

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4402  
(619) 767-2370



[Click here to go to  
original staff report](#)

# W26d

## Addendum

March 6, 2017

To: Commissioners and Interested Persons

From: California Coastal Commission  
San Diego Staff

Subject: Addendum to **Item W26d**, Local Coastal Program Amendment No. **LCP-6-SAN-16-0063-2 (Part A/Affordable Housing Density Bonus & Part B/Housing Related Amendments)**, for the Commission Meeting of Wednesday, March 8, 2017.

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The purpose of this addendum is to add an exhibit to the staff report. Staff recommends the following changes be made to the above-referenced staff report. Deletions shall be marked by a ~~strike through~~ and additions shall be underlined:

1. Add Exhibit No. 3 – Public Comment

**Llerandi, Alexander@Coastal**

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**From:** Lee, Deborah@Coastal  
**Sent:** Tuesday, March 07, 2017 11:23 AM  
**To:** Llerandi, Alexander@Coastal  
**Subject:** FW:

FYI & record, DNL

**From:** Jeeni Criscenzo [<mailto:jeenicdr@gmail.com>]  
**Sent:** Tuesday, March 07, 2017 10:38 AM  
**To:** Schwing, Karl@Coastal; Lee, Deborah@Coastal  
**Subject:**

As of 3:00 PM March 7, 2017,  
15 e-mails similar to this have  
been received by staff.

As a resident of the City of San Diego and a very active advocate for housing our neighbors experiencing homelessness, I ask that you please postpone the portion of Item W36d Part B on your upcoming Agenda this Wednesday, March 8th in Ventura, regarding the City of San Diego's Zoning for Emergency Shelter until the next CCC Meeting, which is already scheduled in San Diego County on May 10-12, 2017.

The proposed changes to the City of San Diego's zoning for Emergency Shelter reduce the areas pre-approved Ministerially by Right and Zoned for Homeless Emergency Shelter by 98%!

Postponing the portion of Item W26d dealing with Emergency Shelter until the CCC's scheduled May Meeting in San Diego will allow Homeless People and their Advocates to provide Public Testimony to the CCC showing the Discrimination and ongoing violations of Federal Civil Rights, the Fair Housing Act and HEARTH Act by the City of San Diego against poor people. This proposed Municipal Code and Zoning Amendment for Homeless Emergency Shelter will NOT provide enough candidate areas to shelter the several thousand Homeless People in San Diego, which has the 4th-largest population of homeless people in our nation. Therefore, it is useless.

Although Homeless Advocates provided testimony on this issue to the San Diego Planning Commission, the San Diego City Council's Smart Growth and Land Use Committee, and the San Diego City Council -- the City of San Diego never notified us of the upcoming CCC hearing in Ventura.

Please honor this sincere request for due process during this Homelessness Crisis in the City of San Diego.

--  
**Jeeni Criscenzo**  
P. 619-822-2782 ~ C. 760-525-1915

EXHIBIT NO. 3
APPLICATION NO.
<b>LCP-6-SAN-16-63-2</b>
Public Comment
 California Coastal Commission

## Llerandi, Alexander@Coastal

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**From:** Katheryn Rhodes <laplayaheritage@gmail.com>  
**Sent:** Sunday, March 05, 2017 2:31 PM  
**To:** Sarb, Sherilyn@Coastal; Lee, Deborah@Coastal; Lilly, Diana@Coastal; Schwing, Karl@Coastal; Llerandi, Alexander@Coastal  
**Subject:** Postpone 03/08/2017 CCC Hearing Item W26d Related to Emergency Shelter Zone Reduction.  
**Attachments:** 20170308\_Excerpts\_CCC\_Item\_W26d\_LCP\_Part\_B\_-98%  
\_Reduction\_Emergency\_Shelter\_Zones\_&\_Housing\_Density\_Bonus\_Housing\_Related\_Ame  
ndments\_w26d-3-2017-3\_City-of-San\_Diego.pdf

Hello CCC:

Please postpone the portion of Item W26d Part B dealing with Emergency Shelter Zoning changes for the upcoming CCC Hearing on March 8, 2017 in Ventura County for Item W26d, until the next CCC Hearing which coincidentally will be held in San Diego County on May 10-12, 2017.

Please approved the other parts of the Item W26d Proposed Amendments including Part A - Density Bonus and portions of Part B Continuing Care Retirement Communities (CCRC) Housing Related Amendments.

In 2006 Housing Element of the City of San Diego General Plan included Zoning Maps on Figures 1 and 2 was approved and Certified. 2006 HE Figures 1 and 2 documented large areas, including the coastal areas, Zoned pre-approved for Emergency Shelter. Ministerially by right, without the need for \$20,000 Conditional Use Permits (CUP) for Homeless Shelters. Subsequently the Housing Element was updated and deleted Figures 1 and 2, therefore out of compliance with SB-2.

Postponing the public CCC hearing related to Emergency Shelter Zoning Changes will reduce by -98% areas pre-approved Ministerially by Right and Zoned for San Diego Homeless Emergency Zoning and Traditional Housing in 2006 Housing Element Maps,

Postponement of portions of Part B dealing with Emergency Shelter until the next CC hearing will allow Homeless and their Advocates to provide Public Testimony to CCC showing the Discrimination, and ongoing Federal Civil Rights, Fair Housing, and HEARTH Act violations by both the City and County of San Diego against the poor. This proposed Municipal Code and Zoning Amendment for Homeless Emergency Shelter will not provide enough area for the 10,000+ Homeless in San Diego. Therefore is useless.

Although we provided testimony at the Planning Commission, Smart Growth and Land Use, and City Council Hearings, the City of San Diego never notified us of the upcoming CCC hearing in Ventura. Attached please find our notes on the subject of reducing Areas Zoned Pre-Approved for Emergency Shelter and Transitional Housing Ministerially by Right.

In addition, I am requesting a telephone meeting prior to Wednesday March 8, 2017 to discuss a Postponement in the name of Environmental Justice for the poor and Homeless in San Diego County for Item W26d LCP Portions of Part B dealing with Emergency Shelter Zoning Reductions.

Video July 12, 2016 Item 332 [http://granicus.sandiego.gov/MediaPlayer.php?view\\_id=3&clip\\_id=6743](http://granicus.sandiego.gov/MediaPlayer.php?view_id=3&clip_id=6743)  
Video Start Time 1 Hour 50 Minutes. WOSD Jeeni and Christina.

Regards,

Katheryn Rhodes

SB-2 was not created "Recently" as documented by Staff. SB-2 was approved in 2008 almost 9 Years Ago. Prior to 2008 Implementation, in 2006 Zoning for Emergency Shelter and Transitional Housing By Right approved Housing Element Maps City Position 2006 HE ES/TH Zoning Maps Not Valid

STATE OF CALIFORNIA – THE NATURAL RESOURCES AGENCY

EDMUND G. BROWN, JR., Governor

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4421  
(619) 767-2370

2006 Pre-Approved Citywide. 2017 -98% Reduction in ES/TF Zones.

CCC Request. Please Postpone March 8, 2017 CCC Meeting in Ventura for Item W26d Hearing Emergency Shelter Zoning until the Coastal Commission meets in San Diego on May 10-12, 2017. No Notice by the City of upcoming CCC hearing.

February 23, 2017



**W26d**

SB-2 2007 Analysis. Emergency shelters and special needs facilities. This bill requires cities and counties to accommodate their need for emergency shelters on sites where the use is allowed without a conditional use permit, and requires cities and counties to treat transitional and supportive housing projects as a residential use of property. ZONING. New 2017 IS-1-1 Zone Cannot Accommodated the 10,000+ Homeless Population. TO: COMMISSIONERS AND INTERESTED PERSONS

HUGE Failure. Discrimination. Karl.Schwing@coastal.ca.gov, dlee@coastal.ca.gov, Alexander.Llerandi@coastal.ca.gov

FROM: KARL SCHWING, DEPUTY DIRECTOR, SAN DIEGO COAST DISTRICT  
DEBORAH LEE, DISTRICT MANAGER, SAN DIEGO COAST DISTRICT  
ALEX LLERANDI, COASTAL ANALYST, SAN DIEGO COAST DISTRICT

March 8-9, 2017. 9 am. Ventura County Board of Supervisors, Ventura, California 93309.

SUBJECT: STAFF RECOMMENDATION ON CITY OF SAN DIEGO LOCAL COASTAL PROGRAM AMENDMENT NO. LCP-6-SAN-16-0063-2 (Part A/Affordable Housing Density Bonus & Part B/Housing Related Amendments) for Commission Meeting of March 8-10, 2017

Deletes -98% of Areas Zoned Pre-Approved Ministerially Emergency Shelter Locations without need for Conditional Use Permits (CUP). Video July 12, 2016 Item 332 [http://granicus.sandiego.gov/MediaPlayer.php?view\\_id=3&clip\\_id=6743](http://granicus.sandiego.gov/MediaPlayer.php?view_id=3&clip_id=6743)  
Video Start Time 1 Hour 50 Minutes. Jeeni - Christina **SYNOPSIS**

On November 10, 2016, the City of San Diego (City) Local Coastal Program (LCP) Amendment Nos. LCP-6-SAN-16-0063-2/Parts A and B, and LCP-6-CCP-16-0064-2 were filed in the San Diego District office as a batched submittal. The submittal represents the City's second major amendment submittal for the 2016 calendar year. The amendment involves three items: two modifications to the certified Land Development Code (LDC), which serves as the City's Implementation Plan (IP), related to density bonuses and special housing, respectively, while the third item involves revisions to the certified Downtown Community Plan, which serves as the Land Use Plan (LUP) for downtown San Diego, reflecting changes to the area's mobility plan. At this time, the two IP amendments are before the Commission, with the LUP amendment to be addressed at a later hearing. At the Commission's January 2017 hearing, a one-year time extension was granted for the submittal. Therefore, for the remaining item, the date by which the Commission must take action will be the February 2018 hearing.

### **SUMMARY OF AMENDMENT REQUEST**

The City's amendment request to the certified IP currently before the Commission consists of two parts: Part A would expand the scope of allowable density bonuses for developments incorporating affordable dwelling units and it also proposes to modify parking requirements based on the availability of alternate transit as an additional incentive. Part B consists of housing related amendments designating zones where emergency shelters can be approved ministerially and introducing "continuing care retirement communities" (CCRC) as a new separately regulated use in the certified LCP.

In October 2015, the state passed AB 744, reducing the parking requirements cities can impose on developments incorporating certain amounts of affordable dwelling units. In

response, the City is now submitting LCP Amendment No. LCP-6-SAN-16-0063-2, which consists of two parts. Part A consists of the latest modifications to the affordable housing regulations. The proposed amendment would increase the maximum density bonus, increase the maximum number of incentives, streamline the permit process when a Planned District Ordinance (PDO) permit is otherwise required, reduce the parking ratio for dwelling units in areas of high transit frequency (consistent with AB 744), and allow the affordable dwelling units to be constructed off-site pursuant to specified criteria.

With regards to Part B of the proposed LCP amendment, the LCP currently allows emergency shelters as a separately regulated use, and they are required to obtain a Conditional Use Permit with City Council approval. The state recently passed SB-2, which requires local governments to identify one or more zones wherein emergency shelters could be allowed through a ministerial process. In response, the City is now proposing to designate the IS-1-1 zone (Small Lot Industrial) as such a zone. Currently, the City's entire stock of IS-1-1 zoned land is located outside of the coastal zone, within the Midway/Pacific Highway Corridor between Pacific Highway (the eastern boundary of the Coastal Zone in that part of San Diego) and the Interstate-5 right-of-way and in Pacific Beach, north of Balboa Avenue and adjacent to the Interstate-5 right-of-way.

In Part B, the City is also proposing to introduce a new, separately regulated use – Continuing Care Retirement Centers (CCRC) – into the LDC. CCRCs are state-regulated senior housing communities that provide a range of housing types to senior residents of various self-sufficiency levels with connected nursing facilities, specialized instruction facilities, community-activity facilities, and communal dining facilities. By introducing a new, regulated use, the City will be better able to analyze and make necessary findings for these integrated developments and their compatibility with regard to the surrounding community areas. Furthermore, the City is proposing that CCRCs be allowed in the same zones that already allow senior housing facilities (with the exception of single family zones) and that such developments will require a Process Three Conditional Use Permit.

### **SUMMARY OF STAFF RECOMMENDATION**

While the Commission supports the State mandate and City's efforts to encourage affordable housing opportunities, historically there have been issues in reconciling efforts to promote such opportunities and still maintain coastal resource protection measures. Given that the affordable housing density bonus programs all include provisions that cities grant concessions or incentives, such as modifications to site development standards as a means to make density bonus projects more physically or economically feasible, there have been challenges in reconciling the affordable housing and coastal mandates.

Coastal resources such as sensitive habitats, shoreline bluffs, public view corridors and public access all have the potential to be adversely affected by density bonus programs if incentives or modifications offered to encourage affordable housing would conflict or eliminate critical resource protection measures in the certified Land Use Plan(s). Development standards such as habitat buffers, geologic setbacks, building height limits

for those properties and the higher real estate costs, the potential for affordable housing development in those areas is limited.

With regards to authorizing emergency shelters through a ministerial review, the IS-1-1 zoned parcels proposed to accommodate such shelters are located entirely outside the coastal zone, and should the City later wish to expand this zoning designation into the coastal zone, an LCP amendment for rezoning of a site would be required, subject to the policies of the certified LUPs.

Regarding continuing care retirement centers, these senior-oriented developments would only be allowed in zones where senior living facilities are already permitted by the certified LCP. Furthermore, the design and operation of these facilities are consistent with the Coastal Act and LUP policies that encourage the concentration of development and reduction in vehicle miles traveled through the design of locating dwelling, dining, recreation, and support service facilities within a single development. To decrease the likelihood that such mixed-use developments would adversely impact the supply of visitor serving commercial spaces within the coastal zone, the CCRCs would still be subject to the LCP policies limiting the type of ground floor development, such as Section 131.0540, which limits ground floor parking for residential uses and prohibits ground floor residential in visitor commercial zones. Thus, both Parts A and B of the proposed amendment can be approved as submitted.

The appropriate resolutions and motions begin on Page 6. The findings for approval of the Implementation Plan Amendment as submitted begin on Page 6.

## **BACKGROUND**

The City's first Implementation Plan (IP) was certified in 1988, and the City assumed permit authority shortly thereafter. The IP consisted of portions of the City's Municipal Code, along with a number of Planned District Ordinances (PDOs) and Council Policies. Late in 1999, the Commission effectively certified the City's Land Development Code (LDC) that includes Chapters 11 through 14 of the municipal code. It replaced the first IP in its entirety and went into effect in the coastal zone on January 1, 2000. The Commission has certified many IP amendments since 2000.

## **ADDITIONAL INFORMATION**

Further information on City of San Diego LCP Amendment No. LCP-6-SAN-16-0063-2/Parts A and B may be obtained from Alexander Llerandi, Coastal Program Analyst, at (619) 767-2370.

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development. While the City Council can, under this amendment proposal, permit deviations from these criteria, the proposed amendment clearly states that any allowable deviation must still be in an area with comparable transit, economic opportunities, schooling, and average community income level. Furthermore, by allowing the off-site development of affordable dwelling units, it creates the opportunity for different development and their applicants to co-locate their required affordable dwelling units into a single site, gaining economies of scale, reducing the cost of constructing the affordable units, and thus further lessening the barriers to the construction of affordable units. Thus, by allowing greater flexibility in the siting of the affordable units subject to reasonable criteria to ensure their success, the City's proposed amendment can better put into effect the policies of the LCP that identify the shortage of affordable housing in many parts of the City's coastal zone and meet the social justice goals of the community plans.

In summary, the Commission supports concentrating development in existing urban areas able to accommodate it and encouraging affordable housing opportunities in a manner where critical and sensitive coastal resources are protected and coastal access is maintained. Therefore, the proposed density bonus revisions can be found consistent with the applicable land use plans and approved as submitted.

#### **B. PART B – SPECIAL HOUSING/AMENDMENT DESCRIPTION**

SB-2 Recently?  
2008 is 9 Years Ago.

With regards to Part B of the proposed LCP amendment, the LCP currently allows emergency shelters as a separately regulated use, and they are required to obtain a conditional use permit with City Council approval. The state recently passed SB-2, which requires local governments to identify one or more zones wherein emergency shelters can be allowed through a ministerial process. In response, the City is now proposing to designate the IS-1-1 zone (Small Lot Industrial) as such a zone. Currently, the City's entire stock of IS-1-1 zone is located outside of the coastal zone, within the Midway/Pacific Highway Corridor between Pacific Highway (the eastern boundary of the Coastal Zone in that part of San Diego) and the Interstate-5 right-of-way and in Pacific Beach, north of Balboa Avenue and adjacent to the Interstate-5 right-of-way.

In Part B, the City is also proposing to introduce a new, separately regulated use – continuing care retirement centers (CCRC) – into the LDC. CCRCs are state-regulated senior housing communities that provide a range of housing types to senior residents of various self-sufficiency levels with connected nursing facilities, specialized instruction facilities, community-activity facilities, and communal dining facilities. Because the certified LCP is silent on this growing use category, past permitting efforts by the City have reviewed these developments in parts, analyzing each offered service separately instead of analyzing the project holistically. By introducing a new, regulated use, the City will be better able to analyze and make necessary findings for these developments. Furthermore, the City is proposing that CCRCs be allowed in the same zones that already allow senior housing facilities (with the exception of single family zones) and that such developments will require a Process Three Conditional Use Permit.

#### **1. FINDINGS FOR APPROVAL**

The standard of review for LCP implementation submittals or amendments is their consistency with the ability to carry out the provisions of the certified Land Use Plans.

**a) Purpose and Intent of the Ordinance**

The purpose of the amended ordinance would be to designate the IS-1-1 zone as the appropriate zone to authorize emergency shelters through a ministerial review process and introduce CCRCs as a new, separately regulated use to address this growing type of senior-oriented development.

**b) Major Provisions of Part B: Housing Related Amendments**

- Designate IS-1-1 (Small Lot Industrial) zone as the applicable zone to support emergency shelters through a ministerial review.
- Introduce Continuing Care Retirement Communities (CCRC) as a new, separately regulated use in the certified LCP, allowable in all zones where senior housing facilities are currently allowed except for single family zones.

**c) Adequacy of the Ordinance to Implement the Certified LUP Segments.**

Listed below are policy excerpts contained in the certified Land Use Plan segments in the Coastal Overlay Zone for the City of San Diego.

**Ocean Beach Community Plan and Local Coastal Program**

- Mixed-use projects should be developed in commercial areas in an integrated, compatible and comprehensive manner.
- Encourage the City to adopt pilot programs aimed at creating incentives for more sustainable, mixed-use commercial development.

With regards to the emergency shelters, while the proposed amendment constitutes changes in permitted uses and their processing, the IS-1-1 zone proposed to receive such emergency shelters is located entirely outside the coastal zone, and should the City later propose to apply the zone designation on any coastal property, an LCP amendment for such rezoning would need to be approved by the Commission, subject to the policies of the certified LUPs.

Regarding continuing care retirement centers, these senior-oriented developments would be allowed only in zones where senior living facilities are already permitted by the certified LCP. Furthermore, the design and operation of these facilities generally conform to Coastal Act and LUP policies that encourage the concentration of development and reduction in vehicle miles traveled through their design of locating dwelling, support



Footnotes to for Table 131-05B<sup>1</sup> through <sup>17</sup> [No change in text.]**§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**

<b>Use Categories/ Subcategories</b> [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	<b>Zone Designator</b>		<b>Zones</b>									
	1st & 2nd >		IP-			IL-			IH-		IS-	IBT-
	3rd >>		1-	2-	3-	1-	2-	3-	1-	2-	I-	1-
	4th >>		1	1	1	1	1	1	1	1	I	1
Open Space through Residential, Separately Regulated Residential Uses, Companion Units [No change in text.]	[No change in text.]											
<u>Continuing Care Retirement Communities</u>	=	=	<u>L</u> <sup>(17)</sup>	=	=	=	=	=	=	=	=	=
Residential, Separately Regulated Residential Uses, Employee Housing through Institutional, Separately Regulated Institutional Uses, Homeless Facilities, Congregate Meal Facilities [No change in text.]	[No change in text.]											
<b>Emergency Shelters</b>	-	C	-	-	C	C	-	C	GL	-	-	-
Institutional, Separately Regulated Institutional Uses, Homeless Facilities, Homeless Day Centers through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]	[No change in text.]											

Footnotes for Table 131-06B

<sup>1</sup> through <sup>16</sup> [No change in text.]<sup>17</sup> See Section 131.0623(i)(j)<sup>18</sup> through <sup>20</sup> [No change in text.]**§141.0303 Continuing Care Retirement Communities**

Continuing care retirement communities are licensed by the state as both a residential care facility for the elderly and a skilled nursing facility, regulated under the California Health and Safety Code, and overseen by the California

**§141.03067 Guest Quarters or Habitable Accessory Buildings**

Guest quarters or habitable *accessory buildings* are attached or detached accessory living quarters developed of habitable construction, and located on a *lot* with a *single dwelling unit* that do not provide complete, independent living facilities and do not have direct access to the primary *dwelling unit*. Guest quarters or habitable *accessory buildings* are solely for the use of the occupants of the primary *dwelling unit* or their guests or employees.

Guest quarters or habitable *accessory buildings* may be permitted accessory to a *single dwelling unit* as a limited use in accordance with Process One 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) through (g) [No change in text.]

(h) *Roof decks*, including railings, shall not exceed the height limits in Section 141.03067(f).

(i) [No change in text.]

**§141.0412 Homeless Facilities**

(a) This section regulates the following homeless facilities.

(1) [No change in text.]

(2) Emergency shelters: Any facility that provides sleeping accommodations and restroom facilities to homeless persons on a day to day basis, for periods of thirty days or less. housing for homeless persons with minimal supportive services that is limited to occupancy of six months or less. An emergency shelter may be seasonal or year-round.

(A) Emergency shelters operating for 30 days or less in any 365-day period which are accessory uses ~~accessory uses~~ to religious institutions or religious organizations operating for 30 days or less in any 365-day period are exempt from this section.

(3) [No change in text.]

(b) [No change in text.]

(c) Emergency Shelters

Emergency shelters may be permitted with a Conditional Use Permit decided in accordance with Process Five in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations. Section 112.0509(b) requiring a Planning Commission recommendation, shall not be applicable to emergency shelters.

(1) Emergency shelters 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) Emergency shelters shall provide an on premises waiting area of at least 10 square feet per bed to accommodate clients and to prevent queuing into the public right-of-way.

Any outdoor waiting area shall be physically separated from the public right-of-way.

(B) Emergency shelters shall provide off-street parking at a rate of at least 1 space for each full-time-equivalent employee.

calculated at 8 hours of working time per employee per 24-hour period.

(C) Hours of operation shall be limited to the hours between 6:00 p.m. and 8:00 a.m.

(D) Emergency shelters shall provide on-site supervision at all times. At least one full-time-equivalent employee shall be provided for every 20 beds.

(E) The applicant shall submit and implement the following:

(i) A communications plan for addressing issues or concerns regarding the emergency shelter raised by the local community, neighborhood, business organizations, and adjacent neighbors;

(ii) A loitering control plan to minimize the congregation of overnight residents during daylight hours on the premises, in parking lots serving the premises, and on public sidewalks adjacent to the premises; and

(iii) A litter control plan to maintain the premises and any adjacent premises in a litter free condition at all times.

(F) Adequate outdoor lighting for public safety shall be maintained. Outdoor lighting shall comply with Section 142.0740.

- (2) Emergency shelters may be permitted with a Conditional Use Permit decided in accordance with Process Five in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.
- (1A) Emergency shelters are not permitted in *Proposition A Lands*.
- (2B) Emergency shelters shall provide at least 35 square feet of sleeping area per bed.
- (3C) Emergency shelters shall provide a waiting area of at least 10 square feet per bed to accommodate clients and to prevent queuing into the *public right-of-way*. Any outdoor waiting area shall be physically separated from the *public right-of-way*.
- (4D) Emergency shelters shall provide at least 1 toilet for every 15 beds.
- (5E) Emergency shelters shall provide off-street parking at a rate of at least 1 space for each full-time-equivalent employee, calculated at 8 hours of working time per employee per 24-hour period.
- (6F) Hours of operation shall be limited to the hours between -6:00 p.m. and 8:00 a.m.
- (7G) Emergency shelters shall provide on-site supervision at all times. At least one full-time-equivalent employee shall be provided for every 20 beds.



(8H) Living, dining, and *kitchen* areas shall be physically separated from sleeping areas. The shelter shall provide telephone services separate from the office phone in order to provide privacy.

(9I) The *applicant* shall submit the following materials to the decision maker for consideration and implement the following:

(Ai) A communications plan that describes how the provider will communicate with local community, neighborhood, and business organizations, and with adjacent neighbors on a regular basis, and how community issues or concerns will be addressed;  
A communications plan for addressing community-raised issues or concerns regarding the emergency shelter with the local community, neighborhood, business organizations, and adjacent neighbors;

(Bii) A loitering control plan to minimize the congregation of overnight residents during daylight hours in the vicinity of the shelter; A loitering control plan to minimize the congregation of overnight residents during daylight hours on the premises, in parking lots serving the premises, and on public sidewalks adjacent to the premises; and

(Ciii) A litter control plan to provide for the removal of litter in the vicinity of the shelter on a regular basis. A litter control plan to maintain the premises and any adjacent premises in a litter free condition at all times.

(d) [No change in text.]

**§142.0525 Multiple Dwelling Unit Residential Uses — Required Parking Ratios**

- (a) Minimum Required Parking Spaces. The required automobile parking spaces, motorcycle parking spaces, and bicycle parking spaces for development of multiple dwelling units, whether attached or detached, and related and accessory uses are shown in Table 142-05C. Other allowances and requirements, including the requirement for additional common area parking for some projects, are provided in Section 142.0525(b) through (d).

**Table 142-05C**  
**Minimum Required Parking Spaces for**  
**Multiple Dwelling Units and Related Accessory Uses**

Multiple Dwelling Unit Type and Related and Accessory Uses	Automobile Spaces Required Per Dwelling Unit (Unless Otherwise Indicated)			Motorcycle Spaces Required Per Dwelling Unit	Bicycle <sup>(5)</sup> Spaces Required Per Dwelling Unit
	Basic <sup>(1)</sup>	Transit Area <sup>(2)</sup>	Parking Impact <sup>(4)</sup>		
Studio up to 400 square feet through Transitional Housing (6 or fewer persons) [No change in text.]	[No change in text.]				





# THE CITY OF SAN DIEGO General Plan

## Housing Element

I've attached the map for emergency shelter. I was talking to Bob Coates about the property on SE corner of 17th & Imperial. It is unclear in the map if the line is at I-5 or 17th Street. If it is I-5, then this lot falls within area we can put Emergency Shelter. I think Bob said that there should be a written description of the map in the General Plan. here is the link to it <http://www.sandiego.gov/planning/genplan/pdf/generalplan/lu061016.pdf> Do you think you can dig through this to find out if we can use this lot. Also, can you find out who owns the lot across the street on NE corner?

Current Zones  
Ministerially Approved  
for Emergency Shelter  
without CUP.  
Added for Reference.  
City staff pretend this  
map is not Valid, and  
currently nowhere for  
Emergency Shelters  
without CUPs.

Figure 1

### Areas Suitable for Emergency Shelters

November 2006

- Commercial
- Industrial
- Residential
- Commercial/Office/Mixed-Use

0 1 2 4 6 Miles

MEXICO



THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS, FOR A PARTICULAR PURPOSE. Copyright SanGIS. All Rights Reserved.

Proposed Limited Zones IS-1-1 for Emergency Shelter that are too small to house all the Unsheltered in San Diego. Useless.





<http://dockets.sandiego.gov/sirepub/pubmtgframe.aspx?meetid=3098&doctype=Agenda>

Violation of Federal Fair Housing, HEARTH Acts by -98% Reduction in Pre-approved Zones for Emergency Shelter.

**AGENDA FOR THE REGULAR COUNCIL MEETING OF TUESDAY, JULY 12, 2016, AT 10:00 AM** Need enough Zoning, Planned -98%  
Reduction unlawful restrictions on poor.  
Policy Failure for HUD CAPER Solutions

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

Staff Purposeful Misinterpretation of State Laws to help the Homeless, not Hurt the Homeless. Irresponsible.

**This item will be taken in the morning session which is scheduled to begin at 10:00 a.m.**

**ITEM-332: Housing Related Amendments to the Land Development Code and the City's Local Coastal Program. (Citywide.)**

Page 16 Why limit Emergency Shelter Hours of Operation from 6 pm - 8 am?  
Why not 24 Hours? Thrown out between 8 am to 6 pm. Rescue Mission.  
Why? Not Best Practices. HUD Violation for Emergency Shelter ?

**ITEM DESCRIPTION:**

The project proposes to address two housing related issues. First it addresses compliance with the Cedillo Bill (SB-2) which requires California cities to designate one or more zones to allow year-round emergency homeless shelters ministerially. Second, it creates a new use, "continuing care retirement community" (CCRC) to provide regulations that accurately reflect the multi functional development and demands of CCRCs. LMIHAF and SA Cash for Emergency Shelter HUD Debt Hoarded CivicSD staff.

Emergency Shelter Process 5 CUP for \$21,501 Permit Fee Excessive for Poor Homeless Shelter/Housing.

**STAFF'S RECOMMENDATION:** Introduce the following ordinance: (O-2016-121)

Conditional Use Permit Fees – Process IV (transitional housing, homeless facilities) \$20,501 1.3% 1.9% 1.6% \$21,501.

Introduction of an Ordinance amending Chapter 12, Article 6, Division 3 of the San Diego Municipal Code by amending Section 126.0303; amending Chapter 13, Article 1, Division 2 by amending Section 131.0222; amending Chapter 13, Article 1, Division 3 by amending Section 131.0322; amending Chapter 13, Article 1, Division 4 by amending Sections 131.0422, 131.0431, and 131.0448; amending Chapter 13, Article 1, Division 5 by amending Section 131.0522; amending Chapter 13, Article 1, Division 6 by amending Section 131.0622; amending Chapter 14, Article 1, Division 3 by adding New Section 141.0303, and by renumbering Sections 141.0303, 141.0304, 141.0305, and 141.0306; amending Chapter 14, Article 1, Division 4 by amending Section 141.0412; amending Chapter 14, Article 2, Division 5 by amending Section 142.0525; amending Chapter 15, Article 5, Division 2 by amending Section 155.0238; amending Chapter 15, Article 6, Division 3 by amending Section 156.0308; and amending Chapter 15, Article 19, Appendix A, all relating to housing.

Emergency Shelter Process 5 CUP for \$21,501 Permit Fee Excessive for Poor Homeless Shelter/Housing. Conditional Use

**STAFF SUPPORTING INFORMATION:**

FISCAL CONSIDERATIONS:

Costs associated with implementation of the regulations in the future will be borne by project applicants.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was presented to the Smart Growth and Land Use Committee on July 1, 2015, as an informational item. No action was taken.

Presented Last Year on July 1, 2015. Why not Update SGLU Again in 2016? Bypassed SGLU to go directly to Planning Commission 03/17/2016 Item 8.

**Vacchi/Graham/dn**

**Primary Contact\Phone: Dan Normandin\619-446-5388, MS 501**

**Secondary Contact\Phone: Amanda Lee\619-446-5367, MS 501**

**City Attorney Contact: Thomas, Shannon**

Meet consideration. Car Rental Garages by the Airport. Interstate 5 and.

Garnet and I-5 Offramp. Mini Storage Area. No social services. Congested area. Industrial. Do not anticipate won going in. He knows there was not any areas.

Centre City. Mixed Use Commercial. Large area in the Sports Arena, County Health Services in that areas. I agreee, we have to designate a Zone.

**COUNCIL ACTION  
EXECUTIVE SUMMARY SHEET  
CITY OF SAN DIEGO**

DATE: 3/23/2016

ORIGINATING DEPARTMENT: Development Services Department

SUBJECT: Housing Related Amendments to the Land Development Code and the City's Local Coastal Program

COUNCIL DISTRICT(S): Citywide

CONTACT/PHONE NUMBER: Dan Normandin/619-446-5388 MS 501

**DESCRIPTIVE SUMMARY OF ITEM:**

The project proposes to address two housing related issues. First it addresses compliance with the Cedillo Bill (SB-2) which requires California cities to designate one or more zones to allow year-round emergency homeless shelters ministerially. Second, it creates a new use, "continuing care retirement community" (CCRC) to provide regulations that accurately reflect the multi functional development and demands of CCRCs.

**STAFF RECOMMENDATION:**

Approve requested action.

**EXECUTIVE SUMMARY OF ITEM BACKGROUND:**

The project proposes to allow year-round emergency homeless shelters ministerially in the IS-1-1 zone and to create a new use, "continuing care retirement community" (CCRC).

**Cedillo Bill**

California Senate Bill 2 (SB-2), the Cedillo Bill, was enacted in October 2007. The Bill requires the City to allow year round emergency homeless shelters ministerially in one or more zones and allows the City to apply only limited regulations. It requires that there be sufficient land area to develop an emergency homeless shelter.

Not True Housing Element Figures 1 and 2 are lawful. No loophole

The Land Development Code (LDC) currently requires emergency homeless shelters obtain a Conditional Use Permit (CUP) with City Council approval when the facility complies with the separately regulated use regulations for emergency homeless shelters. Zones that currently permit an emergency homeless shelter with a CUP have been determined to be conditionally compatible with other development and uses within those zones when in compliance with the separately regulated use regulations. Staff reviewed all zones that currently allow emergency homeless shelters with a CUP to identify a zone located within reasonable distance to social services, employment opportunities, and transit; had reasonable land costs; encompassed sufficient land area to accommodate the unsheltered homeless population; and would have minimal impacts on surrounding uses.

The IS-1-1 zone is a citywide zone currently located only in the communities of Pacific Beach and Midway/Pacific Highway Corridor. Within the Midway Pacific Highway Corridor Community planning area the zone is generally located in the area between I-5 and Pacific Coast Highway, and in the area between the Sports Arena and I-5. Within the Pacific Beach planning area it is in a small area bounded by I-5, De Soto Street, Albuquerque Street, and Damon

See Pages 38-39 for Maps where Homeless Emergency Shelters are allowed Ministerially by Right, without the need for Conditional Use Permits (CUP).  
Lowering the size. Downtown taken off. Very limited. Dot in PB.  
Climate Change and EIR Seismic Hazards SONG Old Town Fault Investigation.  
C to P Conditional to Permitted in Tables. Regional Taskforce Homeless Regional Continuum of Care  
Changes are worst. Sufficient capacity to accommodate the need for Emergency Shelter.  
8 year struggle. Elderly MHSA Disability, Families in Need of Emergency Shelter. Analysis housing needs not done. Sued  
to create limit  
by a 300 foot distance. Recommend no distance requirement. Available now. Compare two. Side by Side. All the Zones  
currently allowed with a CUP permit. East Village. Open to creative solutions.  
Plan, Litter Control, Sanitation. Not allowed in Open Space or Agricultural Zones. Industrial Home.  
Unsheltered.  
Temporary Homes for Real People in a Industrial Zones. Hazardous to people's health, noise, large vehicles. Health and Safety.  
Homeless Shelter are compatible. Page 12 of 17 MC. Hours of Operation 6 pm to 8 am. 24 Hours instead.  
One Employee for every 20 beds. Current regulations. One person to oversee every 20 Homeless people.  
2,700 bed Shelter needed.

**SAN DIEGO PLANNING COMMISSION**  
**DOCKET FOR PLANNING COMMISSION MEETING**  
**9:00 A.M. MARCH 17, 2016**  
**CITY ADMINISTRATION BUILDING**  
**COUNCIL CHAMBERS**  
**202 C STREET, 12<sup>TH</sup> FLOOR**

Communication Plan. Every complaint by the public. Code compliance. Stay. No loitering. How stay or be bussed. All areas used. Reducing size. Created 2006. City of Village 2007. 2013 Housing Element. Reflection of that time requires CUP. Not distributed around the City. Not precluded with CUP. Conditional Use Permits (CUP) required for Zones:  
**NOTE:** If a Sign Language Interpreter, aids for the visually impaired, or Alternative Listening Devices (ALD's) are required, please contact the Planning Department at (619) 321-3208 at least five (5) working days prior to the meeting to insure availability.  
CC-1-1 to CC-1-3. CC-3-4 to CC-3-9.  
CC-4-1 to CC-4-6. CC-5-1 to CC-5-6. CN-1-1 to CN-1-5. CR-1-1. CO-1-1 to CO-3-2.  
CV-1-1 and CV-1.2.  
IP-2-1. IL-2-1. IL-3-1. IH-2-1. IS-1-1.  
RM-3-7. RM-3-8. RM-3-9. RM-4-10. RM-4-11.  
CCPD-C. -ER. -BP. -MC. -PC. PP. Consolidated in small area. Land use decision faster than a CUP.  
High marks on Yelp for being a Homeless city. Mothball ships. Interesting creative solutions. Middle of streets. Sprung structures.  
Impact on Neighborhoods. To listen to the "live" broadcast of a Planning Commission meeting, dial 619-533-4001. Note:  
Spread across city in Rancho Bernardo and Rancho Penasquitos residents dial 619-484-7711 and ask the Citizen's  
mall little pockets. 2007 Out of compliance with state law. Services and Transit in Midway. Alpha project. Homeless providers opinions.  
Assistance operator to connect you.

Members of the Public should realize and understand that Planning Commissioners may be unable to thoroughly review and consider materials delivered the day of the hearing.



When it is determined that the Planning Commission will adjourn for lunch, the Planning Commission will adjourn to Conference Room A, located on the 12<sup>th</sup> floor next to the Council Chambers.

Any agenda-related materials distributed to the Planning Commission after an agenda is posted for a regular meeting may be inspected upon request in the official project file which is maintained by the City's Project Manager, located at the Development Services Department's offices at 1222 First Avenue, San Diego, 92101

ITEM – 1:

**ANNOUNCEMENTS/PUBLIC COMMENT** - This portion of the agenda provides an opportunity for members of the public to address the Commission on items of interest within the jurisdiction of the Commission. Comments relating to items on today's docket are to be taken at the time the item is heard.

Time allotted to each speaker is determined by the Chair; however, comments are limited to no more than three (3) minutes **total per subject** regardless of the number of those wishing to speak. Submit requests to speak to the Commission Secretary **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Announcements/Public Comment."

[http://granicus.sandiego.gov/MediaPlayer.php?view\\_id=8&clip\\_id=6659](http://granicus.sandiego.gov/MediaPlayer.php?view_id=8&clip_id=6659) 1 Hour 38 Minutes.

**ITEM - 8: HOUSING RELATED AMENDMENTS - PROJECT NO. 12003223**

City Council District: All

Plan Area: City-Wide

Staff: Dan Normandin

The Housing Related Amendments amend the San Diego Municipal Code and the City's Local Coastal Program. They amend Municipal Code Chapter 12, Article 6, Division 3; and Chapter 13, Article 1, Divisions 2 through 6; Chapter 14, Article 1, Divisions 3 and 4; Chapter 14, Article 2, Division 5; Chapter 15, Article 5, Division 2; Chapter 15, Article 6, Division 3; and Chapter 15, Article 9, Appendix A. The ordinance will apply Citywide.

## New Point Loma Quadrangle 2003 AP-Map.

This amendment is proposed to add Continuing Care Retirement Communities as a new Separately Regulated Use, and adopt regulations that allow Emergency Homeless Shelters as a limited use in the IS-1-1 zone (Small Lot Industrial Zone) in compliance with SB-2 (Cedillo Bill). **Permitted Use. Not Limited**

1997 Updated 2008 EIR does not confirm or deny active faulting in the Old Town Morena neighborhood  
Climate Change  
Not address.  
Requested  
Denied  
DSD.  
Impediment to  
Fair Housing  
Choice.

An Environmental Impact Report (EIR No. 96-0333) was prepared and certified on November 18, 1997 for the original project, the adoption of the Land Development Code; and a Program EIR (No. 104495) was prepared and certified on March 10, 2008 for the General Plan Update. The proposed amendments to the Land Development Code were reviewed by the Environmental Analysis Section for consistency with the above referenced environmental documents and it was determined that, in accordance with Public Resources Code 21166 and California Environmental Quality Act (CEQA) Guidelines Section 15162(a): (1) no substantial changes are proposed to the project which would require major revisions of the previous EIR; (2) no substantial changes occur with respect to the circumstances under which the project is undertaken that would require any revisions to the previous EIR; and (3) there is no new information of substantial importance that was not known and could not have been known at the time the previous EIR's were certified. Therefore, no subsequent EIR or other environmental document is needed for the Community Plan Implementation Ordinance, as all of the impacts were adequately addressed and disclosed in previously certified EIR No. 96-0333 and Program EIR No. 104495. **Report No. PC-16-022**

**TODAY'S ACTION IS:**

Process 5. Recommend to City Council to approve or deny the project.

**DEPARTMENT RECOMMENDATION:**

Approve the project.

**ITEM - 9: AMENDMENTS TO AFFORDABLE HOUSING DENSITY BONUS REGULATIONS - PROJECT NO. 12003223**

City Council District: All

Plan Area: Citywide

Staff: Dan Normandin



THE CITY OF SAN DIEGO

Date of Notice: March 2, 2016

# NOTICE OF PUBLIC HEARING

## Notice of Availability

### PLANNING COMMISSION RECOMMENDATION

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**DATE OF HEARING:** March 17, 2016  
**TIME OF HEARING:** 9:00 a.m.  
**LOCATION OF HEARING:** Council Chambers, 12th Floor, City Administration Building,  
202 C Street, San Diego, California

**PROJECT TYPE:** Process 5 Amendment to the Municipal Code and Local Coastal  
Program  
**PROJECT NAME:** Housing Related Amendments  
**APPLICANT:** City of San Diego, Development Services Department

**COMMUNITY PLAN AREA:** Citywide

**COUNCIL DISTRICT:** Citywide

**CITY PROJECT MANAGER:** Dan Normandin, Project Manager  
**PHONE NUMBER:** (619) 446-5388

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As a property owner, tenant, or person who has requested notice, you should know that the Planning Commission will hold a public hearing to **recommend** approval, conditional approval, or denial to the City Council of amendments to the Municipal Code (Chapter 12, Article 6, Division 3; and Chapter 13, Article 1, Divisions 2 through 6; Chapter 14, Article 1, Divisions 3 and 4; Chapter 14, Article 2, Division 5; Chapter 15, Article 5, Division 2; Chapter 15, Article 6, Division 3; and Chapter 15, Article 19, Appendix A) and the City's Local Coastal Program related to housing. This amendment incorporates Senate Bill 2, which will permit an emergency homeless shelters as a by-right limited use) and creates a new separately regulated use of continuing care retirements communities.

The decision to approve, conditionally approve, modify, or deny the amendments to the Municipal Code and the City's Local Coastal Program will be made by the City Council at a future public hearing. A separate notice of public hearing will be provided 10 business days prior to the City Council hearing for this item. Following City Council action, the City of San Diego will submit the ordinance to the Airport Land Use





THE CITY OF SAN DIEGO

## REPORT TO THE PLANNING COMMISSION

DATE ISSUED: March 11, 2016

REPORT NO. PC-16-022

ATTENTION: Planning Commission, Agenda of March 17, 2016

SUBJECT: HOUSING RELATED AMENDMENTS TO THE LAND DEVELOPMENT CODE AND THE CITY'S LOCAL COASTAL PROGRAM.  
(PROCESS 5)

### SUMMARY

**Issue:** Should the Planning Commission recommend to the City Council approval of housing related amendments to the Land Development Code and the City's Local Coastal Program?

**Staff Recommendation:** Recommend that the City Council approve the proposed amendments.

#### **Community Planners Committee (CPC):**

On January 26, 2016 the CPC voted 21-0-1 to recommend approval of the regulations for Continuing Care Retirement Communities. The CPC did not vote on the regulations for Emergency Homeless shelters, and instead, referred staff to the two community planning groups, Pacific Beach and Midway Pacific Hwy. Corridor, which contain the IS-1-1 zone.

#### **Code Monitoring Team (CMT):**

On December 9, 2015 the CMT voted 8-0 to recommend the City Council adopt the housing related amendments.

#### **Technical Advisory Committee (TAC):**

The TAC voted to make a recommendation on the proposed amendments on March 9, 2016 (after the printing of this report). Staff will present their recommendation at the Planning Commission hearing.

#### **Midway Pacific Hwy. Corridor Community Planning Group:**

On February 17, 2016 the Midway/Pacific Highway Corridor Community Planning Group voted 8-0 to recommend denial of the amendment to allow Emergency Homeless Shelters as a Separately Regulated Limited Use in the IS-1-1 Zone. The planning group recommended selection of a zone that is equally distributed throughout the City.

**IS-1-1 Industrial Small. In Other Neighborhoods outside of Pacific Beach and Midway Pacific Highway Corridor**

## IS-1-1 Industrial Small.

### In Other Neighborhoods outside of Pacific Beach and Midway Pacific Highway Corridor

#### **Pacific Beach Community Planning Group:**

On February 25, 2016 the Pacific Beach Community Planning Group voted 11-3-2 to recommend denial of the amendment to allow Emergency Homeless Shelters as a Separately Regulated Limited Use in the IS-1-1 Zone.

#### **Environmental Review:**

An Environmental Impact Report (EIR No. 96-0333) was prepared and certified on November 18, 1997 for the original project, the adoption of the Land Development Code; and a Program EIR (No. 104495) was prepared and certified on March 10, 2008 for the General Plan Update. The proposed amendments to the Land Development Code were reviewed by the Environmental Analysis Section for consistency with the above referenced environmental documents and it was determined that, in accordance with Public Resources Code 21166 and California Environmental Quality Act (CEQA) Guidelines Section 15162(a): (1) no substantial changes are proposed to the project which would require major revisions of the previous EIR; (2) no substantial changes occur with respect to the circumstances under which the project is undertaken that would require any revisions to the previous EIR; and (3) there is no new information of substantial importance that was not known and could not have been known at the time the previous EIR's were certified. Therefore, no subsequent EIR or other environmental document is needed for the ordinance amending the Affordable Housing Density Bonus Regulations, as all of the impacts were adequately addressed and disclosed in previously certified EIR No. 96-0333 (Land Development Code) and Program EIR No. 104495 (Draft General Plan). For a more detailed analysis, refer to Attachment 1, CEQA 15162 Evaluation, Memorandum dated February 8, 2016.

#### **BACKGROUND**

The project proposes to address two housing related issues. First it addresses compliance with the Cedillo Bill (SB-2) which requires California cities to designate one or more zones to allow year-round emergency homeless shelters ministerially. Second, it creates a new use, "continuing care retirement community" (CCRC) to provide regulations that accurately reflect the multi functional development and demands of CCRCs. The draft ~~strikeout/underline~~ of the regulations is in Attachment 2.

#### **DISCUSSION**

##### **Cedillo Bill**

California Senate Bill 2 (SB-2), the Cedillo Bill, was enacted in October 2007 and requires local governments to identify one or more zones that allow emergency homeless shelters ministerially. In order to be in compliance with SB-2 a City must identify a zone(s) with sufficient capacity to accommodate at least one year-round shelter and accommodate the City's share of the regional unsheltered homeless population. SB-2 does allow the City to apply limited regulations to address potential impacts.

In January 2015 the Regional Task Force on the Homeless performed "point in time" counts that identified a total of 5,538 homeless in the City. Of those, 2,773 were sheltered and 2,765 were unsheltered. It is the population of 2,765 unsheltered that need to be accommodated per SB-2.

## IS-1-1 Industrial Small.

### In Other Neighborhoods outside of Pacific Beach and Midway Pacific Highway Corridor

The Land Development Code (LDC) currently requires emergency homeless shelters to obtain a Conditional Use Permit (CUP) with City Council approval. A CUP for an emergency homeless shelter can only be considered in specified high density multifamily residential zones, commercial zones that allow residential use, specified industrial zones that allow some office use, and in several zones within the Centre City Planned District Ordinance. Section 141.0412(c) of the LDC (Emergency Shelters) contains regulations for emergency homeless shelters. These regulations are appropriate in light of the requirements of SB-2 and are reasonably applied to an emergency homeless shelter that is allowed ministerially.

Zones that currently permit an emergency homeless shelter with a CUP have been determined to be conditionally compatible with other development and uses within those zones when in compliance with the separately regulated use regulations, and the decision maker is able to make the required findings. Acknowledging this, staff reviewed all the zones that currently allow an emergency shelter with a CUP to identify a zone that might best satisfy the requirements of SB-2. Factors considered in determining the appropriate zone for emergency homeless shelters ministerially included proximity to social services, employment opportunities, and transit; land costs; sufficient land area to accommodate the unsheltered homeless population; and potential impacts on surrounding uses.

Staff reviewed zoning maps that included locations and acreages of the City's multi-family zones, commercial zones, and industrial zones. Staff also reviewed transit opportunities, availability of social services, and areas most likely to be impacted. Of the zones that currently permit an emergency homeless shelter with a CUP, two zones satisfied the criteria best; the IS-1-1 zone (Small Lot Industrial) and the CCPD-MC zone (Centre City Planned District Mixed Commercial).

The IS-1-1 zone is a citywide zone currently located only in the communities of Pacific Beach and Midway/Pacific Highway Corridor. Within the Midway Pacific Hwy Corridor Community planning area the zone is generally located in the area between I-5 and Pacific Coast Highway, and in the area between the Sports Arena and I-5. Within the Pacific Beach planning area it is in a small area bounded by I-5, De Soto Street, Albuquerque Street, and Damon Avenue. The current land area of the IS-1-1 zone is approximately 180 acres; however, the Midway/Pacific Highway Corridor Plan Update proposes to reduce the amount of IS-1-1 zone, resulting in a revised acreage of approximately 57 acres.

The CCPD-MC zone is located within the Centre City Planned District Ordinance. It is located in the East Village bounded K Street, I-5, Commercial Street, and 13<sup>th</sup> Street; and in the Little Italy neighborhood generally bounded by Laurel Street, I-5, West Fir Street, and California Street, with a three block long (six blocks total) portion of Neighborhood Commercial zone protruding into in the southern portion of the area on each side of India Street. The land area of the CCPD-MC zone is approximately 84 acres.

The locations of both these zones provide access to transit, social services, employment opportunities, and have sufficient land area to house the unsheltered homeless population. However, the CCPD-MC Zone falls short in two areas when compared to the IS-1-1 zone. The Cedillo Bill requires only that there be sufficient land area to develop an emergency homeless shelter, it does not require that it be developable within any specified period of time. It is clear that the CCPD-MC zone cannot provide actual opportunities to locate emergency homeless shelters since nearly all of the land area has either been redeveloped or has received entitlements to redevelop. Additionally, the East Village portion of the CCPD-MC

## IS-1-1 Industrial Small.

### In Other Neighborhoods outside of Pacific Beach and Midway Pacific Highway Corridor

zone is home to the Tailgate Park parking facility, the MTS bus yard, the St. Vincent de Paul Villages properties, and existing and proposed affordable housing projects. The residents of this neighborhood have made it clear that the neighborhood has been negatively impacted by the concentration of services in the area. The IS-1-1 zone however, has plenty of land area available for redevelopment and little impact on adjacent uses.

The amendment proposed to allow emergency homeless shelters within the IS-1-1 zone as a Process One limited use subject to regulations similar to those currently required when seeking approval of a CUP for an emergency homeless shelter. Attachment 3 identifies the IS-1-1 zone in the City of San Diego.

#### *Continuing Care Retirement Community*

Continuing Care Retirement Communities (CCRC) are State of California regulated senior housing communities that provide a spectrum of housing types that typically range from dwelling units for self-sufficient and minimally dependent residents to residential care facilities as needed on interim bases, to nursing facilities for residents that need full time care. Most CCRC's provide a service-enriched environment with specialized services such as individual and group exercise instruction, and multiple forms of health therapy. Other amenities typically included are community/game rooms, hair salons, and community dining rooms. CCRC's are designed to meet the needs of seniors in all stages of their life who meet the admission standards regulated by the State of California.

The LDC is silent on development of CCRC's. Historically, staff has broken the CCRC down into its multiple components (multi-family dwelling units, intermediate care facilities, nursing facilities) and applied the regulations specific to each component rather than looking at the CCRC as a whole. The result had been a mix of development requirements that do not accurately address the operations and demands of a CCRC. On April 11, 2013 the Development Services Department, pursuant to Municipal Code Section 131.0110 (Determination of Use Category and Subcategory) requested the Planning Commission make a use determination for CCRC's. The Planning Commission made three general recommendations; first, that the Land Development Code be amended to include CCRCs as a separately regulated residential use; second, that until such time, they be treated like a residential care facility; and third, that specific parking and trip generation rates be used in analyzing future CCRCs.

The LDC is proposed to be amended to add a new separately regulated residential use, "Continuing Care Retirement Community". A CCRC would be subject to a Process Three CUP in the same zones that presently allow senior housing, with the exception of single family zones. The proposed separately regulated use regulations address requirements for convalescent care facilities, off-street parking, landscape requirements, and density. It is also recommended that CCRCs be ministerially approved in higher density multi-family zones of 44 dwelling units per acre and greater as a limited use subject to the same regulations.

#### **CONCLUSION**

Emergency Homeless Shelters: All California cities are required to implement SB-2 (regarding emergency homeless shelters). This ordinance has been drafted to accurately reflect the requirements of the current state law, designate a zone of sufficient area to house

April 20, 2016

City of San Diego Economic Development, San Diego Housing Commission (SDHC), and Civic San Diego  
[CDBG@sandiego.gov](mailto:CDBG@sandiego.gov) [MMarano@sandiego.gov](mailto:MMarano@sandiego.gov) [SThakkar@sandiego.gov](mailto:SThakkar@sandiego.gov) [LAlarcon@sandiego.gov](mailto:LAlarcon@sandiego.gov)

Subject: Public Safety & Livable Neighborhoods Committee PSLN Item 6 of April 20, 2016.  
FY-2017 HUD Annual Action Plan (AAP), Substantial Amendments to the  
FY-2015 to FY-2019 Consolidated Plan due to Repayment of \$215 million in  
RPPTF cash to CDBG Program Income, and Homeless Shelter Crisis Declaration.  
[www.tinyurl.com/20160420a](http://www.tinyurl.com/20160420a)

Dear City of San Diego, San Diego Housing Commission (SDHC), and Civic San Diego:

Since 2009, we have given feedback and turned in public comments for the Federal Housing and Urban Development's (HUD) Annual Action Plans (AAP), Consolidated Plans (Con Plan), and Impediments to Fair Housing Choices, with Questions that are to be answered in writing in the final version submitted to HUD. My public comment letters were included in the HUD reports. However, so far my outstanding 7-year old Questions have never been addressed or answered. HUD Guidelines requires all outstanding questions to be answered in writing, including coordination with the private Civic San Diego for the Low Moderate Income Housing Asset Fund (LMIHAF) and Successor Agency (SA) funded Enforceable Obligations (EO), Infrastructure Capital Improvement Projects (CIP), Revenues, and Expenditures. The attached Tables 1 to 4 summarize the item.

Please answer my questions, concerns, and comments in time for Tuesday's April 26, 2016 City Council hearing for approval of the FY-2017 AAP, Substantial Amendments to the Con Plan, and Declaration of a Homeless Emergency Shelter Crisis for Agenda Item S-511.

<http://dockets.sandiego.gov/sirepub/pubmtgframe.aspx?meetid=3232&doctype=Agenda>

In according with Federal law, if my questions will not be answered, please state the reasons why my public comments and views are not accepted.

On February 2, 2016 as Item 14 the County Board of Supervisors approved the Mental Health Service Act (MHSA) One For All effort, financing the wrap around Social Services for all Serious Mentally Ill (SMI) Homeless San Diegans, and Permanent Supportive Housing (PSH) for the Homeless located in the Unincorporated areas only. The County's MHSA and HUD AAP and Con Plan directs the City of San Diego and the San Diego Housing Commission (SDHC) to provide housing for Urban SMI Homeless within the city limits through maximum use of the \$28.7 million in Cash Reserve Fund Balances of the Successor Housing Entity's (SHE) Low Moderate Income Housing Asset Fund (LMIHAF), and Unencumbered funds of the Successor Agency (SA).

*"Direct the Chief Administrative Officer to develop a protocol for cities, local housing authorities, and non-profit organizations to pair housing resources with wraparound services for the Serious Mentally Ill homeless."*

Since 2011, Civic San Diego has been allowed to hoard \$286.1 million in LMIHAF assets that could be leveraged by the SDHC's Bonding Capacity for more Affordable Housing, including over \$28.7 million in Cash Reserve Fund Balances identified in the City of San Diego's FY-2015 Comprehensive Annual Financial Report (CAFR). Since Civic San Diego is just a private contractor to the City, they only need to create an Administrative Budget for the SA and LMIHAF. The City is in charge of creating Successor Agency and LMIHAF Budgets and Post-Audits CAFRs.



The City of San Diego has failed to create the necessary legal paperwork including FY-2017 Budgets for Infrastructure, Capital Improvement Projects (CIP) and Affordable Housing projects managed by Civic San Diego staff funded by the Successor Agency (SA) and the Successor Housing Entity's Low Moderate Income Housing Asset Fund (LMIHAF), including starting Fund Balances, ongoing appropriations, Revenues, and Expenses. The hiding of Financial information of the Successor Agency (SA) and LMIHAF, and the failure to identify areas zoned for Emergency Homeless Shelters, Ministerial by right, without the need for an expensive Conditional Use Permit (CUP) are ongoing Impediments to Fair Housing Choice.

[https://www.sandiego.gov/sites/default/files/legacy/comptroller/pdf/reports/cafr\\_2015.pdf](https://www.sandiego.gov/sites/default/files/legacy/comptroller/pdf/reports/cafr_2015.pdf)

City Charter Section 39 requires the Chief Financial Officers (CFO) *"shall exercise supervision over all accounts, and accounts shall be kept showing the financial transactions of all Departments... monthly a summary statement of revenues and expenses for the preceding accounting period, detailed as to appropriations and funds in such manner as to show the exact financial condition of the City and of each Department, Division and office thereof."*

<http://docs.sandiego.gov/citycharter/Article%20V.pdf>

The City of San Diego created a made-up legal loophole where Cash Reserve Fund Balances with Zero (0) employees, like the Successor Agency (SA) and LMIHAF, are excluded from the FY-2017 Budget, and Quarterly Budget Monitoring Reports. Including missing Successor Agency (SA) Post-Audit CAFRs for FY-2011 to FY-2015. <https://www.sandiego.gov/comptroller/reports>

The State Department of Finance (DOF) issued the FY-2017 ROPS-10 Determination Letter on April 14, 2016 for the Oversight Board Resolution No. OB-2016-17. The DOF approved Line Items 626 and 628 (CDBG Repayment Agreement, and Long-term Miscellaneous Debt Loan Agreements), and disallowed -\$10,480,350 in Bond debt payments. The DOF ROPS-10 approval included the June 21, 2010 HUD Office of Inspector General (OIG) Audit Debt Repayments to Community Development Block Grant (CDBG) Program Income totaling **\$215,033,122** including Repayment of **\$18,912,000** for FY-2017. Consisting of \$64,039,600 and \$150,993,522 in total debt, and FY-2017 Repayments to CDBG Program Income of \$10,912,000 and \$8,000,000 respectively. [http://www.sandiegooversightboard.com/departments\\_of\\_finance\\_communications/docs/OB-2016-17.pdf](http://www.sandiegooversightboard.com/departments_of_finance_communications/docs/OB-2016-17.pdf)

ROPS-10 failed to maximum the annual @ \$205 million (FY-2016) in SA Redevelopment Property Tax Trust Fund (RPTTF) Revenue through the creation of \$41,874,061 in RPTTF Residual Distributions by failure to fund approved Enforceable Obligation (EO) projects, repayments and debts. In order to maximize the use of SA, we recommend that an additional **\$52,354,411** [= \$41,874,061 + \$10,480,350] be added to ROPS-10 Line Item 628 for a total FY-2017 Repayment of +\$60,354,411 during the upcoming Meet and Confer dialogue with the State DOF. Similar to the proposed Revolving Loan Fund, the extra +\$52,354,411 available cash can be transferred to a Special Fund under the SDHC for use by the Regional Continuum of Care Council (RCCC) to end homelessness in San Diego.

The AAP and Substantial Amendment to the Consolidated Plan reports should be revised to document the DOF's approval made 6 days before the April 20, 2016 PSLN-6 hearing. Although the DOF approval was made, this new information was not part of the draft report. Please update this report with current information before sending the final report to HUD.

The State Department of Finance (DOF) has documented that the required Post-Audit CAFRs for the Successor Agency (SA) do not exist, and the SB-341 LMIHAF Post-Audit reports are inadequate.

*“We checked with our LGU audit staff. The postaudits were initially envisioned as a continuation of the annual audited financial reports that RDAs had to compile prior to dissolution, and which formed the basis for the SCO’s annual reports on RDA activities. Since statute provides DOF no role in the review of the postaudits, however, we neither request nor review them.*

*I checked the Civic San Diego audited financial statements on the website to which the reporter provided a link (Civic San Diego serves as the San Diego Successor Agency, and also performs other local development activities). The financial statements do not reflect the totality of the Successor Agency expenditures...San Diego has enforceable obligations that total in excess of \$120 million per year from property tax revenue alone, and the financial statements only account for a few million dollars. This leads me to conclude that Civic San Diego is reporting only its internal operating expenses from all fund sources, and is not including ROPS expenditures. I also checked the San Diego CAFR, and it’s a similar situation...it appears to show only those Civic San Diego activities that are funded by the City itself, not the totality of all Successor Agency expenditures.*

*In this case it sounds like San Diego may not be performing the annual postaudits as mandated by statute. Since we are not tasked with enforcing this requirement, however, it is not an issue in which we have heretofore involved ourselves. At this point, it may be appropriate for the reporter to ask San Diego about HSC 34177 (n).”*

The General Plan requires the City to issue a Housing Element Annual Progress Report to the San Diego Association of Government (SANDAG), our Metropolitan Planning Organization (MPO) for the Regional Housing Need Assessment (RHNA). This RHNA report was last issued by the City of San Diego in 2013, and has now been combined with the attached inadequate FY-2015 LMIHAF SB-341 Post Audit. All the required financial information of the SA and LMIHAF is incomplete, and/or does not exist in the proper format for Fiscal Years FY-2011 to FY-2015.

[https://www.sandiego.gov/sites/default/files/combined\\_sb341\\_report\\_3.pdf](https://www.sandiego.gov/sites/default/files/combined_sb341_report_3.pdf)

[https://www.sandiego.gov/sites/default/files/legacy/plan/genplan/pdf/housingelement/he\\_annual\\_report\\_2014.pdf](https://www.sandiego.gov/sites/default/files/legacy/plan/genplan/pdf/housingelement/he_annual_report_2014.pdf)

[http://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill\\_id=201320140SB341](http://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill_id=201320140SB341)

Please see the attached inadequate combined SB-341 Audit and RHNA report that should be revised. Civic San Diego as manager of the SA and LMIHAF, have failed to provide adequate answers on basic finances of the LMIHAF including the amount of Excess Surplus cash, and the plans to spend the cash as soon as possible (ASAP). Instead of transferring the \$286.1 million in LMIHAF assets to a Special Revenue Fund within the Housing Trust Fund (HTF) under the control of the SDHC per City Council Policy and best practices, the City instead has allowed the private Civic San Diego to delay, deny, and deceive by failing to issue a Notice of Funding Availability (NOFA) in May 2013, with plans for a first LMHAF NOFA for FY-2018 funding. Please answer the following Questions for the Successor Agency and LMIHAF:

What is the amount of any LMIHAF excess surplus Cash Reserve Fund Balances, the amount of time the excess surplus existed, and the Housing Successor Entity’s (HSE) plan for eliminating the excess surplus? What specific projects will be funding using the \$286.1 million in LMIHAF assets, including \$28.7 million in Cash Balances identified in the FY-2015 Comprehensive Annual Financial Report (CAFR)?



How much Negative Arbitrage costs have been accumulated since 2010 on SA and SHE LMIHAF Housing Bonds? Have all the SA/LMIHAF Bonds been Refunded? Why not? What are Civic San Diego plans to spend all Reserve and Other Funds Accounts so additional SA/LMIHAF will not be lost in subsequent ROPS periods by default at a rate of 17.5 cents on the dollar to the City's General Fund?

If the SDHC is in charge of Homeless services, why is the LMIHAF controlled by the private non-profit Civic San Diego staff instead of San Diego Housing Authority (SDHC) staff? What are the benefits for two duplicate Administrations for Affordable Housing and Homeless issues between the SDHC and Civic San Diego? Is this a Best Practice or just Politics? Should the \$286.1 million in LMIHAF assets controlled by private Civic San Diego staff be moved into a Special Revenue Fund within the Housing Trust Fund (HTF) controlled by the SDHC for immediate use for the Homeless?

Attached please find Figure 1 dated November 2006, for areas Zoned, approved, and suitable for Emergency Shelter ministerial by right, without the need for a Conditional User Permit (CUP), as part of the approved Housing Element of the City of San Diego's General Plan. Subsequent, in 2007, Cedillo Senate Bill SB-2 added Government Code Section 65583 stating Housing Elements shall contain all of the following:

*"Section 65583(a)(4)(A) The identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The identified zone or zones shall include sufficient capacity to accommodate the need for emergency shelter."*

The Housing Element was subsequently revised in 2013 without the required pre-approved zoning maps, therefore staff have concluded that Figure 1 no longer applies. Planning Commission Item 8 Housing Related Municipal Code Amendments of March 17, 2016, documents staff's plan to dramatically decrease the pre-approved zones citywide, for new concentrated miniscule pre-approved zones along Pacific Highway, the Midway area, and Pacific Beach, near Interstate 5. These proposed limited Zones area not adequate to house all the Unsheltered Homeless in San Diego and is an ongoing Impediment to Fair Housing Choice. For the January 2015 Point-in-Time (PIT) Count, the Unsheltered Homeless population in San Diego increase +12%, and the Downtown San Diego homeless increased 25.8%. Please answer the following:

When the issue of Homeless Emergency Shelter and Services is Ministerial with the Shelter Crisis announcement, why are Discretionary CUPs through CEQA still required by staff? Does the Homeless Emergency Shelter Crisis get rid of the need for CUPs on public and/or private property? What is the City Attorney's legal opinion on the matter?

Why has the City failed to enforce the 1992 Agreement for Cooperation between the City Successor Agency (SA) and the County for annual \$23,716,972 (FY-2016) in Tax Sharing payments for the six vulnerable populations including children, seniors, mentally ill, drug and alcohol treatment? Since 1992, how much money in RDA and SA Tax Sharing allocations has been collected by the County? How much cash in Tax Sharing Payments have been used for the 6 identified vulnerable populations? Where is the required annual plans from Civic San Diego for use of 40% of the County's Tax Sharing Payments?

How many flexible HUD HOME-funded Tenant Base Rental Assistance (TBRA) Homeless Vouchers have been issued per year by the SDHC since HUD added flexibility to the TBRA program in 2013, specifically to meet the goal of ending Veterans and Chronic Homeless by the 2015 deadline? What is the holdup by the SDHC to using HUD HOME TBRA immediately?

Does the City of San Diego acknowledge the net loss of 350 Seasonal Emergency Shelter Beds through closing down of the 200-bed Downtown and the 150-bed Veterans Midway Shelter tents with the replacement for year-round Interim Housing through SVDP's Paul Mirabel Center (PMC)?

State law allows CALTRANS to lease air rights to the Neil Good Day Center (NGDC) for Homeless services. The City is in the process of NGDC rehabilitation with plans to create transform the building to a new Police substation. By what authorization and law does the city think they can kick out the homeless from the NGDC for city functions unrelated to serving the Homeless?

On February 4, 2016, the California Department of Housing and Community Development (HCD) issued Information Bulletin 2016-01 to City and County Building Officials on approval procedures for Tiny Home construction including Park Trailers, and Camping Cabins without plumbing. When will the City incorporate Information Bulletin 2016-01 into the Municipal Code to allow Homeless to be housed in Tiny Homes throughout San Diego?

Regards,

Katheryn Rhodes  
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San Diego, California 92106  
619-523-4350 [rhodes@laplayaheritage.com](mailto:rhodes@laplayaheritage.com)



# THE CITY OF SAN DIEGO General Plan

## Housing Element

I've attached the map for emergency shelter. I was talking to Bob Coates about the property on SE corner of 17th & Imperial. It is unclear in the map if the line is at I-5 or 17th Street. If it is I-5, then this lot falls within area we can put Emergency Shelter - I think. Bob said that there should be a written description of the map in the General Plan; here is the link to it <http://www.sandiego.gov/planning/genplan/pdf/generalplan/lu061016.pdf> Do you think you can dig through this to find out if we can use this lot. Also, can you find out who owns the lot across the street on NE corner?

Current Zones  
Ministerially  
Approved for  
Emergency Shelter  
without CUP.  
Added for Reference.

Figure 1

### Areas Suitable for Emergency Shelters

November 2006

- Commercial
- Industrial
- Residential
- Commercial/Office/Mixed-Use

0 1 2 4 6 Miles

MEXICO



THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS, FOR A PARTICULAR PURPOSE. Copyright SanGIS. All Rights Reserved.





dissolution implementation plans are to be made available to the public on Civic San Diego website at [www.civicsd.com/neighborhoods](http://www.civicsd.com/neighborhoods).

**I. REINSTATED LOAN PROCEEDS** Wrong. NTC and HUD OIG Audit Debt Loan Agreement were reinstated.

During the fiscal year, the City of San Diego received \$0 for reinstated loan agreements.

Where did the incorrect \$9,988,969 FY-2015 LMIHAF Revenue come from?

**II. AMOUNT DEPOSITED INTO LMIHAF**

Total of \$21,722,000 including \$4,719,000 Use of Money/Property + \$98,000 Other Agencies + \$16,905,000 Other Revenue

According to the Audit, a total of \$9,988,969 was deposited into the LMIHAF during the Fiscal Year. Of the total funds deposited into the LMIHAF, a total of \$0 was held for items listed on the ROPS, and a total of \$0 was deposited pursuant to Code section 34191.4(b)(3)(B) and (C).

**III. ENDING BALANCE OF LMIHAF**

\$286,129,000 in LMIHAF assets.with \$28,741,000 Cash Balance

Pursuant to the Audit, at the close of the Fiscal Year, the ending cash balance in the LMIHAF was \$28,709,185 of which \$0 is held for items listed on the ROPS.

In the report for prior Fiscal Year 2014, the Housing Successor reported a fund balance of \$277,138,189 Why? in this section, which included all non-cash assets and receivables in addition to the LMIHAF cash balance. The cash balance in the LMIHAF at the close of Fiscal Year 2014 was \$31,196,246 of which \$12,352,993 was held for items on the ROPS.

**IV. DESCRIPTION OF FISCAL YEAR 2015 EXPENDITURES FROM LMIHAF**

The following is a description of expenditures from the LMIHAF by category for the Fiscal Year:

LMIHAF	
Monitoring & Administration Expenditures	\$1,403,049
Homeless Prevention and Rapid Rehousing Services Expenditures	\$0
Housing Development Expenditures	
Low Income Units (80% to 60% of AMI)	\$83,788
Very-Low Income Units (31% to 59% of AMI)	\$60,563
Extremely-Low Income Units (30% or Less AMI)	\$12,620
Total LMIHAF Expenditure in Fiscal Year	\$1,560,020

\$156,971 on Projects/Units  
Need specific LMIHAF projects for

## **XI. SENIOR HOUSING TEST**

The Housing Successor is to calculate the percentage of units of deed-restricted rental housing restricted to seniors and assisted by the Housing Successor, the former redevelopment agency and/or the City within the previous 10 years in relation to the aggregate number of units of deed-restricted rental housing assisted by the Housing Successor, the former redevelopment agency and/or City within the same time period. Under Code section 34176.1(b), if this percentage exceeds 50%, then the Housing Successor cannot expend future funds to assist additional senior housing units until the City, in its capacity as the Housing Successor or as host jurisdiction assists and construction has commenced on a number of restricted rental units that is equal to 50% of the total amount of deed-restricted rental units assisted by the Housing Successor, the former redevelopment agency and/or City within the time period described above.

The following provides the Housing Successor's Senior Housing Test for the 10 year period of July 1, 2005 to June 30, 2015:

<b>Senior Housing Test</b>	<b>FY05/06 to FY 14/15</b>
<b># of Assisted Senior Rental Units</b>	<b>533</b>
<b># of Total Assisted Rental Units</b>	<b>3123</b>
<b>Senior Housing Percentage</b>	<b>17%</b>

Source: Civic San Diego

## **XII. EXCESS SURPLUS TEST**

Excess Surplus is defined in Code section 34176.1(d) as an unencumbered amount in the account that exceeds the greater of one million dollars (\$1,000,000) or the aggregate amount deposited into the account during the Housing Successor's preceding four Fiscal Years, whichever is greater.

**Wrong.**

The first meaningful calculation for this total cannot be performed until the close of the fifth fiscal year. Once four years of deposits have been established, at the close of the fifth year (Fiscal Year 2016-2017), the Housing Successor will have to perform a true excess surplus calculation, comparing the unencumbered fund balance to the prior four years of deposits. As the general purpose of the excess surplus calculation is to ensure that money is expended for low-income housing purposes, the best action for the LMIHAF is to expeditiously encumber or expend money currently on deposit.

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4421  
(619) 767-2370



February 23, 2017

**W26d**

**TO: COMMISSIONERS AND INTERESTED PERSONS**

**FROM: KARL SCHWING, DEPUTY DIRECTOR, SAN DIEGO COAST DISTRICT  
DEBORAH LEE, DISTRICT MANAGER, SAN DIEGO COAST DISTRICT  
ALEX LLERANDI, COASTAL ANALYST, SAN DIEGO COAST DISTRICT**

**SUBJECT: STAFF RECOMMENDATION ON CITY OF SAN DIEGO LOCAL COASTAL  
PROGRAM AMENDMENT NO. LCP-6-SAN-16-0063-2 (Part A/Affordable  
Housing Density Bonus & Part B/Housing Related Amendments) for Commission  
Meeting of March 8-10, 2017**

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**SYNOPSIS**

On November 10, 2016, the City of San Diego (City) Local Coastal Program (LCP) Amendment Nos. LCP-6-SAN-16-0063-2/Parts A and B, and LCP-6-CCP-16-0064-2 were filed in the San Diego District office as a batched submittal. The submittal represents the City's second major amendment submittal for the 2016 calendar year. The amendment involves three items: two modifications to the certified Land Development Code (LDC), which serves as the City's Implementation Plan (IP), related to density bonuses and special housing, respectively, while the third item involves revisions to the certified Downtown Community Plan, which serves as the Land Use Plan (LUP) for downtown San Diego, reflecting changes to the area's mobility plan. At this time, the two IP amendments are before the Commission, with the LUP amendment to be addressed at a later hearing. At the Commission's January 2017 hearing, a one-year time extension was granted for the submittal. Therefore, for the remaining item, the date by which the Commission must take action will be the February 2018 hearing.

**SUMMARY OF AMENDMENT REQUEST**

The City's amendment request to the certified IP currently before the Commission consists of two parts: Part A would expand the scope of allowable density bonuses for developments incorporating affordable dwelling units and it also proposes to modify parking requirements based on the availability of alternate transit as an additional incentive. Part B consists of housing related amendments designating zones where emergency shelters can be approved ministerially and introducing "continuing care retirement communities" (CCRC) as a new separately regulated use in the certified LCP.

In October 2015, the state passed AB 744, reducing the parking requirements cities can impose on developments incorporating certain amounts of affordable dwelling units. In



response, the City is now submitting LCP Amendment No. LCP-6-SAN-16-0063-2, which consists of two parts. Part A consists of the latest modifications to the affordable housing regulations. The proposed amendment would increase the maximum density bonus, increase the maximum number of incentives, streamline the permit process when a Planned District Ordinance (PDO) permit is otherwise required, reduce the parking ratio for dwelling units in areas of high transit frequency (consistent with AB 744), and allow the affordable dwelling units to be constructed off-site pursuant to specified criteria.

With regards to Part B of the proposed LCP amendment, the LCP currently allows emergency shelters as a separately regulated use, and they are required to obtain a Conditional Use Permit with City Council approval. The state recently passed SB-2, which requires local governments to identify one or more zones wherein emergency shelters could be allowed through a ministerial process. In response, the City is now proposing to designate the IS-1-1 zone (Small Lot Industrial) as such a zone. Currently, the City's entire stock of IS-1-1 zoned land is located outside of the coastal zone, within the Midway/Pacific Highway Corridor between Pacific Highway (the eastern boundary of the Coastal Zone in that part of San Diego) and the Interstate-5 right-of-way and in Pacific Beach, north of Balboa Avenue and adjacent to the Interstate-5 right-of-way.

In Part B, the City is also proposing to introduce a new, separately regulated use – Continuing Care Retirement Centers (CCRC) – into the LDC. CCRCs are state-regulated senior housing communities that provide a range of housing types to senior residents of various self-sufficiency levels with connected nursing facilities, specialized instruction facilities, community-activity facilities, and communal dining facilities. By introducing a new, regulated use, the City will be better able to analyze and make necessary findings for these integrated developments and their compatibility with regard to the surrounding community areas. Furthermore, the City is proposing that CCRCs be allowed in the same zones that already allow senior housing facilities (with the exception of single family zones) and that such developments will require a Process Three Conditional Use Permit.

### **SUMMARY OF STAFF RECOMMENDATION**

While the Commission supports the State mandate and City's efforts to encourage affordable housing opportunities, historically there have been issues in reconciling efforts to promote such opportunities and still maintain coastal resource protection measures. Given that the affordable housing density bonus programs all include provisions that cities grant concessions or incentives, such as modifications to site development standards as a means to make density bonus projects more physically or economically feasible, there have been challenges in reconciling the affordable housing and coastal mandates.

Coastal resources such as sensitive habitats, shoreline bluffs, public view corridors and public access all have the potential to be adversely affected by density bonus programs if incentives or modifications offered to encourage affordable housing would conflict or eliminate critical resource protection measures in the certified Land Use Plan(s). Development standards such as habitat buffers, geologic setbacks, building height limits

and parking requirements all dictate a development's footprint and bulk/massing. Reducing setbacks that provide buffers from identified resources, such as wetlands or coastal bluffs, could result in both direct and indirect impacts to those resources or the siting of new development in a more hazardous location. Increased density could impact levels of service along major coastal access routes in the absence of interconnected multi-modal transit programs.

In this amendment, however, the City of San Diego has worked with multiple stakeholders, including Commission staff, and has proposed regulations that encourage affordable housing opportunities while ensuring that resource protection standards will be maintained.

As identified and mandated through the certified land use plans, the City's critical coastal resources are protected under the City's land use regulations and development review procedures, particularly through the Environmentally Sensitive Lands (ESL) regulations. ESL includes sensitive biological resources, wetlands, steep hillsides, coastal beaches, sensitive coastal bluffs and special flood hazard areas. The City's process for approving development in the coastal zone, particularly in areas subject to the ESL regulations, is rigorous. For example, when development is proposed and environmentally sensitive lands are present, the LDC requires that in addition to a coastal development permit, a Neighborhood or Site Development Permit be obtained with specific findings, including consistency with the certified land use plan(s), which must be made. The Commission's previous approval of the City's affordable housing density bonus regulations provide the necessary safeguards to ensure that any future incentives, concessions or waivers that involve modifications to development standards will not conflict with approved resource protection measures, such as wetland buffers, coastal height limits or bluff top setbacks. Those safeguards are not being modified in the City's current amendment proposal and will still apply to all affordable housing development, whether it is utilizing any density bonus or not.

The high visitor demand and low parking supply in many of the City's coastal areas can create impediments to coastal access that dissuades members of the public from visiting the coastal area. A way to lessen the demand on public parking is to ensure that future development provides sufficient parking spaces to meet their anticipated needs. However, due to the high cost that providing parking can add to a development, AB-744 extends the reduced parking standards currently applied to just the affordable dwelling units within a development to all of the development's dwelling units (i.e. the market rate units). To qualify for the extension, the development project must be located within one half-mile of a major transit stop, defined as a rail station, a ferry station served by bus or rail, or the intersection of two or more major bus routes with a service frequency of 15 minutes or less. Thus, while reducing parking requirements can have an adverse impact on public access by having residents occupy public parking, the fact that the reduced parking requirement is limited in scope to those developments near qualified transit hubs limits the potential for adverse impact and encourages transit use. In addition, the most critical area where competition for public parking could adversely impact coastal access would be the nearshore two or three blocks of the coastline. Given the land use demands

for those properties and the higher real estate costs, the potential for affordable housing development in those areas is limited.

With regards to authorizing emergency shelters through a ministerial review, the IS-1-1 zoned parcels proposed to accommodate such shelters are located entirely outside the coastal zone, and should the City later wish to expand this zoning designation into the coastal zone, an LCP amendment for rezoning of a site would be required, subject to the policies of the certified LUPs.

Regarding continuing care retirement centers, these senior-oriented developments would only be allowed in zones where senior living facilities are already permitted by the certified LCP. Furthermore, the design and operation of these facilities are consistent with the Coastal Act and LUP policies that encourage the concentration of development and reduction in vehicle miles traveled through the design of locating dwelling, dining, recreation, and support service facilities within a single development. To decrease the likelihood that such mixed-use developments would adversely impact the supply of visitor serving commercial spaces within the coastal zone, the CCRCs would still be subject to the LCP policies limiting the type of ground floor development, such as Section 131.0540, which limits ground floor parking for residential uses and prohibits ground floor residential in visitor commercial zones. Thus, both Parts A and B of the proposed amendment can be approved as submitted.

The appropriate resolutions and motions begin on Page 6. The findings for approval of the Implementation Plan Amendment as submitted begin on Page 6.

## **BACKGROUND**

The City's first Implementation Plan (IP) was certified in 1988, and the City assumed permit authority shortly thereafter. The IP consisted of portions of the City's Municipal Code, along with a number of Planned District Ordinances (PDOs) and Council Policies. Late in 1999, the Commission effectively certified the City's Land Development Code (LDC) that includes Chapters 11 through 14 of the municipal code. It replaced the first IP in its entirety and went into effect in the coastal zone on January 1, 2000. The Commission has certified many IP amendments since 2000.

## **ADDITIONAL INFORMATION**

Further information on City of San Diego LCP Amendment No. LCP-6-SAN-16-0063-2/Parts A and B may be obtained from Alexander Llerandi, Coastal Program Analyst, at (619) 767-2370.

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## **PART I. OVERVIEW**

### **A. LCP HISTORY**

The City of San Diego has a long history of involvement with the community planning process; as a result, in 1977, the City requested that the Coastal Commission permit segmentation of its Land Use Plan (LUP) into twelve parts in order to have the LCP process conform, to the maximum extent feasible, with the City's various community plan boundaries. In the intervening years, the City has intermittently submitted all of its LUP segments, which are all presently certified, in whole or in part.

When the Commission approved segmentation of the LUP, it found that the implementation phase of the City's LCP would represent a single unifying element. This was achieved in January 1988, and the City of San Diego assumed permit authority on October 17, 1988 for the majority of its coastal zone. Several isolated areas of deferred certification remained at that time; some of these have been certified since through the LCP amendment process. Other areas of deferred certification remain today and the City is completing that planning; the Commission will consider those submittals in the future.

Since effective certification of the City's LCP, there have been numerous major and minor amendments processed. These have included everything from land use revisions in several segments, to the rezoning of single properties, to modifications of citywide ordinances. In November 1999, the Commission certified the City's Land Development Code (LDC), and associated documents, as the City's IP, replacing the original IP adopted in 1988. The LDC became effective in January 2000.

### **B. STANDARD OF REVIEW**

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission shall take action by a majority vote of the Commissioners present.

### **C. PUBLIC PARTICIPATION**

Section 30503 of the Coastal Act requires local governments to provide the public with maximum opportunities to participate in the development of the LCP amendment prior to its submittal to the Commission for review. The City has held Planning Commission and City Council meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

## **PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS**

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to each resolution.

- I. MOTION:**     *I move that the Commission reject the Implementation Program Amendment for the City of San Diego LCP Amendment No. LCP-6-SAN-16-0063-2/Parts A & B as submitted.*

### **STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:**

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program Amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

### **RESOLUTION TO CERTIFY IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:**

The Commission hereby certifies the Implementation Program Amendment for the City of San Diego as submitted and adopts the findings set forth below on grounds that the Implementation Program Amendment conforms with, and is adequate to carry out, the provisions of the certified City of San Diego Land Use Plans, and certification of the Implementation Program Amendment will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program, as amended.

## **PART III. FINDINGS FOR APPROVAL OF THE CITY OF SAN DIEGO IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED**

### **A. PART A – DENSITY BONUSES AMENDMENT DESCRIPTION**

The City of San Diego is herein proposing two amendments to the certified IP. Part A consists of the latest modifications to the affordable housing regulations. The proposed amendment would increase the maximum density bonus, increase the maximum number of incentives, streamline the permit process when a Planned District Ordinance (PDO) permit is also required, reduce the parking ratio for dwelling units in areas of high transit frequency (consistent with AB 744), and allow the affordable dwelling units to be constructed off-site pursuant to specified criteria.



### **HISTORY OF AFFORDABLE HOUSING DENSITY BONUSES**

In 2003, the City adopted amendments to the LDC to allow deviations from development regulations as an additional incentive for affordable/in-fill housing and sustainable building projects. These changes were submitted to the Commission as LCP Amendment No. 1-03 in 2003. During review, it became apparent that the City and Commission were operating under different versions of the previously adopted LDC sections related to affordable housing and density bonus provisions. As a result, the City withdrew its LCP amendment application. In 2004 the state passed SB 1818, significantly changing the state's density bonus laws and requiring local governments to overhaul their local codes to incorporate the updated state requirements. During that time, the City was also in the process of drafting amendments to the Density Bonus regulations, and it was anticipated that the amendments would help clarify the affordable housing provisions that were codified. In November 2007, the City adopted new Density Bonus regulations, which were submitted concurrently as an LCP amendment. As such, the former LCP amendment application pertaining to allowing deviations from development regulations as an additional incentive for affordable/in-fill housing and sustainable building projects was resubmitted in December 2007 as LCP Amendment Nos. 3-07(A) and 3-07(B). LCP Amendment No. 3-07(A) proposed to grant increased densities and incentives to encourage development with affordable or senior housing, while LCP Amendment No. 3-07(B) would allow deviations from development regulations as further incentives for affordable housing developments, adding a new division to the LDC. At the January 2009 hearing, LCP Amendment No. 3-07(A) was withdrawn by the City, and LCP Amendment No. 3-07(B) was continued to the April 2009 hearing, where the Commission approved it with suggested modifications limiting the incentives available by precluding deviations from the Coastal Height Overlay Zone, Parking Impact Overlay Zone, and Environmentally Sensitive Land regulations within the Coastal Zone, and certified it at the September 2009 hearing.

In April 2013, the City submitted LCP Amendment No. SAN-MAJ-1-13A, to modify parking requirements for regulated affordable housing units, defined as development where all or a portion of the dwelling units are rental units reserved for a period of at least 30 years for low or very low income tenants. That amendment proposed to modify parking requirements such that they would be calculated according to parking demand as determined by proximity to transit, walkability index of the surrounding community, size of the dwelling unit, etc., with a related Land Development Manual "Calculating Affordable Housing Parking Requirements." The amendment also included provisions stating that within the City's Parking Impact Overlay Zone, which includes the Beach Impact Overlay Zone, affordable housing development would still be held to the stricter parking requirement due to the high public visitor demand for parking in those near-shore areas. The Commission approved LCP Amendment No. SAN-MAJ-1-13A as submitted at the November 2013 hearing.

In 2014, the state of California passed AB-2222, further modifying the density bonus and related incentives to further encourage the development of affordable and senior housing opportunities within the state. In response, the City submitted LCP No. LCP-6-SAN-15-

0035-4 in November 2015, which introduced the density bonuses in their current form into the LCP, modified two definitions, clarified the method for calculating the amount of dwelling units in a development, and explained when and how the density bonus and related incentives would apply. LCP Amendment No. LCP-6-SAN-15-0035-4 was certified as submitted by the Commission at the May 2016 hearing.

## **1. FINDINGS FOR APPROVAL**

The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified Land Use Plan(s).

### **a) Purpose and Intent of the Ordinance.**

The purpose of these regulations is to provide increased residential density to developers who guarantee that a portion of their residential development will be available to moderate income, low income, very low income or senior households. The regulations are intended to assist the housing industry in providing adequate and affordable housing for all economic segments.

### **b) Major Provisions of Part A: Affordable Housing Density Bonus**

The major provisions address when the program would be applicable and then specify the requirements for the programs. Specific provisions include the following:

- The provisions increase the density bonus that qualifying developments can receive in exchange for affordable dwelling units. The amount of the bonus is tied to the level of affordability and the percentage of affordable units provided. This proposal increases the maximum bonus from the current 35% to 50% for all three levels of affordability, with a commensurate increase in the number of affordable units required to reach the maximum bonus threshold.
- Increase the number of development incentives (the ability to deviate from a development regulation consistent with findings) from 3 to 5, with a commensurate increase in the number of affordable units needed to incur each additional incentive.
- Nine of the City's Planned District Ordinances (PDO) currently require a PDO Site Development Permit (SDP) in accordance with Process 3 for specific development. The proposed provisions would reduce the permit requirement to a Neighborhood Development Permit (Process 2), which typically takes two months less processing time at the City, though requires the same findings as an SDP.
- AB-744, the recently passed law that City is attempting to address with this amendment, mandates that local governments provide significant reductions in

parking requirements for qualified developments within one-half mile of a major transit stop, defined as:

“A site containing an existing rail station, a ferry terminal served by either a bus or rail service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. It also includes major transit stops that are included in the applicable regional transportation plan”

Whereas the City’s certified LCP currently contains parking reductions for qualifying affordable dwelling units, the current amendment would extend the parking reductions to the entire development, including the portions containing market rate dwelling units.

- The provisions would introduce the opportunity for developers to locate and construct the affordable dwelling units at an off-site location pursuant to criteria regarding distance and comparability of the off-site location to the site of the main development, mainly that the off-site affordable units must either be in the same community, council district, or within one-mile of the main development. Deviations may be granted by the City Council, pursuant to required findings in Section 126.0604 requiring that the off-site location offer comparable access to transit, economic opportunities, schools (for non-age restricted dwelling units), and be in a census tract with an average income level not more than 5% lower than the census tract of the main development.

**c) Adequacy of the Ordinance to Implement the Certified LUP Segments.**

The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified Land Use Plan(s). In general, as noted earlier, density bonus regulations raise potential issues with the protection of critical coastal resources. Allowing greater density than could otherwise be permitted could adversely affect coastal resources through more intensive development, such as high rise buildings, that could encroach on public views or contribute to increased traffic that would deter coastal access. In addition, the granting of incentives, concessions or waivers/reductions to otherwise required development standards to encourage affordable housing opportunities could also lead to coastal resource impacts, such as direct impacts to sensitive habitats or reductions in required buffers. Critical coastal resources are mandated for protection first in the Coastal Act’s Chapter 3 policies and then applied, as appropriate, to each coastal community through the establishment of resource protection standards in their certified land use plans.

In the case of the City of San Diego, it has developed community planning areas based on its established neighborhoods and future urbanizing area. Predicated on those community planning areas, the City utilized the geographic segmentation provisions of the LCP regulations and developed its land use plan component covering twelve different

communities (i.e., North City, La Jolla, Pacific Beach, Mission Beach, Ocean Beach, Peninsula, Otay-Mesa Nestor). Each community plan or LCP Land Use Plan contains policies that protect public views, scenic resources, public access, recreational opportunities and sensitive coastal resources including, but not limited to, beaches, bluffs, slopes, hillsides and environmentally sensitive lands in that community. The Commission's review of the proposed changes to the Land Development Code must assure that development is approved only when consistent with the certified LUPs.

Listed below are representative policy excerpts contained in the certified Land Use Plan segments in the Coastal Overlay Zone for the City of San Diego.

**La Jolla LCP Land Use Plan**

- Introduce opportunities for the production of more affordable housing within La Jolla to meet the housing needs of all income levels.

**Balanced Communities**

- a. The City should promote opportunities for the development of affordable housing by allowing a density bonus, provided that this extra density be allowed only for projects certified by the Housing Commission. To qualify, a portion of the additional units would need to be restricted as affordable housing to "low-income, "or "very low-income" persons under applicable state statutory standards for the affordable housing density bonus and implementing City regulations.
- b. The City should pursue replacement of demolished affordable housing units within the community in order to maintain affordable housing units that exist in La Jolla, consistent with the locational priorities stated in the Coastal Overlay Zone Affordable Housing Replacement regulations.
- c. The City should encourage the use of affordable housing programs administered by the Housing Commission to promote the development of affordable housing. These programs include both land use and financial incentives.
- d. The City should seek to locate higher density housing principally along transit corridors and in proximity to emerging lower income employment opportunities.

**Mission Beach Precise Plan and Local Coastal Program Addendum**

- The promotion of a wider variety of dwelling unit sizes including studios, one, two or more bedroom houses and apartments.
- The encouragement of all types of individuals and family sizes to live in Mission Beach.

- The promotion of an economically balanced community through the investigation of individual and community rehabilitation efforts, changes in taxing and assessment procedures, and the use of subsidy funds where applicable.

**Ocean Beach Community Plan and Local Coastal Program**

- Reduce vehicular traffic demand placed on the street network by encouraging the use of alternative modes of transportation, including public transit, bicycles, and walking.
- Enhance transit patron experience by improving transit stops and increasing transit service frequency.
- Support transitional housing uses in Ocean Beach.
- Provide housing for all economic levels.
- Enforce the Coastal Zone Affordable Housing Replacement Program to facilitate replacement of existing affordable housing units and the retention of existing affordable units. Required replacement housing should be constructed in Ocean Beach.
- 2.1.2 Utilize the Affordable Housing Density Bonus Program to assist the building industry in providing adequate and affordable housing for all economic segments of the community.
- 2.1.3 Ensure that new residential development is constructed within the density ranges identified in this Plan and meets adopted parking standards.
- 2.1.4 Support existing and new transitional housing projects in Ocean Beach.
- 2.1.5 Retain and expand the number of affordable housing units in Ocean Beach.

For any new development which proposes to provide affordable housing based on increased density related to a granted density bonus or incentive, the discretionary review process will be the same process as that which would have been required if the density bonus element was not proposed. Unless otherwise exempt, all development within the coastal zone in the City of San Diego requires a coastal development permit. In the case of a proposed development within the coastal zone also occurring on a site where environmentally sensitive lands are present, a Site Development Permit would also be required. The proposed development must meet the findings of each of the respective permit processes or the development cannot be approved.

The Coastal Development Permit process includes a separate set of findings that must be made in order to assure conformance with the certified land use plan policies, the



certified LCP implementation plan and the public access and recreation policies of the Coastal Act. Section 126.0708 specifies the findings that are necessary for Coastal Development Permit Approval and states the following:

An application for a Coastal Development Permit may be approved or conditionally approved only if the decision maker makes all of the findings in Section 126.0708(a) and the supplemental findings in Section 126.0708(b) that are applicable to the proposed development.

Specifically, Section 126.0708 (a) states:

Findings for all Coastal Development Permits:

- (1) The proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan;
- (2) The proposed coastal development will not adversely affect environmentally sensitive lands; and
- (3) The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program;
- (4) For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone, the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

For developments occurring on property where environmentally sensitive lands are present, as mentioned above, a Site Development Permit would also be required. The ESL regulations again apply to sensitive biological resources; steep hillsides; coastal beaches; sensitive coastal bluffs; and special flood hazard areas. All Site Development Permits must have certain findings made pursuant to Section 126.0504(a).  
Section 126.0504 – Findings for all Site Development Permits

A Site Development Permit may be approved or conditionally approved only if the decision maker makes all of the findings in Section 126.0504(a) and the supplemental findings in Section 126.0504(b) through (o) that are applicable to the proposed development as specified in this section.

(a) Findings for all Site Development Permits

- (1) The proposed development will not adversely affect the applicable land use plan;
- (2) The proposed development will not be detrimental to the public health, safety, and welfare;

- (3) The proposed development will comply with the applicable regulations of the Land Development Code.

As noted above, none of the otherwise required resource protection measures are being modified in this amendment; the only additional incentive is the allowance of reduced parking ratios to serve all the units, both affordable and market rate, in any housing development that provides density bonus units based on the availability of alternate transit options. The adoption of the lower parking requirements to developments as a whole that incorporate affordable dwelling units, instead of just the affordable units, could adversely affect public access in the near shore areas where demand for public street parking by coastal visitors is highest. The proposed parking reductions state that for development containing market rate and at least twenty percent low income or 11 percent very low income dwelling units, and located within one half-mile of a major transit stop, the parking requirement will be reduced to 0.5 parking spaces per bedroom. For rental housing that is one hundred percent low income or very low income dwelling units and within one half-mile of a major transit stop, the reduced parking ratio will be 0.5 parking spaces per dwelling units. For rental housing with one hundred percent of units with affordable housing cost to lower income senior citizens, the parking ratio will be 0.5 parking spaces per dwelling unit.

In response to the concerns regarding impacts to public access, the City has indicated that AB 744, the state law mandating this current amendment proposal, gives little leeway in how the parking requirement reduction is incorporated into qualifying projects and that they are merely applying the state law as written. However, the Coastal Act, which governs the City's certified LCP, is also a state law and, in striving to satisfy its responsibilities under state law, the City must devise and propose regulations that satisfy all applicable laws. Fortunately, the goals of both AB 744 and the certified LUPs (and by extension the Coastal Act), are not mutually exclusive. Upon further analysis, the proposed amendment does satisfy both sets of laws in that qualifying development must be located in close proximity to alternate transit hubs, which meets the LCP goals of promoting alternate transit while decreasing the likelihood of tenant parking demand spilling out into public streets. Furthermore, the amendment's proposed ability to locate the required affordable units off-site from the main development (though still near services such as transit) means that the parking demand can be distributed among the community, instead of concentrating its parking and traffic impacts at one site. Finally, given that the highest public parking demand is located within the Beach Impact Area – generally the 2-3 blocks closest to the coast – where the likelihood for affordable development occurring is relatively low means that the proposed amendment's extension of the parking reductions for the market rate units, as well as the affordable units, is unlikely to have substantial adverse impacts to public access.

With regards to the proposed allowance of locating the required affordable dwelling units at an off-site location, the proposed amendment language contains clear criteria that limit where such off-site development can occur. Off-site affordable dwelling units must be within the same community, City Council district, or within one mile of the main

development. While the City Council can, under this amendment proposal, permit deviations from these criteria, the proposed amendment clearly states that any allowable deviation must still be in an area with comparable transit, economic opportunities, schooling, and average community income level. Furthermore, by allowing the off-site development of affordable dwelling units, it creates the opportunity for different development and their applicants to co-locate their required affordable dwelling units into a single site, gaining economies of scale, reducing the cost of constructing the affordable units, and thus further lessening the barriers to the construction of affordable units. Thus, by allowing greater flexibility in the siting of the affordable units subject to reasonable criteria to ensure their success, the City's proposed amendment can better put into effect the policies of the LCP that identify the shortage of affordable housing in many parts of the City's coastal zone and meet the social justice goals of the community plans.

In summary, the Commission supports concentrating development in existing urban areas able to accommodate it and encouraging affordable housing opportunities in a manner where critical and sensitive coastal resources are protected and coastal access is maintained. Therefore, the proposed density bonus revisions can be found consistent with the applicable land use plans and approved as submitted.

## **B. PART B – SPECIAL HOUSING/AMENDMENT DESCRIPTION**

With regards to Part B of the proposed LCP amendment, the LCP currently allows emergency shelters as a separately regulated use, and they are required to obtain a conditional use permit with City Council approval. The state recently passed SB-2, which requires local governments to identify one or more zones wherein emergency shelters can be allowed through a ministerial process. In response, the City is now proposing to designate the IS-1-1 zone (Small Lot Industrial) as such a zone. Currently, the City's entire stock of IS-1-1 zone is located outside of the coastal zone, within the Midway/Pacific Highway Corridor between Pacific Highway (the eastern boundary of the Coastal Zone in that part of San Diego) and the Interstate-5 right-of-way and in Pacific Beach, north of Balboa Avenue and adjacent to the Interstate-5 right-of-way.

In Part B, the City is also proposing to introduce a new, separately regulated use – continuing care retirement centers (CCRC) – into the LDC. CCRCs are state-regulated senior housing communities that provide a range of housing types to senior residents of various self-sufficiency levels with connected nursing facilities, specialized instruction facilities, community-activity facilities, and communal dining facilities. Because the certified LCP is silent on this growing use category, past permitting efforts by the City have reviewed these developments in parts, analyzing each offered service separately instead of analyzing the project holistically. By introducing a new, regulated use, the City will be better able to analyze and make necessary findings for these developments. Furthermore, the City is proposing that CCRCs be allowed in the same zones that already allow senior housing facilities (with the exception of single family zones) and that such developments will require a Process Three Conditional Use Permit.

## **1. FINDINGS FOR APPROVAL**

The standard of review for LCP implementation submittals or amendments is their consistency with the ability to carry out the provisions of the certified Land Use Plans.

**a) Purpose and Intent of the Ordinance**

The purpose of the amended ordinance would be to designate the IS-1-1 zone as the appropriate zone to authorize emergency shelters through a ministerial review process and introduce CCRCs as a new, separately regulated use to address this growing type of senior-oriented development.

**b) Major Provisions of Part B: Housing Related Amendments**

- Designate IS-1-1 (Small Lot Industrial) zone as the applicable zone to support emergency shelters through a ministerial review.
- Introduce Continuing Care Retirement Communities (CCRC) as a new, separately regulated use in the certified LCP, allowable in all zones where senior housing facilities are currently allowed except for single family zones.

**c) Adequacy of the Ordinance to Implement the Certified LUP Segments.**

Listed below are policy excerpts contained in the certified Land Use Plan segments in the Coastal Overlay Zone for the City of San Diego.

**Ocean Beach Community Plan and Local Coastal Program**

- Mixed-use projects should be developed in commercial areas in an integrated, compatible and comprehensive manner.
- Encourage the City to adopt pilot programs aimed at creating incentives for more sustainable, mixed-use commercial development.

With regards to the emergency shelters, while the proposed amendment constitutes changes in permitted uses and their processing, the IS-1-1 zone proposed to receive such emergency shelters is located entirely outside the coastal zone, and should the City later propose to apply the zone designation on any coastal property, an LCP amendment for such rezoning would need to be approved by the Commission, subject to the policies of the certified LUPs.

Regarding continuing care retirement centers, these senior-oriented developments would be allowed only in zones where senior living facilities are already permitted by the certified LCP. Furthermore, the design and operation of these facilities generally conform to Coastal Act and LUP policies that encourage the concentration of development and reduction in vehicle miles traveled through their design of locating dwelling, support

services, dining, and recreation facilities within a single development. The proposed amendment introducing CCRCs as a new, separately regulated use would not affect the applicability of sections of the certified LCP, such as Section 131.0540, which place limits on the amount of parking and residential use that can be located on the ground floor of mixed-use developments located on visitor commercial zoned parcels. Thus, the proposed amendment for housing-related items can be approved as submitted because the revisions can be found consistent with and adequate to carry out the certified LUPs.

**PART IV. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. The Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

For the City's action, an environmental impact report (EIR No. 96-0333) was completed for the original adoption of the Land Development Code and a Program EIR (No. 104495) was prepared and certified for the General Plan Update. The City has previously utilized these documents for CEQA compliance in association with other code amendments and has similarly found that no further CEQA analysis is needed for this amendment.

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform to CEQA provisions. In this particular case, the LCP amendment will not have any significant adverse effects on the environment and there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact on the environment. The updated ordinance ensures compliance with the ESL regulations and prohibits any deviation to the Coastal Height Limit. For specific development projects that ultimately benefit from any allowable incentive or concession, environmental impacts will be required to be mitigated. In summary, no adverse impacts to any coastal resources are anticipated.



STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck-Out~~  
NEW LANGUAGE: Double Underline

Item # 332  
6/21/16

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

DATE OF FINAL PASSAGE \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 6, DIVISION 6 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 126.0602 AND 126.0604; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 7 BY AMENDING SECTIONS 143.0720, 143.0725, 143.0730, 143.0740, AND BY ADDING NEW SECTION 143.0745; AMENDING CHAPTER 15, ARTICLE 1, DIVISION 2 BY AMENDING SECTION 151.0201; AND BY AMENDING CHAPTER 15, ARTICLE 6, DIVISION 3 BY AMENDING SECTION 156.0309, ALL RELATING TO AFFORDABLE HOUSING DENSITY BONUS.

§126.0602 When a Planned Development Permit May be Requested

- (a) [No change in text.]
- (b) The following types of *development* may be requested with a Planned Development Permit to be decided in accordance with Process Four.
  - (1) through (2) [No change in text.]
  - (3) Provision of off-site affordable *dwelling units* in accordance with Section 143.0745.
- (c) [No change in text.]

§126.0604 Findings for Planned Development Permit Approval

A Planned Development Permit may be approved or conditionally approved only if the decision maker makes all of the *findings* in Section 126.0604(a) and the supplemental *findings* in Section 126.0604(b)-(c) that are applicable to the proposed *development* as specified in this section.

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

(c) Supplemental Findings--Off-site Affordable Dwelling Units

A development using the Affordable Housing Density Bonus Regulations that proposes to locate affordable dwelling units off-site in accordance with Section 143.0745(b) may be approved or conditionally approved only if the decision maker makes the following supplemental findings in addition to the findings in Section 126.0604(a):

- (1) The location of the off-site affordable dwelling units will provide comparable or superior access to transit. Factors to be considered include, but are not limited to, the number, frequency, and destination of transit routes within one-half mile of the development;
- (2) The location of the off-site affordable dwelling units will provide comparable or superior access to employment opportunities. Factors to be considered include, but are not limited to, distances and transit availability to regional centers, subregional employment areas and industrial areas;

- (3) For non-age restricted development, the location of the off-site affordable dwelling units will provide comparable or superior access to schools. Factors to be considered include, but are not limited to, the number of schools, the educational levels of the schools, whether the schools are private or public, whether the schools are vocational, and the travelling distances between the schools and the development; and
- (4) The off-site affordable dwelling units are located in a census tract with an average income level that is no more than 5% lower than the census tract of the development.

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

- (a) [No change in text.]
- (b) The *density* bonus units authorized by this ~~e~~Division shall be exempt from the Inclusionary Housing Regulations set forth in Chapter 14, Article 2, Division 13, provided that the affordability restrictions, term of affordability, occupancy, and rents charged under the *density* bonus regulations provide greater affordability than those within the Inclusionary Housing Regulations.
- (c) A rental affordable housing *density* bonus agreement shall utilize the following qualifying criteria consistent with the procedures established by the San Diego Housing Commission:
  - (1) ~~Low income~~ At least 10 percent of the ~~pre-*density*~~ bonus units in the ~~development~~ shall be affordable, including an allowance for

utilities, to ~~low income~~ households at a rent that does not exceed 30 percent of 60 percent of area median income, as adjusted for assumed household size; or Very low income - At least 5 percent of the pre-density bonus units in the development shall be affordable, including an allowance for utilities, to very low income households at a rent that does not exceed 30 percent of 50 percent of the area median income, as adjusted for household size; or

- (2) ~~Very low income—At least 5 percent of the pre-density bonus units in the development shall be affordable, including an allowance for utilities, to very low income households at a rent that does not exceed 30 percent of 50 percent of the area median income, as adjusted for assumed household size. Low income - At least 10 percent of the pre-density bonus units in the development shall be affordable, including an allowance for utilities, to low income households at a rent that does not exceed 30 percent of 60 percent of the area median income, as adjusted for household size.~~

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

- (d) A for-sale affordable housing *density* bonus agreement shall utilize the following qualifying criteria consistent with the procedures established by the San Diego Housing Commission:

- (1) Very low income - At least 5 percent of the pre-density bonus units in the development shall be affordable, including an allowance for utilities, to very low income households at a rent that does not



exceed 30 percent of 50 percent of the area median income, as  
adjusted for household size.

(2) Low income - At least 10 percent of the pre-density bonus units in  
the development shall be affordable, including an allowance for  
utilities, to low income households at a rent that does not exceed 30  
percent of 60 percent of the area median income, as adjusted for  
household size.

(13) *Moderate income* - At least 10 percent of the total *dwelling units* in  
a common interest development, as defined in California Civil  
Code Section 4100, shall be affordable, provided that all *dwelling  
units* in the *development* are offered to the public for purchase.

(24) The initial occupant of all for-sale affordable ~~housing units~~  
*dwelling units* shall be a *very low income*, *low income*, or  
*moderate income* household.

(35) Prior to, or concurrent with, the sale of each *density* bonus  
affordable unit, the *applicant* shall require the buyer to execute and  
deliver a promissory note in favor of the San Diego Housing  
Commission so that the repayment of any initial subsidy is  
ensured.

(46) Each for-sale unit shall be occupied by the initial owner at all times  
until the resale of the unit.

(57) Upon the first resale of a unit, the seller shall comply with all  
conditions regarding the sale of a unit, as applied by the San Diego



Housing Commission, and as set forth in California Government Code Section 65915(c)(2).

(68) The affordable units shall be designated units, be comparable in bedroom mix and amenities to the market-rate units in the *development*, and be dispersed throughout the *development*.

(e) A *density* bonus agreement for housing for senior citizens shall utilize the following qualifying criteria consistent with the procedures established by the San Diego Housing Commission:

(1) [No change in text.]

(2) ~~The Rental~~ *dwelling units* shall remain available for a period of at least ~~30~~ 55 years or longer as may be required by other laws.

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

#### §143.0725 Density Bonus Provisions

A *development* proposal requesting an affordable housing *density* bonus is subject to the following:

(a) [No change in text.]

(b) For *development* meeting the criteria for very *low income* 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 ~~d~~Division, up to a maximum combined *density* increase of ~~35~~ 50 percent. For *development* meeting the same criteria within the Centre City Planned District, the bonus shall apply to the

maximum allowable *floor area ratio* applicable to the *development* consistent with Section 156.0309(e).

- (c) For *development* meeting the criteria for ~~very~~ *low income* 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 ~~d~~Division, up to a maximum combined *density* increase of ~~35~~ 50 percent. For *development* meeting the same criteria within the Centre City Planned District, the bonus shall apply to the maximum allowable ~~floor area ratio~~ floor area ratio applicable to the *development* consistent with Section 156.0309(e).
- (d) For *development* meeting the criteria for *moderate income* in Section 143.0720(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 ~~d~~Division, up to a maximum combined *density* increase of ~~35~~ 50 percent. For *development* meeting the same criteria within the Centre City Planned District, the bonus shall apply to the maximum allowable ~~floor area ratio~~ floor area ratio applicable to the *development* consistent with Section 156.0309(e).

(e) through (g) [No change in text.]

**§143.0730 Density Bonus in Exchange for Donation of Land**

An applicant for a *tentative map*, *parcel map*, or residential *development* permit, may donate and transfer land to the City for *development* with affordable housing

units dwelling units, in exchange for a *density* bonus, in accordance with this  
Division and pursuant to State Density Bonus Law.

**§143.0740 Development Incentives for Affordable Housing Density Bonus Projects**

The City shall process an incentive requested by an *applicant*, consistent with  
State Density Bonus Law and as set forth in this Section.

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

(d) The number of incentives available are identified in Table 143-07A for  
very low income households, Table 143-07B for ~~very low income~~  
households, and Table 143-07C for *moderate income* households  
consistent with the percentage of pre-*density* bonus units identified in the  
first column ~~one~~ of each table.

**Table 143-07BA**  
**Very Low Income Density Bonus**  
**Households**

Percent <i>Very Low Income</i> Units	Percent <i>Density Bonus</i>	Number of Incentives
5	20	1
6	22.5	1
7	25	1
8	27.5	1
9	30	1
10	32.5	2
11 –14	35	2
<u>12</u>	<u>38.75</u>	<u>3</u>
<u>13</u>	<u>42.5</u>	<u>4</u>
<u>14</u>	<u>46.25</u>	<u>4</u>
≥ 15	<u>35-50</u>	<u>5</u>

**Table 143-07AB**  
**Low Income Density Bonus**  
**Households**

Percent <i>Low Income</i> <u>Units</u>	Percent <i>Density Bonus</i>	Number of Incentives
10	20	1
11	21.5	1
12	23	1
13	24.5	1
14	26	1
15	27.5	1
16	29	1
17	30.5	1
18	32	1
19	33.5	1
20 – 29	35	2
<u>21</u>	<u>38.75</u>	<u>2</u>
<u>22</u>	<u>42.5</u>	<u>2</u>
<u>23</u>	<u>46.25</u>	<u>2</u>
<u>≥ 24 – 29</u>	<u>50</u>	<u>2</u>
<u>≥ 30</u>	<u>35 50</u>	3
<u>31 – 32</u>	<u>50</u>	<u>4</u>
<u>≥ 33</u>	<u>50</u>	<u>5</u>

**Table 143-07C**  
**Moderate Income Density Bonus**  
**Households**

Percent <i>Moderate</i> <i>Income</i> Units	Percent <i>Density Bonus</i>	Number of Incentives
10	5	1
11	6	1
12	7	1
13	8	1
14	9	1
15	10	1
16	11	1
17	12	1
18	13	1
19	14	1
20	15	2
21	16	2



**Table 143-07C**  
**Moderate Income Density Bonus**  
**Households**

Percent <i>Moderate</i> <i>Income</i> Units	Percent <i>Density</i> Bonus	Number of Incentives
22	17	2
23	18	2
24	19	2
25	20	2
26	21	2
27	22	2
28	23	2
29	24	2
30	25	3
31	26	<del>3</del> 4
32	27	<del>3</del> 4
33	28	<del>3</del> 5
34	29	<del>3</del> 5
35	30	<del>3</del> 5
36	31	<del>3</del> 5
37	32	<del>3</del> 5
38	33	<del>3</del> 5
39	34	<del>3</del> 5
40	35	<del>3</del> 5
<u>41</u>	<u>38.75</u>	<u>5</u>
<u>42</u>	<u>42.5</u>	<u>5</u>
<u>43</u>	<u>46.25</u>	<u>5</u>
<u>≥ 44</u>	<u>50</u>	<u>5</u>

(e) [No change in text.]

(f) Parking: In addition to any other incentive, and upon the request of an applicant, the City shall apply the following regulations:

- (1) For a development that meets the criteria for moderate income in of Section 143.0720(d)(3), the following vehicular parking ratios in Table 143-07D or those set forth below, inclusive of disabled and guest parking, whichever is lower, shall apply:

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

- (2) For a *development* that meets the criteria of Sections 142.0720(c) or (e), the following vehicular parking ratios in Table 143-07D or those set forth in Section 142.0527(a)(3), inclusive of disabled and guest parking, whichever is lower, shall apply:

(A) The parking regulations set forth in Section 142.0527 shall apply for ~~dwelling units~~ that meet the criteria of Section 142.0527(a)(3). If these parking ratios are greater than the parking ratios set forth in Section 143.0740(f)(1), then the parking ratios in Section 143.0740(f)(1) shall apply.

(B) The parking requirements for all other ~~dwelling units~~ within a *development* that do not meet the requirements of Section 142.0527(a)(3) shall be determined in accordance with Section 143.0740(f)(1).

- (3) [No change in text.]

- (4) Parking reductions for a development providing rental and for-sale affordable housing for very low income and low income households in accordance with Sections 142.0720(c) and 142.0720(d), or rental housing for senior citizens in accordance with Section 142.0720(e) that meet transit proximity requirements are set forth in Table 143-07D.



**Table 143-07D**  
**Parking Reduction for Proximity to Transit**

<u>Type of Development</u>	<u>Percent Affordable</u>	<u>Transit Requirement</u>	<u>Parking Ratio for Development<sup>1</sup></u>
<u>Rental or for-sale development containing market rate and low income and/or very low income dwelling units</u> <ul style="list-style-type: none"> <li>• <u>Very low income</u></li> <li>• <u>Low income</u></li> </ul>	<u>11%</u> <u>20%</u>	<u>The development shall be located within ½ mile of unobstructed access to a rail station, a ferry terminal served by bus or rail service, or the intersection of two or more bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods, or a major transit stop included in the applicable regional transportation plan.</u>	<u>0.5 spaces per bedroom</u>
<u>Rental housing</u> <ul style="list-style-type: none"> <li>• <u>Low &amp; very low income</u></li> </ul>	<u>100%<sup>2</sup></u>		<u>0.5 spaces per dwelling unit</u>
<u>Rental housing with an affordable housing cost to lower income senior citizens in accordance with California Civil Code Sections 51.3 and 51.12</u>	<u>100%<sup>2</sup></u>	<u>The development shall have either paratransit service, or be located within ½ mile of unobstructed access to a fixed bus route service that operates at least eight times per day.</u>	<u>0.5 spaces per dwelling unit</u>

**Footnotes for Table 143-07D**

<sup>1</sup> Parking reductions shall not be subject to the parking regulations of the Transit Overlay Zone and shall not be entitled to parking reductions provided in Section 142.0550 (Parking Assessment District Calculation Exception).

<sup>2</sup> Exclusive of manager's unit.

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

A development that complies with the Affordable Housing Density Bonus

Regulations may provide all or a portion of the required affordable dwelling units off-site in accordance with the following:

- (a) Off-site affordable dwelling units shall be located in the same community planning area and City Council District, or within one mile of the premises

of the development. The distance shall be measured in a straight line from the property lines of the proposed housing developments.

- (b) 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.
- (c) At a minimum, the same number of affordable dwelling units required of the development must be provided, at the same affordability levels and bedroom mix as the development.
- (d) 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.
- (e) The applicant, prior to the issuance of the first building permit, shall record a deed restriction against the development that:

  - (1) Documents the required number of affordable dwelling units to be provided; and
  - (2) Assigns foreclosure rights of the development premises to the San Diego Housing Commission as follows:

    - (A) For new development, if the affordable dwelling unit(s) has not received a certificate of occupancy within 54 months of the issuance of the first building permit.

- (B) For redevelopment of an existing structure(s), if the affordable dwelling unit(s) has not received a certificate of occupancy within 36 months of the issuance of the first building permit.

**§151.0201 Processing of Planned District Permits**

Planned district permits will be processed in accordance with the Land Development Code as follows:

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

- (d) A development consistent with Chapter 14, Article 3, Division 7 (Affordable Housing Density Bonus Regulations) located in a planned district that requires a Process Three planned district permit shall be processed in accordance with Process Two as a Neighborhood Development Permit. The findings required for approval shall be the general findings for Site Development Permits in Land Development Code Section 126.0504(a), any applicable supplemental findings in Section 126.0504, and any additional findings required in the planned district.
- (de) Where Section 151.0401 requires a Neighborhood Use Permit, an applicant shall apply for a Neighborhood Use Permit in accordance with Land Development Code Chapter 12, Article 6, Division 1 (General Development Permit Procedures) and Division 2 (Neighborhood Use Permit Procedures). The findings required for approval will be the general findings for Neighborhood Use Permits in Land Development Code

Section 126.0205 and any additional findings provided in the planned district.

- (e) Where Section 151.0401 or the planned district requires a Conditional Use Permit, an applicant shall apply for a Conditional Use Permit in accordance with Land Development Code Chapter 12, Article 6, Division 1 (General Development Permit Procedures) and Division 3 (Conditional Use Permit Procedures). The findings required for approval will be the general findings for Conditional Use Permits in Land Development Code Section 126.0305 and any additional findings provided in the planned district.

**§156.0309 FAR Regulations and TDRs**

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

- (e) *FAR Bonuses*

*Development* may exceed the maximum *base FAR* for the site established by Figure H if the *applicant* provides certain public benefits or *development* amenities. Table 156-0309-A shows the maximum amount of *FAR bonus* that may be earned by providing benefits or amenities, and Figure J shows the maximum *FAR bonus* that may be purchased for a site through the *FAR* Payment Bonus Program (exclusive of bonuses for affordable housing as described in Section 156.0309(e)(1)). *Applicants* utilizing the *FAR bonus program* shall have *CC&Rs* recorded on the property, ensuring that the benefits or amenities provided to *earn* the



bonus are maintained in perpetuity, or in the case of affordable housing, for the duration specified in Section 156.0309(e)(1)(B)(iv).

The public benefits and *development* amenities that may earn a *FAR bonus* are the following:

**TABLE 156-0309-A: *FAR BONUS***

[No change in text.]

- (1) Affordable Housing. An *applicant* proposing a residential *development* that is entitled to a *density* bonus pursuant to Chapter 14, Article 3, Division 7 of the Land Development Code may increase the permitted *FAR* as specified below.

In compliance with the State Density Bonus Law (California Government Code Sections 65915 through 65918), *applicants* may earn *FAR bonus* subject to the following:

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

Table 156-0309-B: <del>FAR BONUS</del> ES <u>FAR BONUS</u> ES (%)			
<u>% Restricted Units in Base (Pre-Bonus)</u> <u>% Restricted Units in Base (Pre-Bonus) FAR</u>	<u>Very Low-Income Rental &amp; For-Sale</u> (0-50% AMI) (Restricted for at least 55 years)	<u>Low-Income Rental &amp; For-Sale</u> (51% - 80% AMI) (Restricted for at least 55 years)	<u>Moderate For-Sale</u> ( <del>81% - 120% AMI</del> ) (81% - 120% AMI) (Restricted for at least 45 years)
5	22	10	10
6	24	15	15
7	26	20	20
8	29	25	25
9	32	30	30
10 or more	35	35	35

(2) through (8) [No change in text.]

(f) through (g) [No change in text.]

SMT:als  
05/31/2016  
06/22/2016 Rev.Copy  
Or.Dept: DSD  
Doc. No.: 1228843\_3



Passed by the Council of The City of San Diego on JUL 12 2016, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUL 19 2016

AUTHENTICATED BY:

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.  
By *Janette J. Pantoja*, Deputy

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

JUN 21 2016

, and on

JUL 19 2016

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)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.  
By *Janette J. Pantoja*, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20673

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ITEM # 232  
7/12/16

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

DATE OF FINAL PASSAGE \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 6, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 126.0303; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2 BY AMENDING SECTION 131.0222; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3 BY AMENDING SECTION 131.0322; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTIONS 131.0422, 131.0431, AND 131.0448; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5 BY AMENDING SECTION 131.0522; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 BY AMENDING SECTION 131.0622; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 3 BY ADDING NEW SECTION 141.0303, AND BY RENUMBERING SECTIONS 141.0303, 141.0304, 141.0305, AND 141.0306; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 141.0412; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 5 BY AMENDING SECTION 142.0525; AMENDING CHAPTER 15, ARTICLE 5, DIVISION 2 BY AMENDING SECTION 155.0238; AMENDING CHAPTER 15, ARTICLE 6, DIVISION 3 BY AMENDING SECTION 156.0308; AND AMENDING CHAPTER 15, ARTICLE 19 – APPENDIX A, ALL RELATING TO HOUSING.

**§126.0303 When a Conditional Use Permit Is Required**

An application for the following types of uses in certain zones may require a

Conditional Use Permit. To determine whether a Conditional Use Permit is

required in a particular zone, refer to the applicable Use Regulation Table in

Chapter 13. The decision process is described in Section 126.0304.

(a) Conditional Use Permits Decided by Process Three

EXHIBIT NO. 2
APPLICATION NO.
<b>6-SAN-16-0063-2</b>
Housing-Related
strikeout/underline
 California Coastal Commission

Agricultural equipment repair shops through Companion units [No change in text.]

Continuing care retirement communities

Educational facilities through *Wireless communication facilities* (under circumstances described in Section 141.0420) [No change in text.]

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

**§131.0222 Use Regulations Table for Open Space Zones**

The uses allowed in the open space zones are shown in Table 131-02B.

**Legend for Table 131-02B**

[No change in text.]

**Table 131-02B  
Use Regulations Table for Open Space Zones**

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones					
	1st & 2nd >>	OP-		OC-	OR <sup>(1)</sup> -		OF <sup>(11)</sup> -
	3rd >>	1-	2-	1-	1-		1-
	4th >>	1	1	1	1	2	1
Open Space through Residential, Separately Regulated Residential Uses, Companion Units [No change in text.]		[No change in text.]					
<u>Continuing Care Retirement Communities</u>		=	=	=	=	=	=
Residential, Separately Regulated Residential Uses, Employee Housing through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]		[No change in text.]					

Footnotes for Table 131-02B [No change in text.]

**§131.0322 Use Regulations Table for Agricultural Zones**

The uses allowed in the agricultural zones are shown in Table 131-03B.

**Legend for Table 131-03B**

[No change in text.]

**Table 131-03B**  
**Use Regulations Table for Agricultural Zones**

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
Open Space through Residential, Separately Regulated Residential Uses, Companion Units [No change in text.]		[No change in text.]			
<u>Continuing Care Retirement Communities</u>		=		=	
Residential, Separately Regulated Residential Uses, Employee Housing through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]		[No change in text.]			

**Footnotes for Table 131-03B**

<sup>1</sup> through <sup>6</sup> [No change in text.]

<sup>7</sup> For housing 6 or fewer employees, see Section 141.0303~~4~~ to determine which use regulations apply.

<sup>8</sup> through <sup>12</sup> [No change in text.]

**§131.0422 Use Regulations Table for Residential Zones**

The uses allowed in the residential zones are shown in the Table 131-04B.

**Legend for Table 131-04B**

[No change in text.]

**Table 131-04B**  
**Use Regulations Table for Residential Zones**

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																							
	1st & 2nd >>	RE-		RS-												RX-		RT-							
	3rd >>	1-		1-												1-		1-							
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4	5
Open Space through Residential, Separately Regulated Residential Uses, Companion Units [No change in text.]		[No change in text.]																							
<u>Continuing Care Retirement Communities</u>		=		=												=		=							
Residential, Separately Regulated Residential Uses, Employee Housing through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]																							



Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones												
	1st & 2nd >>		RM-												
	3rd >>		1-			2-			3-			4-		5-	
	4th >>		1	2	3	4	5	6	7	8	9	10	11	12	
Open Space through Residential, Separately Regulated Residential Uses, Companion Units [No change in text.]	[No change in text.]														
<u>Continuing Care Retirement Communities</u>	<u>C</u>			<u>C</u>			<u>L</u>			<u>L</u>		<u>L</u>			
Residential, Separately Regulated Residential Uses, Employee Housing through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]	[No change in text.]														

**Footnotes for Table 131-04B**<sup>1</sup> through <sup>9</sup> [No change in text.]<sup>10</sup> A guest quarters or habitable accessory building is permitted in accordance with Section 141.03067 only as an accessory use to a single dwelling unit.<sup>11</sup> through <sup>12</sup> [No change in text.]**§131.0431 Development Regulations Table for Residential Zones**

The following development regulations apply in the residential zones as shown in

Tables 131-04C, 131-04D, 131-04E, 131-04F, and 131-04G.

## (a) RE Zones

**Table 131-04C**  
**Development Regulations for RE Zones**

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone designator	Zones		
	1st & 2nd >>	RE-		
	3rd >>	1-	1-	1-
	4th >>	1	2	3
Max permitted density (DU per lot) through Max paving/hardscape [See Section 131.0447] [No change in text.]	[No change in text.]			
Accessory uses and structures [See Sections 131.0448 and 141.03067]	[No change in text.]			
Garage regulations [See Section 131.0449(a)] through Visibility Area [See Section 113.0273] [No change in text.]	[No change in text.]			

## (b) RS Zones

**Table 131-04D**  
**Development Regulations for RS Zones**

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones						
	1st & 2nd >>	RS-						
	3rd >>	1-	1-	1-	1-	1-	1-	1-
	4th >>	1	2	3	4	5	6	7
<b>Max permitted density</b> (DU per lot) through <b>Max paving/hardscape</b> [See Section 131.0447] [No change in text.]	[No change in text.]							
<b>Accessory uses and structures</b> [See Sections 131.0448 and 141.0306]	[No change in text.]							
<b>Garage regulations</b> [Section 131.0449(a)] through <b>Visibility Area</b> [See Section 113.0273] [No change in text.]	[No change in text.]							

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones						
	1st & 2nd >>	RS-						
	3rd >>	1-	1-	1-	1-	1-	1-	1-
	4th >>	8	9	10	11	12	13	14
<b>Max permitted density</b> (DU per lot) through <b>Max paving/ hardscape</b> [See Section 131.0447] [No change in text.]	[No change in text.]							
<b>Accessory uses and structures</b> [See Sections 131.0448 and 141.0306]	[No change in text.]							
<b>Garage regulations</b> [See Section 131.0449(a)] through <b>Visibility Area</b> [See Section 113.0273] [No change in text.]	[No change in text.]							

Footnotes for Table 131-04D [No change in text.]

(c) RX Zones



**Table 131-04E**  
**Development Regulations for RX Zones**

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone designator	Zones	
	1st & 2nd >>	RX-	
	3rd >>	1-	1-
	4th >>	1	2
<b>Maximum Permitted Density</b> (DU per <i>lot</i> ) through <b>Max floor area ratio</b> [See Section 131.0446(c)] [No change in text.]		[No change in text.]	
<b>Accessory uses and structures</b> [See Sections 131.0448 and 141.03067]		[No change in text.]	
<b>Garage regulations</b> [See Section 131.0449(a)] through <b>Visibility Area</b> [See Section 113.0273] [No change in text.]		[No change in text.]	

Footnote for Table 131-04E [No change in text.]

(d) RT Zones

**Table 131-04F**  
**Development Regulations for RT Zones**

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones				
	1st & 2nd >>	RT-				
	3rd >>	1-	1-	1-	1-	1-
	4th >>	1	2	3	4	5
<b>Maximum Permitted Density</b> (DU per <i>lot</i> ) through <b>Max Floor Area Ratio</b> [See 131.0446(d)], 3 <i>story</i> buildings [No change in text.]		[No change in text.]				
<b>Accessory <u>U</u>ses and <u>S</u>tructures</b> [See Sections 131.0448 and 141.03067]		[No change in text.]				
<b>Garage Regulations</b> [See Section 131.0449(b)] through <b>Visibility Area</b> [See Section 113.0273] [No change in text.]		[No change in text.]				

(e) RM Zones [No change in text.]

#### §131.0448 Accessory Buildings in Residential Zones

This section is intended to clarify the regulations applicable to non-habitable *accessory buildings* in residential zones.

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

(d) Habitable *accessory buildings* may be permitted as follows:

- (1) As an *accessory building* to a *single dwelling unit* in accordance with Sections 141.0302 or 141.0306~~7~~; or
- (2) [No change in text.]

### §131.0522 Use Regulations Table for Commercial Zones

The uses allowed in the commercial zones are shown in Table 131-05B.

#### Legend for Table 131-05B

[No change in text.]

**Table 131-05B**  
**Use Regulations Table for Commercial Zones**

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones														
		1st & 2nd >>		CN <sup>(1)</sup>		-CR-		CO-						CV-		CP
				1-		1-	2-	1-	2-	3-	1-		1-			
				1	2	3	4	5	1	1	1	2	1	2	1	2
Open Space through Residential, Separately Regulated Residential Uses, Companion Units [No change in text.]		[No change in text.]														
<u>Continuing Care Retirement Communities</u>		<u>C<sup>(2)</sup></u>		<u>C</u>	=	<u>C</u>	=	<u>C</u>	<u>C<sup>(2)</sup></u>	=						
Residential, Separately Regulated Residential Uses, Employee Housing through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]		[No change in text.]														

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator  1st & 2nd >>  3rd >>  4th >>	Zones																													
		CC-																													
		1-			2-			3-			4-			5-																	
		1	2	3	1	2	3	4	5	4	5	6	7	8	9	1	2	3	4	5	6	1	2	3	4	5	6				
Open Space through Residential, Separately Regulated Residential Uses, Companion Units [No change in text.]		[No change in text.]																													
<u>Continuing Care Retirement Communities</u>		<u>C</u>			=			<u>C</u>			<u>C</u>			<u>C<sup>(15)</sup></u>																	
Residential, Separately Regulated Residential Uses, Employee Housing through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]		[No change in text.]																													

Footnotes to for Table 131-05B<sup>1</sup> through <sup>17</sup> [No change in text.]**§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 [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
Open Space through Residential, Separately Regulated Residential Uses, Companion Units [No change in text.]	[No change in text.]											
<u>Continuing Care Retirement Communities</u>	=	=	<u>L<sup>(17)</sup></u>	=	=	=	=	=	=	=	=	=
Residential, Separately Regulated Residential Uses, Employee Housing through Institutional, Separately Regulated Institutional Uses, Homeless Facilities, Congregate Meal Facilities [No change in text.]	[No change in text.]											
Emergency Shelters	-	C	-	-	C	C	-	C	<u>GL</u>	-	-	-
Institutional, Separately Regulated Institutional Uses, Homeless Facilities, Homeless Day Centers through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]	[No change in text.]											

Footnotes for Table 131-06B

<sup>1</sup> through <sup>16</sup> [No change in text.]<sup>17</sup> See Section 131.0623(i)(j)<sup>18</sup> through <sup>20</sup> [No change in text.]**§141.0303 Continuing Care Retirement Communities**

Continuing care retirement communities are licensed by the state as both a residential care facility for the elderly and a skilled nursing facility, regulated under the California Health and Safety Code, and overseen by the California



Department of Social Services. They provide residents with multiple living environments based on the changing level of care required by the resident. The communities typically provide independent *dwelling units*, assisted living *dwelling units*, and convalescent and memory care rooms.

Continuing care retirement communities may be permitted with a Conditional Use Permit decided in accordance with Process Three, in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), or as a limited use in zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), subject to the following regulations.

- (a) Continuing care retirement communities are not permitted in agricultural zones in *Proposition A Lands*.
- (b) Convalescent and memory care rooms shall, at a minimum, comply with California Code of Regulations Title 22, Division 6, Chapter 8 (Residential Care Facilities for the Elderly).
- (c) Parking areas shall be lighted for the safety of tenants. Lighting shall be of a design that deters vandalism. The location, type, and size of the proposed lighting fixtures shall be specified on the *development permit* application.
- (d) The number of vehicle trips shall be determined as follows:
  - (1) Four trips per *dwelling unit*; and
  - (2) Three trips per room for convalescent and memory care rooms.
- (e) Continuing care retirement communities shall be subject to the landscape regulations for commercial *development* in Table 142-04A.

(f) Permitted Density

- (1) The density shall comply with the base zone.
- (2) Only independent and assisted living dwelling units shall be used to calculate density.
- (3) The density shall be calculated using the area of the entire development.

**§141.03034 Employee Housing**

Employee housing is housing provided for agricultural workers in accordance with the California Health and Safety Code, Employee Housing Act. Employee housing does not include housing for persons engaged in household domestic service. Employee housing is 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 regulations in Section 141.03034(a). Employee housing may be permitted with a Neighborhood Use Permit or a Conditional Use Permit in the zones indicated with an "N" or a "C," respectively, in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the regulations in Section 141.03034(b).

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

**§141.03045 Fraternity Houses, Sorority Houses, and Student Dormitories**

[No change in text.]

**§141.03056 Garage, Yard, and Estate Sales**

[No change in text.]

**§141.03067 Guest Quarters or Habitable Accessory Buildings**

Guest quarters or habitable *accessory buildings* are attached or detached accessory living quarters developed of habitable construction, and located on a *lot* with a *single dwelling unit* that do not provide complete, independent living facilities and do not have direct access to the primary *dwelling unit*. Guest quarters or habitable *accessory buildings* are solely for the use of the occupants of the primary *dwelling unit* or their guests or employees.

Guest quarters or habitable *accessory buildings* may be permitted accessory to a *single dwelling unit* as a limited use in accordance with Process One 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) through (g) [No change in text.]

(h) *Roof decks*, including railings, shall not exceed the height limits in Section 141.03067(f).

(i) [No change in text.]

**§141.0412 Homeless Facilities**

(a) This section regulates the following homeless facilities.

(1) [No change in text.]

(2) Emergency shelters: Any facility that provides ~~sleeping accommodations and restroom facilities to homeless persons on a day to day basis, for periods of thirty days or less.~~ housing for homeless persons with minimal supportive services that is limited to occupancy of six months or less. An emergency shelter may be seasonal or year-round.



(A) ~~Emergency shelters operating for 30 days or less in any 365-day period which are accessory uses~~ accessory uses to religious institutions or religious organizations ~~operating for 30 days or less in any 365-day period~~ are exempt from this section.

(3) [No change in text.]

(b) [No change in text.]

(c) Emergency Shelters

~~Emergency shelters may be permitted with a Conditional Use Permit decided in accordance with Process Five in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations. Section 112.0509(b) requiring a Planning Commission recommendation, shall not be applicable to emergency shelters.~~

(1) Emergency shelters 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) Emergency shelters shall provide an on premises waiting area of at least 10 square feet per bed to accommodate clients and to prevent queuing into the public right-of-way.

Any outdoor waiting area shall be physically separated from the public right-of-way.

(B) Emergency shelters shall provide off-street parking at a rate of at least 1 space for each full-time-equivalent employee.

calculated at 8 hours of working time per employee per  
24-hour period.

(C) Hours of operation shall be limited to the hours between  
6:00 p.m. and 8:00 a.m.

(D) Emergency shelters shall provide on-site supervision at all  
times. At least one full-time-equivalent employee shall be  
provided for every 20 beds.

(E) The applicant shall submit and implement the following:

(i) A communications plan for addressing issues or  
concerns regarding the emergency shelter raised by  
the local community, neighborhood, business  
organizations, and adjacent neighbors;

(ii) A loitering control plan to minimize the  
congregation of overnight residents during daylight  
hours on the premises, in parking lots serving the  
premises, and on public sidewalks adjacent to the  
premises; and

(iii) A litter control plan to maintain the premises and  
any adjacent premises in a litter free condition at all  
times.

(F) Adequate outdoor lighting for public safety shall be  
maintained. Outdoor lighting shall comply with Section  
142.0740.

(2) Emergency shelters may be permitted with a Conditional Use Permit decided in accordance with Process Five in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (1A) Emergency shelters are not permitted in *Proposition A Lands*.
- (2B) Emergency shelters shall provide at least 35 square feet of sleeping area per bed.
- (3C) Emergency shelters shall provide a waiting area of at least 10 square feet per bed to accommodate clients and to prevent queuing into the *public right-of-way*. Any outdoor waiting area shall be physically separated from the *public right-of-way*.
- (4D) Emergency shelters shall provide at least 1 toilet for every 15 beds.
- (5E) Emergency shelters shall provide off-street parking at a rate of at least 1 space for each full-time-equivalent employee, calculated at 8 hours of working time per employee per 24-hour period.
- (6F) Hours of operation shall be limited to the hours between -6:00 p.m. and 8:00 a.m.
- (7G) Emergency shelters shall provide on-site supervision at all times. At least one full-time-equivalent employee shall be provided for every 20 beds.

(8H) Living, dining, and *kitchen* areas shall be physically separated from sleeping areas. The shelter shall provide telephone services separate from the office phone in order to provide privacy.

(9I) The *applicant* shall submit ~~the following materials to the decision maker for consideration~~ and implement the following:

(Ai) ~~A communications plan that describes how the provider will communicate with local community, neighborhood, and business organizations, and with adjacent neighbors on a regular basis, and how community issues or concerns will be addressed;~~  
A communications plan for addressing community-raised issues or concerns regarding the emergency shelter with the local community, neighborhood, business organizations, and adjacent neighbors;

(Bii) ~~A loitering control plan to minimize the congregation of overnight residents during daylight hours in the vicinity of the shelter;~~ A loitering control plan to minimize the congregation of overnight residents during daylight hours on the premises, in parking lots serving the premises, and on public sidewalks adjacent to the premises; and

- (Ciii) ~~A litter control plan to provide for the removal of litter in the vicinity of the shelter on a regular basis.~~  
A litter control plan to maintain the premises and any adjacent premises in a litter free condition at all times.

(d) [No change in text.]

**§142.0525 Multiple Dwelling Unit Residential Uses — Required Parking Ratios**

- (a) Minimum Required Parking Spaces. The required automobile parking spaces, motorcycle parking spaces, and bicycle parking spaces for *development of multiple dwelling units*, whether attached or detached, and related and *accessory uses* are shown in Table 142-05C. Other allowances and requirements, including the requirement for additional common area parking for some projects, are provided in Section 142.0525(b) through (d).

**Table 142-05C**  
**Minimum Required Parking Spaces for**  
**Multiple Dwelling Units and Related Accessory Uses**

Multiple Dwelling Unit Type and Related and Accessory Uses	Automobile Spaces Required Per Dwelling Unit (Unless Otherwise Indicated)			Motorcycle Spaces Required Per Dwelling Unit	Bicycle <sup>(3)</sup> Spaces Required Per Dwelling Unit
	Basic <sup>(1)</sup>	Transit Area <sup>(2)</sup>	Parking Impact <sup>(4)</sup>		
Studio up to 400 square feet through Transitional Housing (6 or fewer persons) [No change in text.]	[No change in text.]				



Multiple Dwelling Unit Type and Related and Accessory Uses	Automobile Spaces Required Per Dwelling Unit (Unless Otherwise Indicated)			Motorcycle Spaces Required Per Dwelling Unit	Bicycle <sup>(5)</sup> Spaces Required Per Dwelling Unit
	Basic <sup>(1)</sup>	Transit Area <sup>(2)</sup>	Parking Impact <sup>(4)</sup>		
<u>Continuing Care Retirement Communities</u>					
<u>Dwelling units</u>	<u>1.0</u>	<u>0.75</u>	<u>1.25</u>	<u>N/A</u>	<u>N/A</u>
<u>Convalescent and memory care rooms</u>	<u>1.0 per 3 beds</u>	<u>1.0 per 3 beds</u>	<u>1.0 per 3 beds</u>	<u>N/A</u>	<u>N/A</u>
<u>Employees</u>	<u>1 per peak shift</u>	<u>0.75 per peak shift</u>	<u>1.25 per peak shift</u>	<u>See Section 142.0530(f)</u>	<u>See Section 142.0530(e)</u>
Accessory uses (Spaces per square feet <sup>(7)</sup> )	[No change in text.]				

**Footnotes for Table 142-05C**<sup>1</sup> through <sup>2</sup> [No change in text.]<sup>3</sup> The required motorcycle and bicycle parking spaces are those required for *dwelling unit* type for studios up to 400 square feet through 5+ bedrooms.<sup>4</sup> through <sup>8</sup> [No change in text.]

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

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

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

**Legend for Table 155-02C**

[No change in text.]

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

Use Categories/Subcategories [See Land Development Code Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator 1st & 2nd >> 3rd >> 4th >>	Zones									
		CU-									
		1-(1)		2-			3-				
		1	2	3	4	5	3(2)(12)	6	7	8	
Open Space through Residential, Separately Regulated Residential Uses, Companion Units [No change in text.]		[No change in text.]									
<u>Continuing Care Retirement Communities</u>		<u>C</u>		<u>C</u>			<u>C</u>				
Residential, Separately Regulated Residential Uses, Employee Housing through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]									

Footnotes to for Table 155-02C

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

**§156.0308 Base District Use Regulations**

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

Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS															
<b>LEGEND:</b> P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required; MS = Main Street; CS= Commercial Street; E= Employment Overlay															
Use Categories/ Subcategories	C	NC	ER	BP	WM <sup>7</sup>	MC	RE	I <sup>7</sup>	T <sup>7</sup>	PC	PF <sup>10</sup>	OS	CC <sup>7</sup>	Additional Regulations	MS/CS & E Overlays
Public Park/ Plaza/Open Space through Separately Regulated Residential Uses [No change in text.]	[No change in text.]														
<u>Continuing Care Retirement Communities</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	--	<u>C</u>	<u>C</u>	--	--	<u>C</u>	<u>C</u>	--	--	<u>§141.0303</u>	
Fraternities, Sororities and Dormitories	N	N	N	N	--	N	N	--	--	N	N	--	--	<u>§141.0304</u> (c)-(e)	

Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS															
<b>LEGEND:</b> P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required; MS = Main Street; CS= Commercial Street; E= Employment Overlay															
Use Categories/ Subcategories	C	NC	ER	BP	WM <sup>1</sup>	MC	RE	I <sup>7</sup>	T <sup>7</sup>	PC	PF <sup>10</sup>	OS	CC <sup>7</sup>	Additional Regulations	MS/CS & E Overlays
Separately Regulated Residential Uses, Home Occupations through Other Use Requirements, Temporary Uses and Structures [No change in text.]	[No change in text.]														

Footnotes to for Table 156-0308-A<sup>1</sup> through <sup>12</sup> [No change in text.]

**Article 19: Southeastern San Diego Planned District**  
**Appendix A: Uses**

Legend: [No change in text.]

Permitted Uses	Residential Zones		Commercial Zones			Industrial Zones	
	SF	MF	1	2	3	I-1	I-2
Residential through Any other use which the Planning Commission may find to be similar in character or compatible to the uses permitted in the specific zone or zones. The adopted resolution embodying such finding shall be filed in the Office of the City Clerk. Any other use allowed with a Conditional Use Permit decided in accordance with Process Five as identified in Section 151.0401(f) (General Provisions). [No change in text.]	[No change in text.]						

Footnotes for Appendix A: Uses

<sup>1</sup> through <sup>3</sup> [No change in text.]<sup>9</sup> Guest quarters shall be permitted in accordance with Section 141.0306~~7~~.

SMT:als  
06/22/2016  
Or.Dept: DSD  
Doc. No.: 1043890\_3

Passed by the Council of The City of San Diego on JUL 26 2016, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage AUG 04 2016

AUTHENTICATED BY:

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By *Donette Zandt*, Deputy

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 12 2016

AUG 04 2016

, and on

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)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By *Donette Zandt*, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20704