

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST DISTRICT OFFICE
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CALIFORNIA 92108-4402
(619) 767-2370 FAX (619) 767-2384
WWW.COASTAL.CA.GOV



W15

San Diego Coast District Deputy Director's Report for September 2022

Prepared August 31, 2022 (for the September 07, 2022 Hearing)

To: Commissioners and Interested Parties

From: Karl Schwing, San Diego Coast District Deputy Director

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, emergency CDPs, and local government acceptance of modifications for LCP certification for the San Diego Coast District Office are being reported to the Commission on September 07, 2022. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's San Diego Coast District Office in San Diego. Staff is asking for the Commission's concurrence on the items in the San Diego Coast District Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on September 7th.

With respect to the September 7th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

Items being reported on September 07, 2022 (see attached)

Waivers

- 6-22-0244-W, City of San Diego Pure Water (San Diego)
- 6-22-0595-W, McGrath-Mladenov Garage & ADU (Solana Beach)
- 6-22-0596-W, Cowles ADU (Solana Beach)
- 6-22-0609-W, Oatman ADU (Solana Beach)
- 6-22-0623-W, Ward ADU (Solana Beach)

Emergency Permits

- G-6-22-0029, Ovard HOA Revetment Repairs (Oceanside)

LCP Certification Review

- LCP-6-CAR-20-0077-2, ADU Update (Carlsbad)

- LCP-6-CAR-20-0078-2, Density Bonus Update (Carlsbad)
- LCP-6-SAN-21-0005-5, 2019 Housing Legislation (San Diego)
- LCP-6-SAN-21-0006-5, Moveable Tiny Houses (San Diego)
- LCP-6-SAN-21-0033-1, Complete Communities (San Diego)

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August 24, 2022

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 6-22-0244-W

Applicant: City of San Diego Public Utilities Department attn: Tiffany Lavan

Location: 1902 Gatchell Rd, Point Loma, San Diego (San Diego County) (APN(s): 532-520-06, 532-520-12)

Proposed Development: Construction of a 11,226 sq. ft., 28 ft. tall water treatment facility on an existing paved lot at the north end of the Point Loma Wastewater Treatment Plant.


Rationale: The proposed project is a demonstration water reclamation project that will be constructed adjacent to the existing Point Loma Wastewater Treatment Plant facility. The project site is an existing paved lot located approximately 100 ft. away from the bluff edge. To protect water quality, the project will comply with best management practices to minimize sediment, pollutant, and erosion discharge. Stormwater from the site will be conveyed to the existing main facility where it will be treated prior to being discharged. To protect adjacent habitat and sensitive wildlife, the project will maintain a 20 ft. buffer from an existing fence that separates the site from coastal sage scrub habitat, use only native plants in landscaping, and limit the color correlated temperature of all lighting to 2,700 Kelvin to avoid disturbing nocturnal wildlife. The applicant will also conduct monitoring for gnatcatcher nests prior to initiating construction and weekly during the nesting season. If active gnatcatcher nests are identified within 500 ft. of the project site, the applicant will then conduct noise monitoring to ensure that noise levels remain below a 65 dB(A) equivalent continuous noise level at the nest. No night work is proposed. Therefore, as proposed, the development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

Coastal Development Permit De Minimis Waiver
6-22-0244-W

This waiver will not become effective until reported to the Commission at its September 2022 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth
Executive Director

DocuSigned by:

D5DBC5ECBB2D41B...
Melody Lasiter
Coastal Program Analyst

cc: Commissioners/File

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August 19, 2022

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 6-22-0595-W

Applicant: Ryan McGrath and Natalie Mladenov

Location: 716 Castro St, Solana Beach (San Diego County) (APN: 298-162-05)

Proposed Development: Demolition of an existing 1-car garage and shed and construction of a new 993 sq. ft. accessory dwelling unit and 674 sq. ft. detached 2-car garage with 76 c.y. of grading on a 9,458 sq. ft. lot with an existing 1,957 sq. ft. one-story, single-family residence.

Rationale: The proposed project is located within an established residential neighborhood consisting of single-family residences similar in size and scale to the proposed development, thus the project will not be out of character with the existing community. The proposed accessory unit is consistent with the City of Solana Beach standards for accessory units in an area designated for low/medium density residential uses. The development will not block any public views and is located within a ½ mile of a transit stop so no parking for the accessory dwelling unit is required. While the existing garage that provides parking for the primary residence will be demolished, a new, detached 2-car garage will provide adequate parking. Additionally, the project is consistent with the zoning and plan designations for the City of Solana Beach and its certified Land Use Plan.

The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

Coastal Development Permit De Minimis Waiver
6-22-0595-W

This waiver will not become effective until reported to the Commission at its September 2022 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth
Executive Director

Original on File signed by:

Julia Prieto
Coastal Program Analyst

cc: Commissioners/File

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August 22, 2022

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 6-22-0596-W

Applicant: Kevin Cowles

Location: 441 Dell Ct, Solana Beach (San Diego County) (APN: 263-430-33)

Proposed Development: Construction of a new 748 sq. ft., one-story, detached accessory dwelling unit on a 8,900 sq. ft. lot with an existing 2,419 sq. ft., two-story, single family residence with attached garage.

Rationale: The proposed project is located within an established residential neighborhood consisting of single-family residences similar in size and scale to the proposed development, thus the project will not be out of character with the existing community. The proposed accessory unit is consistent with the City of Solana Beach standards for accessory units in an area designated for low/medium density residential uses. The development will not block any public views and adequate parking will be provided. The existing garage provides 3 parking spaces. Additionally, the project is consistent with the zoning and plan designations for the City of Solana Beach and its certified Land Use Plan.

The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its September 2022 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less

Coastal Development Permit De Minimis Waiver
6-22-0596

than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth
Executive Director

Original on File signed by:


Julia Prieto
Coastal Program Analyst

cc: Commissioners/File

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August 22, 2022

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 6-22-0609-W

Applicant: Ayisha and Matthew Oatman

Location: 726 Seabright Ln, Solana Beach (San Diego County) (APN: 263-031-21)

Proposed Development: Demolition of a 489 sq. ft., one-car garage, demolition of two storage sheds, and and construction of a new 1,000 sq. ft., one-story, detached ADU, new carport open on four sides, and associated site improvements including an extension of the driveway on a 12,600 sq. ft. lot with an existing 2,508 sq. ft., two-story, single-family residence.

Rationale: The proposed project is located within an established residential neighborhood consisting of single-family residences similar in size and scale to the proposed development, thus the project will not be out of character with the existing community. The proposed accessory unit is consistent with the City of Solana Beach standards for accessory units in an area designated for low/medium density residential uses. The development will not block any public views. While the existing garage that provides parking for the primary residence will be demolished, a new carport will provide adequate parking for the existing primary residence. The site is located within ½ mile of a transit stop so no parking for the accessory dwelling unit is required. Additionally, the project is consistent with the zoning and plan designations for the City of Solana Beach and its certified Land Use Plan.

The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

Coastal Development Permit De Minimis Waiver
6-22-0609-W

This waiver will not become effective until reported to the Commission at its September 2022 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth
Executive Director

Original on File signed by:


Julia Prieto
Coastal Program Analyst

cc: Commissioners/File

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August 24, 2022

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 6-22-0623-W

Applicant: Jeremy Ward

Location: 1402 Highland Dr, Solana Beach (San Diego County) (APN: 298-470-17)

Proposed Development: Construction of a new 728 sq. ft. one-story, detached accessory dwelling unit on a 21,800 sq. ft. lot with an existing 2,430 sq. ft. one-story single-family residence with attached garage.

Rationale: The proposed project is located within an established residential neighborhood consisting of single-family residences similar in size and scale to the proposed development, thus the project will not be out of character with the existing community. The proposed accessory unit is consistent with the City of Solana Beach standards for accessory units in an area designated for estate residential uses. The development will not block any public views and adequate parking will be provided. Additionally, the project is consistent with the zoning and plan designations for the City of Solana Beach and its certified Land Use Plan.

The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its September 2022 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less

Coastal Development Permit De Minimis Waiver
6-22-0623-W

than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth
Executive Director

Original on File signed by:

Julia Prieto
Coastal Program Analyst

cc: Commissioners/File

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**EMERGENCY COASTAL DEVELOPMENT PERMIT**

Emergency CDP G-6-22-0029 (Ovard HOA Revetment)

Issue Date: August 26, 2022

Permittee: Ovard HOA, attn: Royce Sheetz

Emergency Location: Revetment seaward of the Ovard condominium complex at 1601 South Pacific Street, Oceanside, San Diego County (APN(s) 153-091-40-01 through -13).

Emergency Description: Wave action during recent high tides and large swells have caused revetment rocks to migrate seaward out of the revetment, forming a void in the revetment leading to an unstable revetment configuration, as well as a danger to members of the public who may enter the void.

Emergency Development: Retrieval of 15-20 existing rocks from the beach in front of the revetment and placement of these rocks within the void located in the northern half of the revetment using one tractor. Equipment access to the site will occur via Buccaneer Beach. No new, additional rock is proposed to be imported, no changes to the revetment foundation are proposed, and there will be no increase in the existing height or footprint of the revetment. The work will occur during the next low-tides in mid-September.

Executive Director's Determination

The Executive Director of the California Coastal Commission hereby finds that: (a) a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services exists (i.e., an "emergency" (see Title 14 California Code of Regulations Section 13009 and California Coastal Act (Public Resources Code) Section 30624); (b) the emergency requires action more quickly than allowed by the procedures for regular CDPs; (c) the emergency development can and will be completed within 30 days unless otherwise specified by the terms of this ECDP; (d) the emergency development carried out under this ECDP is considered temporary work done in an emergency situation to abate an emergency and is undertaken at Permittee risk; (e) a regular CDP must be obtained for the emergency development to become more than temporary emergency abatement and/or if the Permittee wishes to expand the scope of work beyond that authorized by this ECDP; (f) absent obtaining a regular CDP, the emergency development shall be removed and the affected area restored; and (g) Commission staff will review public comment on the proposed emergency development as time allows.

The emergency development is hereby approved, subject to the conditions listed below.

A handwritten signature in blue ink that reads "Diana Lilly".

Diana Lilly, San Diego Coast District Manager, for John Ainsworth, Executive Director

Enclosure: ECDP Acceptance Form

(cc: Jayme Timberlake, City of Oceanside)

Conditions of Approval

1. The enclosed ECDP acceptance form must be signed by the Permittee and returned to the California Coastal Commission's San Diego Coast District Office within 15 days of the date of this ECDP (i.e., by September 10, 2022). This ECDP is not valid unless and until the acceptance form has been received in the San Diego Coast District Office.
2. All emergency development shall be limited in scale and scope to that specifically identified in the Emergency Permit Application Form sent first via email to the Commission's San Diego Coast District Office on August 18, 2022 and further refined in an August 23, 2022 email. Only that emergency development specifically described in this ECDP and for the specific location listed above is authorized. Any other development requires separate authorization from the Executive Director or the Commission, as applicable.
3. The emergency development authorized on a temporary basis by this ECDP must be completed within 30 days of ECDP issuance (i.e., by September 25, 2022).
4. This ECDP does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g., City of Oceanside, California State Lands Commission, etc.). The Permittee shall submit to the Executive Director copies of all such authorizations and/or permits upon their issuance.
5. By exercising this ECDP, Permittee acknowledges and agrees that: (a) the emergency development is temporary, is designed to temporarily abate the emergency, and shall be removed unless and until a regular CDP authorizing the work is approved, and provided the Permittee adheres to such regular CDP's terms and conditions; and (b) a regular CDP is subject to all of the provisions of the California Coastal Act (as codified in Sections 30000 to 30900 of the Public Resources Code) and any applicable Local Coastal Program (LCP) policies and may be conditioned accordingly to avoid and/or to offset coastal resource impacts consistent with the Coastal Act (and LCP as applicable) (including but not limited to requirements for public access provisions (such as offers to dedicate, easements, in-lieu fees, etc.), assumption/disclosure of risks (including deed restrictions), triggers for relocation/removal, offsetting mitigations, etc.). The Permittee acknowledges that review of the CDP application to determine consistency with the Coastal Act (and LCP as applicable) will be based on the conditions the property was legally in prior to initiation of the temporary emergency development that is the subject of this ECDP.
6. By exercising this ECDP, the Permittee acknowledges and agrees in relation to this ECDP and the emergency development that it authorizes: (a) to assume all risks (including all coastal hazard risks, that include but are not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, tidal scour, storms, tsunamis, coastal flooding, landslide, earth movement, and the interaction of all of these, many of which will worsen with future sea level rise); (b) to unconditionally waive any claim of damage and/or liability against the Commission and/or its officers, employees, agents, successors and/or assigns; (c) to indemnify and hold harmless the Commission and its officers, employees, agents, successors and/or assigns against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense

of such claims), expenses, and amounts paid in settlement, including as it relates to any damages to public and/or private properties and/or personal injury; (d) that any adverse effects to property or people caused by the emergency development shall be fully the responsibility of the Permittee.

7. The Permittee shall reimburse the Commission in full for all Commission costs and attorneys' fees (including but not limited to such costs/fees that are: (a) charged by the Office of the Attorney General; and/or (b) required by a court) that the Commission incurs in connection with the defense of any action brought by a party other than the Permittee against the Commission, its officers, employees, agents, successors and/or assigns challenging the approval or issuance of this ECDP, the interpretation and/or enforcement of ECDP terms and conditions, or any other matter related to this ECDP. The Permittee shall reimburse the Commission within 60 days of being informed by the Executive Director of the amount of such costs/fees. The Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission, its officers, employees, agents, successors and/or assigns.
8. Within 90 days of ECDP issuance (i.e., by November 24, 2022), the Permittee shall either: (a) remove all of the materials placed or installed in connection with the emergency development, and restore all affected areas to their prior condition or better, all subject to Executive Director review and approval (and, in some cases, if directed by the Executive Director, subject to a regular CDP); or (b) revise their current CDP application No. 6-21-0566 to include the work authorized by this ECDP (i.e., satisfying the requirements of Title 14 California Code of Regulations Section 13056) to authorize the emergency development, including submitting all information and materials requested, and as directed, by the Executive Director if/when the Executive Director determines that such application is incomplete. If this regular follow-up CDP application is withdrawn by the Permittee, or is denied by the Commission, or if it remains incomplete for a period of 120 days after the Executive Director informs the Permittee that the application is incomplete, then all of the materials placed and/or installed in connection with the emergency development shall be removed, and all affected areas shall be restored to their prior condition or better, all subject to Executive Director review and approval (and, in some cases, if directed by the Executive Director, subject to a regular CDP).
9. Failure to meet any of the applicable requirements of Condition 8 above shall constitute a knowing and intentional violation of the Coastal Act and may result in formal enforcement action by the Executive Director and/or the Commission. Such formal action may include: recordation of a Notice of Violation on the Permittee's property; the issuance of a Cease and Desist Order and/or a Restoration Order; imposition of administrative penalties of up to \$11,250 per day per violation; a civil lawsuit (that may result in the imposition of monetary penalties, including daily penalties of up to \$15,000 per violation per day); and/or other applicable penalties and relief pursuant to Coastal Act Chapter 9. In addition, failure to follow and meet all terms and conditions of this ECDP shall also constitute a knowing and intentional Coastal Act violation to which the same actions above may be applied.
10. All emergency development shall be limited to the least amount necessary to temporarily abate the emergency, and shall be undertaken in a time and manner that

avoids any and all coastal resource impacts as much as possible, including avoiding impacts to public access. The Permittee shall keep the Executive Director informed regarding emergency development progress, including in terms of any issues encountered that may require adjustment.

11. A licensed civil engineer with experience in coastal structures and processes shall oversee all construction activities and shall ensure that all emergency development is limited to the least amount necessary to temporarily abate the emergency consistent with the terms and conditions of this ECDP.
12. Any rock dislodged onto the beach from the revetment during emergency construction activities shall be retrieved and restacked atop the collapsed void. Any existing rock already on the beach in the area immediately seaward of the revetment on the Permittee's property may also be retrieved and stacked on the void. Such fugitive rock shall only be so retrieved and stacked if it is located above the tidal reach and able to be retrieved without significant excavation (i.e., where more than 50% of the rock is visible above the beach elevation). Any other rock work, including any addition of other rock and/or any expansion of the revetment's configuration, shall be prohibited.
13. All emergency construction activities shall limit impacts to coastal resources (including public recreational access and the Pacific Ocean) to the maximum extent feasible including by, at a minimum, adhering to the following construction requirements:
14. Construction activities shall be limited to no more than a total of 7 days, and shall take place on non-holiday weekdays to the maximum extent feasible.
15. All construction activities shall take place during daylight hours (i.e., from one-hour before sunrise to one-hour after sunset). Lighting of the beach and/or intertidal area is prohibited.
16. Construction work and equipment operations: shall avoid areas seaward of the tidal extent as much as possible; shall be prohibited in ocean waters and/or wetted sand (i.e., areas either wet and/or with a noticeable sheen from tidal and/or wave action); and shall avoid beachgoers and beach recreational areas as much as possible.
17. Any grading of or in intertidal areas shall be prohibited.
18. Any construction materials and equipment placed on the beach during daylight construction hours shall be stored beyond the reach of tidal waters. All construction materials and equipment shall be removed in their entirety from the beach area by one-hour after sunset each day that work occurs.
19. All construction areas shall be minimized and demarked by temporary fencing designed to allow through public access and protect public safety to the maximum extent feasible, where such areas shall be limited in their spatial extent as much as possible. Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas.
20. The construction site shall maintain good construction site housekeeping controls and

procedures (e.g., clean up all leaks, drips, and other spills immediately; keep equipment covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the beach; etc.).

21. All construction activities that result in discharge of materials, polluted runoff, or wastes to the beach or the adjacent marine environment shall be prohibited. Equipment washing, refueling, and/or servicing shall not take place on the beach. Any erosion and sediment controls used shall be in place prior to the commencement of construction as well as at the end of each workday.
22. All areas impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. Any beach sand that is impacted by construction shall be filtered as necessary to remove any construction debris.
23. All contractors shall ensure that work crews are carefully briefed on the importance of observing the construction precautions given the sensitive work environment. Construction contracts shall contain appropriate penalty provisions sufficient to offset the cost of retrieval/cleanup of foreign materials not properly contained and/or remediation to ensure compliance with this ECDP otherwise.
24. The Permittee shall notify planning staff of the Coastal Commission's San Diego Coast District Office immediately upon completion of construction. If planning staff should identify reasonable restoration measures, such measures shall be implemented immediately.
25. Copies of this ECDP shall be maintained in a conspicuous location at the construction job site at all times, and such copies shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of this ECDP, and the public review requirements applicable to it, prior to commencement of construction.
26. Within 30 days of completion of construction authorized by this ECDP, the Permittee shall submit site plans and cross sections to the Executive Director clearly identifying all development completed under this emergency authorization (comparing the legal pre-emergency development condition to both the emergency condition and to the post-emergency development condition), and a narrative description of all emergency development activities undertaken pursuant to this ECDP. Photos showing the project site before the emergency (if available), during emergency development construction activities, and after the work authorized by this ECDP is complete shall be provided with the site plans and cross sections.
27. A construction coordinator shall be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and the construction coordinator's contact information (i.e., address, email, phone numbers, etc.) including, at a minimum, an email address and a telephone number (with voice mail capabilities) that will be made available 24 hours a day for the duration of construction, shall be conspicuously posted at the job site where

such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the contact information (e.g., name, address, email, phone number, etc.) and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry. The Permittee shall submit the record of complaints/inquiries and actions taken in response to the Executive Director on a weekly basis, and upon completion of construction activities.

28. Minor adjustments to the requirements above, including deadline adjustments, may be allowed by the Executive Director if the Executive Director determines that such adjustments: (a) are deemed reasonable and necessary to help to temporarily abate the identified emergency, including as emergency conditions may change; (b) are designed to avoid coastal resource impacts (and limit those that are unavoidable) as much as possible; and (c) in the case of deadline extension adjustments, are appropriate in light of circumstances, including that the Permittee has shown diligence in pursuing the emergency development and meeting all ECDP terms and conditions.
29. By exercising this ECDP, Permittee acknowledges and agrees that this ECDP shall not constitute evidence against and/or a waiver of any public rights which may exist on the property.
30. The Permittee shall disclose this ECDP, including all of its terms and conditions, to any prospective buyer of the affected property during the period of time that any development that is the subject of this ECDP remains on such property.
31. Failure to comply with the terms and conditions of this ECDP may result in enforcement action under the provisions of Coastal Act Chapter 9. The issuance of this ECDP does not constitute admission as to the legality of any development undertaken on the property without a CDP and shall be without prejudice to the California Coastal Commission's ability to pursue any remedy under Coastal Act Chapter 9.
32. If you have any questions about the provisions of this ECDP, please contact the Commission's San Diego Coast District Office at SanDiegoCoast@coastal.ca.gov or (619) 767-2370.

CALIFORNIA COASTAL COMMISSION

SAN DIEGO DISTRICT OFFICE
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
VOICE (619) 767-2370
FAX (619) 767-2384

**EMERGENCY PERMIT ACCEPTANCE FORM**

TO: CALIFORNIA COASTAL COMMISSION
SAN DIEGO COAST AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370

RE: **Emergency Permit No. G-6-22-0029**

INSTRUCTIONS: After reading the attached Emergency Permit, please sign this form and return to the San Diego Coast Area Office within 15 working days from the permit's date.

I hereby understand all of the conditions of the emergency permit being issued to me and agree to abide by them.

I also understand that a regular Coastal Permit is necessary to permanently authorize the emergency work. I agree to apply for a regular Coastal Permit, or amend CDP application No. 6-21-0566 to include this emergency work, within 90 days of the date of the emergency permit (i.e., by November 24, 2022).

Signature of property owner

Name

Address

Date of Signing

CALIFORNIA COASTAL COMMISSION

SAN DIEGO DISTRICT OFFICE
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
VOICE (619) 767-2370
FAX (619) 767-2384



W15

Prepared August 18, 2022 (for September 7, 2022 Hearing)

To: Commissioners and Interested Persons

From: John Ainsworth, Executive Director
Diana Lilly, San Diego Coast District Manager
Carrie Boyle, Coastal Planner

Subject: Certification Review for City of Carlsbad LCP Amendment Number LCP-6-CAR-20-0077-2 (ADU Update)

On March 9, 2022, the California Coastal Commission considered a proposed City of Carlsbad LCP amendment (LCP-6-CAR-20-0077-2) designed to bring the City's regulation of accessory dwelling units (ADUs) into compliance with state law. At that time, and after a public hearing, the Commission conditionally certified the amendment provided it was modified as suggested by the Commission.

The City of Carlsbad introduced the Commission's conditional certification on July 12, 2022, and approved a modified version of the LCP amendment on July 19, 2022 in response to the Commission's conditional certification, including the suggested modifications (see attachment).

The Executive Director has reviewed the City's July 19, 2022 action, and has determined that it is legally adequate to meet all of the Commission's conditional certification requirements. The Executive Director will report that determination to the Coastal Commission at the Commission's Month meeting on September 7, 2022 as part of the San Diego Coast District Director's Report. The Commission meeting starts at 9am on September 7th, and the District Director's Report is item number 15 on the agenda for that day. Interested persons are welcome to submit comments and/or to sign-up to testify to the Commission regarding this matter under that agenda item (see the Commission's website at www.coastal.ca.gov for further information and instructions to participate in these ways).

Please note that this certification review is not a time to revisit any substantive issues associated with the approval of the subject LCP amendment, as certification review is limited to the question of whether the County adopted the suggested modifications to the LCP amendment approved by the Commission. Please further note that the Executive Director's determination is not subject to any required concurrence or approval by the Commission, but rather is simply being reported to the Commission as is required by the Commission's regulations in order to allow for the amended LCP to be certified in that form (see Title 14, Division 5.5, Sections 13544 and 13544.5). Upon reporting this item to the Commission in the Central Coast District Director's Report, the amended LCP will be certified as of that date and time.

If you have any questions about this LCP amendment certification review process, including questions about how to submit written comments and/or to testify to the Commission, please contact the San Diego Coast office at (619) 767-2370 or SanDiegoCoast@coastal.ca.gov.

ORDINANCE NO. CS-427

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD,
CALIFORNIA, ACKNOWLEDGING RECEIPT OF THE CALIFORNIA COASTAL
COMMISSION'S RESOLUTION OF CERTIFICATION INCLUDING SUGGESTED
MODIFICATIONS FOR LCPA 2020-0006, AND APPROVING THE ASSOCIATED
SUGGESTED MODIFICATIONS TO THE ZONING ORDINANCE AND LOCAL
COASTAL PROGRAM

CASE NAME: Accessory Dwelling Unit Amendments 2020

CASE NO.: ZCA 2020-0002/AMEND 2020-0005/LCPA 2020-0006

WHEREAS, on Sept. 1, 2020, the City Council adopted Ordinance No. CS-384, approving ZCA 2020-0002/AMEND 2020-0005/LCPA 2020-0006 – Accessory Dwelling Unit Amendments 2020; and

WHEREAS, the Carlsbad Zoning Ordinance is the implementing ordinance of the Carlsbad Local Coastal Program, and therefore, an amendment to the Zoning Ordinance also constitutes an amendment to the Local Coastal Program; and

WHEREAS, the California Coastal Act requires Coastal Commission certification of any local coastal program amendment; and

WHEREAS, on March 9, 2022, the California Coastal Commission approved the city's Local Coastal Program Amendment (LCPA 2020-0006) with suggested modifications; and the city received a letter dated March 23, 2022, from the California Coastal Commission that certifies (resolution of certification) the Coastal Commission's approval of the city's Local Coastal Program amendment (LCPA 2020-0006), subject to suggested modifications; and

WHEREAS, the California Coastal Commission's approval of LCPA 2020-0006 will not become effective until the Commission certifies that the city has amended its Local Coastal Program pursuant to the Commission's suggested modifications; and

WHEREAS, on July 12, 2022, the City Council held a duly noticed public hearing as prescribed by law to consider the Coastal Commission's suggested modifications

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Carlsbad, California, ordains as follows that:

1. The above recitations are true and correct.
2. *Section 21.04.020 of the Carlsbad Municipal Code is amended to read as follows:*

21.04.020 Accessory.

“Accessory” means a building, part of a building or structure, or use that is subordinate to and the use of which is incidental to that of the main building, structure or use on the same lot. If an accessory building is attached to the main building by a common wall, with a width dimension of at least three feet and a height dimension of at least one story, such building area is considered a part of the main building and not an accessory building or structure, except for “accessory dwelling units” or “junior accessory dwelling units” as defined in Sections 21.04.121 and 21.04.122. Accessory dwelling units and junior accessory dwelling units that comply with the requirements of Section 21.10.030 and California Government Code Sections 65852.2 (effective Jan. 1, 2022) and 65852.22 (effective Jan. 1, 2020), respectively, are considered accessory.

3. *Section 21.04.121 of the Carlsbad Municipal Code is amended to read as follows:*

21.04.121 Dwelling unit, accessory (ADU).

Refer to California Government Code Section 65852.2 (effective Jan. 1, 2022).

4. *Section 21.04.122 of the Carlsbad Municipal Code is amended to read as follows:*

21.04.122 Dwelling unit, junior accessory (JADU).

Refer to California Government Code Section 65852.22 (effective Jan. 1, 2020).

5. *Section 21.10.030 of the Carlsbad Municipal Code is repealed and replaced to read as follows:*

21.10.030 Accessory dwelling units and junior accessory dwelling units.

- A. Purpose. This section provides standards for the establishment of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs). Pursuant to California Government Code Sections 65852.2 (effective Jan. 1, 2022) and 65852.22 (effective Jan. 1, 2020), local governments have the authority to adopt regulations designed to promote ADUs and JADUs.
- B. Standards of Review. Review of ADUs and JADUs shall be consistent with the following:

1. ADU or JADU applications shall be considered a ministerial action without discretionary review or a public hearing if all requirements of this section (21.10.030) are met, notwithstanding any other requirements of state law or this development code.
 2. ADUs or JADUs developed within the coastal zone are subject to the permit requirements of Chapter 21.201 and require a building permit. Development of ADUs or JADUs outside of the coastal zone requires a building permit.
 3. The city shall act on an application to create an ADU or a JADU within the time period specified under California Government Code Sections 65852.2 (effective Jan. 1, 2022) and 65852.22 (effective Jan. 1, 2020).
 4. If the permit application to create an ADU or a JADU is submitted with a permit application to create a new one-family dwelling on the lot, the city may delay acting on the permit application for the ADU or the JADU until the city acts on the permit application to create the new one-family dwelling, but the application to create the ADU or JADU shall be considered without discretionary review or public hearing. If the applicant requests a delay, the time period specified under California Government Code Sections 65852.2 (effective Jan. 1, 2022) and 65852.22 (effective Jan. 1, 2020) shall be tolled for the period of the delay.
- C. Residential Use and Density. ADUs and JADUs, which comply with the requirements of this section (21.10.030) and California Government Code Sections 65852.2 (effective Jan. 1, 2022) and 65852.22 (effective Jan. 1, 2020):
1. Shall be considered accessory residential uses or accessory residential buildings that are consistent with the general plan or zoning designations for the lot; and
 2. Shall not be considered to exceed the allowable density for the lot upon which it is located; and
- D. Number and Location.
1. ADUs shall be permitted in zones that allow one-family dwellings, two-family dwellings, multiple-family dwellings, and mixed-use (residential uses in combination with non-residential uses), provided there is an existing or proposed dwelling on the lot where the ADU is proposed, as specified in California Government Code Sections 65852.2 (effective Jan. 1, 2022) and 65852.22 (effective Jan. 1, 2020). Refer to a specific zone's Permitted Uses table within this Title.
 2. For zones that allow one-family dwellings, one JADU shall be permitted with an associated existing or proposed one-family dwelling. Refer to a specific zone's Permitted Uses table within this Title.

3. The number and location of ADUs or JADUs on a lot shall be subject to California Government Code Sections 65852.2 (effective Jan. 1, 2022) and 65852.22 (effective Jan. 1, 2020).
- E. Other Requirements and Standards. ADUs and JADUs shall comply with all the following requirements and standards:
1. ADUs and JADUs shall comply with the development requirements and standards of California Government Code Sections 65852.2 (effective Jan. 1, 2022) and 65852.22 (effective Jan. 1, 2020).
 2. When not in conflict with California Government Code Sections 65852.2 (effective Jan. 1, 2022) and 65852.22 (effective Jan. 1, 2020) and the coastal resource and public access protection requirements of the certified local coastal program, ADUs and JADUs shall also comply with applicable development requirements and standards of this code.
 3. The maximum size of an ADU or JADU shall be limited as follows, consistent with California Government Code Sections 65852.2 (effective Jan. 1, 2022) and 65852.22 (effective Jan. 1, 2020):
 - a. Attached ADUs – 50% of the total floor area of the main dwelling or 1,200 square feet, whichever is less, but not less than 800 square feet;
 - b. Detached ADUs – 1,200 square feet
 - c. JADUs – 500 square feet
 4. A detached ADU shall be limited to one story and 16 feet maximum height, except that an ADU constructed above or below a detached garage shall be permitted and shall conform to the height limits applicable to the zone. Structures that contain an ADU located above or below a detached garage shall be limited to a maximum of two stories including the garage.
 5. Roof decks shall not be permitted on detached ADUs.
 6. The construction of an ADU or JADU that is all new construction, or is a conversion of a portion or all of an existing structure, or expands the square footage of an existing structure, shall be consistent with all habitat preserve buffers, geologic stability setbacks, and visual resource protection policies in the certified local coastal program, habitat management plan, general plan, or geotechnical report, as applicable.
 7. On lots with one-family dwelling(s), the exterior roofing, trim, walls, windows and the color palette of the ADU or JADU shall incorporate the same features as the primary dwelling unit.

8. On lots with two-family or multiple-family dwellings, the exterior roofing, trim, walls, windows and the color palette of the ADU addition shall incorporate the same features as the existing building that the ADU would be provided within. For detached ADUs, it shall be reflective of the nearest building as measured from the wall of the existing building to the nearest wall of the proposed unit.
9. Parking.
 - a. An ADU shall provide off-street parking in compliance with Chapter 21.44 (Parking), unless it qualifies for an exemption as specified in California Government Code Section 65852.2 (effective Jan. 1, 2022).
 - b. No off-street parking is required for a JADU if it meets the requirements specified in California Government Code Section 65852.22 (effective Jan. 1, 2020).
 - c. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, the loss of parking for the primary dwelling does not need to be replaced, except on lots located west of the rail corridor and on lots located east of the rail corridor and west of Interstate 5 between Avenida Encinas to the north and Batiquitos Lagoon to the south. In which case, the loss of parking for the primary dwelling shall be replaced subject to the parking requirements in Chapter 21.44 (Parking), except as follows:
 - i. The replacement parking spaces may be covered, uncovered, or tandem spaces, or provided by the use of mechanical automobile parking lifts (within a garage); and may be located in the front, side or rear yard, provided the parking area is an improved parking surface, such as paving, hardscape, decomposed granite, etc.
 - ii. The location of the replacement parking spaces shall be consistent with all habitat preserve buffers, geologic stability setbacks, and visual resource protection policies in the certified local coastal program.
10. ADUs intended to satisfy an inclusionary requirement shall comply with the requirements of Chapter 21.85, including, but not limited to, the applicable rental rates and income limit standards.
11. A Notice of Restriction shall be recorded on the property declaring that:
 - a. An ADU(s) or JADU shall not be used for short-term rentals of less than 30 days. This requirement does not apply to any unit that was issued a building permit prior to January 1, 2020.

- b. The obligations and restrictions imposed on the approval of the ADU(s) per California Government Code Section 65852.2 (effective Jan. 1, 2022) or JADU per California Government Code Section 65852.22 (effective Jan. 1, 2020) are binding on all present and future property owners.
 - c. For a JADU, the property owner must reside in either the primary residence or the JADU. Sale of the JADU separate from the single-family residence is prohibited; said prohibition is binding on all present owners and future purchasers.
- 12. For ADUs permitted prior to January 1, 2020, the city may continue to enforce a requirement for owner-occupancy of the ADU or primary residence.
- 13. An ADU may be sold separately from the primary dwelling only in limited situations pursuant to California Government Code Section 65852.26 (effective Jan. 1, 2022).

6. *Subsection B of Section 21.48.020 of the Carlsbad Municipal Code is amended to read as follows:*

B. The provisions of this chapter do not apply:

- 1. To nonconforming signs, which are addressed in Section 21.41.130.
- 2. When an accessory dwelling unit or junior accessory dwelling unit is proposed on a lot with an existing nonconforming residential structure that is nonconforming with regard to geologic setback, public view encroachment, coastal access, or habitat preserve buffers, and development of the proposed accessory dwelling unit or junior accessory dwelling unit does not result in redevelopment of the nonconforming residential structure. Pursuant to California Government Code Section 65852.2, the city shall not require, as a condition for approval of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions, except where the accessory dwelling unit or junior accessory dwelling unit is located in the Coastal Zone and is attached to the nonconforming residential structure that is nonconforming with regard to geologic setback, public view encroachment, coastal access, or habitat preserve buffers, and will result in redevelopment of the nonconforming structure. For purposes of this section, redevelopment shall mean alterations to the residential structure resulting from construction of an accessory dwelling unit or junior accessory dwelling unit that consist of (1) additions to an existing structure, or (2) exterior or interior renovations, or (3) demolition or replacement of an existing principal structure, or portions thereof, any of which results in replacement (including demolition, renovation or alteration) of 50 percent or more of major structural components including exterior walls, floor, roof structure or foundation, or a 50 percent increase in gross floor area.

EFFECTIVE DATE: The approval of this ordinance shall not be effective until the Executive Director of the California Coastal Commission certifies that implementation of LCPA 2020-0006 will be consistent with the Coastal Commission's approval of LCPA 2020-0006 with suggested modifications.

INTRODUCED AND FIRST READ at a Regular Meeting of the Carlsbad City Council on the 12th day of July, 2022, and thereafter

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the 19th day of July, 2022, by the following vote, to wit:

AYES: Hall, Blackburn, Bhat-Patel, Acosta.

NAYS: None.

ABSENT: Norby.

APPROVED AS TO FORM AND LEGALITY:

Candice K. Medsker, asst. City Atty.
CELIA A. BREWER, City Attorney *for*

Matt Hall
MATT HALL, Mayor

KM
for FAVIOLA MEDINA, City Clerk Services Manager
(SEAL)



CALIFORNIA COASTAL COMMISSION

SAN DIEGO DISTRICT OFFICE
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
VOICE (619) 767-2370
FAX (619) 767-2384



W15

Prepared August 18, 2022 (for September 7, 2022 Hearing)

To: Commissioners and Interested Persons

From: John Ainsworth, Executive Director
Diana Lilly, San Diego Coast District Manager
Carrie Boyle, Coastal Planner

Subject: Certification Review for City of Carlsbad LCP Amendment Number LCP-6-CAR-20-0078-2 (Density Bonus Update)

On February 10, 2022, the California Coastal Commission considered a proposed City of Carlsbad LCP amendment (LCP-6-CAR-20-0078-2) designed to bring the City's density bonus regulations into compliance with state law. At that time, and after a public hearing, the Commission conditionally certified the amendment provided it was modified as suggested by the Commission.

The City of Carlsbad introduced the Commission's conditional certification on July 12, 2022, and approved a modified version of the LCP amendment on July 19, 2022 in response to the Commission's conditional certification, including the suggested modifications (see attachment).

The Executive Director has reviewed the City's July 19, 2022 action, and has determined that it is legally adequate to meet all of the Commission's conditional certification requirements. The Executive Director will report that determination to the Coastal Commission at the Commission's Month meeting on September 7, 2022 as part of the San Diego Coast District Director's Report. The Commission meeting starts at 9am on September 7th, and the District Director's Report is item number 15 on the agenda for that day. Interested persons are welcome to submit comments and/or to sign-up to testify to the Commission regarding this matter under that agenda item (see the Commission's website at www.coastal.ca.gov for further information and instructions to participate in these ways).

Please note that this certification review is not a time to revisit any substantive issues associated with the approval of the subject LCP amendment, as certification review is limited to the question of whether the County adopted the suggested modifications to the LCP amendment approved by the Commission. Please further note that the Executive Director's determination is not subject to any required concurrence or approval by the Commission, but rather is simply being reported to the Commission as is required by the Commission's regulations in order to allow for the amended LCP to be certified in that form (see Title 14, Division 5.5, Sections 13544 and 13544.5). Upon reporting this item to the Commission in the Central Coast District Director's Report, the amended LCP will be certified as of that date and time.

If you have any questions about this LCP amendment certification review process, including questions about how to submit written comments and/or to testify to the Commission, please contact the San Diego Coast office at (619) 767-2370 or SanDiegoCoast@coastal.ca.gov.

ORDINANCE NO. CS-426

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, ACKNOWLEDGING RECEIPT OF THE CALIFORNIA COASTAL COMMISSION'S RESOLUTION OF CERTIFICATION INCLUDING SUGGESTED MODIFICATIONS FOR LCPA 2020-0005, AND APPROVING THE ASSOCIATED SUGGESTED MODIFICATIONS TO THE ZONING ORDINANCE AND LOCAL COASTAL PROGRAM

CASE NAME: DENSITY BONUS AMENDMENTS 2020

CASE NO.: ZCA 2020-0001/LCPA 2020-0005

WHEREAS, on Sept. 1, 2020, the City Council adopted Ordinance No. CS-382, approving ZCA 2020-0001/LCPA 2020-0005 – Density Bonus Amendments 2020; and

WHEREAS, the Carlsbad Zoning Ordinance is the implementing ordinance of the Carlsbad Local Coastal Program, and therefore, an amendment to the Zoning Ordinance also constitutes an amendment to the Local Coastal Program; and

WHEREAS, the California Coastal Act requires Coastal Commission certification of any local coastal program amendment; and

WHEREAS, on Feb. 10, 2022, the California Coastal Commission approved the city's Local Coastal Program Amendment (LCPA 2020-0005); and the city received a letter dated Feb. 25, 2022 from the California Coastal Commission that certifies (resolution of certification) the Coastal Commission's approval of the city's Local Coastal Program amendment (LCPA 2020-0005), subject to suggested modifications; and

WHEREAS, the California Coastal Commission's approval of LCPA 2020-0005 will not become effective until the Commission certifies that the city has amended its Local Coastal Program pursuant to the Commission's suggested modifications; and

WHEREAS, on July 12, 2022, the City Council held a duly noticed public hearing as prescribed by law to consider the Coastal Commission's suggested modifications.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Carlsbad, California, ordains as follows that:

1. The above recitations are true and correct.
2. That Section 21.86.070 of the Carlsbad Municipal Code is amended to read as follows:

21.86.070 Local Coastal Program Consistency.

- A. State Density Bonus Law provides that it shall not be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Cal. Public Resources Code § 30000 et seq.), and further provides that the granting of a density bonus or an incentive shall not be interpreted, in and of itself, to require a local coastal plan amendment.
- B. Development within the coastal zone that is granted a density bonus, incentive(s), waiver(s), parking reduction(s), or commercial development bonus shall be consistent with the coastal resource protection policies, and where applicable, the public access requirements of the certified Carlsbad Local Coastal Program.

- 3. *That subsections A and B of Section 21.86.080 of the Carlsbad Municipal Code are amended to read as follows:*

21.86.080 Review Procedures.

- A. Eligibility for Density Bonus, Incentive(s), Parking Reduction, and/or Waiver(s) for a Housing Development. To ensure that an application for a housing development conforms with the provisions of State Density Bonus Law and the Coastal Act, the staff report presented to the decision-making body shall state whether the application conforms to the following requirements of state law as applicable:
 - 1. The housing development provides the affordable units or senior housing required by State Density Bonus Law to be eligible for the density bonus and any incentives, parking reduction, or waivers requested, including the replacement of units rented or formerly rented to very-low and low income households as required by California Government Code Section 65915, subdivision (c)(3).
 - 2. Any requested incentive will result in identifiable and actual cost reductions to provide for affordable housing costs or rents; except that, if a mixed-use development is requested, the application must instead meet all of the requirements of California Government Code Section 65915, subdivision (k)(2).
 - 3. The development standards for which a waiver is requested would have the effect of physically precluding the construction of a development at the densities or with the concessions or incentives permitted by California Government Code Section 65915.
 - 4. The housing development is eligible for any requested parking reductions under California Government Code Section 65915, subdivision (p).
 - 5. If the density bonus is based all or in part on donation of land, all of the requirements included in California Government Code Section 65915, subdivision (g) have been met.
 - 6. If the density bonus or incentive is based all or in part on the inclusion of a child care facility, all of the requirements included in California Government Code Section 65915, subdivision (h) have been met.

7. If the density bonus or incentive is based all or in part on the inclusion of affordable units as part of a condominium conversion, all of the requirements included in California Government Code Section 65915.5 have been met.
 8. If the housing development is in the coastal zone, the development is consistent with the coastal resource protection policies, and where applicable, the public access requirements of the certified Carlsbad Local Coastal Program.
- B. If a commercial development bonus is requested for a commercial development, the decision-making body shall make a finding that the development complies with all of the requirements of Subsection 21.86.110(C), that the city has approved the partnered housing agreement, and that the commercial development bonus has been mutually agreed upon by the city and the commercial developer. If the project is in the coastal zone, the decision-making body shall also find that the commercial development is consistent with the coastal resource protection policies, and where applicable, the public access requirements of the certified Carlsbad Local Coastal Program.

EFFECTIVE DATE: The approval of this ordinance shall not be effective until the Executive Director of the California Coastal Commission certifies that implementation of LCPA 2020-0005 will be consistent with the Coastal Commission's approval of LCPA 2020-0005 with suggested modifications.

INTRODUCED AND FIRST READ at a Regular Meeting of the Carlsbad City Council on the 12th day of July, 2022, and thereafter

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the 19th day of July, 2022, by the following vote, to wit:

AYES: Hall, Blackburn, Bhat-Patel, Acosta.

NAYS: None.

ABSENT: Norby.

APPROVED AS TO FORM AND LEGALITY:

Cindie K. Meraban, Asst. City Atty. for
CELIA A. BREWER, City Attorney

Matt Hall
MATT HALL, Mayor

KM
for FAVIOLA MEDINA, City Clerk Services Manager
(SEAL)



CALIFORNIA COASTAL COMMISSION

SAN DIEGO DISTRICT OFFICE
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
VOICE (619) 767-2370
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W15

Prepared August 17, 2022 (for September 7, 2022 Hearing)

To: Commissioners and Interested Persons

From: John Ainsworth, Executive Director
Diana Lilly, San Diego Coast District Manager
Alexander Llerandi, Coastal Planner

Subject: Certification Review for City of San Diego LCP Amendment Number LCP-6-SAN-21-0005-5 (2019 Housing Legislation)

On December 17, 2021, the California Coastal Commission considered a proposed City of San Diego LCP amendment (LCP-6-SAN-21-0005-5) designed to amend the certified Implementation Plan to update regulations addressing accessory dwelling units as well as introduce moveable tiny houses as a new separately regulations use. At that time, and after a public hearing, the Commission conditionally certified the amendment provided it was modified as suggested by the Commission.

The City of San Diego considered the Commission's conditional certification on July 12, 2022, and approved a modified version of the LCP amendment that day in response to the Commission's conditional certification, including the suggested modifications.

The Executive Director has reviewed the City's July 12, 2022, action, and has determined that it is legally adequate to meet all of the Commission's conditional certification requirements. The Executive Director will report that determination to the Coastal Commission at the Commission's Month meeting on September 7, 2022, as part of the San Diego Coast District Director's Report. The Commission meeting starts at 9:00 AM on September 7, 2022, and the District Director's Report is item number W15 on the agenda for that day. Interested persons are welcome to submit comments and/or to sign-up to testify to the Commission regarding this matter under that agenda item (see the Commission's website at www.coastal.ca.gov for further information and instructions to participate in these ways).

Please note that this certification review is not a time to revisit any substantive issues associated with the approval of the subject LCP amendment, as certification review is limited to the question of whether the County adopted the suggested modifications to the LCP amendment approved by the Commission. Please further note that the Executive Director's determination is not subject to any required concurrence or approval by the Commission, but rather is simply being reported to the Commission as is required by the Commission's regulations in order to allow for the amended LCP to be certified in that form (see Title 14, Division 5.5, Sections 13544 and 13544.5). Upon reporting this item to the Commission in the San Diego District Director's Report, the amended LCP will be certified as of that date and time.

If you have any questions about this LCP amendment certification review process, including questions about how to submit written comments and/or to testify to the Commission, please contact the San Diego Coast office at (619) 767-2370 or SanDiegoCoast@coastal.ca.gov.

ORDINANCE NUMBER O- 21577 (NEW SERIES)DATE OF FINAL PASSAGE JUL 21 2022

AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 6, DIVISION 7 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 126.0704, 126.0707, AND 126.0708; AND AMENDING CHAPTER 14, ARTICLE 1, DIVISION 3 BY AMENDING SECTIONS 141.0302 AND 141.0318, ALL RELATING TO ACCEPTING THE CALIFORNIA COASTAL COMMISSION'S SUGGESTED MODIFICATIONS REQUIRED FOR CERTIFICATION OF THE MOVABLE TINY HOUSES AMENDMENTS TO THE COMPANION UNIT AND JUNIOR UNIT REGULATIONS AND THE HOUSING LEGISLATION CODE UPDATE TO THE MUNICIPAL CODE AND LOCAL COASTAL PROGRAM.

WHEREAS, on August 4, 2020, the Council of the City of San Diego (Council) adopted the Movable Tiny Houses amendments to the Companion Unit and Junior Unit Regulations of the Land Development Code pursuant to Ordinance O-21223 (Movable Tiny Houses Ordinance); and

WHEREAS, on October 27, 2020, the Council adopted the Housing Legislation Code Update to the Land Development Code pursuant to Ordinance O-21254 (Housing Legislation Update Ordinance); and

WHEREAS, the Movable Tiny Houses Ordinance and Housing Legislation Update Ordinance amended the Land Development Code, which serves as the Implementation Plan to the City's certified Local Coastal Program (LCP); and

WHEREAS, as an amendment to the City's certified LCP, the Movable Tiny Houses Ordinance and Housing Legislation Updated Ordinance must be certified by the California Coastal Commission (Commission) as consistent with Coastal Act policies prior to being effective in the Coastal Overlay Zone; and

WHEREAS, on December 17, 2021, the Commission considered certification of the Movable Tiny Houses Ordinance and the Housing Legislation Update Ordinance; and

WHEREAS, the Commission approved the Movable Tiny Houses Ordinance and Housing Legislation Update Ordinance with modifications related to parking requirements for Moveable Tiny Houses, Accessory Dwelling Units (ADU), and Junior Accessory Dwelling Units (JADU) located on premises located within the Beach Impact Area, but outside of a Transit Priority Area, additional requirements regarding assumption of risk and prohibition of shoreline protection for Movable Tiny Houses, ADUs, and JADUs on premises located within an area of future sea level rise but outside of a Special Flood Hazard Area, and additional regulations related to ADUs and JADUs and their permitting within the Coastal Overlay Zone; and

WHEREAS, the City desires to accept the Commission's modifications; NOW, THEREFORE,

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

Section 1. That Chapter 12, Article 6, Division 7 of the San Diego Municipal Code is amended by amending sections 126.0704, 126.0707, and 126.0708 to read as follows:

§126.0704 Exemptions from a Coastal Development Permit

The following *coastal development* is exempt from the requirement to obtain a Coastal Development Permit:

- (a) Improvements to existing *structures* are exempt, except if the improvements involve any of the following:
 - (1) through (8) [No change in text.]
 - (9) *Accessory Dwelling Units* and *Junior Accessory Dwelling Units* that are not completely contained in the existing primary *structure*

or include increases in habitable area or include conversion of nonhabitable space. Such *ADUs* and *JADUs* are considered self-contained residential units within new construction and are therefore ineligible for an exemption.

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

§126.0707 Decision Process for a Coastal Development Permit

(a) A decision on an application for a City-issued Coastal Development Permit in the *non-appealable area* of the Coastal Overlay Zone shall be made in accordance with Process Two, except that a decision on an application for a *capital improvement program project* or *public project* in the *non-appealable* or the *appealable area* of the Coastal Overlay Zone shall be made in accordance with Section 126.0707(c). The decision may be appealed to the Planning Commission in accordance with Section 112.0504.

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

(d) Except for Coastal Development Permits issued in accordance with Section 126.0707(g), conditions may be imposed by the decision maker when approving a Coastal Development Permit to carry out the purpose and the requirements of this division. The conditions may include a provision for public access, open space, or conservation easements or the relocation or redesign of proposed site improvements. In any *subdivision* or other land division, such conditions shall be imposed at the time of the *subdivision* or other land division, rather than through subsequent

development permits. When conditions pertaining to public access, open space, or conservation easements are imposed, the City Manager shall notify the Executive Director of the Coastal Commission as set forth in Section 126.0719.

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

(g) A decision on an application for a City-issued Coastal Development Permit for an *Accessory Dwelling Unit* or *Junior Accessory Dwelling Unit* in the non-appealable area of the Coastal Overlay Zone shall be made as follows:

(1) The Coastal Development Permit shall be issued as a Building Permit in accordance with Process One as specified in Section 112.0502 and Chapter 12, Article 9, Division 2.

Sections 126.0711, 126.0712, 126.0713, 126.0715 and 126.0716 related to recordation, issuance, initial utilization, time extension, and modification or amendment of a Coastal Development Permit shall not apply.

(2) If the proposed coastal development involves any of the activities in Section 126.0704(a)(1)-(2) or Section 126.0704(a)(4)-(8), a Coastal Development Permit shall be required in accordance with a Process Two as specified in Section 126.0707(a).

§126.0708 Findings for Coastal Development Permit Approval

Except for Coastal Development Permits issued in accordance with Section 126.0707(g), 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*. Coastal Development Permits issued in accordance with Section 126.0707(g) shall be approved if the administrative *findings* in Section 126.0708(c), and if applicable, the supplemental *findings* in Section 126.0708(b), are satisfied.

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

(c) The following administrative *findings* shall be made for Coastal Development Permits required for *Accessory Dwelling Units* and *Junior Accessory Dwelling Units* permitted in accordance with Section 126.0707(g) in order to ensure that the *development* conforms to the Local Coastal Program:

- (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*.
- (2) The proposed *coastal development* permit will preserve existing public views to and along the ocean and other scenic coastal areas as specified in the *Local Coastal Program land use plan* and Chapter 13, Article 2, Division 4.
- (3) The proposed *coastal development* complies with the Environmentally Sensitive Lands Regulations in Chapter 14, Article 3, Division 1.

- (4) The proposed *coastal development* does not involve any of the activities in Section 126.0704(a)(1)-(2) or Section 126.0704(a)(4)-(8).

Section 2. That Chapter 14, Article 1, Division 3 of the San Diego Municipal Code is amended by amending sections 143.0302 and 141.0318 to read as follows:

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

Section 141.0302 provides for the construction of *Accessory Dwelling Units (ADUs)* and *Junior Accessory Dwelling Units (JADUs)*, consistent with the requirements of state law, and is intended to encourage the construction of *ADUs* and *JADUs* through several local regulatory provisions, including allowing encroachment into the interior side *yard* and rear *yard setbacks* up to the *property line*, eliminating parking requirements for *ADUs* and *JADUs*, and providing an affordable housing bonus of one additional *ADU* for every deed-restricted affordable *ADU* constructed on the *premises*, as specified in the regulations below. *ADUs* are permitted in all zones allowing residential uses and *JADUs* are permitted in all *single dwelling unit* zones by-right as a limited use decided in accordance with Process One, indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) The following regulations are applicable to both *ADUs* and *JADUs*:
- (1) [No change in text.]
 - (2) *Development* Regulations
 - (A) through (C) [No change in text.]
 - (D) The following *setback* allowances are applicable:

- (i) Conversion of existing *structure* to an *ADU* or *JADU*. No *setback* is required for an existing *dwelling unit* or *accessory structure* that is converted to an *ADU* or *JADU*, or to a portion of an *ADU* or *JADU*. An *ADU* or *JADU* that is constructed in the same location and to the same dimensions as an existing *structure* may continue to observe the same *setbacks* as the *structure* it replaced. An existing *structure* may not be converted to or reconstructed as an *ADU* or *JADU* if the *structure* does not conform to the wetlands regulations in Section 143.0141(b), the sensitive coastal bluffs regulations in Section 143.0143, the coastal beaches regulations in Section 143.0144, or the Supplemental Regulations of the Coastal Overlay Zone in Section 132.0403.
- (ii) [No change in text.]
- (E) [No change in text.]
- (F) Within the Coastal Overlay Zone, the following regulations apply to *ADUs* or *JADUs* constructed outside of Special Flood Hazard Areas and within an area of future sea level rise (with a 75-year horizon) as determined by the City Manager based on the Sea Level Rise Policy Guidance

adopted by the California Coastal Commission, as it applies to residential *development*:

- (i) The *ADU* or *JADU* shall comply with the regulations in Section 143.0146(c) and, if applicable, Section 143.0146(g). The *base flood elevation* utilized, and the applicability of Section 143.0146(g), shall be based on the *FIRM* Zone of the *Special Flood Hazard Area* in closest proximity to the *premises* on which the *ADU* or *JADU* is proposed. The permit requirements of 143.0110(b) and other regulations of Chapter 14, Article 3, Division I do not apply.
- (ii) Hard shoreline armoring shall not be constructed to protect an *ADU* or *JADU* from the effects of coastal hazards, including, but not limited to, sea level rise.
- (iii) The *record owner* of the *ADU* or *JADU* shall enter into an acknowledgement agreement with the City in a form that is approved by the City Attorney. The agreement shall include the following acknowledgements and provisions:
 - (1) that the *ADU* or *JADU* is located in an area

of future sea level rise that may become hazardous in the future; (2) that sea level rise could render it difficult or impossible to provide services to the site; (3) that the boundary between public land (tidelands) and private land may shift with rising seas and the *development* approval does not permit encroachment onto public trust land; 4) that additional adaptation strategies may be required in the future to address sea level rise consistent with the Coastal Act and certified *Local Coastal Program*; (5) that the owner waives any rights under Coastal Act Section 30235 and related *Local Coastal Program* policies to hard shoreline armoring to protect the *ADU* or *JADU*; and (6) that the *structure* may be required to be removed or relocated and the site restored if it becomes unsafe.

- (iv) The record owner of the *ADU* or *JADU* shall provide notice to all occupants of the *ADU* or *JADU* of the acknowledgements and provisions specified in Section 141.0302(a)(2)(F)(ii) and (iii).

(3) Parking Regulations

- (A) No on-street parking spaces or *off-street parking spaces* are required for *ADUs* and *JADUs* except as specified in Section 141.0302(a)(3)(B).
- (B) When an *ADU* or *JADU* is proposed on a *premises* located both within the Beach Impact Area of the Parking Impact Overlay Zone and outside of a *transit priority area*, one *off-street parking spaces* located consistent with Section 141.0302(a)(3)(D) shall be required per *ADU* or *JADU*, unless any of the following apply:
 - (i) The *ADU* or *JADU* is 500 square feet or less;
 - (ii) The *premises* is located within a *historical district* that is a *designated historical resource*;
 - (iii) The *ADU* or *JADU* is attached to the proposed or existing primary *dwelling unit* or *accessory structure*;
 - (iv) The *premises* is located within a residential permit parking district;
 - (v) There is a car share vehicle located within one block of the *premises*.
- (C) When a garage, carport, or covered parking *structure* is demolished in conjunction with the construction of an *ADU* or *JADU*, or converted to an *ADU* or *JADU*, replacement of

those *off-street parking spaces* is not required unless the *premises* is located both within the Beach Impact Area of the Parking Impact Overlay Zone and outside of a *transit priority area*, in which case the parking shall be replaced in a location consistent with Section 141.0302(a)(3)(D).

(D) If *off-street parking spaces* are required in accordance with Section 141.0302(a)(3)(B) or 141.0302(a)(3)(C), or if the applicant chooses to provide *off-street parking spaces* for *ADUs* and/or *JADUs* located on the *premises*, those spaces shall comply with the following:

- (i) *Off-street parking spaces* may be located in any configuration, may be within the *setback* areas, and may include tandem spaces or mechanical lifts.
- (ii) *Off-street parking spaces* shall be located within *hardscape* areas and shall comply with the minimum standards and guidelines to provide safe and efficient means of vehicular access to the *lot*.

(4) [No change in text.]

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

§141.0318 Movable Tiny Houses

Movable tiny houses are permitted 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) and Chapter 15, Article 1, Division 4 (General and Supplemental Regulations), subject to the following regulations.

(a) *Development Regulations*

(1) *A movable tiny house shall be:*

(A) [No change in text.]

(B) exempt from parking regulations unless the *movable tiny house* is located in the Beach Impact Area of the Parking Impact Overlay Zone but outside of a *transit priority area*, in which case one *off-street parking space* shall be required if there is already an *Accessory Dwelling Unit* or *Junior Accessory Dwelling Unit* present on the same *premises*.

(2) through (11) [No change in text.]

(12) Within the Coastal Overlay Zone, the following regulations apply to *movable tiny houses* constructed outside of Special Flood Hazard Areas and within an area of future sea level rise (with a 75-year horizon) as determined by the City Manager based on the Sea Level Rise Policy Guidance adopted by the California Coastal Commission, as it applies to residential *development*:

(A) Hard shoreline armoring shall not be constructed to protect a *movable tiny house* from the effects of coastal hazards, including, but not limited to, sea level rise.

- (B) The *record owner* of the *movable tiny house* shall enter into an acknowledgement agreement with the City in a form that is approved by the City Attorney. The agreement shall include the following acknowledgements and provisions: (1) that the *movable tiny house* is located in an area of future sea level rise that may become hazardous in the future; (2) that sea level rise could render it difficult or impossible to provide services to the site; (3) that the boundary between public land (tidelands) and private land may shift with rising seas and the *development* approval does not permit encroachment onto public trust land; (4) that additional adaptation strategies may be required in the future to address sea level rise consistent with the Coastal Act and certified *Local Coastal Program*; (5) that the owner waives any rights under Coastal Act Section 30235 and related *Local Coastal Program* policies to hard shoreline armoring to protect the *movable tiny house*; and (6) that the *structure* may be required to be removed or relocated and the site restored if it becomes unsafe.

(C) The *record owner* of the *movable tiny house* shall provide notice to all occupants of the *movable tiny house* of the acknowledgements and provisions specified in Section 141.0318(a)(12)(A) and (B).

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

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

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

APPROVED: MARA W. ELLIOTT, City Attorney

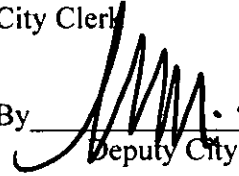
By /s/ Corrine L. Neuffer
Corrine L. Neuffer
Chief Deputy City Attorney

CLN:cm
05/27/2022
Or.Dept: Planning
Doc. No. 2926862_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUL 12 2022.

ELIZABETH S. MALAND
City Clerk

By



Deputy City Clerk

Approved: 7/21/22
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUL 12 2022, by the following vote:

| Councilmembers | Yeas | Nays | Not Present | Recused |
|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Joe LaCava | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Jennifer Campbell | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Stephen Whitburn | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Monica Montgomery Steppe | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Marni von Wilpert | <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"/> |
| Raul A. Campillo | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Vivian Moreno | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sean Elo-Rivera | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Date of final passage JUL 21 2022.

AUTHENTICATED BY:

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

(Seal)

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

By [Signature], 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 20 2022, and on JUL 21 2022.

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 [Signature], Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O-_____

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 6, DIVISION 7 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 126.0704, 126.0707, AND 126.0708; AND AMENDING CHAPTER 14, ARTICLE 1, DIVISION 3 BY AMENDING SECTIONS 141.0302 AND 141.0318, ALL RELATING TO ACCEPTING THE CALIFORNIA COASTAL COMMISSION'S SUGGESTED MODIFICATIONS REQUIRED FOR CERTIFICATION OF THE MOVABLE TINY HOUSES AMENDMENTS TO THE COMPANION UNIT AND JUNIOR UNIT REGULATIONS AND THE HOUSING LEGISLATION CODE UPDATE TO THE MUNICIPAL CODE AND LOCAL COASTAL PROGRAM.

§126.0704 Exemptions from a Coastal Development Permit

The following *coastal development* is exempt from the requirement to obtain a Coastal Development Permit:

- (a) Improvements to existing *structures*, ~~including the construction of attached Accessory Dwelling Units and Junior Accessory Dwelling Units in accordance with Section 141.0302~~ are exempt, except if the improvements involve any of the following:

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

- (9) Accessory Dwelling Units and Junior Accessory Dwelling Units that are not completely contained in the existing primary structure or include increases in habitable area or include conversion of nonhabitable space. Such ADUs and JADUs are considered

self-contained residential units within new construction and are therefore ineligible for an exemption.

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

§126.0707 Decision Process for a Coastal Development Permit

(a) A decision on an application for a City-issued Coastal Development Permit in the *non-appealable area* of the Coastal Overlay Zone shall be made in accordance with Process Two, except that a decision on an application for a *capital improvement program project* or *public project* in the *non-appealable* or the *appealable area* of the Coastal Overlay Zone shall be made in accordance with Section 126.0707(c). The decision may be appealed to the Planning Commission in accordance with Section 112.0504.

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

(d) ~~€~~Except for Coastal Development Permits issued in accordance with Section 126.0707(g), conditions may be imposed by the decision maker when approving a Coastal Development Permit to carry out the purpose and the requirements of this division. The conditions may include a provision for public access, open space, or conservation easements or the relocation or redesign of proposed site improvements. In any *subdivision* or other land division, such conditions shall be imposed at the time of the *subdivision* or other land division, rather than through subsequent development permits. When conditions pertaining to public access, open space, or conservation easements are imposed, the City Manager shall

notify the Executive Director of the Coastal Commission as set forth in Section 126.0719.

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

(g) A decision on an application for a City-issued Coastal Development Permit for an Accessory Dwelling Unit or Junior Accessory Dwelling Unit in the non-appealable area of the Coastal Overlay Zone shall be made as follows:

(1) The Coastal Development Permit shall be issued as a Building Permit in accordance with Process One as specified in Section 112.0502 and Chapter 12, Article 9, Division 2.

Sections 126.0711, 126.0712, 126.0713, 126.0715 and 126.0716 related to recordation, issuance, initial utilization, time extension, and modification or amendment of a Coastal Development Permit shall not apply.

(2) If the proposed coastal development involves any of the activities in Section 126.0704(a)(1)-(2) or Section 126.0704(a)(4)-(8), a Coastal Development Permit shall be required in accordance with a Process Two as specified in Section 126.0707(a).

§126.0708 Findings for Coastal Development Permit Approval

A~~Except for Coastal Development Permits issued in accordance with Section 126.0707(g),~~ 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*. Coastal Development Permits issued in accordance with Section 126.0707(g) shall be approved if the administrative findings in Section 126.0708(c), and if applicable, the supplemental findings in Section 126.0708(b), are satisfied.

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

(c) The following administrative findings shall be made for Coastal Development Permits required for *Accessory Dwelling Units* and *Junior Accessory Dwelling Units* permitted in accordance with Section 126.0707(g) in order to ensure that the *development* conforms to the Local Coastal Program:

- (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*.
- (2) The proposed *coastal development* permit will preserve existing public views to and along the ocean and other scenic coastal areas as specified in the *Local Coastal Program land use plan* and Chapter 13, Article 2, Division 4.
- (3) The proposed *coastal development* complies with the Environmentally Sensitive Lands Regulations in Chapter 14, Article 3, Division 1.

- (4) The proposed *coastal development* does not involve any of the activities in Section 126.0704(a)(1)-(2) or Section 126.0704(a)(4)-(8).

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

Section 141.0302 provides for the construction of *Accessory Dwelling Units* (*ADUs*) and *Junior Accessory Dwelling Units* (*JADUs*), consistent with the requirements of state law, and is intended to encourage the construction of *ADUs* and *JADUs* through several local regulatory provisions, including allowing encroachment into the interior side *yard* and rear *yard setbacks* up to the *property line*, eliminating parking requirements for *ADUs* and *JADUs*, and providing an affordable housing bonus of one additional *ADU* for every deed-restricted affordable *ADU* constructed on the *premises*, as specified in the regulations below. *ADUs* are permitted in all zones allowing residential uses and *JADUs* are permitted in all *single dwelling unit* zones by-right as a limited use decided in accordance with Process One, indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) The following regulations are applicable to both *ADUs* and *JADUs*:
- (1) [No change in text.]
 - (2) *Development* Regulations
 - (A) through (C) [No change in text.]
 - (D) The following *setback* allowances are applicable:
 - (i) Conversion of existing *structure* to an *ADU* or *JADU*. No *setback* is required for an existing

dwelling unit or accessory structure that is converted to an *ADU* or *JADU*, or to a portion of an *ADU* or *JADU*. An *ADU* or *JADU* that is constructed in the same location and to the same dimensions as an existing *structure* may continue to observe the same *setbacks* as the *structure* it replaced. An existing *structure* may not be converted to or reconstructed as an *ADU* or *JADU* if the *structure* does not conform to the wetlands regulations in Section 143.0141(b), the sensitive coastal bluffs regulations in Section 143.0143, the coastal beaches regulations in Section 143.0144, or the Supplemental Regulations of the Coastal Overlay Zone in Section 132.0403.

(ii) [No change in text.]

(E) [No change in text.]

(F) Within the Coastal Overlay Zone, the following regulations apply to *ADUs* or *JADUs* constructed outside of Special Flood Hazard Areas and within an area of future sea level rise (with a 75-year horizon) as determined by the City Manager based on the Sea Level Rise Policy Guidance adopted by the California Coastal Commission, as it applies to residential *development*:

- (i) The ADU or JADU shall comply with the regulations in Section 143.0146(c) and, if applicable, Section 143.0146(g). The base flood elevation utilized, and the applicability of Section 143.0146(g), shall be based on the FIRM Zone of the Special Flood Hazard Area in closest proximity to the premises on which the ADU or JADU is proposed. The permit requirements of 143.0110(b) and other regulations of Chapter 14, Article 3, Division 1 do not apply.
- (ii) Hard shoreline armoring shall not be constructed to protect an ADU or JADU from the effects of coastal hazards, including, but not limited to, sea level rise.
- (iii) The record owner of the ADU or JADU shall enter into an acknowledgement agreement with the City in a form that is approved by the City Attorney. The agreement shall include the following acknowledgements and provisions:

 - (1) that the ADU or JADU is located in an area of future sea level rise that may become hazardous in the future;
 - (2) that sea level rise

could render it difficult or impossible to provide services to the site; (3) that the boundary between public land (tidelands) and private land may shift with rising seas and the *development* approval does not permit encroachment onto public trust land; 4) that additional adaptation strategies may be required in the future to address sea level rise consistent with the Coastal Act and certified *Local Coastal Program*; (5) that the owner waives any rights under Coastal Act Section 30235 and related *Local Coastal Program* policies to hard shoreline armoring to protect the *ADU* or *JADU*; and (6) that the *structure* may be required to be removed or relocated and the site restored if it becomes unsafe.

- (iv) The record owner of the *ADU* or *JADU* shall provide notice to all occupants of the *ADU* or *JADU* of the acknowledgements and provisions specified in Section 141.0302(a)(2)(F)(ii) and (iii).

(3) Parking Regulations

- (A) No on-street parking spaces or *off-street parking spaces* are required for *ADUs* and *JADUs* except as specified in Section 141.0302(a)(3)(B). ~~If the applicant chooses to provide off-street parking spaces for ADUs and/or JADUs located on the premises, those spaces shall comply with the following:~~
- ~~(i) Off-street parking spaces may be located in any configuration, may be within the setback areas, and may include tandem spaces or mechanical lifts.~~
 - ~~(ii) Off-street parking spaces shall be located within hardscape areas and shall comply with the minimum standards and guidelines to provide safe and efficient means of vehicular access to the lot.~~
- (B) When an garage, carport, or covered parking structure is ~~demolished in conjunction with the construction of an ADU or JADU, or converted to an ADU or JADU, replacement of those is proposed on a premises located both within the Beach Impact Area of the Parking Impact Overlay Zone and outside of a transit priority area, one off-street parking spaces is not located consistent with Section 141.0302(a)(3)(D) shall be required; per ADU or JADU, unless any of the following apply:~~
- (i) The ADU or JADU is 500 square feet or less;

- (ii) The *premises* is located within a *historical district* that is a *designated historical resource*;
- (iii) The *ADU* or *JADU* is attached to the proposed or existing *primary dwelling unit* or *accessory structure*;
- (iv) The *premises* is located within a residential permit parking district;
- (v) There is a car share vehicle located within one block of the *premises*.
- (C) When a garage, carport, or covered parking *structure* is demolished in conjunction with the construction of an *ADU* or *JADU*, or converted to an *ADU* or *JADU*, replacement of those *off-street parking spaces* is not required unless the *premises* is located both within the Beach Impact Area of the Parking Impact Overlay Zone and outside of a *transit priority area*, in which case the parking shall be replaced in a location consistent with Section 141.0302(a)(3)(D).
- (D) If *off-street parking spaces* are required in accordance with Section 141.0302(a)(3)(B) or 141.0302(a)(3)(C), or if the applicant chooses to provide *off-street parking spaces* for *ADUs* and/or *JADUs* located on the *premises*, those spaces shall comply with the following:

- (i) Off-street parking spaces may be located in any configuration, may be within the setback areas, and may include tandem spaces or mechanical lifts.
- (ii) Off-street parking spaces shall be located within hardscape areas and shall comply with the minimum standards and guidelines to provide safe and efficient means of vehicular access to the lot.

(4) [No change in text.]

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

§141.0318 Movable Tiny Houses

Movable tiny houses are permitted 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) and Chapter 15, Article 1, Division 4 (General and Supplemental Regulations), subject to the following regulations.

(a) Development Regulations

(1) *A movable tiny house* shall be:

(A) [No change in text.]

(B) exempt from parking regulations unless the movable tiny house is located in the Beach Impact Area of the Parking Impact Overlay Zone but outside of a transit priority area, in which case one off-street parking space shall be required if there is already an Accessory Dwelling Unit or

Junior Accessory Dwelling Unit present on the same premises.

(2) through (11) [No change in text.]

(12) Within the Coastal Overlay Zone, the following regulations apply to movable tiny houses constructed outside of Special Flood Hazard Areas and within an area of future sea level rise (with a 75-year horizon) as determined by the City Manager based on the Sea Level Rise Policy Guidance adopted by the California Coastal Commission, as it applies to residential development:

- (A) Hard shoreline armoring shall not be constructed to protect a movable tiny house from the effects of coastal hazards, including, but not limited to, sea level rise.
- (B) The record owner of the movable tiny house shall enter into an acknowledgement agreement with the City in a form that is approved by the City Attorney. The agreement shall include the following acknowledgements and provisions: (1) that the movable tiny house is located in an area of future sea level rise that may become hazardous in the future; (2) that sea level rise could render it difficult or impossible to provide services to the site; (3) that the boundary between public land (tidelands) and private land may shift with rising seas and the development approval

does not permit encroachment onto public trust land;
(4) that additional adaptation strategies may be required
in the future to address sea level rise consistent with the
Coastal Act and certified *Local Coastal Program*; (5)
that the owner waives any rights under Coastal Act
Section 30235 and related *Local Coastal Program*
policies to hard shoreline armoring to protect the
movable tiny house; and (6) that the *structure* may be
required to be removed or relocated and the site
restored if it becomes unsafe.

(C) The *record owner* of the *movable tiny house* shall
provide notice to all occupants of the *movable tiny*
house of the acknowledgements and provisions
specified in Section 141.0318(a)(12)(A) and (B).

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

CLN:cm
05/27/2022
Or.Dept: Planning
Doc. No. 2926863_2

CALIFORNIA COASTAL COMMISSION

SAN DIEGO DISTRICT OFFICE
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
VOICE (619) 767-2370
FAX (619) 767-2384



W15

Prepared August 17, 2022 (for September 7, 2022 Hearing)

To: Commissioners and Interested Persons

From: John Ainsworth, Executive Director
Diana Lilly, San Diego Coast District Manager
Alexander Llerandi, Coastal Planner

Subject: Certification Review for City of San Diego LCP Amendment Number LCP-6-SAN-21-0006-5 (Movable Tiny Houses)

On December 17, 2021, the California Coastal Commission considered a proposed City of San Diego LCP amendment (LCP-6-SAN-21-0006-5) designed to amend the certified Implementation Plan to update regulations to introduce moveable tiny houses as a new separately regulations use. At that time, and after a public hearing, the Commission conditionally certified the amendment provided it was modified as suggested by the Commission.

The City of San Diego considered the Commission's conditional certification on July 12, 2022, and approved a modified version of the LCP amendment that day in response to the Commission's conditional certification, including the suggested modifications.

The Executive Director has reviewed the City's July 12, 2022, action, and has determined that it is legally adequate to meet all of the Commission's conditional certification requirements. The Executive Director will report that determination to the Coastal Commission at the Commission's Month meeting on September 7, 2022, as part of the San Diego Coast District Director's Report. The Commission meeting starts at 9:00 AM on September 7, 2022, and the District Director's Report is item number W15 on the agenda for that day. Interested persons are welcome to submit comments and/or to sign-up to testify to the Commission regarding this matter under that agenda item (see the Commission's website at www.coastal.ca.gov for further information and instructions to participate in these ways).

Please note that this certification review is not a time to revisit any substantive issues associated with the approval of the subject LCP amendment, as certification review is limited to the question of whether the County adopted the suggested modifications to the LCP amendment approved by the Commission. Please further note that the Executive Director's determination is not subject to any required concurrence or approval by the Commission, but rather is simply being reported to the Commission as is required by the Commission's regulations in order to allow for the amended LCP to be certified in that form (see Title 14, Division 5.5, Sections 13544 and 13544.5). Upon reporting this item to the Commission in the San Diego District Director's Report, the amended LCP will be certified as of that date and time.

If you have any questions about this LCP amendment certification review process, including questions about how to submit written comments and/or to testify to the Commission, please contact the San Diego Coast office at (619) 767-2370 or SanDiegoCoast@coastal.ca.gov.

ORDINANCE NUMBER O- 21577 (NEW SERIES)DATE OF FINAL PASSAGE JUL 21 2022

AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 6, DIVISION 7 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 126.0704, 126.0707, AND 126.0708; AND AMENDING CHAPTER 14, ARTICLE 1, DIVISION 3 BY AMENDING SECTIONS 141.0302 AND 141.0318, ALL RELATING TO ACCEPTING THE CALIFORNIA COASTAL COMMISSION'S SUGGESTED MODIFICATIONS REQUIRED FOR CERTIFICATION OF THE MOVABLE TINY HOUSES AMENDMENTS TO THE COMPANION UNIT AND JUNIOR UNIT REGULATIONS AND THE HOUSING LEGISLATION CODE UPDATE TO THE MUNICIPAL CODE AND LOCAL COASTAL PROGRAM.

WHEREAS, on August 4, 2020, the Council of the City of San Diego (Council) adopted the Movable Tiny Houses amendments to the Companion Unit and Junior Unit Regulations of the Land Development Code pursuant to Ordinance O-21223 (Movable Tiny Houses Ordinance); and

WHEREAS, on October 27, 2020, the Council adopted the Housing Legislation Code Update to the Land Development Code pursuant to Ordinance O-21254 (Housing Legislation Update Ordinance); and

WHEREAS, the Movable Tiny Houses Ordinance and Housing Legislation Update Ordinance amended the Land Development Code, which serves as the Implementation Plan to the City's certified Local Coastal Program (LCP); and

WHEREAS, as an amendment to the City's certified LCP, the Movable Tiny Houses Ordinance and Housing Legislation Updated Ordinance must be certified by the California Coastal Commission (Commission) as consistent with Coastal Act policies prior to being effective in the Coastal Overlay Zone; and

WHEREAS, on December 17, 2021, the Commission considered certification of the Movable Tiny Houses Ordinance and the Housing Legislation Update Ordinance; and

WHEREAS, the Commission approved the Movable Tiny Houses Ordinance and Housing Legislation Update Ordinance with modifications related to parking requirements for Moveable Tiny Houses, Accessory Dwelling Units (ADU), and Junior Accessory Dwelling Units (JADU) located on premises located within the Beach Impact Area, but outside of a Transit Priority Area, additional requirements regarding assumption of risk and prohibition of shoreline protection for Movable Tiny Houses, ADUs, and JADUs on premises located within an area of future sea level rise but outside of a Special Flood Hazard Area, and additional regulations related to ADUs and JADUs and their permitting within the Coastal Overlay Zone; and

WHEREAS, the City desires to accept the Commission's modifications; NOW, THEREFORE,

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

Section 1. That Chapter 12, Article 6, Division 7 of the San Diego Municipal Code is amended by amending sections 126.0704, 126.0707, and 126.0708 to read as follows:

§126.0704 Exemptions from a Coastal Development Permit

The following *coastal development* is exempt from the requirement to obtain a Coastal Development Permit:

- (a) Improvements to existing *structures* are exempt, except if the improvements involve any of the following:
 - (1) through (8) [No change in text.]
 - (9) *Accessory Dwelling Units* and *Junior Accessory Dwelling Units* that are not completely contained in the existing primary *structure*

or include increases in habitable area or include conversion of nonhabitable space. Such *ADUs* and *JADUs* are considered self-contained residential units within new construction and are therefore ineligible for an exemption.

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

§126.0707 Decision Process for a Coastal Development Permit

(a) A decision on an application for a City-issued Coastal Development Permit in the *non-appealable area* of the Coastal Overlay Zone shall be made in accordance with Process Two, except that a decision on an application for a *capital improvement program project* or *public project* in the *non-appealable* or the *appealable area* of the Coastal Overlay Zone shall be made in accordance with Section 126.0707(c). The decision may be appealed to the Planning Commission in accordance with Section 112.0504.

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

(d) Except for Coastal Development Permits issued in accordance with Section 126.0707(g), conditions may be imposed by the decision maker when approving a Coastal Development Permit to carry out the purpose and the requirements of this division. The conditions may include a provision for public access, open space, or conservation easements or the relocation or redesign of proposed site improvements. In any *subdivision* or other land division, such conditions shall be imposed at the time of the *subdivision* or other land division, rather than through subsequent

development permits. When conditions pertaining to public access, open space, or conservation easements are imposed, the City Manager shall notify the Executive Director of the Coastal Commission as set forth in Section 126.0719.

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

(g) A decision on an application for a City-issued Coastal Development Permit for an *Accessory Dwelling Unit* or *Junior Accessory Dwelling Unit* in the non-appealable area of the Coastal Overlay Zone shall be made as follows:

(1) The Coastal Development Permit shall be issued as a Building Permit in accordance with Process One as specified in Section 112.0502 and Chapter 12, Article 9, Division 2.

Sections 126.0711, 126.0712, 126.0713, 126.0715 and 126.0716 related to recordation, issuance, initial utilization, time extension, and modification or amendment of a Coastal Development Permit shall not apply.

(2) If the proposed coastal development involves any of the activities in Section 126.0704(a)(1)-(2) or Section 126.0704(a)(4)-(8), a Coastal Development Permit shall be required in accordance with a Process Two as specified in Section 126.0707(a).

§126.0708 Findings for Coastal Development Permit Approval

Except for Coastal Development Permits issued in accordance with Section 126.0707(g), 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*. Coastal Development Permits issued in accordance with Section 126.0707(g) shall be approved if the administrative *findings* in Section 126.0708(c), and if applicable, the supplemental *findings* in Section 126.0708(b), are satisfied.

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

(c) The following administrative *findings* shall be made for Coastal Development Permits required for *Accessory Dwelling Units* and *Junior Accessory Dwelling Units* permitted in accordance with Section 126.0707(g) in order to ensure that the *development* conforms to the Local Coastal Program:

- (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*.
- (2) The proposed *coastal development* permit will preserve existing public views to and along the ocean and other scenic coastal areas as specified in the *Local Coastal Program land use plan* and Chapter 13, Article 2, Division 4.
- (3) The proposed *coastal development* complies with the Environmentally Sensitive Lands Regulations in Chapter 14, Article 3, Division 1.

- (4) The proposed *coastal development* does not involve any of the activities in Section 126.0704(a)(1)-(2) or Section 126.0704(a)(4)-(8).

Section 2. That Chapter 14, Article 1, Division 3 of the San Diego Municipal Code is amended by amending sections 143.0302 and 141.0318 to read as follows:

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

Section 141.0302 provides for the construction of *Accessory Dwelling Units (ADUs)* and *Junior Accessory Dwelling Units (JADUs)*, consistent with the requirements of state law, and is intended to encourage the construction of *ADUs* and *JADUs* through several local regulatory provisions, including allowing encroachment into the interior side *yard* and rear *yard setbacks* up to the *property line*, eliminating parking requirements for *ADUs* and *JADUs*, and providing an affordable housing bonus of one additional *ADU* for every deed-restricted affordable *ADU* constructed on the *premises*, as specified in the regulations below. *ADUs* are permitted in all zones allowing residential uses and *JADUs* are permitted in all *single dwelling unit* zones by-right as a limited use decided in accordance with Process One, indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) The following regulations are applicable to both *ADUs* and *JADUs*:
- (1) [No change in text.]
 - (2) *Development* Regulations
 - (A) through (C) [No change in text.]
 - (D) The following *setback* allowances are applicable:

- (i) Conversion of existing *structure* to an *ADU* or *JADU*. No *setback* is required for an existing *dwelling unit* or *accessory structure* that is converted to an *ADU* or *JADU*, or to a portion of an *ADU* or *JADU*. An *ADU* or *JADU* that is constructed in the same location and to the same dimensions as an existing *structure* may continue to observe the same *setbacks* as the *structure* it replaced. An existing *structure* may not be converted to or reconstructed as an *ADU* or *JADU* if the *structure* does not conform to the wetlands regulations in Section 143.0141(b), the sensitive coastal bluffs regulations in Section 143.0143, the coastal beaches regulations in Section 143.0144, or the Supplemental Regulations of the Coastal Overlay Zone in Section 132.0403.
- (ii) [No change in text.]
- (E) [No change in text.]
- (F) Within the Coastal Overlay Zone, the following regulations apply to *ADUs* or *JADUs* constructed outside of Special Flood Hazard Areas and within an area of future sea level rise (with a 75-year horizon) as determined by the City Manager based on the Sea Level Rise Policy Guidance

adopted by the California Coastal Commission, as it applies to residential *development*:

- (i) The *ADU* or *JADU* shall comply with the regulations in Section 143.0146(c) and, if applicable, Section 143.0146(g). The *base flood elevation* utilized, and the applicability of Section 143.0146(g), shall be based on the *FIRM* Zone of the *Special Flood Hazard Area* in closest proximity to the *premises* on which the *ADU* or *JADU* is proposed. The permit requirements of 143.0110(b) and other regulations of Chapter 14, Article 3, Division I do not apply.
- (ii) Hard shoreline armoring shall not be constructed to protect an *ADU* or *JADU* from the effects of coastal hazards, including, but not limited to, sea level rise.
- (iii) The *record owner* of the *ADU* or *JADU* shall enter into an acknowledgement agreement with the City in a form that is approved by the City Attorney. The agreement shall include the following acknowledgements and provisions:
 - (1) that the *ADU* or *JADU* is located in an area

of future sea level rise that may become hazardous in the future; (2) that sea level rise could render it difficult or impossible to provide services to the site; (3) that the boundary between public land (tidelands) and private land may shift with rising seas and the *development* approval does not permit encroachment onto public trust land; 4) that additional adaptation strategies may be required in the future to address sea level rise consistent with the Coastal Act and certified *Local Coastal Program*; (5) that the owner waives any rights under Coastal Act Section 30235 and related *Local Coastal Program* policies to hard shoreline armoring to protect the *ADU* or *JADU*; and (6) that the *structure* may be required to be removed or relocated and the site restored if it becomes unsafe.

- (iv) The record owner of the *ADU* or *JADU* shall provide notice to all occupants of the *ADU* or *JADU* of the acknowledgements and provisions specified in Section 141.0302(a)(2)(F)(ii) and (iii).

(3) Parking Regulations

- (A) No on-street parking spaces or *off-street parking spaces* are required for *ADUs* and *JADUs* except as specified in Section 141.0302(a)(3)(B).
- (B) When an *ADU* or *JADU* is proposed on a *premises* located both within the Beach Impact Area of the Parking Impact Overlay Zone and outside of a *transit priority area*, one *off-street parking spaces* located consistent with Section 141.0302(a)(3)(D) shall be required per *ADU* or *JADU*, unless any of the following apply:
 - (i) The *ADU* or *JADU* is 500 square feet or less;
 - (ii) The *premises* is located within a *historical district* that is a *designated historical resource*;
 - (iii) The *ADU* or *JADU* is attached to the proposed or existing primary *dwelling unit* or *accessory structure*;
 - (iv) The *premises* is located within a residential permit parking district;
 - (v) There is a car share vehicle located within one block of the *premises*.
- (C) When a garage, carport, or covered parking *structure* is demolished in conjunction with the construction of an *ADU* or *JADU*, or converted to an *ADU* or *JADU*, replacement of

those *off-street parking spaces* is not required unless the *premises* is located both within the Beach Impact Area of the Parking Impact Overlay Zone and outside of a *transit priority area*, in which case the parking shall be replaced in a location consistent with Section 141.0302(a)(3)(D).

(D) If *off-street parking spaces* are required in accordance with Section 141.0302(a)(3)(B) or 141.0302(a)(3)(C), or if the applicant chooses to provide *off-street parking spaces* for *ADUs* and/or *JADUs* located on the *premises*, those spaces shall comply with the following:

- (i) *Off-street parking spaces* may be located in any configuration, may be within the *setback* areas, and may include tandem spaces or mechanical lifts.
- (ii) *Off-street parking spaces* shall be located within *hardscape* areas and shall comply with the minimum standards and guidelines to provide safe and efficient means of vehicular access to the *lot*.

(4) [No change in text.]

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

§141.0318 Movable Tiny Houses

Movable tiny houses are permitted 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) and Chapter 15, Article 1, Division 4 (General and Supplemental Regulations), subject to the following regulations.

(a) *Development Regulations*

(1) *A movable tiny house shall be:*

(A) [No change in text.]

(B) exempt from parking regulations unless the *movable tiny house* is located in the Beach Impact Area of the Parking Impact Overlay Zone but outside of a *transit priority area*, in which case one *off-street parking space* shall be required if there is already an *Accessory Dwelling Unit* or *Junior Accessory Dwelling Unit* present on the same *premises*.

(2) through (11) [No change in text.]

(12) Within the Coastal Overlay Zone, the following regulations apply to *movable tiny houses* constructed outside of Special Flood Hazard Areas and within an area of future sea level rise (with a 75-year horizon) as determined by the City Manager based on the Sea Level Rise Policy Guidance adopted by the California Coastal Commission, as it applies to residential *development*:

(A) Hard shoreline armoring shall not be constructed to protect a *movable tiny house* from the effects of coastal hazards, including, but not limited to, sea level rise.

- (B) The *record owner* of the *movable tiny house* shall enter into an acknowledgement agreement with the City in a form that is approved by the City Attorney. The agreement shall include the following acknowledgements and provisions: (1) that the *movable tiny house* is located in an area of future sea level rise that may become hazardous in the future; (2) that sea level rise could render it difficult or impossible to provide services to the site; (3) that the boundary between public land (tidelands) and private land may shift with rising seas and the *development* approval does not permit encroachment onto public trust land; (4) that additional adaptation strategies may be required in the future to address sea level rise consistent with the Coastal Act and certified *Local Coastal Program*; (5) that the owner waives any rights under Coastal Act Section 30235 and related *Local Coastal Program* policies to hard shoreline armoring to protect the *movable tiny house*; and (6) that the *structure* may be required to be removed or relocated and the site restored if it becomes unsafe.

(C) The *record owner* of the *movable tiny house* shall provide notice to all occupants of the *movable tiny house* of the acknowledgements and provisions specified in Section 141.0318(a)(12)(A) and (B).

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

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

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

APPROVED: MARA W. ELLIOTT, City Attorney

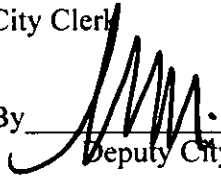
By /s/ Corrine L. Neuffer
Corrine L. Neuffer
Chief Deputy City Attorney

CLN:cm
05/27/2022
Or.Dept: Planning
Doc. No. 2926862_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUL 12 2022.

ELIZABETH S. MALAND
City Clerk

By


Deputy City Clerk

Approved: 7/21/22
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUL 12 2022, by the following vote:

| Councilmembers | Yeas | Nays | Not Present | Recused |
|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Joe LaCava | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Jennifer Campbell | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Stephen Whitburn | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Monica Montgomery Steppe | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Marni von Wilpert | <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"/> |
| Raul A. Campillo | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Vivian Moreno | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sean Elo-Rivera | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Date of final passage JUL 21 2022.

AUTHENTICATED BY:

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

(Seal)

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

By [Signature], 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 20 2022, and on JUL 21 2022.

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 [Signature], Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O-_____

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck-Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 6, DIVISION 7 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 126.0704, 126.0707, AND 126.0708; AND AMENDING CHAPTER 14, ARTICLE 1, DIVISION 3 BY AMENDING SECTIONS 141.0302 AND 141.0318, ALL RELATING TO ACCEPTING THE CALIFORNIA COASTAL COMMISSION'S SUGGESTED MODIFICATIONS REQUIRED FOR CERTIFICATION OF THE MOVABLE TINY HOUSES AMENDMENTS TO THE COMPANION UNIT AND JUNIOR UNIT REGULATIONS AND THE HOUSING LEGISLATION CODE UPDATE TO THE MUNICIPAL CODE AND LOCAL COASTAL PROGRAM.

§126.0704 Exemptions from a Coastal Development Permit

The following *coastal development* is exempt from the requirement to obtain a Coastal Development Permit:

- (a) Improvements to existing *structures*, ~~including the construction of attached Accessory Dwelling Units and Junior Accessory Dwelling Units in accordance with Section 141.0302~~ are exempt, except if the improvements involve any of the following:

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

- (9) Accessory Dwelling Units and Junior Accessory Dwelling Units that are not completely contained in the existing primary structure or include increases in habitable area or include conversion of nonhabitable space. Such ADUs and JADUs are considered

self-contained residential units within new construction and are therefore ineligible for an exemption.

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

§126.0707 Decision Process for a Coastal Development Permit

(a) A decision on an application for a City-issued Coastal Development Permit in the *non-appealable area* of the Coastal Overlay Zone shall be made in accordance with Process Two, except that a decision on an application for a *capital improvement program project* or *public project* in the *non-appealable* or the *appealable area* of the Coastal Overlay Zone shall be made in accordance with Section 126.0707(c). The decision may be appealed to the Planning Commission in accordance with Section 112.0504.

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

(d) ~~€~~Except for Coastal Development Permits issued in accordance with Section 126.0707(g), conditions may be imposed by the decision maker when approving a Coastal Development Permit to carry out the purpose and the requirements of this division. The conditions may include a provision for public access, open space, or conservation easements or the relocation or redesign of proposed site improvements. In any *subdivision* or other land division, such conditions shall be imposed at the time of the *subdivision* or other land division, rather than through subsequent development permits. When conditions pertaining to public access, open space, or conservation easements are imposed, the City Manager shall

notify the Executive Director of the Coastal Commission as set forth in Section 126.0719.

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

(g) A decision on an application for a City-issued Coastal Development Permit for an Accessory Dwelling Unit or Junior Accessory Dwelling Unit in the non-appealable area of the Coastal Overlay Zone shall be made as follows:

- (1) The Coastal Development Permit shall be issued as a Building Permit in accordance with Process One as specified in Section 112.0502 and Chapter 12, Article 9, Division 2.
Sections 126.0711, 126.0712, 126.0713, 126.0715 and 126.0716 related to recordation, issuance, initial utilization, time extension, and modification or amendment of a Coastal Development Permit shall not apply.
- (2) If the proposed coastal development involves any of the activities in Section 126.0704(a)(1)-(2) or Section 126.0704(a)(4)-(8), a Coastal Development Permit shall be required in accordance with a Process Two as specified in Section 126.0707(a).

§126.0708 Findings for Coastal Development Permit Approval

A~~Except for Coastal Development Permits issued in accordance with Section 126.0707(g),~~ 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*. Coastal Development Permits issued in accordance with Section 126.0707(g) shall be approved if the administrative findings in Section 126.0708(c), and if applicable, the supplemental findings in Section 126.0708(b), are satisfied.

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

(c) The following administrative findings shall be made for Coastal Development Permits required for *Accessory Dwelling Units* and *Junior Accessory Dwelling Units* permitted in accordance with Section 126.0707(g) in order to ensure that the *development* conforms to the Local Coastal Program:

- (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*.
- (2) The proposed *coastal development* permit will preserve existing public views to and along the ocean and other scenic coastal areas as specified in the *Local Coastal Program land use plan* and Chapter 13, Article 2, Division 4.
- (3) The proposed *coastal development* complies with the Environmentally Sensitive Lands Regulations in Chapter 14, Article 3, Division 1.

- (4) The proposed *coastal development* does not involve any of the activities in Section 126.0704(a)(1)-(2) or Section 126.0704(a)(4)-(8).

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

Section 141.0302 provides for the construction of *Accessory Dwelling Units* (*ADUs*) and *Junior Accessory Dwelling Units* (*JADUs*), consistent with the requirements of state law, and is intended to encourage the construction of *ADUs* and *JADUs* through several local regulatory provisions, including allowing encroachment into the interior side *yard* and rear *yard setbacks* up to the *property line*, eliminating parking requirements for *ADUs* and *JADUs*, and providing an affordable housing bonus of one additional *ADU* for every deed-restricted affordable *ADU* constructed on the *premises*, as specified in the regulations below. *ADUs* are permitted in all zones allowing residential uses and *JADUs* are permitted in all *single dwelling unit* zones by-right as a limited use decided in accordance with Process One, indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) The following regulations are applicable to both *ADUs* and *JADUs*:
- (1) [No change in text.]
 - (2) *Development* Regulations
 - (A) through (C) [No change in text.]
 - (D) The following *setback* allowances are applicable:
 - (i) Conversion of existing *structure* to an *ADU* or *JADU*. No *setback* is required for an existing

dwelling unit or accessory structure that is converted to an *ADU* or *JADU*, or to a portion of an *ADU* or *JADU*. An *ADU* or *JADU* that is constructed in the same location and to the same dimensions as an existing *structure* may continue to observe the same *setbacks* as the *structure* it replaced. An existing *structure* may not be converted to or reconstructed as an *ADU* or *JADU* if the *structure* does not conform to the wetlands regulations in Section 143.0141(b), the sensitive coastal bluffs regulations in Section 143.0143, the coastal beaches regulations in Section 143.0144, or the Supplemental Regulations of the Coastal Overlay Zone in Section 132.0403.

(ii) [No change in text.]

(E) [No change in text.]

(F) Within the Coastal Overlay Zone, the following regulations apply to *ADUs* or *JADUs* constructed outside of Special Flood Hazard Areas and within an area of future sea level rise (with a 75-year horizon) as determined by the City Manager based on the Sea Level Rise Policy Guidance adopted by the California Coastal Commission, as it applies to residential *development*:

- (i) The ADU or JADU shall comply with the regulations in Section 143.0146(c) and, if applicable, Section 143.0146(g). The base flood elevation utilized, and the applicability of Section 143.0146(g), shall be based on the FIRM Zone of the Special Flood Hazard Area in closest proximity to the premises on which the ADU or JADU is proposed. The permit requirements of 143.0110(b) and other regulations of Chapter 14, Article 3, Division 1 do not apply.
- (ii) Hard shoreline armoring shall not be constructed to protect an ADU or JADU from the effects of coastal hazards, including, but not limited to, sea level rise.
- (iii) The record owner of the ADU or JADU shall enter into an acknowledgement agreement with the City in a form that is approved by the City Attorney. The agreement shall include the following acknowledgements and provisions:

 - (1) that the ADU or JADU is located in an area of future sea level rise that may become hazardous in the future;
 - (2) that sea level rise

could render it difficult or impossible to provide services to the site; (3) that the boundary between public land (tidelands) and private land may shift with rising seas and the *development* approval does not permit encroachment onto public trust land; 4) that additional adaptation strategies may be required in the future to address sea level rise consistent with the Coastal Act and certified *Local Coastal Program*; (5) that the owner waives any rights under Coastal Act Section 30235 and related *Local Coastal Program* policies to hard shoreline armoring to protect the *ADU* or *JADU*; and (6) that the *structure* may be required to be removed or relocated and the site restored if it becomes unsafe.

- (iv) The record owner of the ADU or JADU shall provide notice to all occupants of the ADU or JADU of the acknowledgements and provisions specified in Section 141.0302(a)(2)(F)(ii) and (iii).

(3) Parking Regulations

- (A) No on-street parking spaces or *off-street parking spaces* are required for *ADUs* and *JADUs* except as specified in Section 141.0302(a)(3)(B). ~~If the applicant chooses to provide off-street parking spaces for ADUs and/or JADUs located on the premises, those spaces shall comply with the following:~~
- ~~(i) Off-street parking spaces may be located in any configuration, may be within the setback areas, and may include tandem spaces or mechanical lifts.~~
 - ~~(ii) Off-street parking spaces shall be located within hardscape areas and shall comply with the minimum standards and guidelines to provide safe and efficient means of vehicular access to the lot.~~
- (B) When an garage, carport, or covered parking structure is ~~demolished in conjunction with the construction of an ADU or JADU, or converted to an ADU or JADU, replacement of those is proposed on a premises located both within the Beach Impact Area of the Parking Impact Overlay Zone and outside of a transit priority area, one off-street parking spaces is not located consistent with Section 141.0302(a)(3)(D) shall be required; per ADU or JADU, unless any of the following apply:~~
- (i) The ADU or JADU is 500 square feet or less;

- (ii) The *premises* is located within a *historical district* that is a *designated historical resource*;
- (iii) The *ADU* or *JADU* is attached to the proposed or existing *primary dwelling unit* or *accessory structure*;
- (iv) The *premises* is located within a residential permit parking district;
- (v) There is a car share vehicle located within one block of the *premises*.
- (C) When a garage, carport, or covered parking *structure* is demolished in conjunction with the construction of an *ADU* or *JADU*, or converted to an *ADU* or *JADU*, replacement of those *off-street parking spaces* is not required unless the *premises* is located both within the Beach Impact Area of the Parking Impact Overlay Zone and outside of a *transit priority area*, in which case the parking shall be replaced in a location consistent with Section 141.0302(a)(3)(D).
- (D) If *off-street parking spaces* are required in accordance with Section 141.0302(a)(3)(B) or 141.0302(a)(3)(C), or if the applicant chooses to provide *off-street parking spaces* for *ADUs* and/or *JADUs* located on the *premises*, those spaces shall comply with the following:

- (i) Off-street parking spaces may be located in any configuration, may be within the setback areas, and may include tandem spaces or mechanical lifts.
- (ii) Off-street parking spaces shall be located within hardscape areas and shall comply with the minimum standards and guidelines to provide safe and efficient means of vehicular access to the lot.

(4) [No change in text.]

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

§141.0318 Movable Tiny Houses

Movable tiny houses are permitted 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) and Chapter 15, Article 1, Division 4 (General and Supplemental Regulations), subject to the following regulations.

(a) Development Regulations

(1) *A movable tiny house* shall be:

(A) [No change in text.]

(B) exempt from parking regulations unless the movable tiny house is located in the Beach Impact Area of the Parking Impact Overlay Zone but outside of a transit priority area, in which case one off-street parking space shall be required if there is already an Accessory Dwelling Unit or

Junior Accessory Dwelling Unit present on the same premises.

(2) through (11) [No change in text.]

(12) Within the Coastal Overlay Zone, the following regulations apply to movable tiny houses constructed outside of Special Flood Hazard Areas and within an area of future sea level rise (with a 75-year horizon) as determined by the City Manager based on the Sea Level Rise Policy Guidance adopted by the California Coastal Commission, as it applies to residential development:

- (A) Hard shoreline armoring shall not be constructed to protect a movable tiny house from the effects of coastal hazards, including, but not limited to, sea level rise.
- (B) The record owner of the movable tiny house shall enter into an acknowledgement agreement with the City in a form that is approved by the City Attorney. The agreement shall include the following acknowledgements and provisions: (1) that the movable tiny house is located in an area of future sea level rise that may become hazardous in the future; (2) that sea level rise could render it difficult or impossible to provide services to the site; (3) that the boundary between public land (tidelands) and private land may shift with rising seas and the development approval

does not permit encroachment onto public trust land;
(4) that additional adaptation strategies may be required
in the future to address sea level rise consistent with the
Coastal Act and certified *Local Coastal Program*; (5)
that the owner waives any rights under Coastal Act
Section 30235 and related *Local Coastal Program*
policies to hard shoreline armoring to protect the
movable tiny house; and (6) that the *structure* may be
required to be removed or relocated and the site
restored if it becomes unsafe.

(C) The *record owner* of the *movable tiny house* shall
provide notice to all occupants of the *movable tiny*
house of the acknowledgements and provisions
specified in Section 141.0318(a)(12)(A) and (B).

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

CLN:cm
05/27/2022
Or.Dept: Planning
Doc. No. 2926863_2

CALIFORNIA COASTAL COMMISSION

SAN DIEGO DISTRICT OFFICE
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SAN DIEGO, CA 92108-4402
VOICE (619) 767-2370
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W15

Prepared August 17, 2022 (for September 7, 2022 Hearing)

To: Commissioners and Interested Persons

From: John Ainsworth, Executive Director
Diana Lilly, San Diego Coast District Manager
Alexander Llerandi, Coastal Planner

Subject: Certification Review for City of San Diego LCP Amendment Number LCP-6-SAN-21-0033-1 (Complete Communities)

On April 8, 2022, the California Coastal Commission considered a proposed City of San Diego LCP amendment (LCP-6-SAN-21-0033-1) designed to incorporate the Complete Communities program into the Land Development Code with new incentives for affordable housing developments with pedestrian amenities, and a new mobility program to fund infrastructure that reduces vehicle miles traveled. At that time, and after a public hearing, the Commission conditionally certified the amendment provided it was modified as suggested by the Commission.

The City of San Diego considered the Commission's conditional certification on July 21, 2022, and approved a modified version of the LCP amendment that day in response to the Commission's conditional certification, including the suggested modifications.

The Executive Director has reviewed the City's July 21, 2022, action, and has determined that it is legally adequate to meet all of the Commission's conditional certification requirements. The Executive Director will report that determination to the Coastal Commission at the Commission's Month meeting on September 7, 2022, as part of the San Diego Coast District Director's Report. The Commission meeting starts at 9:00 AM on September 7, 2022, and the District Director's Report is item number W15 on the agenda for that day. Interested persons are welcome to submit comments and/or to sign-up to testify to the Commission regarding this matter under that agenda item (see the Commission's website at www.coastal.ca.gov for further information and instructions to participate in these ways).

Please note that this certification review is not a time to revisit any substantive issues associated with the approval of the subject LCP amendment, as certification review is limited to the question of whether the County adopted the suggested modifications to the LCP amendment approved by the Commission. Please further note that the Executive Director's determination is not subject to any required concurrence or approval by the Commission, but rather is simply being reported to the Commission as is required by the Commission's regulations in order to allow for the amended LCP to be certified in that form (see Title 14, Division 5.5, Sections 13544 and 13544.5). Upon reporting this item to the Commission in the San Diego District Director's Report, the amended LCP will be certified

as of that date and time.

If you have any questions about this LCP amendment certification review process, including questions about how to submit written comments and/or to testify to the Commission, please contact the San Diego Coast office at (619) 767-2370 or SanDiegoCoast@coastal.ca.gov.

RESOLUTION NUMBER R- 314212DATE OF FINAL PASSAGE JUL 21 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING CALIFORNIA COASTAL
COMMISSION MODIFICATIONS TO LAND DEVELOPMENT
MANUAL, APPENDIX R, TRANSPORTATION STUDY
MANUAL AND LOCAL COASTAL PROGRAM RELATED TO
THE COMPLETE COMMUNITIES: MOBILITY CHOICES
PROGRAM.

WHEREAS, on November 9, 2020, the City Council of the City of San Diego (City Council) held a public hearing for the purpose of considering the Complete Communities: Housing Solutions and Mobility Choices Program and Local Coastal Program (Project); and

WHEREAS, as part of the Project, the City Council amended the Land Development Manual by adding Appendix R, Transportation Study Manual (TSM), which addresses all transportation modes and follows State guidance under SB 743; and

WHEREAS, the TSM provides guidance on how to prepare a traffic study for new projects within the City and was intended to ensure consistency among City staff and consultants, predictability in study preparation, consistency among reviewers, and conformance with all applicable City and State regulations, including CEQA and SB 743; and

WHEREAS, portions of the City's Land Development Manual are part of the City's Local Coastal Program; and

WHEREAS, the California Coastal Act (California Public Resources Code section 30000, et seq.) requires California Coastal Commission certification of an amendment to a local coastal program; and

WHEREAS, on April 8, 2022, the California Coastal Commission approved an amendment to the Local Coastal Program for the Project with modifications that address the TSM to include language that will guide applicants as to when additional traffic analysis may be required for near-shore development, including time and location; and

WHEREAS, on April 11, 2022, the California Coastal Commission transmitted, in writing, to the City of San Diego (City), the modifications for adoption by the City Council; and

WHEREAS, on July 11, 2022, the City Council considered the California Coastal Commission modifications; NOW, THEREFORE,

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

1. That this City Council approves the California Coastal Commission modifications to the City Council-adopted amendment to the Land Development Manual, Appendix R, Transportation Study Manual and Local Coastal Program.
2. That after adoption, the Mayor, or his designee, is authorized to submit this Resolution to the California Coastal Commission for final certification and incorporation into the City's certified Local Coastal Program.
3. That this Resolution shall not take effect until the date the California Coastal Commission unconditionally certifies these provisions as a local coastal program amendment.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Corrine L. Neuffer
Corrine L. Neuffer
Chief Deputy City Attorney

CLN:cm
June 14, 2022
Or.Dept: Planning
Doc. No. 3005176

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 11 2022.

ELIZABETH S. MALAND
City Clerk

By 

Deputy City Clerk

Approved: 7/21/22

(date)


TODD GLORIA, Mayor

Vetoed: _____

(date)

TODD GLORIA, Mayor



Transportation Study Manual (TSM)

DATE: 09/29/2020

Appendices

Appendix A: Project Information Form (PIF)

Appendix B: Land Use Designations

Appendix C: Screening Criteria and Threshold Evidence

Appendix D: Transportation Project ~~Screening Criteria~~ [Analysis Supplemental Guidance](#)

Appendix E: TDM Strategies and Effectiveness Calculations

Appendix F: Roadway Segment LOS by Classification and Average Daily Traffic (ADT)

Preface

This manual is intended to describe the ~~required~~ transportation analysis requirements for land development, roadway projects, and specific plans in the City of San Diego. The City has updated the manual several times as follows:

- 1987: The original traffic impact study requirements for projects subject to CEQA were outlined in Department Instructions.
- 1993: The City, with the assistance of a volunteer task force of traffic engineering consultants, produced the Traffic Impact Study Manual.
- 1998: The City updated the Traffic Impact Study Manual to reflect revisions to the City's Land Development Code, improvements in capacity analysis techniques, and consistency with the City's California Environmental Quality Act (CEQA) review process.
- 2020: The City changed the Traffic Impact Study Manual to this Transportation Study Manual (TSM or Manual) to implement the required shift from a level of service (LOS) analysis to a vehicle miles travelled (VMT) CEQA analysis as a result of Senate Bill 743 and to better address all transportation modes. New requirements are provided for both a project's CEQA transportation impact analysis and Local Mobility Analysis (LMA).

If a roadway project classified as a major or primary arterial is included in a Community Plan that has been updated after the 2008 City of San Diego's comprehensive General Plan Update, it may be presumed to have a less than significant transportation impact with no additional transportation analysis of induced VMT necessary because these roadway projects are required to support citywide planned growth and implementation of the General Plan Goals identified in Table 2, which are consistent with the intent of SB 743. See **Appendix D: Transportation Project [Screening Criteria Analysis Supplemental Guidance](#)** for additional information and evidence that supports this presumption.

A complete list of transportation projects that are screened-out from performing VMT analysis is included in **Appendix D**.

Significance Thresholds

Projects that do not meet the above screening criteria must include a detailed evaluation of the VMT produced by the project. The significance thresholds and specific VMT metric used to measure VMT are described by land use type in **Table 3**.

Local Mobility Analysis (LMA)

The Local Mobility Analysis (LMA) evaluates the effects of a development project on mobility, access, circulation, and related safety elements in the proximate area of the project. The LMA has the following objectives:

- Ensures that improvements identified in the Community Plan that support multi-modal circulation and access are constructed when needed.
- Identifies improvements needed to support and promote active transportation and transit modes.
- Ensures the project provides connections to the active transportation network and transit system.
- Addresses issues related to operations and safety for all transportation modes.

DETERMINING STUDY REQUIREMENTS

Screening Criteria

All projects must complete an LMA unless they meet the following screening criteria:

- Consistent with community plan and zoning designation and generates less than 1,000 daily unadjusted driveway vehicle trips
- Inconsistent with community plan or zoning designation and generates less than 500 daily unadjusted driveway vehicle trips
- Within the Downtown Community Planning Area and generates less than 2,400 daily unadjusted trips.⁵

The screening criteria provided serve as a guide to determine study requirements. City staff may determine additional study requirements apply due to location, project complexity, local transportation system complexity, or other local context. [For example, for development located within](#)

⁵ Projects that exceed this threshold shall comply with mitigation measure TRF-A.1.1-2 of the Downtown Community Plan & Downtown Mobility Plan FEIR/SEIR Mitigation Monitoring and Reporting Program.

the Coastal Overlay Zone, additional analysis may be required to assess project effects on public coastal access. City staff will provide a written response to the PIF and request a meeting with the applicant/consultant if the City has identified the need to perform an LMA despite meeting the screening criteria listed above.

Extents of Study

The extents of the LMA study will be determined for each mode as follows:

- Pedestrian: Documentation of pedestrian facilities and basic deficiencies (missing sidewalk, curb ramps, and major obstructions) within ½ mile walking distance measured from each pedestrian access point (for example, driveways, internal project sidewalk connections to the street, etc.).
- Bicycle: Documentation of bicycle facilities and basic deficiencies (bike lane gaps, obstructions) within ½ mile bicycling distance measured from the center of the intersection formed by each project driveway.
- Transit: Identification of the closest transit routes and stops to the project. If the transit stops are within ½ mile walking distance of each pedestrian access point, the condition of the stop amenities must be described/evaluated.
- Intersection Operations: Intersections are focal points within a mobility network where multiple modes interact and at times, conflict, in their movements. Understanding intersection operations is essential for understanding circulation and safety for all modes that traverse through the intersection.
 - For Projects that generate less than 2,400 daily final driveway⁶ trips the typical study intersections are as follows:
 - All signalized intersections and signalized project driveways located within ½ mile path of travel distance measured from the center of the intersection formed by each project driveway AND the project will add 50 or more peak hour final primary (cumulative) trips⁶ to any turning movement at the intersection.
 - All unsignalized intersections (side street stop controlled, all-way stop-controlled, and roundabouts) and unsignalized project driveways located within ½ mile path of travel distance measured from the center of the

⁶ Refer to the trip generation chart in the Study Initiation chapter for trip generation definitions.

- Opening Year Plus Project Conditions: Analysis of the opening year volumes generated in the step above plus the project generated traffic.
- Phased Analysis: If the project is a large multi-phased development in which several stages of development activity are planned, each phase of the project may need to be evaluated to coincide with each major stage of development or increment of area transportation improvements. For example: Existing, Opening Year of Phase 1, Opening Year of Phase 2, etc.
- Horizon Year Analysis (Community Plan Amendments or Rezones): If the project requires a Community Plan Amendment or a rezone, community buildout horizon year analysis may be required. Coordinate with the Development Services Department's Transportation Development Section staff for study scenario requirements related to Community Plan Amendments or rezones.

Study Periods

The following study periods shall be analyzed:

- The morning and afternoon peak commute hours are analyzed, unless the land use is atypical and an alternate/additional study period is identified by City Staff. The peak hours are based on traffic counts (the procedure for collecting counts is described in the following section). For typical commute hours, the peak hour will fall between 7:00-9:00 AM and 4:00-6:00 PM.
- For areas ~~near beaches or Mission Bay in the Coastal Overlay Zone near the shoreline, major coastal access routes, regional public parks, beaches or Mission Bay~~ the peak hours are during summer months (between Memorial Day and Labor Day, when public schools are not in session) and include weekdays and weekends during heaviest coastal visitation hours (typically late morning and early afternoon), unless the project has no potential to affect public access and an alternate/additional study period is identified by City Staff.
- Other timeframes may be required based on the project land uses and unique characteristics of the project.

- weather conditions. Counts should be taken when school is in session. Any intersection counts should include pedestrian and bicycle counts. For areas in the Coastal Overlay Zone near the shoreline, major coastal access routes, regional public parks, beaches or Mission Bay, counts should be taken during summer months (between Memorial Day and Labor Day when public school is not in session) and include both typical commute hours and weekends during heaviest coastal visitation hours, or should be adjusted to reflect typical summer conditions. Any deviation should be discussed with City Staff.
- If the project is a redevelopment project of which the existing uses are in operation at the time that the transportation data is collected, the trips associated with the existing use should be calculated by conducting driveway counts at all existing site driveways. The site trips should then be distributed to the study intersections and subtracted from the intersection traffic counts to represent the traffic volumes that would be present if the existing use were not in operation.

Analysis Methodology

Pedestrian Analysis

Pedestrian analysis should primarily focus on pedestrian connectivity, walkshed analysis, presence of adequate facilities, etc. However, in dense, urban environments featuring substantial pedestrian volumes, analysis of pedestrian facilities (i.e., sidewalks and crosswalks) may be required in accordance with the latest version of the HCM. Mid-block pedestrian crossing treatments should also be evaluated using available research and recommendations. Applicants should coordinate with the Development Services Department's Transportation Development Section on the need to perform HCM pedestrian analysis.

Bicycle Analysis

Project effects on existing and proposed bicycle facilities should be reviewed in consideration of the following:

- Bicycle analysis should primarily focus on bicycle connectivity, bikeshed analysis, presence of adequate facilities, etc.
- Consistency with the City's Bicycle Master Plan and the Community's Bicycle Mobility Element
- On-site bike parking supply as well as bikeshare bicycles that may be parked/stored on public sidewalks

Transportation Project ~~Screening~~ Criteria **Analysis Supplemental Guidance**

This appendix provides ~~a supplemental guidance for analyzing transportation projects. complete list of transportation projects that are presumed to have a less than significant impact, and therefore, would not be required to conduct VMT analysis.~~

California Environmental Quality Act (CEQA) Transportation Analysis

Screening Criteria

~~The following is a complete list of transportation projects that are presumed to have a less than significant impact, and therefore, would not be required to conduct VMT analysis.~~

Project types that would not result in increased vehicle travel have a less than significant impact and can be screened out from performing VMT analysis. These types of projects include:

- Rehabilitation/maintenance projects that do not add motor vehicle capacity
- Addition of bicycle facilities
- Intersection traffic signal improvements/turn-lane configuration changes
- Installation of roundabouts and traffic calming devices
- Additional capacity on local/collector streets if conditions are substantially improved for active transportation modes
- Implementation of roadways that are included in community plans approved after the comprehensive General Plan Update in 2008 if conditions are substantially improved for active transportation modes

The following specific project types are presumed to have a less than significant impact to VMT:

- Rehabilitation, maintenance, replacement, safety, and repair projects designed to improve the condition of existing transportation assets (e.g., highways; roadways; bridges; culverts; Transportation Management System field elements such as cameras,

The City's Community Plan Updates, occurring after the City's General Plan Update in 2008, have provided for land uses that bring origins and destinations closer together and focused on providing for enhanced active mobility networks to promote pedestrian, bicycle, and transit travel in order to reduce VMT impacts while still meeting other City goals. Roadways proposed in these Community Plans are based on comprehensive analysis and have been determined necessary to provide multi-modal access to these the planned land uses and access to the wider San Diego active mobility network.

As transportation and land use are inextricably connected, roadways that are included in community plans are essential components of the City's comprehensive plans, programs, and regulations, which taken all together, will help the City meet and exceed City VMT targets. The City of San Diego's Planned (2050) Citywide average VMT efficiency of land uses compared to the base year Regional Average VMT efficiency is approximately 73% for Residential and 80% for Employment. These estimates include the roadway network as identified in the General Plan (2008) and the subsequent community plan updates. Therefore, with the planned land uses and roadway network in place, the VMT calculations indicate that the citywide VMT is reduced. Given this outcome it is reasonable to conclude that roadway projects identified in the City's Community Plan Updates have a less than significant impact on VMT.

Additionally, since these City's Community Plans were updated after 2008 after the adoption of Assembly Bill 32 (AB 32), the Global Warming Solutions Act of 2006, the associated environmental documents were required to analyze Greenhouse Gas (GHG) Emissions. As a part of the GHG emissions analysis, VMT analysis was required to determine the expected amount of GHG production from vehicular sources associated with each community plan. As such, all of the City's Community Plans have previously analyzed the VMT associated with the future roadway network and their environmental documents have already disclosed GHG related impacts.

Transportation Projects Local Mobility Analysis in the Coastal Overlay Zone

Projects that result in changes to the planned or ultimate roadway classifications of major coastal access roadways in the Coastal Overlay Zone may be required to conduct analysis to assess the project's effects on public coastal access with regards to biking, walking, transit access and vehicle circulation. Where appropriate, this analysis should include quantitative assessments of levels of service on major coastal access roadways, and/or qualitative assessments of how travel times

resulting from the project will affect the ability of the public to access the coast and other public recreational resources such as trails and parks.