



NOTICE OF CITY COUNCIL PUBLIC HEARING

DATE OF MEETING: TUESDAY, FEBRUARY 8th, 2022
TIME OF MEETING: 2:00 PM
PLACE OF MEETING: COUNCIL CHAMBERS, 12th FLOOR,
CITY ADMINISTRATION BUILDING,
202 "C" STREET, SAN DIEGO, CALIFORNIA, 92101

PROJECT TYPE: MUNICIPAL CODE AND LOCAL COASTAL PROGRAM AMENDMENTS

PROJECT NAME: HOMES FOR ALL OF US: HOUSING ACTION PACKAGE

APPLICANT: CITY OF SAN DIEGO, PLANNING DEPARTMENT

COUNCIL DISTRICT: CITYWIDE

FOR ADDITIONAL INFORMATION, PLEASE CONTACT
Renee Mezo, Project Manager, (619) 236-6033/ rmezo@sandiego.gov

PLEASE ACCEPT THIS AS A NOTICE TO INFORM YOU, as a property owner, tenant or interested citizen, that the Council of The City of San Diego, California will conduct a public hearing, as part of a scheduled City Council meeting, on the following project:

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 generally 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 ADU 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 Employee Housing Incentive Program Fee, adopted by City Council Resolution, 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 Implementation

[Senate Bill 9](#) (SB 9) is also known as the California Housing Opportunity & More Efficiency (HOME) Act and is part of the Senate housing package called Building Opportunities for All. Senate Bill 9 was passed by the state legislature in September 2021 and takes effect on January 1, 2022. It requires a city to approve the following:

- Up to two new homes on a single-family zoned lot and/or:
- Splitting a single-family zoned lot into two lots about the same size.

SB 9 also allows for the city to tailor some decisions regarding setbacks, parking, landscaping, and development impact fee (DIF) requirements. The City's Municipal code is proposed to be amended with an additional section that focuses on multi-family residential dwelling units and lot splitting in existing Single Family Zones.

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 Development Impact Fee requirements to address the need for supportive infrastructure.

All of the regulations described above include amending the following chapters, but other chapters could be included to ensure consistency and to achieve the intent of the amendments:

Chapter 9, Article 8, Division 5, Of The San Diego Municipal Code By Amending Section 98.0502; Amending Chapter 12, Article 5, Division 4 By Amending Section 125.0410; Amending Chapter 12, Article 9, Division 2 By Amending Section 129.0211; Amending Chapter 13, Article 1, Division 6 By Amending Sections 131.0622 And 131.0623; Amending Chapter 14, Article 1, Division 3 By Amending Sections 141.0302 And 141.0311; Amending Chapter 14, Article 2, Division 6 By Amending Section 142.0640; Amending Chapter 14, Article 2, Division 13 By Amending Section 142.1305; Amending Chapter 14, Article 3, Division 4 By Amending Sections 143.0402 And 143.0455; Amending Chapter 14, Article 3, Division 7 By Amending Sections 143.0720, 143.0742, 143.0745 And Adding Section 143.0746; Amending Chapter 14, Article 3 By Adding Division 13; Amending Chapter 14, Article 5 By Retitling Division 40 And Amending Sections 145.4001, 145.4002, And 145.4003; Amending Chapter 15, Article 1, Division 4 By Amending Section 151.0401; Amending Chapter 15, Article 5, Division 2 By Adding Section 155.0238, And Amending Chapter 15, Article 16, Division 1 By Amending Sections 1516.0107, 1516.0112, 1516.0117, 1516.0122 And 1516.0131 All Relating To The Homes For All Of Us: Housing Initiative Code Update.

For additional information you can visit the Housing Action Package website at <https://www.sandiego.gov/planning/programs/housing-action-package>

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.

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 decision to adopt, modify, or not adopt the ordinance will be made by the City Council at a future public hearing. You will also receive a separate notice of public hearing provided 10 business days prior to the City Council hearing. Following City Council action, the City will submit the Housing Action Package to the Airport Land Use Commission for a consistency determination. The code amendments will not be effective until the Airport Land Use Commission determines the ordinance is consistent with adopted ALUCPs, or the City processes an overrule.

If you wish to challenge the City's action on the above proceedings in court, you may be limited to addressing only those issues you or someone else have raised at the public hearing described in this notice or written in correspondence to the City at or before the public hearing. If you have any questions after reviewing this notice, you can call the City Project Manager listed above.

A portion of the amendments would apply to property located in the Coastal Zone; therefore, the City Council's decision requires amending the City's Local Coastal Program. The final decision on the portions of this ordinance that are the City's Local Coastal Program will be with the California Coastal Commission. The City of San Diego must submit the Local Coastal Program portion of this amendment for certification to the California Coastal Commission. The amendments are not effective in the Coastal Zone until the Coastal Commission unconditionally certifies the amendments.

If you wish to be noticed of the Coastal Commission hearing on this issue, you must submit a request in writing to the City of San Diego Planning Department, Attention: Renee Mezo, Project Manager, 9485 Aero Drive, MS 413, San Diego, CA 92123 or rmezo@sandiego.gov before the close of the City Council public hearing. If you wish to challenge the City's action on the above proceedings in court, you may be limited to addressing only those issues you or someone else have raised at the public hearing described in this notice, or written in correspondence to the City at or before the public hearing.

The decision of the City Council is final.

COVID-19 STATE OF EMERGENCY COMMUNICATIONS

Until further notice, City Council meetings will be conducted pursuant to the provisions of California Government Code section 54953(e), as amended by Assembly Bill 361 effective September 16th, 2021, which suspends certain requirements of the Ralph M. Brown Act during a proclaimed state of emergency when measures to promote social distancing are in effect or the City Council has determined meeting in person would present imminent risks to the health or safety of attendees.

During the State of Emergency related to the COVID-19 pandemic and in the interest of public health and safety, most, if not all, City Council members will be participating in the City Council meetings via a virtual teleconference platform. There will be no members of the public in attendance at the City Council meetings. We are providing alternatives to in-person attendance for participating in City Council meetings.

Members of the public may provide public comment via telephone or ZOOM platform during the February 8th, 2022, City Council meeting. Instructions for providing virtual testimony will be posted on the City Clerk's website at <https://www.sandiego.gov/city-clerk/officialdocs/council-agendas-minutes-results> prior to the hearing, and on the meeting agenda. The amount of time allotted for each speaker will be determined in the discretion of the chair, who will generally allow between one and three minutes per speaker depending on the number of speakers in the queue for that item. Any changes to the format of City Council meetings during the proclaimed State of Emergency can be found on the City Clerk's website (<https://www.sandiego.gov/city-clerk/officialdocs/council-agendas-minutes-results>) as well.

Comments may also be submitted electronically using the City Clerk [webform](https://www.sandiego.gov/form/agenda-comment-form) at <https://www.sandiego.gov/form/agenda-comment-form> by indicating the agenda item number for which you wish to submit your comment. Comments submitted using this form will be distributed to the City Council and made a part of the record but will not be read into the record. Please note that electronic comments submitted using this form are limited to 500 words, but attachments are allowed. If the size limitations are met please send materials to cityclerk@sandiego.gov.

Additionally, you may write a letter to the Mayor and City Council, Attention: City Clerk, City Administration Building, 202 "C" Street, San Diego, CA 92101-4806, Mail Station 2A; OR you can reach us by **FAX: (619) 533-4045**. All communications will be forwarded to the Mayor and Council.

The public may view the meetings on public television (within the City of San Diego only) on City TV Channel 24 for Cox Communications and Time Warner Cable or Channel 99 for AT&T, or view the meetings online, located at http://sandiego.granicus.com/player/camera/5?publish_id=1648.

In accordance with the Brown Act, the agenda will be posted 72 hours in advance of the City Council meeting. Please refer to the City Clerk's website to view the agenda, and for further instruction and applicable deadlines for submitting public comment or written materials.

If you wish to challenge the Council's actions on the above proceedings in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence to the City Council at or prior to the public hearing.

REQUESTS FOR ACCESSIBILITY MODIFICATIONS OR ACCOMMODATIONS

As required by the Americans with Disabilities Act (ADA), requests for agenda information to be made available in alternative formats, and any requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for alternatives to observing meetings and offering public comment as noted above, may be made by contacting the City Clerk at (619) 533-4000 or via email cityclerk@sandiego.gov. The City is committed to resolving accessibility requests swiftly in order to maximize accessibility.

Notice date: 01-25-2022

**ELIZABETH MALAND
SAN DIEGO CITY CLERK**