8) Dwelling units shall remain available and affordable for a period of 55 years or longer, as may be required by other laws or covenants.

## Housing Accessibility Program

### Article 5: Building Regulations

#### Division 40: ~~Voluntary~~ Housing Accessibility Program

##### ~~§145.4001~~ — Purpose

The purpose of the ~~Voluntary Accessibility Program~~ is to encourage residential *development* that incorporates accessible design features including accessible routes of travel, accessible entrances, and accessible common use

rooms to meet the needs of as many users as possible. The intent is to increase opportunities for persons with temporary, developing, or permanent disabilities to “age in place” and thereby reduce the potential for occupants to be displaced from their homes due to a disability, to allow those persons to visit neighboring *dwelling units*, and to increase the number of accessible *dwelling units* in the local housing supply that meet long-term housing needs by offering incentives that facilitate this type of accessible design.

**§145.4002 — When Voluntary Accessibility Program Applies**

(a) — The following proposed residential *development* is eligible for the Voluntary Accessibility Program:

(1) — *Development* that is exempt from the accessibility requirements of the California Building Code (Chapter 11A);

(2) — *Development* where only a portion of the residential *development* is subject to the accessibility requirements of the California Building Code (Chapter 11A), or

(3) — *Development* where the required accessibility is in accordance with the California Building Code (Chapter 11A) and would be less accessible than would be achieved through the Voluntary Accessibility Program.

~~(b) — *Development with dwelling units* that are voluntarily designed to be accessible may be granted incentives in accordance with Section 145.4003.~~

~~(e) — *Development* receiving deviations for reasonable accommodations in accordance with Section 131.0466 are not eligible for the Voluntary Accessibility Program.~~

~~§145.4003 — **Voluntary Accessibility Program Regulations and Development Incentives**~~

~~(a) — Incentives granted solely under the Voluntary Accessibility Program in accordance with Section 145.4003(c) and (d) shall not require a deviation from the underlying base zone.~~

~~(b) — The decision process for a *development* requesting an incentive shall be the same decision process that would be required if the incentive were not a part of the *development* proposal.~~

~~(e) — The incentives available to a *development* shall be determined by the number and type of *dwelling units* that would be voluntarily designed for accessibility.~~

~~(1) — Each *dwelling unit* voluntarily designed in accordance with Section 145.4004 (Tier I Accessible Dwelling Unit) shall be eligible for the following incentives:~~

~~(A) — A *floor area ratio* bonus up to a maximum of 5 percent,  
and~~

~~(B) — A choice of one development incentive  
listed in Section 145.4003(d).~~

~~(2) — Each *dwelling unit* voluntarily designed in accordance with Section  
145.4005 (Tier II Visitable Unit) shall be eligible for one of the  
following incentives:~~

~~(A) — A *floor area ratio* bonus up to a maximum of 5 percent, or~~

~~(B) — A choice of one development incentive  
listed in Section 145.4003(d).~~

~~(3) — *Development* with at least 50 percent of the eligible *dwelling  
units* voluntarily designed in accordance with either Section  
145.4004 (Tier I Accessible Dwelling Unit) or Section  
145.4005 (Tier II Visitable Unit) shall be eligible for the  
following incentives:~~

~~(A) — Incentives for each Tier I Accessible  
Dwelling Unit in accordance with Section  
145.4003(e)(1),~~

~~(B) — An incentive for each Tier II Visitable Unit in  
accordance with Section 145.4003(e)(2), and~~

~~(C) — Expedite processing consistent with Council Policy.~~

~~(4) — *Development* with 100 percent of the eligible *dwelling units* voluntarily designed in accordance with Section 145.4004 (Tier I Accessible Dwelling Unit) shall be eligible for:~~

~~(A) — Incentives for each Tier I Accessible Dwelling Unit in accordance with Section 145.4003(c)(1);~~

~~(B) — Expedite processing consistent with Council Policy, and~~

~~(C) — A *density* bonus up to 5 percent based on the pre-bonus number of *dwelling units* in the project voluntarily designed in accordance with Section 145.4004 (Tier I Accessible Dwelling Unit).~~

~~(D) — *Development* providing a minimum of 10 Tier I Accessible Dwelling Units shall be eligible for a choice of 1 additional incentive listed in Section 145.4003(d).~~

~~(d) — Incentives~~

~~An *applicant for development* eligible for one or more incentives pursuant to Section 145.4003, may select from the following~~

incentives:

~~(1) — An applicant may request one of the following~~

~~modifications of the applicable parking regulations in~~

~~Section 142.0560 for Tier I Accessible Dwelling Units.~~

~~(A) — A reduction of the drive aisle width to a minimum of  
22 feet if using standard parking space dimensions;~~

~~(B) — A reduction of the required motorcycle  
facilities up to 50 percent;~~

~~(C) — A reduction of the driveway width consistent  
with the minimum dimensions specified in  
Table 142.05N;~~

~~(D) — Encroachment of required *off-street parking spaces*  
into the required *setback* area of a private driveway  
(where parking spaces would not conflict with a  
required visibility area), or~~

~~(E) — Calculation of tandem parking spaces (designed in  
accordance with Section 142.0560) as two spaces to  
meet the applicable parking requirement.~~

~~(2) — The applicable *setback* regulations may be reduced up to 10 percent for proposed structures where necessary to fulfill the accessible design requirements.~~

~~(3) — The applicable *lot coverage* regulations may be exceeded up to 10 percent where necessary to fulfill the accessible design requirements.~~

~~(4) — The applicable maximum *structure height* regulations may be exceeded by up to 10 percent to accommodate an elevator or special access (wheelchair) lift system. The maximum *structure height* may not exceed height limits required within the Coastal Height Limit Overlay Zone or conflict with Federal Aviation Regulations Part 77 airspace protection surfaces within designated airport influence areas.~~

~~(5) — The applicable landscape requirements may be modified or reduced to the minimum extent necessary to accommodate an accessible route of travel.~~

~~(e) — The *floor area ratio* bonus and incentives applicable to a *development* in accordance with Section 145.4003(c) are limited to *dwelling units* that are voluntarily designed in accordance with the Voluntary Accessibility Program and may not be redistributed across the *development* as a whole.~~



(f) — A bonus or incentive shall not be granted where it would allow *development* that is inconsistent with the policies in the certified *Local Coastal Program land use plan* or the allowed uses and development regulations of the Environmentally Sensitive Lands regulations.

**§145.4004 — Tier I Accessible Dwelling Unit Design Standards**

(a) — In order to meet the Tier I Accessible Dwelling Unit Design Standards, *dwelling units* shall comply with the California Building Code requirements for accessibility (Chapter 11A), except as otherwise indicated in Section 145.4004(b), (c), and (d).

(b) — For the purpose of this section, *dwelling units* developed with multiple *stories* shall provide a *kitchen* on the primary entry level in accordance with the California Building Code requirements for accessibility (Chapter 11A) in addition to other accessible design requirements required in accordance with Section 145.4004(a).

(c) — Accessible entrances designed for Tier I Accessible Dwelling Units shall be permitted up to a maximum of three quarters of an inch in height differential between the exterior and interior landings.

(1) — The change in elevation shall be beveled with a slope no greater than 50 percent (1 unit vertical in 2 units horizontal).

(2) — The threshold shall be no higher than 0.5 inches (12.7 mm).

~~(d) — Required accessible *off-street parking spaces*~~

~~(1) — *Single dwelling units* and duplexes~~

~~(A) — *Single dwelling units* shall provide *off-street parking spaces* per *dwelling unit* in accordance with Sections 142.0520 and 142.0560.~~

~~(B) — Duplexes shall provide *off-street parking spaces* per *dwelling unit* in accordance with Sections 142.0525 and 142.0560.~~

~~(C) — In addition to the required parking in Section 145.4004(d)(1)(A) or (B), an accessible off-street loading and unloading area shall be provided.~~

~~(i) — The minimum dimensions shall be 14 feet in width by 18 feet in depth with a maximum slope of one quarter inch per foot in any direction,~~

~~(ii) — The off-street loading area may be located within the private driveway and may encroach into the required *setback* area, and~~

(iii) ~~The loading area shall be connected to the dwelling unit via an accessible route of travel to an accessible entrance.~~

(2) ~~Multiple dwelling unit development with three or more dwelling units shall provide off street parking spaces in accordance with Sections 142.0525 and 142.0560 including required accessible off street parking spaces in accordance with California Building Code Section 1109A as may be amended.~~

~~§145.4005 Tier II Visitable Unit Design Standards~~

(a) ~~The Tier II Visitable Unit Design Standards are intended to create dwelling units that facilitate access to, and access within, the primary entry level of a dwelling unit for persons with temporary, developing, or permanent disabilities. The primary entry level of a Tier II Visitable Unit shall include accessible routes of travel, an accessible entrance, and accessible common use spaces including a kitchen, a bathroom or half bathroom, and at least one common use room.~~

(b) ~~At least one exterior accessible route of travel shall connect an accessible entrance to either the sidewalk or driveway.~~

- ~~(1) — A minimum width shall be provided in compliance with California Building Code Section 1113A.1.1 as may be amended.~~
- ~~(2) — A maximum slope less than 1 unit vertical and 12 units horizontal shall be provided with a maximum 2 percent cross-slope.~~
- ~~(3) — A level landing area of 5 feet in length shall be provided for every 30 inches of rise in circumstances where the accessible route of travel would have a slope exceeding 5 percent.~~
- ~~(4) — Handrails are not required.~~
- ~~(c) — At least one accessible entrance to the primary entry level shall be provided that does not exceed three quarters of an inch in height differential between the exterior and interior landings.~~
- ~~(1) — The change in elevation shall be beveled with a slope no greater than 50 percent (1 unit vertical in 2 units horizontal).~~
- ~~(2) — The threshold shall be no higher than 0.5 inches (12.7 mm).~~
- ~~(d) — In lieu of the requirements of Section 145.4005(c), the entrance for up to 50 percent of the eligible *dwelling units* may be designed to be adaptable for accessibility.~~

~~(1) — A maximum of 4 inches in step height shall be provided between the exterior and interior landings.~~

~~(2) — A minimum clear space of 12 inches in length for every 1 inch in step height shall be provided on the exterior side of the door to accommodate a future ramp.~~

~~(3) — The ramp clear space shall not overlap the exterior landing.~~

~~(4) — Interior and exterior landings shall provide a minimum length of 48 inches to the accessible route of travel.~~

~~(5) — The entry door shall provide a minimum net clear opening width of 32 inches.~~

~~(e) — At least one interior accessible route of travel shall be provided in compliance with California Building Code Section 1119A as may be amended. The interior route of travel shall connect an accessible entrance to the following rooms located on the primary entry level:~~

~~(1) — At least one bathroom or half bathroom,~~

~~(2) — The *kitchen*, and~~

~~(3) — Any common use rooms such as a living room or family room.~~

~~(f) — A *kitchen* shall be provided on the primary entry level.~~

~~(1) — The *kitchen* shall be accessible from the interior accessible route of travel.~~

~~(2) — A clear floor space at least 30 inches by 48 inches shall be provided to allow a parallel approach by a person in a wheelchair at a range or cook top, the *kitchen* sink, oven, dishwasher, and refrigerator/freezer.~~

~~(3) — In lieu of the requirements of Section 145.4005, a *kitchen* with a pass through design may provide a 39 inch wide or greater accessible route of travel to a range or cook top, *kitchen* sink, oven, dishwasher and refrigerator/freezer.~~

~~(4) — *Kitchen* sink faucet controls shall use lever hardware or other similar hardware.~~

~~(5) — A minimum linear length of 30 inches of countertop space shall be provided adjacent to the *kitchen* sink.~~

~~(g) — At least one accessible bathroom or half bathroom, located along the interior accessible route of travel on the primary entry level, shall be provided.~~

~~(1) — The bathroom entrance shall provide sufficient maneuvering space in accordance with California Building Code Sections 1132A.5 and 1134A.4 as may be amended.~~

- ~~(2) — Structural reinforcements for future grab bar installation shall be provided in the walls adjacent to showers and bathtubs, and in the walls or floor adjacent to toilets, in accordance with California Building Code Chapter 11A.~~
- ~~(3) — A minimum clear space of 30 inches by 48 inches shall be provided for parallel approach at the lavatory. Maneuvering spaces may include any knee space or toe space available below bathroom fixtures.~~
- ~~(4) — A minimum clear space of 30 inches by 48 inches shall be provided for forward approach at the toilet.~~
- ~~(5) — When provided, a minimum clear space of 30 inches by 48 inches shall be provided for parallel approach at the shower or bathtub.~~
- ~~(6) — Faucet controls shall use lever hardware.~~
- ~~(7) — Clear spaces at the sink, toilet and shower or bathtub may overlap or coincide to meet the minimum requirements.~~
- ~~(h) — The accessible primary entry level shall include at least one common useroom such as a living room or family room.~~

(i) Accessible rooms located along the interior accessible route of travel and the accessible entrance to the primary entry level shall comply with the following requirements:

(1) Doors

(A) Doors shall have a minimum net clear opening width of 32 inches.

(B) Lever hardware, or other similar hardware, centered between 30 inches and 44 inches above the floor is required for all doors, except for pocket doors or sliding doors.

(C) Maximum effort to operate doors shall not exceed 8.5 pounds (38 N) for exterior doors and 5 pounds (22 N) for interior doors where applied at right angles to hinged doors, and at the center plane of sliding or folding doors. Compensating devices or automatic door operators may be utilized to meet these standards.

(D) Pocket doors and sliding doors providing access to rooms required along the interior accessible route of travel shall be easily operated by persons with limited dexterity.

(2) Electrical Outlets and Fixtures



(A) — ~~Electrical switches and outlets shall be located no more than 48 inches measured from the top of the outlet box nor less than 15 inches measured from the bottom of the outlet box to the level of the finished floor.~~

(B) — ~~Electrical outlets providing power to appliances such as ovens, refrigerators, microwave ovens, dishwashers, washing machines, dryers and other similar fixed appliances are exempt.~~

**§145.4001 Purpose**

The purpose of the Housing Accessibility Program is to encourage accessible residential development above what is required pursuant to the California Building Code and to increase the number of accessible dwelling units in the local housing supply that meet long term housing needs by offering incentives that facilitate this type of accessible design for people of all abilities. The intent is to increase opportunities for persons with temporary, developing, or permanent disabilities to “age in place” and thereby reduce the potential for occupants to be displaced from their homes due to a disability, as well as allowing those persons to visit neighboring dwelling units.

**§145.4002 When the Housing Accessibility Program Applies**

(a) The following residential *development* is eligible for the Housing Accessibility Program:

(1) *Development of a multiple dwelling unit structure up to five stories that provides an elevator to all stories.*

(2) *Development of multi-story townhomes or duplexes that exceeds the requirements for compliance with the accessibility requirements of the California Building Code (Chapter 11A) and includes a primary entrance; at least one accessible bathroom; at least one accessible kitchen; at least one accessible bedroom; and at least one accessible living room on an accessible route.*

(3) *Development that is exempt from the accessibility requirements of the California Building Code (Chapter 11A).*

(b) *Development receiving deviations for reasonable accommodations in accordance with Section 131.0466 is not eligible for the Housing Accessibility Program.*

**§145.4003 Housing Accessibility Program Regulations and Development Incentives**

(a) The decision process for a *development* requesting an incentive shall be the same decision process that would be required if the incentive were not a part of the *development* proposal.

(b) Incentives granted solely under the Housing Accessibility Program in accordance with Section 145.4003(e) shall not require approval of a deviation from the underlying base zone.

(c) An incentive shall not be granted where it would allow *development* that is inconsistent with the policies in the certified *Local Coastal Program* and development regulations of the *Environmentally Sensitive Lands Regulations*.

(d) An incentive shall not be granted where it conflicts with State laws and regulations.

(e) *Development* may be granted incentives in accordance with this Section and Section 145.4003(f):

(1) A *multiple dwelling unit development* that provides an elevator to all floors in a *multiple dwelling unit structure* shall be entitled to three incentives.

(2) An accessible *multi-story dwelling unit* that exceeds the housing accessibility requirements of the California Building Code (Chapter 11A) and Section 145.4002 (a)(2) by at least 25 percent of the total number of *dwelling units* shall be eligible for two incentives listed in Section 145.4003(f)(1)-(5)).

(3) A *development* that exceeds the requirements for the number of accessible *dwelling units* under the California Building Code

(Chapter 11A) by two accessible *dwelling units* shall be eligible for three incentives listed in Section 145.4003(f)(1)-(5).

(4) A *development* that exceeds the requirements for the number of accessible *dwelling units* under the California Building Code (Chapter 11A) and Section 145.4002 (a)(2) by three or more accessible *dwelling units* shall be eligible for four incentives listed in Section 145.4003(f)(1-5).

(f) Incentives

An *applicant for development* eligible for incentives pursuant to Section 145.4003(e) may select from the following incentives:

(1) *Setback* regulations may be reduced by up to 15 percent only for the building where the elevator is constructed.

(2) *Lot coverage* regulations may exceed by up to 15 percent.

(3) A *floor area ratio* bonus up to a maximum of 25 percent for the building where the elevator is constructed.

(4) The applicable maximum *structure height* regulations may be exceeded by up to 15 feet only for the building where an elevator is constructed. The maximum *structure height* may not exceed height limits required within the Coastal Height Limit Overlay Zone or conflict with Federal Aviation Regulations Part 77

airspace protection surfaces within designated airport influence areas.

(5) A density bonus up to 10 percent based on the pre-density bonus dwelling units for the entire development. This density bonus is in addition to any other density bonuses for which the development is eligible.

DRAFT

## Minor Amendment related to timelines for master planned housing projects

### §129.0211 Closing of Building Permit Application

- (a) [No change in text]
- (b) The application file for City projects and for Residential Master Planned projects shall be closed after two years have elapsed since the date the Building Permit application is deemed complete. For the purposes of this section, Residential Master Planned projects are residential developments submitted with one or more building types that will be constructed in phases on one or multiple lots.
- (c) through (e) [No change in text]

## Planned Development Permit not required if utilizing the Affordable Housing regulations

### §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 Proposal</i>  | Applicable Sections | Required <i>Development Permit/Decision Process</i> <sup>(1)</sup> |
|--|---------------------|--|
| Residential <i>development</i> requesting deviations from applicable zone regulations <sup>(2)(3)</sup> [No change in text]  | [No change in text] | [No change in text]  |
| Commercial and Industrial <i>development</i> requesting deviations from applicable zone regulations <sup>(3)</sup> [No change in text]   | [No change in text] | [No change in text]  |
| <i>Developments</i> within <i>land use plans</i> where a Planned Development Permit is recommended when other discretionary actions are requested <sup>(6)</sup>                               | [No change in text] | [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 <sup>(5)</sup> [No change in text] | [No change in text] | [No change in text]  |

|  |                     |                     |
|--|---------------------|---------------------|
| <i>Multiple dwelling unit development</i> requesting increased <i>density</i> where the <i>land use plan</i> expressly allows for increased <i>density</i> with the approval of a Planned Development Permit <sup>(3)(6)</sup> | [No change in text] | [No change in text] |
| Rural cluster <i>development</i> in the A 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]                  | [No change in text] | [No change in text] |

**Footnotes for Table 143-04A**

<sup>1</sup> through <sup>5</sup> [No change in text]

<sup>6</sup> Development utilizing the increased *density* alternative in conjunction with Chapter 14, Article 3, Division 7, does not require a Planned Development Permit for the increased *density* alternative per the adopted *land use plan*.

**§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* where the *land use plan* expressly allows for increased *density* 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 as specified in the *land use plan*.

(a) Density



(1) The minimum and maximum *density* for utilization of the increased *density* provision in Section 143.0455 shall be as specified in the adopted *land use plan* and shall not require processing of a deviation.

(2) Utilization of this increased density alternative per the adopted land use plan shall not preclude the use of the state density bonus program where applicable. Development utilizing the increased *density* alternative in conjunction with Chapter 14, Article 3, Division 7, does not require a Planned Development Permit for the increased *density* alternative per the adopted *land use plan*.

(b) [No change in text.]

## Section 2: Implementing Regulations for SB 9

### Chapter 14: General Regulations

#### Article 3: Supplemental Development Regulations

#### Division 13: Multi-Dwelling Unit and Urban Lot Split Regulations for Single Family Zones

##### 143.1301 Purpose of the Multi-Dwelling Unit and Urban Lot Split Regulations for Single Family Zones

These regulations are intended to implement California Senate Bill 9 (2021-2022) and California Government Code Sections 65852.21, 66411.7 and 66452.6 by allowing the construction of *multiple dwelling units* in single-family zones and/or an urban *lot split*, as specified in this Division. Therefore, these regulations specify when and how *multiple dwelling unit development* may be constructed in a base zone that permits *single dwelling unit development*, but not *multiple dwelling unit development*. These regulations also specify when and how a single *premises* may be split into two *premises* that can be developed and conveyed separately when located within a base zone that permits *single dwelling unit development*, but not *multiple dwelling unit development*. and

##### 143.1303 When the Multi-Dwelling Unit and Urban Lot Split Regulations for Single Family Zones Apply

- (a) This Division applies to *premises* located within a base zone that permits *single dwelling unit development*, but not *multiple dwelling unit development*, except as prohibited in Section 143.1303(b).

(b) This Division is not applicable in the following circumstances:

(1) When the *premises* is located within any of the following:

(A) Prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction;

(B) Wetlands;

(C) The Very High Fire Hazard Severity Zone;

(D) A hazardous waste site that is listed pursuant to California Government Code Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the California Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses;

(E) A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the California State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by the Development Services Department;

(F) *Special Flood Hazard Areas*, unless:

(i) The *premises* has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction; or

(ii) The *premises* meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

(G) A regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If an applicant is able to satisfy all applicable federal qualifying criteria in order to provide that the premises satisfies this subparagraph and is otherwise eligible for streamlined approval under this Section, an application shall not be denied on the basis that the applicant did not comply with any additional City permit requirement, standard, or action that is applicable to that premises;

(H) The MHPA of the MSCP Subarea Plan;

(I) Environmentally Sensitive Lands conserved by dedication in fee title, covenant of easement, or conservation easement;

(J) A historical district that is a designated historical resource, or on a premises that contains a designated historical resource;(2) If the development requires demolition or alteration of any of the following:

(A) A dwelling unit that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate income, low income, or very low income.

(B) A dwelling unit that has been occupied by a tenant in the last three years.

(3) If the premises contains SRO hotel rooms or other dwelling units that were withdrawn from rent or lease in accordance with California Government Code Sections 7060 through 7060.7 during the 15-year period preceding the application.

(4) If the development requires the demolition of more than 25 percent of the existing exterior structural walls, unless the premises has not been occupied by a tenant in the last three years.

(5) If the premises contains an Accessory Dwelling Unit or Junior Accessory Dwelling Unit, an applicant must choose whether to use the provisions of this Division or the provisions of the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Regulations in Section 141.0302, but may not use both. However, an applicant with an existing Accessory Dwelling Unit or Junior Accessory Dwelling Unit may utilize the provisions of this Division to convert the existing ADUs or JADUs to dwelling units in compliance with this Division.

**143.1305 Utilizing the Provisions of this Division**

(a) An applicant seeking to utilize the provisions of this Division may use the multiple dwelling unit provisions of Section 143.1310, the urban lot split provisions of Section 143.1315, or a combination of both in compliance with the applicable regulations.

(b) An application to utilize the provisions of this Division may be denied if the City makes a written finding based upon a preponderance of the evidence that the development would have a specific, adverse impact upon public health and safety or the physical environment and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. As used in this paragraph, a “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. The following shall not constitute a specific, adverse impact upon the public health or safety:

(1) Inconsistency with the zoning ordinance or general plan land use designation.

(2) The eligibility to claim a welfare exemption under subdivision (g) of Section 214 of the California Revenue and Taxation Code.

**143.1307 Rental of Dwelling Units Constructed in Accordance with this Division**

A dwelling unit constructed in accordance with this Division shall not be rented for fewer than 31 days.

**143.1310 Construction of Multiple Dwelling Units in a Single Dwelling Unit Zone**

Up to two dwelling units may be permitted on a premises in a zone that allows single dwelling unit development, but not multiple dwelling unit development, in accordance with the following regulations:

(a) The development regulations of the base zone in which the premises is located shall apply, except as specified in this Section.

(1) Density Regulations. The maximum permitted density shall be two dwelling units per lot. The dwelling units may be attached to or detached from one another, provided that the structure(s) meet building code safety standards and are constructed sufficiently to allow separate conveyance.

(2) Setback Regulations:

(A) No setback is required for an existing structure that is converted to a dwelling unit. In addition, a dwelling unit that is constructed in the same location and within the same building envelope as an existing structure may continue to observe the same setbacks as the structure it replaced.



(B) Dwelling units must comply with the front yard and street side yard setbacks of the base zone. Interior side yard and rear yard setbacks for dwelling unit shall be provided as follows:

(i) One-story dwelling units with a structure height of 16 feet or less shall have zero setbacks in the interior side yards and rear yards.

(ii) One-story dwelling units with a structure height that exceeds 16 feet and multi-story dwelling units shall observe zero setbacks in the interior side yards and rear yards, unless the side or rear property line abuts another premises that is that is residentially zoned or developed with exclusively residential uses, in which case a 4-foot setback shall apply.

### (3) Parking Regulations

(A) Within a transit priority area, no off-street parking spaces are required.

(B) Outside of a transit priority area, off-street parking spaces shall be provided as follows:

(i) One off-street parking space per dwelling unit shall be required for the third and fourth dwelling units

constructed on one premises. Off-street parking spaces are not required for the first two dwelling units.

(ii) Within the Beach Impact Area of the Parking Impact Overlay Zone, one off-street parking space shall be required per dwelling unit unless there is a car share or other shared vehicle within one block of the premises.

(4) Landscape Regulations

(A) One tree shall be provided on the premises for every 5,000 square feet of lot area, with a minimum of one tree per premises. This can include existing trees. If planting of a new tree is required to comply with this Section, the tree shall be selected in accordance with the Landscape Standards of the Land Development Manual and the City's Street Tree Selection Guide.

(B) If the development would result in more than two dwelling units across two premises permitted by this Division, then compliance with the street tree regulations pursuant to Section 142.0409 is required.

(5) Supplemental Regulations within Areas of Future Sea Level Rise

(A) Within the Coastal Overlay Zone, the following regulations apply to *dwelling units* constructed outside of *Special Flood Hazard Areas* and within an area of future sea level rise (within a 75-year horizon) as determined by the City Manager based on the most current sea level rise vulnerability maps:

(i) The *dwelling units* shall comply with the regulations in Section 143.0146(c) and if applicable, Section 143.0146(g). The *base flood elevation* utilized, and the applicability of Section 143.0146(g), shall be based on the *FIRM Zone* of the *Special Flood Hazard Area* in closest proximity to the *premises* on which the *dwelling unit* is proposed. The permit requirements of 143.0110(b) and other regulations of Chapter 14, Article 3, Division 1 do not apply.

(ii) Hard shoreline armoring shall not be constructed to protect *dwelling units* from the effects of sea level rise.

(iii) The *record owner* of the *dwelling unit* shall, in a form that is approved by the City Attorney, acknowledge the following: 1) that the *dwelling unit*

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

(iv) The *record owner* of the *dwelling unit* shall provide notice to all occupants of the *dwelling unit* of the provisions in Section 143.1310(a)(5)(A)(iii).

(6) Development Impact Fees for *development* constructed in accordance with this Division shall comply with Section 142.0640(b).

(b) Notwithstanding Section 143.1310(a), a second *dwelling unit* with a *maximum gross floor area* of 800 square feet shall be permitted on a *premises* with an existing or proposed *dwelling unit*, regardless of non-compliance with one or more *development* regulations.

**143.1315 Urban Lot Splits in a Single Dwelling Unit Zone**

An urban *lot split* is a *lot split* that divides an existing single *premises* into no more than two separately conveyable *premises* in a *zone* that allows *single dwelling unit development*, but not *multiple dwelling unit development*, and may be permitted, subject to the following regulations:

(a) An urban *lot split* shall be permitted in accordance with a Process *One parcel map* and shall comply with Chapter 14, Article 4, Division 2, except that dedications of *public rights-of-way* or the construction of offsite improvements for the parcels being created shall not be required. (1) *Easements for the provision of public services and facilities.*

(2) *Access to the public right-of-way* for one or both *premises.*

(b) *The expiration of the subdivision* shall be in accordance with Government Code Section 66452.6

(c) *The urban lot split provisions of this Section may not be used if any of the following apply:*

(1) The *parcel* was established through a prior urban *lot* split in accordance with this Section. A *parcel* may only be split once in accordance with this Section and parcels created pursuant to this Section are ineligible for any further subdivision

(2) The *record owner* or any person acting in concert with the *record owner* has previously subdivided an adjacent parcel using an urban *lot* split in accordance with this Section.

(d) Only residential uses are permitted on a *lot* that was created by the urban *lot* split provisions of this Section.

(e) Prior to the recordation of the *parcel map*, the *record owner* shall sign an affidavit acknowledging the duty for the *record owner* to reside in one of the *dwelling units* as their primary residence for a minimum of three years from the date of the approval of the urban *lot* split. The affidavit shall be in a form that is approved by the City Attorney and recorded in the Office of the County Recorder. This requirement shall not apply to an applicant that is a “community land trust,” as defined in California Revenue and Taxation Code Section 402.1(a)(11)(C)(ii), or is a “qualified nonprofit corporation” as described in California Revenue and Taxation Code Section 214.15.

(f) The *development* regulations of the base zone in which the parcel is located shall apply, except as specified in Section 143.1310(a) and this Section.

(1) The minimum lot area and minimum lot dimensions regulations of the base zone shall not apply, and are replaced with the following regulations:

(A) The two parcels shall be approximately equal in size, provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel.

(B) The two parcels shall each be no smaller than 1,200 square feet.

(2) A premises should be subdivided in a manner that complies with the street frontage and driveway width requirements of the base zone wherever feasible. Development that does not comply with the street frontage and driveway width requirements of the base zone, shall provide an access easement to the satisfaction of the City Engineer.

(g) Notwithstanding Section 143.1315(f), an urban lot split and construction of a second dwelling unit with a maximum gross floor area of 800 square feet shall be permitted on each of the parcels created by an urban lot split, regardless of non-compliance with one or more development regulations, with the exception of the lot size requirements in Section 143.1315(f)(1), which shall apply.

*A tentative map* is required for each *subdivision* of land except for a *parcel map* that creates no additional *lots* or one created pursuant to Section 143.1315 as an *urban lot split*.

DRAFT



## Section 3: Amendments to ADU & JADU Regulations

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

Section 141.0302 provides for the construction of *Accessory Dwelling Units (ADUs)* and *Junior Accessory Dwelling Units (JADUs)*, consistent with the requirements of state law and is intended to encourage the construction of *ADUs* and *JADUs* through several local regulatory provisions, including allowing encroachment into the interior side yard and rear yard setbacks up to the property line, eliminating parking requirements for *ADUs* and *JADUs*, and providing an affordable housing bonus 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~~ 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 definitions apply to this Section.

(1) Single Dwelling Unit Zone means a zone that permits *single dwelling units*, but does not permit *multiple dwelling units*.

(2) Multiple Dwelling Unit Zone means a zone that permits *multiple dwelling units*.

(ab) 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*~~ Single Dwelling Unit Zone with an existing or proposed *single dwelling unit*.

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

~~(D) An *Accessory Dwelling Unit* or *Junior Accessory Dwelling Unit* shall not be permitted to be constructed on any *premises* that has utilized any of the provisions of Chapter 14, Article 3, Division 13.~~

(2) *Development* Regulations

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

~~(D) The following *setback* allowances are applicable:~~

~~(i) Conversion of existing *structure* to an *ADU* or *JADU*. No *setback* is required for an existing *dwelling unit* or *accessory structure* that is converted to an *ADU* or *JADU*, or to a portion of an *ADU* or *JADU*. An *ADU* or *JADU* that is constructed in the same location and to the same~~

dimensions as an existing *structure* may continue to observe the same *setbacks* as the *structure* it replaced.

(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*.~~

(D) 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 within the same building envelope as an existing *structure* may continue to observe the same setbacks as the *structure* it replaced.

(E) *ADU* and *JADU* structures must comply with the front yard and street side yard setbacks of the base zone. Interior side yard and rear yard setbacks for new *ADU* and *JADU* structures shall be provided as follows:

(i) One-story ADUs or JADUs with a structure height t16 feet or less may observe a zero-foot setback at the interior side yard and rear yard.

(ii) One-story ADUs or JADUs with a structure height that exceed 16 feet and multi-story ADU or JADU structures may observe zero-foot interior side yard and rear yard setbacks, unless the side or rear property line abuts another premises that is residentially zoned or developed with exclusively residential uses, in which case a 4-foot setback shall apply.

(F) The following landscape regulations shall apply to the construction of an ADU or JADU:

(i) If a premises contains a total of three or more existing or proposed ADUs, one tree shall be provided on the premises for every 5,000 square feet of lot area, with a minimum of one tree per premises. If planting of a new tree is required to comply with this Section, the tree shall be selected in accordance with the Landscape Standards of the Land Development Manual and the City's Street Tree Selection Guide.

(ii) ADUs constructed in accordance with Section 141.0302(c)(2)(C) shall comply with the street tree requirements in Section 142.0409(a).

~~(EG)~~ 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.

~~(H)~~ The construction of an ADU or JADU shall not require the correction of previously conforming conditions on the premises.

(3) Parking Regulations

(A) through (B) [No change in text]

~~(C)~~ Notwithstanding 141.0302(b)(2)(H), if, as a result of creating an ADU or JADU, an existing driveway curb cut will no longer lead to an off-street parking space that complies with the dimensions required in Table 142-05K of Section 142.0560, the driveway curb cut shall be closed to the satisfaction of the City Engineer.

(4) [No change in text.]

(b) In addition to the requirements in Section 141.0302(a), the following additional regulations are applicable to *ADUs*:

(1) Use Regulations

(A) through (B) [No change in text.]

(2) *Development* Regulations

(A) [No change in text.]

(B) ~~No more than one~~ One *ADU* shall be permitted in a Single Dwelling Unit Zone on a *premises* with an existing or proposed *single dwelling unit*.

(C) ~~*ADUs* located on~~ On a *premises* located in a Single Dwelling Unit Zone with an existing *multiple dwelling unit*, or a premises located in a Multiple Dwelling Unit Zone with an existing or proposed ~~*multiple dwelling unit*~~, *ADUs* 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 *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 structure are permitted; and~~

(i) Two ADUs that are attached to and/or detached from an existing or proposed structure are permitted; and

(ii) The number of ADUs permitted within the habitable area of an existing dwelling unit structure is limited to 25 percent of the total number of existing dwelling units in the structure, but in no case shall be less than one ADU; and

(iii) There is no limit on the number of ADUs permitted within the portions of existing *multiple-dwelling unit structures* and accessory 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) through (G) [No change in text.]

(ed) 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) though (C) [No change in text.]

(2) *Development Regulations*

(A) One *JADU* is permitted on a *premises* located within a ~~*single dwelling unit zone*~~ Single Dwelling Unit Zone with an existing or proposed primary *single dwelling unit*.

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

**§142.0640 Impact Fees for Financing Public Facilities**

(a) [No change in text.]

(b) Payment of Fees

Development Impact Fees (as defined in California Government Code Section 66000) for applicable *development* shall be paid at the time required building permit fees are paid and no later than the first inspection of the *development* performed by the City 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 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 required by the City Manager shall be paid at the time required building permit fees are paid and no later than the first inspection of the *development* performed by the City.

Exemptions:

(1) *Accessory Dwelling Units, Junior Accessory Dwelling Units, movable tiny houses, and guest quarters are exempt from DIFs, except as follows:*

(A) The first two *Accessory Dwelling Units* on a *premises* are exempt from the requirement to pay DIF, regardless of the gross floor area of the *Accessory Dwelling Unit*.

(B) *Accessory Dwelling Units* in excess of two *Accessory Dwelling Units* are also exempt from the requirement to pay DIF if the gross floor area of the *Accessory Dwelling Unit* is 750 square feet or less.

(C) All other *Accessory Dwelling Units* in excess of the first two on a *premises* that exceed 750 square feet in gross floor area shall be required to pay DIF at the *multiple dwelling unit rate*, which shall be scaled in accordance with Resolution No. R-313688, adopting the Citywide Park

Development Impact Fee and with Table 142-06A based upon the *Accessory Dwelling Unit* size, or shall be proportionate in relation to the square footage of the primary *dwelling unit* on the *premises* at the *multiple dwelling unit* rate, whichever results in the lower DIF. In no case shall the DIF for the *Accessory Dwelling Unit* exceed the DIF for the primary *dwelling unit*.

(2) – (5) [No change in text.]

(6) The first two *dwelling units* constructed in accordance with Chapter 14, Article 3, Division 13 shall be exempt from the requirement to pay DIF. The second and third *dwelling units* constructed in accordance with Chapter 14, Article 3, Division 13 shall be required to pay DIF, which shall be scaled in accordance with Resolution No. R-313688 adopting the Citywide Park Development Impact Fee and Table 142-06A, based upon the *dwelling unit* size.

**Table 142-06A  
Scaled Development Impact Fee Rate for Specified Residential Development  
Utilizing the Housing Solutions Program**

| Unit Size (SF) |         | Scaled Fee Rate |
|----------------|---------|-----------------|
| 1,251          | >       | Full Fee        |
| 1,201          | - 1,250 | 99%             |
| 1,151          | - 1,200 | 97%             |
| 1,101          | - 1,150 | 95%             |

|       |         |     |
|-------|---------|-----|
| 1,051 | - 1,100 | 92% |
| 1,001 | - 1,050 | 90% |
| 951   | - 1,000 | 87% |
| 901   | - 950   | 85% |
| 851   | - 900   | 83% |
| 801   | - 850   | 80% |
| 751   | - 800   | 78% |
| 701   | - 750   | 76% |
| 651   | - 700   | 73% |
| 601   | - 650   | 71% |
| 551   | - 600   | 68% |
| 501   | - 550   | 66% |

(c) – (g) [No change in text.]

**§151.0401 Uses Permitted in the Planned Districts**

(a) [No change in text.]

(b) The permit process for a separately regulated use shall be determined in accordance with applicable planned district use regulations, with the exception of ~~transitional housing facilities and permanent supportive housing, which shall be permitted in accordance with Section 141.0313 and Section 141.0315 in all planned district zones that permit transitional housing facilities as a conditional use.~~ the following uses, which shall be permitted as a Process One construction permit in all planned district zones that permit the use as either a limited or conditional use:

(1) *Accessory Dwelling Units and Junior Accessory Dwelling Units* shall be permitted in accordance with the regulations in Section 141.0302.

(2) Transitional housing facilities shall be permitted in accordance with the regulations in Section 141.0313.

(3) *Permanent supportive housing* shall be permitted in accordance with the regulations in Section 141.0315.

(c) [No change in text.]

(d) In case of conflict between Section 151.0401 and regulations for a planned district, the planned district regulations shall apply, with the exception of *Accessory Dwelling Units, Junior Accessory Dwelling Units,* transitional housing facilities and *permanent supportive housing*, which shall be permitted in accordance with Section 151.0401.

**§155.0238 Use Regulations Table of CU Zones**

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

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

| <b>Use Categories/Subcategories</b><br>[See Land Development Code Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses] | Zone Designator      | Zones    |          |   |   |    |              |   |   |
|---|----------------------|----------|----------|---|---|----|--------------|---|---|
|   | 1st & 2nd >>         | CU-      |          |   |   |    |              |   |   |
|   | 3rd >>               | 1-(1)    | 2-       |   |   | 3- |              |   |   |
|   | 4th >>               | 1        | 2        | 3 | 4 | 5  | 3(2)(1<br>2) | 6 | 7 |
| <b>Open Space through Residential – <i>Single Dwelling Units</i></b>  | [No change in text.] |          |          |   |   |    |              |   |   |
| <b>Separately Regulated Residential Uses</b>  |                      |          |          |   |   |    |              |   |   |
| <i>Accessory Dwelling Units</i>   | <u>L</u>             | <u>L</u> | <u>L</u> |   |   |    |              |   |   |
| <i>Boarder &amp; Lodger Accommodations</i> [No change in text.]   | [No change in text.] |          |          |   |   |    |              |   |   |
| <i>Companion Units</i>  | <u>L</u>             | -        | -        |   |   |    |              |   |   |
| Continuing Care Retirement Communities through Home Occupations   | [No change in text.] |          |          |   |   |    |              |   |   |
| <i>Junior Accessory Dwelling Units</i>  | <u>L</u>             | -        | -        |   |   |    |              |   |   |
| <b>Residential – Separately Regulated Uses – Live/Work Quarters through Signs - Separately Regulated Signs Uses – Theater Marquee</b>   | [No change in text.] |          |          |   |   |    |              |   |   |

**Footnotes for Table 155-02C**

(1) through (13) [No change in text.]

**§1516.0107 Administration and Permits**

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

**Table 1516-01A  
Type of Development Proposal and Applicable Regulations**

|    | <b>Type of Development Proposal</b>  | <b>Applicable Sections</b>  | <b>Required Permit /Decision Process</b> |
|----|--|---|--|
| 1. | <ul style="list-style-type: none"> <li>• Interior building modifications or interior repairs</li> <li>• Interior alterations that do not require any building permit</li> </ul>  | Exempt from this Division   | No permit required by this Division      |
| 2. | <ul style="list-style-type: none"> <li>• Renewal of roof coverings of any building permitted by the California Building Code and the California Residential Code, where the existing roofing material, roof structure, or roof diaphragm is not altered</li> <li>• Repair, renewal, or replacement of any exterior wall finish or material where the existing material type or color is not altered</li> <li>• Repair, renewal, or replacement of any building windows where the existing window type, material, or color is not altered</li> </ul>  | Exempt from this Division   | No permit required by this Division      |
| 3. | <ul style="list-style-type: none"> <li>• Re-roofing (where the existing roofing material, roof structure, or roof diaphragm is altered)</li> <li>• Repainting or recoloring of exterior surfaces where the existing exterior building color is altered</li> <li>• Any addition to or alteration of any non-historical structure which is <i>minor in scope</i>.</li> <li>• New construction of any non-habitable accessory structure that does not exceed 100 square feet in gross floor area and that would not be visible from the public right-of-way.</li> <li>• <u>Conversion of existing habitable or non-habitable areas to an <i>Accessory Dwelling Unit</i> or <i>Junior Accessory</i></u></li> </ul> | 1516.0124, 1516.0125, 1516.0126, 1516.0131, 1516.0132, Appendix A, Appendix B, Appendix C, Appendix D, and Appendix F | Ministerial Permit/Process One           |

|    | <b>Type of Development Proposal</b>   | <b>Applicable Sections</b>   | <b>Required Permit /Decision Process</b>          |
|----|---|--|---|
|    | <p><u><i>Dwelling Unit</i></u>, or the construction of an attached or detached <u><i>Accessory Dwelling Unit</i></u> or <u><i>Junior Accessory Dwelling Unit</i></u>, in accordance with <u>Section 141.0302</u> and the applicable Sections of this Division.</p>  |  |   |
| 4. | <ul style="list-style-type: none"> <li>• New construction of any building or primary structure</li> <li>• New construction of any habitable accessory structure</li> <li>• New construction of any non-habitable accessory structure that exceeds 100 square feet in gross floor area</li> <li>• New construction of any non-habitable accessory structure that would be visible from the public right-of-way</li> <li>• Signs</li> <li>• Walls or fences</li> <li>• Any addition to or alteration of any non-historical structure which is <i>major in scope</i>.</li> </ul> | 1516.0124, 1516.0125, 1516.0126, 1516.0127, 1516.0128, 1516.0130-1516.0140, Appendix A, Appendix B, Appendix C, Appendix D, Appendix E, and Appendix F | Neighborhood Development Permit (NDP)/Process Two |
| 5. | <ul style="list-style-type: none"> <li>• Development projects on locations wherean archaeological site has been identified</li> </ul>   | 1516.0108  | Site Development Permit (SDP)/Process Three       |

|    | Type of Development Proposal   | Applicable Sections          | Required Permit /Decision Process |
|----|--|------------------------------|-----------------------------------|
| 6. | <ul style="list-style-type: none"> <li>Grading or any improvement which could directly affect an archaeological resource, tribal cultural resource, or early San Diego descendant resource.</li> </ul> | 143.0201-143.0280, 1516.0108 | Varies                            |

**§1516.0112 Use Regulations for Old Town San Diego Residential Zones**

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

**Table 1516-01B  
Use Regulations for Old Town Residential Zones**

| Use Categories/Subcategories<br>[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses] | Zone Designator   | Zones    |       |    |   |           |          |          |  |  |
|--|---|----------|-------|----|---|-----------|----------|----------|--|--|
|  | 1st & 2nd >>  | OTRS-    | OTRM- |    |   |           |          |          |  |  |
|  | 3rd >>  | 1-       | 1-    | 2- |   |           |          |          |  |  |
|  | 4th >>  | 1        | 1     | 1  | 2 |           |          |          |  |  |
| <b>Open Space through Residential – Single Dwelling Units</b>  | [No change in text]   |          |       |    |   |           |          |          |  |  |
| <b>Separately Regulated Residential Uses</b>   |   |          |       |    |   |           |          |          |  |  |
| <i>Accessory Dwelling Units</i>  | <table border="1" style="width:100%; text-align:center;"> <tr> <td><u>L</u></td> <td><u>L</u></td> <td><u>L</u></td> <td></td> <td></td> </tr> </table> |          |       |    |   | <u>L</u>  | <u>L</u> | <u>L</u> |  |  |
| <u>L</u>   | <u>L</u>  | <u>L</u> |       |    |   |           |          |          |  |  |
| Boarder & Lodger Accommodations  | [No change in text]   |          |       |    |   |           |          |          |  |  |
| <i>Companion Units</i>   | <table border="1" style="width:100%; text-align:center;"> <tr> <td>-</td> <td>-</td> <td>-</td> <td></td> <td></td> </tr> </table>                      |          |       |    |   | -         | -        | -        |  |  |
| -  | -   | -        |       |    |   |           |          |          |  |  |
| Continuing Care Retirement Communities through Home Occupations  | [No change in text]   |          |       |    |   |           |          |          |  |  |
| <i>Junior Accessory Dwelling Units</i>   | <table border="1" style="width:100%; text-align:center;"> <tr> <td><u>-L</u></td> <td>-</td> <td>-</td> <td></td> <td></td> </tr> </table>              |          |       |    |   | <u>-L</u> | -        | -        |  |  |
| <u>-L</u>  | -   | -        |       |    |   |           |          |          |  |  |
| <b>Residential – Separately Regulated Uses – Live/Work Quarters through Signs - Separately</b>   | [No change in text]   |          |       |    |   |           |          |          |  |  |



|   |  |
|---|--|
| <b>Regulated Signs Uses – Theater Marquee</b> |  |
|---|--|

**Footnotes for Table 1516-01B**

(1) through (7) [No change in text.]

**§1516.0117 Use Regulations for Old Town San Diego Commercial Zones**

The uses allowed in the Old Town San Diego Commercial zones are shown in Table 1516-01D:

**Table 1516-01D  
Use Regulations for Old Town Commercial Zones**

| Use Categories/Subcategories<br>[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses] | Zone Designator      | Zones    |    |   |          |    |   |          |   |   |  |
|--|----------------------|----------|----|---|----------|----|---|----------|---|---|--|
|  | 1st & 2nd >>         | OTCC-    |    |   |          |    |   | OTMCR-   |   |   |  |
|  | 3rd >>               | 1-       | 2- |   |          | 3- |   |          | 1 |   |  |
|  | 4th >>               | 1        | 1  | 2 | 3        | 1  | 2 | 1        | 2 | 3 |  |
| <b>Open Space through Residential – Single Dwelling Units</b>  | [No change in text]  |          |    |   |          |    |   |          |   |   |  |
| <b>Separately Regulated Residential Uses</b>   |                      |          |    |   |          |    |   |          |   |   |  |
| <u>Accessory Dwelling Units</u>  | =                    | <u>L</u> |    |   | <u>L</u> |    |   | <u>L</u> |   |   |  |
| Boarder & Lodger Accommodations  |                      |          |    |   |          |    |   |          |   |   |  |
| <u>Companion Units</u>   | -                    | -        |    |   | -        |    |   | -        |   |   |  |
| Employee Housing through Housing for Senior Citizens   | [No change in text.] |          |    |   |          |    |   |          |   |   |  |
| <del>Junior Units</del> <u>Junior Accessory Dwelling Units</u>   | -                    | -        |    |   | -        |    |   | -        |   |   |  |
| <b>Residential – Separately Regulated Uses – Live/Work Quarters through Signs - Separately Regulated Signs Uses – Theater Marquee</b>                          | [No change in text.] |          |    |   |          |    |   |          |   |   |  |

**Footnotes for Table 1516-01D**

(1) through (7) [No change in text.]

**§1516.0122 Use Regulations for Old Town San Diego Open Space-Park Zones**

The uses allowed in the Old Town San Diego Open Space-Park zones are shown in Table 1516-01F:

**Table 1516-01F  
Use Regulations for Old Town Open Space-Park Zones**

| Use Categories/<br>Subcategories  | Zone<br>Designator  | Zones |    |
|---|---------------------|-------|----|
| [See Section 131.0112<br>for Use Categories,<br>Subcategories, and<br>Separately<br>Regulated Uses]                                   | 1st & 2nd >>        | OTOP- |    |
|   | 3rd >>              | 1-    | 2- |
|   | 4th >>              | 1     | 1  |
|   |                     |       |    |
| <b>Open Space through Residential – Single Dwelling Units</b>   | [No change in text] |       |    |
| <b>Separately Regulated Residential Uses</b>  |                     |       |    |
| <u>Accessory Dwelling Units</u>   | =                   | =     |    |
| Boarder & Lodger Accommodations   | [No change in text] |       |    |
| Companion Units   | -                   | -     |    |
| Employee Housing through Housing for Senior Citizens  | [No change in text] |       |    |
| <u>Junior Units</u> <u>Junior Accessory Dwelling Units</u>  | -                   | -     |    |
| <b>Residential – Separately Regulated Uses – Live/Work Quarters through Signs - Separately Regulated Signs Uses – Theater Marquee</b> | [No change in text] |       |    |

**Footnotes for Table 1516-01F**  
(1) through (4) [No change in text.]

**§ 1516.0131 Accessory Buildings for Old Town San Diego Residential Zones**

- (a) through (d) [No change in text.]
- (e) Habitable accessory buildings may be permitted:

(1) to a single dwelling unit in accordance with  
Sections ~~141.0302~~ or 141.0307, or

(2) [No change in text.]

DRAFT

**THE CITY OF SAN DIEGO****M E M O R A N D U M**

DATE: November 24, 2021

TO: Renee Mezo, Development Project Manager III, Planning Department

FROM: Sureena Basra, Associate Planner, Planning Department

SUBJECT: Housing Action Package – CEQA Guidelines Section 15162 Evaluation

---

The Environmental Policy Section of the Planning Department has completed a California Environmental Quality Act (CEQA) Guidelines Section 15162 consistency evaluation in compliance with Public Resources Code Section 21166 for the Housing Action Package (herein after referred to as the “Project”). This evaluation was performed to determine if conditions specified in CEQA Guidelines Section 15162 would require preparation of a subsequent Environmental Impact Report (EIR) or subsequent negative declaration (ND) for the project.

As outlined in this memo, the Planning Department has determined that the Project is consistent with the following certified environmental documents:

1. Final Environmental Impact Report (EIR) for the Land Development Code (LDC; DEP No. 96-033/SCH No. 1996081056) certified by the San Diego City Council on November 18, 1997 (Resolution R-289458);
2. Final Program EIR (PEIR) for the General Plan (Project No. 104495/SCH No. 2006091032) certified by the San Diego City Council on March 10, 2008 (Resolution R-313099);
3. Addendum to the General Plan PEIR for the Housing Element Update (SCH No. 2006091032) adopted by the San Diego City Council on June 18, 2020 (Resolution R-313099); and
4. Final PEIR for Complete Communities: Housing Solutions and Mobility Choices (SCH No. 2019060003) certified by the San Diego City Council on November 9, 2020 (Resolution R-313279).

Implementation of the Project would not result in new or more severe significant impacts over and above those disclosed in the previously certified and adopted environmental documents.

**Background and Project Description**

The Housing Action Package includes a variety of local housing programs and incentives;

Page 2  
 Renee Mezo, Planning Department  
 November 24, 2021

implementing regulations for California Senate Bill 9 (SB 9); and amendments to the City's Accessory Dwelling Unit and Junior Accessory Dwelling Unit (ADU/JADU) Regulations that address privacy, enhancement of the urban tree canopy, and contributions to needed infrastructure. The Project is proposing the following amendments to the San Diego Municipal Code (SDMC):

### **Local Housing Programs and Incentives**

#### *Employee Housing Incentive Program*

Amend SDMC Sections 98.0502 and 143.0742 to allow non-residential development in Transit Priority Areas (TPAs) to receive incentives if it pays into the Affordable Housing Trust Fund or builds affordable homes.

#### *Live/Work Flexibility*

Amend SDMC Sections 131.0623 and 141.0311 to amend requirements for Live/Work units to encourage more opportunities for residents to work from home or live in closer proximity to their place of work.

#### *Affordable Housing in All Communities*

Amend SDMC Sections 142.1305, 143.0745 and 143.0746 to allow 100% affordable housing and density bonus units in TPAs/Highest and High Resource Communities with less than 5% affordable housing.

#### *Housing for Families*

Amend SDMC Section 143.0720 to incentivize the construction of housing units with 3+ rooms for families including intergenerational families.

#### *Housing at City Facilities*

Amend SDMC Section 143.0746 to allow for by-right housing development on City-owned sites.

#### *Housing Accessibility Program*

The proposed Housing Accessibility Program will replace the entire existing program as provided in SDMC Chapter 14, Article 5, Division 40 to incentivize the construction of American Disabilities Act (ADA) accessible housing.

### **Senate Bill 9 Implementation**

Adopt SDMC Chapter 14, Article 3, Division 13 which will allow lot split and duplexes on single family zones in accordance with SB 9.

### **Amendments to the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Regulations**

Amend SDMC Sections 141.0302, 142.0640, 151.0401, 155.0238, 1516.0107, 1516.0112, 1516.0117, 1516.0122, and 1516.0131 to require the following:

1. Require 4' interior side yard and rear yard setback along property lines that abut other properties zoned for or developed with residential uses (currently 0' setback is allowed);

2. Require one tree on the premises for every 5,000 square feet of lot area (with a minimum of one tree), and if the project exceeds three ADUs, compliance with the street tree regulations; and
3. Impose Development Impact Fees (DIF) for ADUs over 750 square feet (after the first two ADUs).

### **Previously Certified and Adopted CEQA Documents**

#### *Final EIR for the LDC (1997)*

The LDC EIR analyzed the environmental effects associated with adoption and implementation of the proposed LDC, related regulations, amendments, and appeals. The LDC EIR identified significant unmitigated impacts in the following issue areas: Land Use, Biological Resources, Landform Alteration, Historical Resources, Paleontological Resources, and Human Health and Public Safety. Cumulative impacts were also identified to Soils/Erosion Hazard, Air Quality, Hydrology/Water Quality, Biological Resources, Land Use, Transportation/Circulation, Landform Alteration, Historical Resources, and Paleontological Resources. A Mitigation Monitoring and Reporting Program (MMRP) was adopted with the LDC EIR to reduce potentially significant impacts to Land Use, Biological Resources, Historical Resources, Landform Alteration/Neighborhood Character, Paleontological Resources, Natural Resources, and Human Health and Safety.

#### *Final PEIR for the General Plan (2008) and Addendum to the General Plan PEIR for the Housing Element Update (2020)*

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. An MMRP was adopted with the General Plan Final PEIR to reduce potentially significant impacts.

The Addendum to the General Plan for the Housing Element Update found that implementation of the Housing Element Update would not result in new or more severe significant impacts than what was previously analyzed in the Final PEIR for the General Plan.

#### *Final PEIR for Complete Communities: Housing Solutions and Mobility Choices (2020)*

The Final PEIR for Complete Communities: Housing Solutions and Mobility Choices found that implementation of the project would result in significant and unavoidable impacts to Air Quality; Biological Resources; Historical, Archaeological, and Tribal Cultural Resources; Hydrology and Water Quality; Noise; Public Services and Facilities; Transportation; Public Utilities and Infrastructure; Wildfire; and Visual Effects and Neighborhood Character.

### **Senate Bill 9 Implementation**

Page 4  
Renee Mezo, Planning Department  
November 24, 2021

SB 9 adds Section 65852.21 to the Government Code, which allows a second unit to be built on a single-family zoned lot ministerially. Section 65852.21(j) states, "A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code." SB 9 also adds Section 66411.7 to the Government Code, which allows an urban lot split of one single family zoned lot into two with a ministerial parcel map action. Section 66411.7(n) states, "A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code." Thus, the proposed adoption of SDMC Chapter 14, Article 3, Division 13 to implement the provisions of SB 9 is not a project subject to CEQA.

### **CEQA Guidelines Section 15162 Criteria**

CEQA Guidelines Section 15162 states:

When an EIR has been certified or an ND adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the 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 Environmental Policy

Page 5  
 Renee Mezo, Planning Department  
 November 24, 2021

Section of the Planning Department has determined that there is no need to prepare subsequent or supplemental environmental documents for the project.

### **CEQA Guidelines Section 15162 Consistency Evaluation**

#### ***Final EIR for the LDC (1997)***

The Final EIR for the LDC anticipated that regular updates of the LDC would need to occur to improve the clarity of the regulations; ensure objectivity, consistency, and predictability in the regulations; and allow for adaptability in tailoring the regulations to fit the City's needs. The proposed Project meets the goals of the LDC through amendments which provide consistency with State law and incentivize the development of affordable housing to address the City's critical housing needs. For example, the proposed amendment for Live/Work Flexibility improves the clarity of the City's regulations regarding Live/Work units and allows for flexibility within the regulations to encourage more opportunities for residents to work from home. In addition, the amendments to the City's ADU/JADU Regulations also improve the clarity of the City's regulations and allow for flexibility within the regulations to encourage the construction of ADUs and JADUs. Thus, the proposed amendments would not result in new or more severe significant impacts than what was previously identified in the Final EIR of the LDC.

#### ***Final PEIR for the General Plan (2008)***

The City's General Plan provides a long-range, comprehensive policy framework for how the City will grow and develop and provide public services. The proposed amendments including increasing affordable housing density and incentivizing the construction of housing for families as well as the proposed amendments to the City's ADU/JADU Regulations, will address the City's critical housing needs and will implement the following policies within the City's General Plan:

- LU-C.3. Maintain or increase the City's supply of land designated for various residential densities as community plans are prepared, updated, or amended.
- LU-C.4. Ensure efficient use of remaining land available for residential development and redevelopment by requiring that new development meet the density minimums of applicable plan designations.
- LU-H.1. e. Provide affordable housing opportunities within the community to help offset the displacement of the existing population.
- LU-H.2. Provide affordable housing throughout the City so that no single area experiences a disproportionate concentration.
- LU-H.3 Provide a variety of housing types and sizes with varying levels of affordability in residential and village developments.

Thus, the proposed amendments fall within the scope of the General Plan and would not result in new or more severe significant impacts than what was previously analyzed in the Final PEIR.

#### ***Addendum to the General Plan Final PEIR for the Housing Element Update (2020)***

The Housing Element of the General Plan provides a coordinated strategy for addressing the comprehensive housing needs of the City. The proposed amendments including incentivizing the construction of ADA accessible housing, increasing affordable housing in TPAs,



increasing construction of housing for families, and promoting an employee housing incentive program, will help implement the Housing Element's following policies:

- HE-C.1 Develop and maintain policies and programs that identify obstacles to building affordable housing, infill housing, and smart growth housing development, and provide regulatory strategies and tools that will streamline the development process.
- HE-C.3 Develop a comprehensive strategy to address the need for more housing near employment centers, serving moderate- to middle-income workers in San Diego, and strive to promote the location of housing proximate to employment and multimodal transportation facilities.
- HE-C.11 Allow densities that exceed ranges defined in the zone for projects using State bonus provisions and for projects within designated TPAs.
- HE-I.4 Emphasize the need for affordable housing options for seniors and people with disabilities and / or special needs near transit, healthcare services, shopping areas, and other amenities.
- HE-I.12 Include policies in each community plan, as it is updated, that encourage the development of affordable housing and its location close to transit, employment centers, opportunity areas, and resource-rich areas.
- HE-A.4 Allow residential densities that exceed the ranges defined in the General Plan and community plans for projects using State density bonus provisions (including senior housing and affordable housing) and City housing incentive programs.
- HE-A.5 Identify and evaluate options to increase housing opportunities in areas planned and zoned for single-family residential densities.
- HE-B.2 Administer initiatives that prioritize affordable housing, especially units that are easier and faster to build.
- HE-C.1 Develop and maintain policies and programs that identify obstacles to building affordable housing, infill housing, and smart growth housing development, and provide regulatory strategies and tools that will streamline the development process.
- HE-C.2 Create and promote programs and incentives that stimulate the production of new units across all household incomes, ages, types, and needs.
- HE-C.5 Consider developing a program that incentivizes development of housing with three or more bedrooms to accommodate large households.
- HE-C.11 Allow densities that exceed ranges defined in the zone for projects using State density bonus provisions and for projects within designated TPAs.
- HE-E.6 Support research efforts of the State and other agencies to identify and adopt new construction methods and technologies to facilitate affordable housing and energy efficiency.
- HE-E.11 Support the provision of an array of housing for persons with physical and developmental disabilities.
- HE-I.1 Promote affordable alternative forms of housing, including those that offer opportunities for economies of scale and shared facilities and services.
- HE-I.4 Emphasize the need for affordable housing options for seniors and people with disabilities and / or special needs near transit, healthcare services, shopping areas, and other amenities.

- HE-I.7 Utilize the City's regulatory powers (e.g., land use and fees) to increase affordable and accessible housing.
- HE-I.8 Support research efforts by the State and other agencies to identify and adopt new construction methods and technologies to facilitate affordable housing development.
- HE-K.4 Identify new ways to leverage public dollars allocated for affordable housing to maximize revenues for expanding housing resources.
- HE-N.2 Deter practices that decrease the City's affordable housing supply.
- HE-R.1 Develop campaigns that raise awareness about the importance of and need for housing and affordable housing citywide.

Thus, the proposed amendments fall within the scope of the General Plan Housing Element Update and would not result in new or more severe significant impacts than what was previously analyzed in the Addendum to the General Plan Final PEIR for the Housing Element Update.

***Final PEIR for Complete Communities: Housing Solutions and Mobility Choices (2020)***

The Final PEIR for Complete Communities: Housing Solutions and Mobility Choices analyzed the environmental impacts associated with implementing the Housing Solutions Program, which would permit increasing density to allow for the development of more housing units within TPAs. The amendments for the Employee Housing Incentive Program and Affordable Housing in All Communities involve increasing development and allowing for affordable housing in TPAs, which would be consistent with what was analyzed in the Final PEIR. The proposed amendments also meet the following Housing Solutions and Mobility Choices Program goals and objectives:

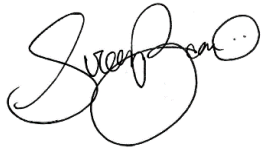
- Focus housing construction in multi-family and mixed-use commercial areas served by transit in TPAs.
- Remove regulatory barriers to housing at all income levels, especially low, very low, median, and moderate-income households.
- Identify and make available for development adequate sites to meet the City's diverse housing needs.
- Incentivize new construction of all types of multi-family housing, with an emphasis on affordable housing units.
- Implement the City's General Plan to achieve planned residential buildout and meet the City's Regional Housing Needs Assessment (RHNA) targets.

Thus, the proposed amendments fall within the scope of the Complete Communities: Housing Solutions and Mobility Choices Programs and would not result in new or more severe significant impacts than what was previously analyzed in the Final PEIR.

**Conclusion**

The Environmental Policy Section has reviewed the proposed amendments included within the Housing Action Package and conducted a consistency evaluation pursuant to CEQA Guidelines Section 15162. Implementation of the proposed amendments will not result in new significant direct, indirect, or cumulative impacts over and above those disclosed in the abovementioned environmental documents.

Page 8  
Renee Mezo, Planning Department  
November 24, 2021

A handwritten signature in black ink, appearing to read 'Sureena Basra', written over a vertical line.

Sureena Basra  
Associate Planner, Planning Department

RM/sb

Cc: Rebecca Malone, Program Manager, Planning Department  
Heidi Vonblum, Deputy Director, Planning Department