

#52
07/30/24

(O-2024-133)

ORDINANCE NUMBER O- 21843 (NEW SERIES)

DATE OF FINAL PASSAGE AUG 05 2024

AN ORDINANCE AMENDING CHAPTER 14, ARTICLE 1, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 141.0302; AND AMENDING CHAPTER 14, ARTICLE 3, DIVISION 13 BY AMENDING SECTIONS 143.1310 AND 143.1315 RELATING TO ACCEPTING THE CALIFORNIA COASTAL COMMISSION'S MODIFICATIONS FOR CERTIFICATION OF THE HOMES FOR ALL OF US: HOUSING ACTION PACKAGE CODE UPDATE

WHEREAS, on March 1, 2022, the Council of the City of San Diego (Council) adopted the Housing Action Package; and

WHEREAS, the Housing Action Package contained changes to the Land Development Code of the City of San Diego Municipal Code, which serves as the Implementation Plan for the City's certified Local Coastal Program (LCP); and

WHEREAS, as an amendment to the City's certified LCP, the Housing Action Package must be certified by the California Coastal Commission as consistent with Coastal Act Policies prior to being effective in the Coastal Overlay Zone; and

WHEREAS, on April 12, 2024, the California Coastal Commission considered certification of the Housing Action Package; and

WHEREAS, the California Coastal Commission conditionally approved the Housing Action Package with modifications requiring applicants within a Transit Priority Area and Beach Impact Area of the Parking Impact Overlay Zone utilizing Senate Bill 9 (SB 9) regulations to provide transportation amenities; requiring urban lot splits within the Coastal Overlay Zone in an area identified to be subject to future sea level rise to acknowledge certain actions would not be

allowed to be taken should the property be affected by sea level risk in the future and the owners' acceptance of risk relating to sea level rise; and clarifying SB 9 and Accessory Dwelling Unit and Junior Accessory Dwelling Unit development in the Coastal Overlay Zone complies with wetlands regulations, sensitive coastal bluffs regulations, and the coastal beaches regulations; and

WHEREAS, the City desires to accept the California Coastal Commission's modifications; and

WHEREAS, the Office of the City Attorney has drafted this Ordinance based on the information provided by City staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

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

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

§141.0302 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 eliminating parking requirements for *ADUs* and *JADUs*, and providing an affordable housing bonus of one additional *ADU* for every deed-restricted affordable *ADU* constructed on the *premises*, as specified in the regulations below. *ADUs* are permitted in all zones allowing residential uses, and *JADUs* are permitted in all

Single Dwelling Unit Zones by-right as a limited use decided in accordance with Process One, 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) The following regulations are applicable to both *ADUs* and *JADUs*:
 - (1) [No change in text.]
 - (2) *Development* Regulations
 - (A) through (H) [No change in text.]
 - (I) Within the Coastal Overlay Zone, *ADUs* and *JADUs* shall comply with the wetlands regulations in Section 143.0141(b), the sensitive coastal bluffs regulations in Section 143.0143, the coastal beaches regulations in Section 143.0144, and the Supplemental Regulations of the Coastal Overlay Zone in Section 132.0403.
 - (3) through (4) [No change in text.]
- (c) [No change in text.]

Section 2. That Chapter 14, Article 3, Division 13 of the San Diego Municipal Code is amended by amending sections 143.1310 and 143.1315, to read as follows:

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

Up to two *dwelling units* may be permitted on a *premises* within a RS, RE, RX, RT, or Planned District Zones that permits *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) through (3) [No change in text.]
 - (4) Transportation Amenities
 - (A) Within a *Transit Priority Area* and within the Beach Impact Area of the Parking Impact Overlay Zone, residential *development*, including an urban *lot* split under Section 143.1315, shall be required to provide transportation amenities based on the Transportation Amenity Score in accordance with Section 142.0528. Transportation amenity means a feature provided by a *development* that reduces vehicle trips by informing, educating, and incentivizing transit use, bicycling, walking, and ridesharing. The types of transportation amenities are listed in Land Development Manual Appendix Q.
 - (B) The *applicant* shall be required to provide transportation amenities on each *lot* with new residential *dwelling units*.
- (5) Landscape Regulations
 - (A) through (B) [No change in text.]
- (6) Supplemental Regulations within Area of Future Sea Level Rise
 - (A) [No change in text.]

- (7) Development Impact Fees for *development* constructed in accordance with this Division shall comply with Section 142.0640(b).
- (8) *Dwelling units* shall comply with the wetlands regulations in Section 143.0141(b), the sensitive coastal bluff regulations in Section 143.0143, the coastal beaches regulations in Section 143.0144, and the Supplemental Regulations of the Coastal Overlay Zone in Section 132.0403.

(b) [No change in text.]

§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) through (f) [No change in text.]

(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 *lots* created by an urban *lot* split, regardless of non-compliance with one or more *development* regulations, subject to the following:

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

(3) Within the Coastal Overlay Zone, *development* shall comply with the wetlands regulations in Section 143.0141(b), the sensitive

coastal bluff regulations in Section 143.0143, the coastal beaches regulations in Section 143.0144, and the Supplemental Regulations of the Coastal Overlay Zone in Section 132.0403.

- (h) Within the Coastal Overlay Zone, the following apply to urban *lot* splits 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:
 - (1) The urban *lot* split shall comply with the regulations in Section 143.0146(b) 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.
 - (A) Hard shoreline armoring shall not be constructed to protect the *lot* from the effects of sea level rise.
 - (B) The *record owner* of the urban *lot* shall, in a form that is approved by the City Manager, acknowledge the following:
 - (i) The urban *lot* split is located in an area of future sea level rise that may become hazardous in the future:
 - (ii) Sea level rise could render it difficult or impossible to provide services to the *premises*;
 - (iii) The boundary between public land (tidelands) and private land may shift with rising seas and the

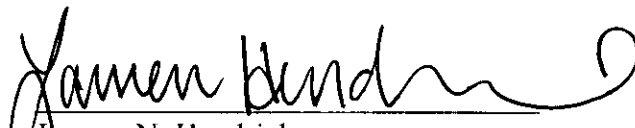
development approval does not permit *encroachment* onto public trust land;

- (iv) 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
- (v) The *record owner* shall waive any rights under Public Resources Code Section 30235 and related *Local Coastal Program* policies to any hard shoreline armoring to protect the *lot*.

Section 3. That a full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 4. This Ordinance shall not take effect and be in force until the date the California Coastal Commission unconditionally certifies these provisions as a Local Coastal Program amendment, or until the thirtieth day from and after its final passage, whichever occurs later.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Lauren N. Hendrickson
Deputy City Attorney

LNH:cm
April 16, 2024
Or.Dept: Planning
Doc. No. 3624300_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUL 30 2024.

DIANA J.S. FUENTES
City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 8/2/24
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck-Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

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- (a) [No change in text.]

(b) The following regulations are applicable to both *ADUs* and *JADUs*:

(1) [No change in text.]

(2) *Development Regulations*

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

(I) Within the Coastal Overlay Zone, *ADUs* and *JADUs* shall comply with the wetlands regulations in Section 143.0141(b), the sensitive coastal bluffs regulations in Section 143.0143, the coastal beaches regulations in Section 143.0144, and the Supplemental Regulations of the Coastal Overlay Zone in Section 132.0403.

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

(c) [No change in text.]

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

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

(4) Transportation Amenities

(A) Within a *Transit Priority Area* and within the Beach Impact Area of the Parking Impact Overlay Zone, residential development, including an urban lot split under Section 143.1315, shall be required to provide transportation amenities based on the Transportation Amenity Score in accordance with Section 142.0528. Transportation amenity means a feature provided by a *development* that reduces vehicle trips by informing, educating, and incentivizing transit use, bicycling, walking, and ridesharing. The types of transportation amenities are listed in Land Development Manual Appendix Q.

(B) The *applicant* shall be required to provide transportation amenities on each lot with new residential *dwelling units*.

~~(4)~~(5) Landscape Regulations

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

~~(5)~~(6) Supplemental Regulations within Area of Future Sea Level Rise

(A) [No change in text.]

~~(6)~~(7) Development Impact Fees for *development* constructed in accordance with this Division shall comply with Section 142.0640(b).

(8) Dwelling units shall comply with the wetlands regulations in Section 143.0141(b), the sensitive coastal bluff regulations in Section 143.0143, the coastal beaches regulations in Section 143.0144, and the Supplemental Regulations of the Coastal Overlay Zone in Section 132.0403.

(b) [No change in text.]

§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) through (f) [No change in text.]

(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 *lots* created by an urban *lot* split, regardless of non-compliance with one or more *development* regulations, subject to the following:

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

(3) Within the Coastal Overlay Zone, development shall comply with the wetlands regulations in Section 143.0141(b), the sensitive coastal bluff regulations in Section 143.0143, the coastal beaches regulations in Section 143.0144, and the Supplemental Regulations of the Coastal Overlay Zone in Section 132.0403.

(h) Within the Coastal Overlay Zone, the following apply to urban lot splits 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:

(1) The urban lot split shall comply with the regulations in Section 143.0146(b) 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.

(A) Hard shoreline armoring shall not be constructed to protect the lot from the effects of sea level rise.

(B) The record owner of the urban lot shall, in a form that is approved by the City Manager, acknowledge the following:

(i) The urban lot split is located in an area of future sea level rise that may become hazardous in the future:

(ii) Sea level rise could render it difficult or impossible to provide services to the premises;

(iii) 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;

- (iv) 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
- (v) The *record owner* shall waive any rights under Public Resources Code Section 30235 and related *Local Coastal Program* policies to any hard shoreline armoring to protect the *lot*.

LNH:cm
April 16, 2024
Or.Dept: Planning
Doc. No. 3655813_2

Passed by the Council of The City of San Diego on JUL 30 2024, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Foster III	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage AUG 05 2024.

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Linda Irwin, Deputy
For Connie Patterson

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JUL 15 2024, and on AUG 05 2024.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Linda Irwin, Deputy
For Connie Patterson

Office of the City Clerk, San Diego, California
Ordinance Number O- 21843