



*The County of San Diego*

# Planning Commission Hearing Report

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<b>Date:</b>	February 17, 2023	<b>Case/File No.:</b>	PDS2022-22-004
<b>Place:</b>	County Conference Center 5520 Overland Avenue San Diego, CA 92123	<b>Project:</b>	2023 Housing Zoning Ordinance Update
<b>Time:</b>	9:00 a.m.	<b>Location:</b>	Various
<b>Agenda Item:</b>	#1	<b>General Plan:</b>	Various
<b>Appeal Status:</b>	Approval by the Board of Supervisors	<b>Zoning:</b>	Various
<b>Applicant/Owner:</b>	County of San Diego	<b>Community:</b>	All
<b>Environmental:</b>	CEQA § 15162 through 15164 Addendum	<b>APNs:</b>	Various

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## A. OVERVIEW

This is a request for the Planning Commission to evaluate and provide recommendations to the Board of Supervisors (Board) on the proposed 2023 Housing Zoning Ordinance Update (Update). This action proposes to update the County of San Diego's (County) Zoning Ordinance to implement 21 housing-related State laws adopted by the California legislature since 2018. These laws were enacted to facilitate the development of overall housing production, affordable housing, and homeless housing. The Update will facilitate the development of housing that is affordable to lower-income, moderate-income, and middle-income families by facilitating the development of accessory dwelling units (ADUs), small scale multifamily development, small single-family homes, deed-restricted affordable housing, and homeless shelters. The County is required to comply with new State legislation upon the effective date of the legislation. All State laws being incorporated as part of the Update are mandatory and are currently being implemented by the County through its practices, including providing informational handouts, forms, and application materials and following any prescribed processes. A summary of all the legislation being implemented as part of the Update can be found in Attachment D.

The purpose of this Update is to align the Zoning Ordinance with these new State requirements and to provide more clarity to the public and staff when implementing housing regulations. California Government Code section 65585(i) requires that the County implement all new housing laws and non-compliance may result in the State revoking the County's Sixth Cycle Housing Element (Housing Element) certification. The Housing Element is a mandatory element of the General Plan, and it includes state-approved policies and programs to increase housing opportunities in the unincorporated County. State law requires that the Housing Element be reviewed and certified by California Department of

Housing and Community Development (State HCD), and non-compliance can result in the County losing eligibility to receive State grants and being subject to litigation.

In addition to aligning the Zoning Ordinance with new State laws, the Update will also implement four Housing Element Implementation Plan programs. These programs were included as Housing Element implementation actions in order to capture changes in State law not yet reflected in the Zoning Ordinance including requirements for new development to replace affordable housing units demolished as a result of site redevelopment (Program 3.1.1.I), requirements applicable to ADUs (Program 3.1.4.A), requirements applicable to affordable housing developments (Program 3.2.1.A), and requirements to facilitate the development homeless shelters (Program 3.3.1.B). These Housing Element Implementation Plan programs are described in the Project Analysis section of this report.

This report provides an overview of the new State laws, requirements that the County must comply with when reviewing and approving new housing development, and the input received during public outreach events and the public review conducted for the Update. Based on staff's analysis, Planning & Development Services (PDS) recommends approval of the proposed Update.

## **B. STAFF RECOMMENDATIONS**

Staff recommends the Planning Commission take the following actions:

1. Find that the General Plan Environmental Impact Report (EIR), dated August 3, 2011, on file with PDS as Environmental Review Number 02-ZA-001, was completed in compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines and that the Planning Commission has reviewed and considered the information contained therein and the Addendum (PDS-2023-ER-00-001) thereto dated January 13, 2023, on file with PDS, prior to making its recommendation on the Update.
2. Find that there are no changes in the project or in the circumstances under which the project is undertaken that involve significant new environmental impacts which were not considered in the previously certified EIR dated August 3, 2011; that there is no substantial increase in the severity of previously identified significant effects; and that no new information of substantial importance has become available since the EIR was certified as explained in the Environmental Review Update Checklist (PDS-2023-ER-00-001) dated January 13, 2023.
3. Recommend that the Board of Supervisors adopt the attached form of Ordinance:

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE RELATED TO HOUSING LAW REGULATIONS (POD 22-004). (Attachment A - Clean & Attachment B - Strikeout).

## **C. PUBLIC INPUT**

As part of the Update, staff conducted a robust public outreach process to inform stakeholders of the proposed amendments to the Zoning Ordinance and to receive feedback on best practices for implementing new state law and draft ordinance language. The outreach strategy included webinars, fact sheets, a project website, and a 30-day public review of the Draft Ordinance, which started on January 13, 2023, and ended on February 13, 2023. In addition, during the public review period, staff held

meetings with Community Planning and Sponsor Groups (CPSG), stakeholders, and members of the public.

As part of the outreach process, staff held three public meetings to review the new State regulations and to discuss the proposed changes to the Zoning Ordinance. The goal of these meetings was to inform community members and stakeholder groups of the Update and receive input on best practices for implementing the changes in State law. Public Meeting 1 was held on November 2, 2022, before the beginning of public review. During this meeting staff provided an overview of the new state laws that the County is incorporating into the Zoning Ordinance. Public Meeting 2 was held on February 2, 2023, during the middle of public review, and provided a detailed overview of the amendments that were available for public review. During this meeting staff received additional input from the public on best practices for the implementation the new State laws. Public Meeting 3 was held at the end of public review on February 9, 2023, and provided an overview of additional changes incorporated into the Draft Ordinance in response to the public input.

During the 30-day public review, staff provided virtual presentations to the Land Development Technical Working Group, Building Industry Association, the Farm Housing Working Group, the Farm Bureau, Labor Union Stakeholders. In addition, staff also presented to the chairs of the Community Planning and Sponsor Groups (CPSG), the Fallbrook Community Planning Group, the Ramona Community Planning Group, the Twin Oaks Community Sponsor Group, and the Valley Center Community Planning Group. During these meetings, staff provided an overview of the new State law being addressed by the Update and received comments on the proposed amendments. None of the CPSG took action to make a recommendation on the Update.

Comments and questions received during public outreach events focused on the local impacts of the new State laws, and included concerns related to the impacts of new ADU regulations on their communities, such as parking requirements and septic capacity for new ADUs. In addition, community members also shared concerns related to potential impacts of projects utilizing incentives in State law to develop projects that exceed the maximum height allowed under the Zoning Ordinance, community plans, and new housing not aligning with their existing community development patterns. Other comments focused on requesting infrastructure investment for communities to support additional housing development, and consolidation of affordable units instead of integration of affordable units into mixed-income developments.

In addition, during the outreach meetings, community members and stakeholders asked about housing definitions and challenges related to providing housing that is affordable. These questions include definitions of affordable housing and the specific prices and rents associated with affordable housing for low- and very low-income units. Additionally, community members expressed concerned with the methodology utilized by SANDAG for determining vehicle miles traveled (VMT) efficient areas, and loss of local control coming from the new State mandates.

Finally, the County also received a comment letter requesting additional changes to facilitate emergency shelters development. This letter supported the proposed changes to the Zoning Ordinance to allow for the ministerial approval of emergency shelters in select zones and requested that the County develop a ministerial process specific for non-profits homeless shelters permits and create a County Emergency Shelter fund to pay for the staff time associated with processing these projects ministerially.

## D. BACKGROUND

The Zoning Ordinance provides the County's regulations for the development and use of property within the unincorporated County and provides information on zoning and development standards that apply to land use activities. The Zoning Ordinance authorizes the Director of PDS to initiate requests to amend the Zoning Ordinance and associated County Codes as necessary to implement the General Plan and ensure that the County's regulations remain consistent with State law.

The Update proposes aligning the Zoning Ordinance with 21 housing laws passed by the California State Legislature between 2018 and 2022. Each of these laws is currently in effect and implemented by the County through informational handouts, forms, application materials and processes. These laws primarily address ADUs, affordable housing, and supportive housing for the homeless, as well as requirements to facilitate the development and to preserve and protect dwelling units affordable to very low- and low-income households. Local implementation of these laws is mandatory and amending the Zoning Ordinance to reflect the requirements of these laws will provide clarity for staff, applicants, decision-makers, and the public at large. In addition, the Update proposes to implement four Housing Element Programs developed to capture the changes in State law that were not yet reflected in the Zoning Ordinance at the time of the Housing Element adoption. These programs include requirements for new development to replace affordable housing units demolished because of site redevelopment (Program 3.1.1.I), requirements applicable to ADUs (Program 3.1.4.A), requirements applicable to affordable housing developments (Program 3.2.1.A), and requirements to facilitate the development homeless shelters (Program 3.3.1.B).

This Update proposes changes to four chapters of Zoning Ordinance, including the Definitions (Chapter 1), Use Regulations (Chapter 2), Development Regulations (Chapter 4), Special Area Regulations (Chapter 5), and General Regulations (Chapter 6), as explained below:

- Definitions of the Zoning Ordinance (Chapter 1): The Definitions are being expanded to add definitions for Low Barrier Navigation Center, Emergency Shelters, Religious Institution Affiliated Housing Development, and Small Home Lot Development. The proposed changes will promote consistency with State law and precision in the interpretation of the Zoning Ordinance.
- Use Regulations (Chapter 2): The Use Regulations are being amended to allow for the development of Low Barrier Navigation Centers by-right in mixed-use and commercial zones that allow for the development of multifamily housing. These changes will apply to the following zones: RC, C31, C32, C34, C35, C36, C37, C38, C40, and C42.
- Development Regulations (Chapter 4): The Development Regulations are being updated to exempt Small Housing Projects that utilize floor area ratio (FAR) from minimum lot size requirements. Small Housing Projects are multifamily developments that propose to create between 3 to 10 new units.
- Special Area Regulations (Chapter 5): The Special Area Regulations are being amended to ensure that emergency shelters, supportive housing, low barrier navigation centers, and certain affordable housing projects can be processed by-right, in consistency with State law.
- General Regulations (Chapter 6): The General Regulations are being amended to update the regulations applicable to ADUs, developments that utilize density bonus, and preservation of affordable housing units. In addition, this section of the Zoning Ordinance is being updated to align the parking requirements applicable to Emergency Shelters and Religious Institution Affiliated Housing Development with State law. Finally, additional amendments are being added

to create specific development standards for Small Lot Housing Development, Low Barrier Navigation Center, and Supportive Housing.

**E. ANALYSIS AND DISCUSSION**

The Update proposes changes to the Zoning Ordinance to comply with new housing laws adopted by the California State Legislature. Compliance with all the laws described below is mandatory. Therefore, all laws are currently being implemented by the County through handouts, forms, application materials and compliant processes. The Update is organized by (1) Changes to Facilitate Housing Production, (2) Changes to Facilitate the Development and Preservation of Affordable Housing, and (3) Changes to Facilitate the Development of Homeless Housing.

**Changes to Facilitate Housing Production**

This section of the report describes the proposed changes to the Zoning Ordinance to facilitate housing production for moderate and middle-income families. The changes under this section focus on facilitating the development of small multifamily development, small single-family home developments, and ADUs. In addition, the implementation of the ADUs legislations discussed below will also address a Housing Element implementation action (Program 3.1.4.A) included in the Housing Element to ensure that the Zoning Ordinance is consistent with State regulations to facilitate the development of ADUs that passed by the State prior to the adoption of the Housing Element.

**Small Scale Multifamily Housing Development**

Senate Bill (SB) 478, passed in 2021, facilitates the development of small-scale multifamily development by establishing minimum floor area ratios (FAR) that would apply to projects proposing between 3 to 10 housing units. FAR is defined as the ratio of a building's total floor area in relation to the size of the lot the building sits on. For example, with a FAR of 1, a project can build a 1-floor building and occupy the entire lot, build two stories and occupy 50% of the lot, or build four stories and occupy 25% of the lot. SB 478 would apply a minimum FAR of 1.0 for housing projects of 3 to 7 units and of 1.25 for housing projects of 8 to 10 units. In addition, this law also exempts these projects from minimum lot size requirement. It is important to note that this bill applies within multifamily areas and mixed-use zones in urbanized areas and urban clusters. In addition, to be eligible for the processes under SB 478, the Zoning Ordinance must assign a FAR for the site. There are a limited number of multifamily and mixed-use properties that have a FAR assigned to them. Therefore, the changes related to this bill would mostly apply within Specific Plan Areas that utilize FAR. In order to comply with this bill, the Update proposes to add a new section to the Zoning Ordinance to exempt projects that qualify for SB 478 from minimum lot size requirements and to apply the minimum FAR as established in State law. Table 1 provides an overview of all the changes proposed as of the Update to comply with the new State requirements under SB 478.

**Small Lot Home Development**

Assembly Bill (AB) 803, passed in 2021, allows for the subdivision of multifamily-zoned parcels into small lot single-family parcels. For parcels created using AB 803, the County cannot require minimum parcel size, minimum setbacks between housing units (except as required by the building code), enclosed parking, or formation of a homeowners' association. Additional Zoning Ordinance standards, such as maximum building height, and front yard and backyard setbacks, would still apply. In order to qualify, the

site must be surrounded by urban uses, which are defined by State law as having a minimum of 75% of parcel perimeter adjoining or being across the street from residential, commercial, public institutional, or transit land use. In addition, the development must result in as many units as the maximum density allowed for the site pursuant to the County’s General Plan land use designation and Zoning. If the parcel is listed in the Housing Element Site Inventory for moderate-income housing, the development must result in at least as many housing units as projected for the parcel in the Housing Element. Parcels listed in the Housing Element to accommodate the development of lower-income housing are not eligible to be processed under AB 803. In addition, the law restricts the applicability of this bill to sites that do not have existing affordable housing dwelling units. To comply with this bill, the Zoning Ordinance will be revised to add a definition for Small Lot Home Development and to create standards that would apply to these developments in conformance with State law. Table 1 provides an overview of all the changes proposed as of the Update to comply with the new State requirements under AB 803.

Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs)

An ADU is an attached or detached residential dwelling unit with a maximum floor area of 1,200 square feet that provides complete independent living facilities for one or more persons. A JADU is a completely independent living facility that is no more than 500 square feet in size and is contained entirely within an existing or proposed home. The State legislature has identified ADUs and JADUs as valuable source of housing since it can help provide lower cost rental housing in existing neighborhoods. As a result, several housing bills have been passed by the State in recent years to facilitate the development of ADUs by creating faster approval processes and providing flexibility on applicable development standards to ensure properties can accommodate an ADU and a JADU. As part of the Update, the County will address several regulations applicable to the development of ADUs and JADUs, including AB 68, AB 587, AB 881, SB 13, SB 897, AB 345 and AB 2221. The changes to the Zoning Ordinance include allowing ADUs in multifamily developments, allowing single-family properties to have one ADU and one JADU, removing replacement parking requirements when garages or carports are converted to ADUs or JADUs, allowing the non-profits to convey or sell the ADU separate from the primary unit, and changing the building height and setback requirements applicable to ADUs. In order to best align our local regulations with State law, the Update proposes to remove the existing ADU and JADU regulations in sections 6156.x and 6156.11 in their entirety and replace it with a new ADU and JADU regulations that fully complies with State law. Table 1 provides an overview of all the changes proposed as of the Update to comply with the new State requirements.

<b>Table 1: Specific Changes to the Zoning Ordinance to Facilitate Housing Production</b>		
<b>Item #</b>	<b>Description of Revisions</b>	<b>Section/Title</b>
<b>Small Scale Multifamily Housing Development – SB 478</b>		
1	Add language to exempt qualifying Small Scale Housing Development from minimum lot requirements and to apply the FAR requirements established in State law.	Section 4221
<b>Small Lot Home Development – AB 803</b>		
2	Add language to define Small Lot Home Development	Section 1100 (S)
3	Added a new section to establish requirements applicable to Small Lot Home Developments.	Section 6914

<b>ADUs – AB 68, AB 587, AB 881, SB 13, AB 345, SB 897, and AB 2221</b>		
4	Added languages to allow at least one ADU on multifamily lot and conversion of non- up to 25% of the number of units for multifamily.	Section 6156x
5	Added languages to allow at least one ADU one JADU on lots with an existing or proposed dwelling unit.	Section 6156x
6	Added language to allow separate conveyance when the ADU is developed by a non-profit.	Section 6156x
7	Added language to allow at least 850 or 1,000 square foot unit, depending on the proposed number of bedrooms.	Section 6156x
8	Added language to allow a 25-foot height limit for ADUs.	Section 6156x
9	Added language apply setbacks of 4 feet for ADUs and allow ADU on front yard under certain conditions.	Section 6156x
10	Added language to allow for ADU parking to the provided in the setback areas and to remove replacement parking requirement for ADUs.	Section 6156x

**Changes to Facilitate the Development and Preservation of Affordable Housing**

This section of the report describes the proposed changes to the Zoning Ordinance to facilitate the development of new deed-restricted affordable housing units (up to 120% of the AMI), and to preserve the existing affordable housing stock. The changes under this section will allow address two Housing Element implementation actions (Programs 3.2.1.A and 3.1.1.I) developed to address State regulations to facilitate the development of affordable housing and require the replacement of affordable housing units for projects that propose demolition of existing affordable housing.

**Density Bonus Program**

State Density Bonus Law (section 65915 of the California Government Code) requires the County to provide additional density and incentives, such as deviations from local development standards in exchange for the development of affordable housing units. Density Bonus is an important program to incentivize the development of affordable housing units (up to 120% of the AMI) in mixed-income projects, and to help the County meet its regional housing needs goals. The County has adopted its own Density Bonus Program which is codified in Sections 6350 to 6399 and 7400 to 7449 of the Zoning Ordinance. The County’s Density Bonus Program was lastly updated in 2019 and currently provides incentives beyond what is required under State law. For instance, the County’s Density Bonus Program provides for 2 incentives for projects that provide at least 5% of the units for very-low income (up to 50% of the AMI), 10% of the units for low-income (up to 80% of the AMI), or 10% of the units moderate-income (up to 120% of the AMI) housing. Under State law, these projects would only be eligible to receive one incentive as opposed to two incentives. However, the County’s Density Bonus Program needs to be updated to incorporate changes in State law for specific types of projects, including 100% affordable housing projects and affordable housing for student housing development, as describe below. Since the approval of the last revisions to the County’s Density Bonus Program, more applicants began including affordable housing components in their proposals. Currently, staff is processing 6 projects that utilized the County’s Density Bonus Program. These projects will produce 59 new affordable housing units.

*Density Bonus Law for 100% Affordable Housing Projects*

Assembly Bill (AB) 1763 and AB 2334, passed in 2019 and 2022, respectively, created specific incentives and density bonuses for the development of 100% affordable housing. These projects must reserve at

least 80% of the units for lower-income housing (up to 80% of the AMI) and can include up to 20% of the units for moderate-income housing (up to 120% of the AMI). For qualifying projects located outside a VMT efficient area or major transit stop, the development is eligible to receive four incentives and an additional density of up to 80% of the maximum density allowed. For instance, a project that would be allowed to build 50 units under the County's General Plan land use designation, would be allowed to build 90 units, if all the units within the development were reserved as affordable housing (72 units for lower-income housing, and 18 units for moderate-income housing). In addition, if the project is located within a VMT efficient area or major transit stop, the project is eligible to receive four incentives, unlimited density, and height increase of up to three additional stories, or 33 feet. The Update proposes changes the Zoning Ordinance to incorporate the requirements applicable to 100% affordable housing projects to the County's Density Bonus Program. Table 2 provides an overview of all the changes proposed as of the Update to comply with the new State requirements.

#### *Density Bonus for Lower-Income Student Housing*

SB 1227 and SB 290, passed in 2018 and 2021, respectively, requires the County to provide specific density bonus and incentives for student housing development that provide 20% of the units as affordable to lower income students. Lower-income students are defined as students who have a household income and asset level that does not exceed the level required for receiving an award under the State's Cal Student Grants, pursuant to Section 69432.7 of the Education Code. These projects are eligible to receive one incentive and a density bonus of 35% of the base units. For example, a project that proposes 50 student housing units and restricts 10 of these units (20%) for lower-income students, would be eligible to receive a 35% increase in density or an additional 18 units, for a total of 68 units. The Update proposes changes the Zoning Ordinance to incorporate the requirements applicable to student housing development. Table 2 provides an overview of all the changes proposed as of the Update to comply with the new State requirements.

#### *Density Bonus Schedule*

AB 2345, passed in 2020, increased the maximum amount of density bonus and incentives that projects are eligible to receive. As previously stated, the County's Density Bonus Program provides more incentives than what is required under State law. However, there are two specific scenarios that require revisions to the Zoning Ordinance, including the incentives applicable to projects that provide 17% or 24% for low-income housing (up to 80% of the AMI). In addition, the County's density bonus scheduled must be revised to expand the maximum density bonus allowed to up to 50% of the base density for projects that provide a mixed of affordable housing and market-rate units. The Update proposes changes the Zoning Ordinance to incorporate the requirements applicable to the density bonus schedule. Table 2 provides an overview of all the changes proposed as of the Update to comply with the new State requirements.

#### *Preservation of Existing Affordable Housing Units*

State Density Bonus Law requires local jurisdictions to ensure that the number of dwelling units present on a site is not reduced as a result of a new housing development utilizing density bonus. In addition, SB 330, passed in 2019, requires that new development within "affected areas of the County" replace all affordable housing units, demolished as part of a new housing development. The "affected areas of the County" are defined as census designated places, based on the 2013-2017 American Community Survey 5-year Estimates, that are wholly located within the boundaries of an urbanized area, as designated by the United States Census Bureau. These areas incorporate portions of Lake San Marcos, Winter



Gardens, Bostonia, Granite Hills, Rancho San Diego, Casa de Oro, and Bonita. In order to satisfy the requirements under these regulations, replacement units must be deed-restricted for lower income housing (up to 80% of the AMI). The Update proposes changes the Zoning Ordinance to incorporate the requirements applicable to the replacement of affordable housing units pursuant to State law. Table 2 provides an overview of all the changes proposed as part of the Update to comply with the new State requirements.

*Mixed-Income Development Amenities*

AB 491, passed in 2019, requires that a development that includes both market-rate and deed-restricted affordable housing units provide all units the same access to amenities and entrances. This change is being incorporated into the County’s Density Bonus Program, which regulates the development of market-rate development that elect to utilize the program to receive incentives in exchange for providing affordable housing units. Table 2 provides an overview of the proposed change to comply with this new State requirement.

Religious Institution Affiliated Housing Development

AB 1851 and AB 2244, passed in 2019 and 2022, respectively, allows a religious institution that develops an affordable housing project at a place of worship to utilize up to 50% of the parking available at the place of worship for the housing development. This regulation does not change the General Plan land use designation that would apply to the site or any additional zoning standard beyond the parking reduction. In order to address this new law, a new definition for Religious Institution Affiliated Housing is being added to the Zoning Ordinance. In addition, the Update also proposes changes to the Zoning Ordinance Parking Regulations. Table 2 provides an overview of all the changes proposed as part of the Update to comply with the new State requirements.

<b>Table 2: Specific Changes to the Zoning Ordinance to Facilitate the Development and Preservation of Affordable Housing</b>		
<b>Item #</b>	<b>Description of Revisions</b>	<b>Section/Title</b>
<b>Density Bonus for 100% Affordable Housing Projects – AB 1763 and AB 2334</b>		
11	Added language to create specific incentives and density bonuses applicable to projects that reserve 100% of their units as affordable housing.	Section 6360
<b>Density Bonus for Lower-Income Student Housing - SB 1227 and SB 290</b>		
12	Added language to create incentives and density bonuses for the development of student housing affordable for lower-income student.	Section 6355 and 6360
<b>Density Bonus Schedule – AB 2345</b>		
13	Added language to update the maximum density bonus that certain projects can receive.	Section 6360
<b>Mixed-Income Development Amenities – AB 491</b>		
14	Added language to require projects that include market-rate and affordable units to include the same entrances and amenities for all housing units.	Section 6375
<b>Preservation of Existing Affordable Housing Units – SB 330</b>		
15	Added language to require replacement of existing affordable housing units demolished as a result of a housing project that applies for the County’s Density Bonus Program, or that are proposed within the “affected areas of the County” pursuant to SB 300.	Section 6375

Religious Institution Affiliated Housing Development – AB 1851 and AB 2244		
16	Added language to define Religious Institution Affiliated Housing Development	Section 1100 (R)
17	Added language to allow for Religious Institution Affiliated Housing Development to reduce its parking in order to provide parking for the affordable housing development	Section 6370 and 6764

**Homeless Housing**

This section of the report describes the changes to the Zoning Ordinance to comply with new State law to facilitate the development of homeless housing, including Low Barrier Navigation Centers, Emergency Shelters, and Supportive Housing. The changes focus on streamlining the approval processes for these developments, and on ensuring they can be constructed in different areas of the unincorporated County. The Update will also address a Housing Element implementation action (Program 3.3.1.B) developed to address the State regulations to facilitate the development of housing for homeless individuals.

**Emergency Shelters**

AB 139, passed in 2019, requires the County to identify a zone or zones where Emergency Shelters are allowed by-right without a conditional use or other discretionary permit. In addition, it only allows the County to require parking to accommodate the staff working in the shelter. Emergency Shelters are defined by State law as “housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person.” Currently, the Zoning Ordinance allows the Emergency Shelters by-right in industrial zones but does not exempt them from the Zoning Ordinance Special Area Regulations (Chapter 5). The Special Area Regulations provide specific permit requirements that apply to properties regardless of the proposed use. Therefore, as part of the Update, an exemption to the Special Area Regulations is being proposed to ensure that Emergency Shelters can be process by-right within industrial zones regardless of the any discretionary review that would otherwise be required pursuant to the Special Area Regulations for other uses. In addition, the Update will align the Zoning Ordinance with AB 139 to remove parking requirements for client beds (i.e., parking would only be needed for facility personnel). Removing parking requirements can significantly reduce costs and increase opportunities for these shelters since providing parking can be expensive and requires a lot of land area or construction of structures. Table 3 provides an overview of all the proposed changes to comply with AB 139.

**Low Barrier Navigation Centers**

Assembly Bill (AB) 101, passed in 2019, requires local jurisdictions to allow the development of Low Barrier Navigation Centers (LNBC) by-right in mixed-use zones. LNBCs are defined by State law as a “housing first, low-barrier, service enriched shelters focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.” State defines “low barrier” as best practices to reduce barriers to entry, and may include, but is not limited to, allowing pets, and places for individuals to storage their possessions. The Update proposes to amend the Zoning Ordinance to define Low Barrier Navigation Centers and permit them by-right in the RC, C31, C32, C34, C35, C36, C37, C38, C40, and C42 zones. AB 101 defines the term “by-right” in this context to mean the local government’s review of the Low Barrier Navigation Center development may not impose certain requirements, such as a conditional use permit or other discretionary review or approval, that could add

cost, time and uncertainty for this type of project. Therefore, these projects cannot be subject to discretionary permits such as a Site Plan Permit, Major Use Permit, or a Minor Use Permit, but would still be subject to standard review required to receive a building permit (e.g., fire review, engineering review, environmental health review, and planning review). In addition, an exemption to the Special Area Regulations is being proposed to ensure that Supportive Housing projects can be process by-right within multifamily zones regardless of the any discretionary review that would otherwise be required pursuant to the Special Area Regulations. Table 3 provides an overview of all the changes to comply with AB 101.

Supportive Housing

AB 2162, passed in 2018, requires the County to allow Supportive Housing by-right in all zones that allow for the development of multifamily housing. State law defines Supportive Housing as “housing with no limit on length of stay, occupied by homeless individuals, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community.” As part of the Update, a new section is being added to the Zoning Ordinance to allow for the development of Supportive Housing by-right on properties that permit multifamily housing development. In addition, an exemption to the Special Area Regulations is being proposed to ensure that Supportive Housing projects can be process by-right within multifamily zones regardless of the any discretionary review that would otherwise be required pursuant to the Special Area Regulations. Table 3 below provides an overview of all the proposed changes related to Supportive Housing development.

<b>Table 3: Specific Changes to the Zoning Ordinance for Homeless Housing</b>		
<b>Item #</b>	<b>Description of Revisions</b>	<b>Section/Title</b>
<b>Low Barrier Navigation Centers (LBNC) - AB 101</b>		
18	Add language to define LBNC.	Section 1100 (L)
19	Add language to allow LBNC by-right subject in mixed-use zones (RC, C31, C32, C34, C35, C36, C37, C38, C40, and C42,).	Section 2000
20	Add language to exempt LBNC from Special Area Regulator that would require a discretionary review.	Section 5015
21	Add a new section to establish requirements applicable to LBNC.	Section 6915
<b>Emergency Shelters – AB 139</b>		
22	Add language to define Emergency Shelters.	Section 1100 (E)
23	Add language to exempt Emergency Shelters from Special Area Regulator that would require a discretionary review.	Section 5015
<b>Supportive Housing – AB 2162</b>		
24	Add language to exempt Supportive Housing from Special Area Regulator that would require a discretionary review.	Section 5015
25	Add a new section to establish requirements applicable to Supportive Housing.	Section 6915

**F. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and the project qualifies for an Addendum to the General Plan Update Environmental Impact Report (EIR) under CEQA Section 15164. An EIR Addendum dated January 13, 2023, has been

prepared and is on file with Planning & Development Services. There are no changes in the project, no changes in the circumstances under which the project is undertaken, or no new information which results in a new significant environmental effect or a substantial increase in the severity of a previously identified significant environmental effect since the certification of the previous EIR for the project dated August 3, 2011. See the Addendums to EIR for the County's General Plan Update (Attachments C).

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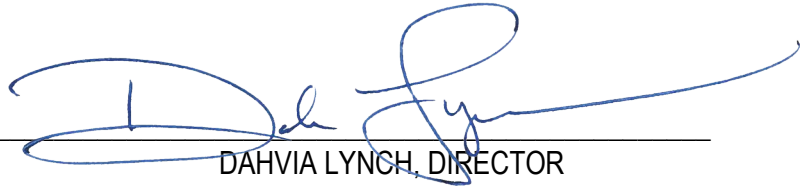
**Report Prepared By:**

Camila Easland

**Report Approved By:**

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**AUTHORIZED REPRESENTATIVE:**



DAHVIA LYNCH, DIRECTOR

**ATTACHMENTS:**

- Attachment A – Zoning Ordinance Amendment – Clean
- Attachment B – Zoning Ordinance Amendment – Strike-out/Underlined Copy
- Attachment C – Environmental Documentation
- Attachment D – Summary of Housing Legislation

Attachment A – ZONING ORDINANCE  
AMENDMENT – CLEAN

ORDINANCE NO. \_\_\_\_\_(N.S.)

**AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE  
SECTION 1000, 2000, 4000, 5000, and 6000**

The Board of Supervisors of the County of San Diego ordains as follows:

**Section 1.** The Board of Supervisors finds and determines that the San Diego County Zoning Ordinance should be updated by amending or adding various sections regarding housing. The amendments made by this ordinance are intended to ensure compliance with recent changes to California housing laws. Amendments also include implementation of one housing element program and one board policy. Amendments are related to definitions, low barrier navigation centers, accessory dwelling units, minimum density, minimum lot sizes, emergency shelters, affordable and replacement units, parking for religious institution affiliated housing projects, healthcare trailers, supportive housing, density bonus, and small home lot developments. The amendments affect the following sections: 1100, 2263, 2313, 2323, 2343, 2353, 2363, 2373, 2383, 2403, 2423, 2980, 4221, 5015, 6156, 6355, 6360, 6365, 6370, 6375, 6758, 6764, 6911, 6914, 6915, and 6916.

**Section 2.** Section 1100 (E) of the Zoning Ordinance is amended to add the following definitions:

Emergency Shelter: Shall have the definition prescribed in California Health and Safety Code Section 50801.

**Section 3.** Section 1100 (L) of the Zoning Ordinance is amended to add the following definition:

Low Barrier Navigation Center: Shall have the meaning prescribed in California Government Code Section 65660.

**Section 4.** 1100 (R) of the Zoning Ordinance is amended to add the following definition:

Religious Institution Affiliated Housing Development Project: Shall have the meaning prescribed in California Government Code Section 65913.6.

**Section 5.** Section 1100 (S) of the Zoning Ordinance is amended to add the following definition:

Small Home Lot Development: A development that meets the requirements for small home lot development as outlined in California Government Code Section 66499.40(b).

**Section 6.** Section 2263 PERMITTED USES SUBJECT TO LIMITATIONS of the Zoning Ordinance is amended to read as follow:

The following use types are permitted by the RC Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

- a. Residential Use Types.

Mobilehome Residential "18"  
Low Barrier Navigation Center "25"

b. Commercial Use Types.

Administrative and Professional Services "4"  
Financial, Insurance and Real Estate Services "11"  
Medical Services "4"  
Recycling Collection Facility, Small "2"

**Section 7.** Section 2313 PERMITTED USES SUBJECT TO LIMITATIONS of the Zoning Ordinance is amended to read as follows:

The following use types are permitted by the C31 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Commercial Use Types.

Convenience Sales and Personal Services "10"  
Eating and Drinking Establishments "10"  
Food and Beverage Retail Sales "10"  
Recycling Collection Facility, Small or Large "2"  
Recycling Processing Facility, Light or Heavy "3"

b. Residential Use Types

Low Barrier Navigation Center "25"

**Section 8.** Section 2323 PERMITTED USES SUBJECT TO LIMITATIONS of the Zoning Ordinance is amended to read as follows:

The following use types are permitted by the C32 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Residential Use Types.

Family Residential "1"  
Low Barrier Navigation Center "25"

b. Commercial Use Types.

Recycling Collection Facility, Small or Large "2"  
Recycling Processing Facility, Light or Heavy "3"

**Section 9.** Section 2343 PERMITTED USES SUBJECT TO LIMITATIONS of the Zoning Ordinance is amended to read as follows:

The following use types are permitted by the C34 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Commercial Use Types.

Business Equipment Sales and Services "7"  
Construction Sales and Services "8" (see Section 6300)  
Gasoline Sales "12"  
Laundry Services "13"  
Recycling Collection Facility, Small or Large "2"  
Recycling Processing Facility, Light or Heavy "3"

b. Residential Use Types

Low Barrier Navigation Center "25"

**Section 10.** Section 2353 PERMITTED USES SUBJECT TO LIMITATIONS of the Zoning Ordinance is amended to read as follow:

The following use types are permitted by the C35 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Commercial Use Types.

Business Equipment Sales and Services "7"  
Construction Sales and Services "8"  
Gasoline Sales "12"  
Laundry Services "13"  
Recycling Collection Facility, Small or Large "2"  
Recycling Processing Facility, Light or Heavy "3"

b. Residential Use Types

Low Barrier Navigation Center "25"

**Section 11.** Section 2363 PERMITTED USES SUBJECT TO LIMITATIONS of the Zoning Ordinance is amended to read as follow:

The following use types are permitted by the C36 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Residential Use Types.

Family Residential "1"  
Low Barrier Navigation Center "25"



b. Commercial Use Types.

Agricultural Services "9"  
Automotive and Equipment: Repairs, Heavy Equipment "8"  
Business Equipment Sales and Services "7"  
Construction Sales and Services "8" (see Section 6300)  
Gasoline Sales "12"  
Laundry Services "13"  
Recycling Collection Facility, Small or Large "2"  
Recycling Processing Facility, Light or Heavy "3"

**Section 12.** Section 2373 PERMITTED USES SUBJECT TO LIMITATIONS of the Zoning Ordinance is amended to read as follow:

The following use types are permitted by the C37 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Residential Use Types.

Family Residential "1"  
Low Barrier Navigation Center "25"

b. Commercial Use Types.

Recycling Collection Facility, Small or Large "2"  
Recycling Processing Facility, Light or Heavy "3"  
Recycling Processing Facility, Wood and Green Materials "15"  
Wholesaling, Storage and Distribution: Light "8" c.

c. Industrial Use Types.

General Industrial "15"

**Section 13.** Section 2383 PERMITTED USES SUBJECT TO LIMITATIONS of the Zoning Ordinance is amended to read as follow:

The following use types are permitted by the C38 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Residential Use Types.

Family Residential "1"  
Low Barrier Navigation Center "25"

b. Commercial Use Types.

Food and Beverage Retail Sales "10"  
Recycling Collection Facility, Small or Large "2"  
Recycling Processing Facility, Light or Heavy "3"

Wholesaling, Storage and Distribution: Light "8" (see Section 6300)

c. Industrial Use Types.

General Industrial "15"

**Section 14.** Section 2403 PERMITTED USES SUBJECT TO LIMITATIONS of the Zoning Ordinance is amended to read as follow:

The following use types are permitted by the C40 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Residential Use Types.

Family Residential "1"  
Low Barrier Navigation Center "25"

b. Commercial Use Types.

Construction Sales and Services "9"  
Recycling Collection Facility, Small or Large "2"  
Recycling Processing Facility, Light or Heavy "3"  
Recycling Processing Facility, Wood and Green Materials "15"  
Wholesaling, Storage and Distribution: Light "8" (see Section 6300)

c. Industrial Use Types.

General Industrial "15"

**Section 15.** Section 2423 PERMITTED USES SUBJECT TO LIMITATIONS of the Zoning Ordinance is amended to read as follow:

The following use types are permitted by the C42 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Residential Use Types.

Family Residential "20"  
Low Barrier Navigation Center "25"

b. Commercial Use Types.

Administrative and Professional Services "20"  
Business Support Services "20"  
Financial, Insurance and Real Estate Services "20"

**Section 16.** Section 2980 LIMITATIONS ON PERMITTED USES of the Zoning Ordinance is amended to add the following:

“25” Low Barrier Navigation Centers: Allowed by-right subject to the provisions of Section 6915.

**Section 17.** Section 4221 MINIMUM LOT AREA REQUIREMENTS, NET OR GROSS of the Zoning Ordinance is amended to read as follows:

The net lot area of a lot shall be not less than the required minimum area prescribed by the lot area designator of the zone, provided that one of the following requirements is satisfied:

- a. Said lot or building site is created pursuant to a use permit specifying such lesser area or issued for the purpose of authorizing such lesser area, provided that such lot or building site shall in no event have an area less than six thousand (6,000) square feet.
- b. All requirements of Section 4220 of this Ordinance are met.
- c. Said lot or building site is shown on an approved final subdivision map, or on a tentative subdivision map which has been approved or filed for approval, all prior to December 1, 1969; provided that after December 31, 1971:
  1. Said lot or building site exists as an entire lot, or as an entire parcel for which either a deed is of record in the office of the County Recorder or a bona fide contract of sale is in full force and effect.
  2. It is not the result of a division of land in violation of any State law or County ordinance.
- d. Said lot or building site is shown on an approved division of land plat or on a division of land plat filed for approval prior to December, 1969; provided that after December 31, 1971:
  1. Said lot or building site exists as an entire lot or as an entire parcel for which either a deed is of record in the office of the County Recorder or a bona fide contract of sales is in full force and effect.
  2. It is not the result of a division of land in violation of any State law or County ordinance.
- e. Exemption. Multifamily and mixed-use projects that include a floor area ratio that meets the requirements under subdivision (b) of Section 65913.11. of the California Government Code shall be allowed on existing legal parcels, regardless of consistency with the existing minimum lot size requirement, provided all other applicable requirements are met, including meeting the densities established by the Zoning Ordinance or General Plan.

**Section 18.** Section 5015 APPLICATIONS AND DESIGNATION of the Zoning Ordinance is amended to read as follows:

- a. Application. A Special Area Regulation shall be deemed applicable when conditions or purposes specified within individual Special Area Regulations are found present within San Diego County and a Special Area Designator is included within a zone.
- b. Location of Designator. Designators for Special Area Regulations shall follow the designators for the Development Regulations.

- c. Notation. Special Area Regulations applicable within a zone shall be indicated by a letter pursuant to the table at Section 5025.
- d. Exemption. The following uses are exempt from Special Area Regulators that require a discretionary review:
  - 1. Low Barrier Navigation Centers
  - 2. Emergency Shelters
  - 3. Supportive Housing Projects
  - 4. Housing development projects that require ministerial approval pursuant to state law.

A dash ("-") shall indicate that there are no Special Area Regulations applicable to the property.

**Section 19.** Section 6156.x RESIDENTIAL AND AGRICULTURAL USE TYPES the San Diego County Zoning Ordinance is hereby amended to read as follows:

x. An Accessory Dwelling Unit (ADU) and/or one Junior Accessory Dwelling Unit (JADU) is allowed on properties zoned for residential use that provide complete independent living facilities for one or more persons with an existing or proposed single-family dwelling (SFD). A JADU means a unit that is no more than 500 sq. ft. in size and contained entirely within existing or proposed SFD.

One ADU and one JADU may be permitted on lots with an existing or proposed SFD (within a residential or mixed-use zone) provided all the following are met:

1. The ADU is either attached to an existing SFD or detached and on the same legal lot.
2. ADU may be rented but is not intended for sale separate from the primary residence, unless the lot is subdivided creating a separate lot for each dwelling, or the conditions established under Section 65852.26 of the California Government Code are met.
3. Lot does not have an existing guest living quarters, accessory living quarters, or accessory apartment. A conversion of a guest living quarters, accessory living quarters, or accessory apartment into an ADU may be permitted upon approval of a building permit.
4. The total floor area of an attached ADU shall not exceed 50% of the floor area of the SFD, up to a maximum floor area of 1,200 square feet (it could be up to 850 square feet and 1,000 square feet for ADU's with more than one bedroom, independent of the sq. ft. of the existing SFD).
5. The total floor area of a detached ADU shall not exceed 1,200 square feet, independent of the square footage of the existing SFD.
6. Applicants must provide mathematical computations of the "floor area" for both units on the plot plans, and these calculations must be taken from the exterior dimensions of the outside walls.
7. Total floor area of a proposed accessory structure attached to a detached ADU shall not exceed the allowable combined square footages per Section 6156.g of the Zoning Ordinance, or unless authorized by an approved Administrative Permit.

8. Any proposed accessory structure, attached to an ADU, exceeding 1,000 sq. ft. (combined with all other accessory structures per Section 6156.g) and/or more than 12' in height, are subject to the main building setbacks and height regulations of the Zoning Ordinance.
9. An attached or detached patio, deck, and/or balcony is subject to Section 4835 of the Zoning Ordinance.
10. A detached ADU is limited to 25' in height.
11. An ADU may be attached to an existing and permitted oversized accessory structure, if the ADU is placed within the existing accessory structure and the overall footprint is not being changed.
12. No setbacks are required if an existing and permitted accessory structure, or a portion thereof is being converted into an ADU, except for fire safety.
13. No additional development standards such as maximum square footage, height, lot coverage, and setbacks are required if an existing and permitted detached or attached accessory structure is being converted into an ADU. Any new addition to the ADU must comply with the setbacks and height regulations outlined by this ordinance.
14. An existing and permitted accessory structure, or a portion of the existing and permitted main residence may be converted into an ADU. Such a conversion are not subject to any size requirements.
15. An ADU may be attached to an existing and permitted, or proposed recreation room, if there is a defined fire and sound separation wall or floor between the ADU and recreation room. Any openings (doors, window, or penetrations) would be required to be fire rated.
16. A minimum setback of at least 4' from the side and rear lot lines is required for an ADU that is being constructed above a permitted detached accessory structure. If corner lot, the exterior side yard setback must be at least 4' from the edge of easement/street/and/or property line. The setbacks only apply to the added space above the accessory structure and the ADU can be constructed wholly or partly above the accessory structure, including extending beyond the accessory structure walls.
17. All newly constructed detached and/or attached ADU's must comply with the required front yard setbacks and a minimum side and rear setback of at least 4' (except any required fire setbacks).
18. If corner lot, the exterior side yard setback must be at least 4' from the edge of easement/street/and/or property line.
19. A detached and/or attached ADU's may encroach into the required front yard setbacks if it would otherwise prevent the construction of an ADU that is 800 sq. ft. or smaller. If the proposed ADU encroaches into the required front yard setbacks, substantial evidence shall be submitted (such as septic permit/layout, photos, or cross-section drawings of existing grade) to justify the need for placing the proposed ADU (up to 800 sq. ft.) in the front yard setbacks.

20. If the ADU is in the front yard setbacks, it cannot block the driveway, or access of the two required off-street parking spaces for the existing SFD, unless two replacement off-street parking spaces have been provided.
21. An accessory structure, or patio attached to an ADU must comply with the required exterior side yard setbacks.
22. An ADU shall provide one parking space. The parking space may be located within the setbacks and in an existing driveway as tandem parking. Parking spaces don't need to be replaced when a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted into an ADU.
23. A parking space is not required for the ADU in any of the following instances:
  - a) The ADU is located within one-half mile of public transit.
  - b) The ADU is located within an architecturally and historically significant historic district.
  - c) ADUs that are part of the proposed or existing primary residence or an accessory structure.
  - d) When on-street parking permits are required but not offered to the occupant of the ADU.
  - e) When there is a car share vehicle located within one block of the ADU.
24. The ADU shall not be used or rented for less than 30 days.
25. Properties that have multiple (2 or more) existing, non-conforming SFD's and are in a residential zone that only allows for one SFD, can have an ADU (JADU is not allowed).
26. Properties that have an existing non-conforming SFD and are in a zone that does not allow for a SFD, can have an ADU or JADU (not both).
27. One JADU, which shall not exceed 500 square feet, may be permitted on lots with an existing or proposed SFD within a residential or mixed-use zone.
28. The JADU must be completely contained within an existing or proposed SFD and may include separate sanitation facilities or may share sanitation facilities with the existing structure.
29. The JADU shall include an efficiency kitchen, which shall include all the following:
  - a) A cooking facility with appliances.
  - b) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
30. When an existing garage, carport, or covered parking space is being demolished in conjunction with the construction of a JADU or converted into a JADU, the required

parking spaces need to be replaced. An SFD must provide the required off-street parking spaces.

31. No additional parking space is required for a JADU.
32. A JADU must be within an existing or proposed SFD and cannot be attached to an ADU.
33. In instances where the JADU shares a bathroom with the SFD, interior entry to the SFD would be necessary.
34. JADU's, and/or additions for JADU's must comply with main building setbacks, including JADU additions for non-conforming SFD's. Please see Section 6886 of the Zoning Ordinance for setback information on non-conforming SFD's.
35. The JADU may be rented, but not for less than 30 days, and is not intended for sale separate from the primary residence. The owner is required to live in one of the two units.
36. No separate electric meter will be permitted for JADUs.
37. Multiple ADU's maybe permitted within portions of an existing or proposed multifamily complex within a residential or mixed-use zone if the following requirements are met:
38. Only structures/rooms within the existing or proposed multifamily complex that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, may be converted at least into one ADU, or multiple ADU's, up to 25% of the existing multifamily dwelling units.
39. Up to two detached ADU's maybe permitted, per lot that has an existing or proposed multifamily complex if the following requirements are met.
  - a) The addition of two detached ADU's is not subject to any nonconforming regulations.
  - b) A non-conforming multifamily complex can have up to two detached ADU's or may have ADU's created within the existing multifamily complex (not both) and would be subject to all other regulations.
40. Any structure designed for human habitation that is divided into two or more independent and attached living units on a single lot is considered a multifamily complex (such as duplex, triplex, stacked dwellings, Mobile Home Park, etc.). Multiple detached single-family dwellings on the same lot are not considered a multifamily complex but may qualify for one ADU or JADU (not both).
41. A deed restriction shall be recorded with the County Recorder's office, which shall include the pertinent restrictions and limitations of a junior accessory dwelling unit identified in this Section.
  - a) The junior accessory dwelling unit shall not be sold separately from the single-family dwelling unit;

- b) The junior accessory dwelling unit is restricted to the maximum size allowed per the development standards;
- c) The junior accessory dwelling unit shall be considered legal only so long as either the primary residence, or the accessory dwelling unit, is occupied by the owner of record of the property, except when the home is owned by an agency such as a land trust or housing organization in an effort to create affordable housing;
- d) The restrictions shall be binding upon any successor in ownership of the property and lack of compliance with this provision may result in legal action against the property owner, including revocation of any right to maintain a junior accessory dwelling unit on the property.

**Section 20.** Section 6156.ii RESIDENTIAL AND ARICULTURAL USE TYPES the San Diego County Zoning Ordinance is hereby amended to read as follows:

ii. Repealed.

**Section 21.** Section 6156.II RESIDENTIAL AND ARICULTURAL USE TYPES the San Diego County Zoning Ordinance is hereby amended to read as follows:

II. Repealed.

**Section 22.** Section 6355 ELIGIBILITY FOR AFFORDABLE HOUSING/DENSITY BONUS PROGRAM AND PERMIT of the San Diego County Zoning Ordinance is hereby amended to read as follows:

- a. Income and Age Requirements. A housing development proposed to qualify for shall be designed and constructed so that it includes at least one of the following:
  - 1. At least five percent of the total number of base units are reserved as affordable for very low income households.
  - 2. At least ten percent of the total number of base units are reserved as affordable for lower income households.
  - 3. The project is a senior citizen housing development or is a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Civil Code Sections 798.76 or 799.5. No affordable units are required to receive a density bonus. Market rate age restricted units are not eligible for an incentive, waiver, or concession.
  - 4. Ten percent of the total dwelling units in a common interest development, as defined in Civil Code Section 1351, for persons and families in a moderate income household provided that all units in the development are offered to the public for purchase.
  - 5. At least ten percent of the total dwelling units in the development are reserved as affordable at a very low income level to transitional foster youth as defined in Section 66025 of the California Education Code, disabled veterans as defined in Section



18541 if the California Government Code, or homeless persons as described in the California McKinley Vento Homeless Assistance Act.

6. Under the County Affordable Senior Housing Program, one hundred percent of the units are reserved at an affordable rent, as defined in Health and Safety Code Section 50053, to very low, low, or moderate income senior citizens.
- b. Land Donation. An applicant for a tentative subdivision map, parcel map, or other residential development, who donates at least one acre of land to the County for very low income housing and has the appropriate General Plan designation, zoning, permits and approvals, and access to public facilities, shall be eligible for a density bonus.
- c. Condominium Conversion Projects. An applicant who proposes to convert apartments to a condominium project, provides at least 33 percent of the total base units for moderate income households or at least 15 percent for lower income households, and meets the requirements of Government Code Section 65915.5 shall be eligible for a density bonus.
- d. Child Care Facilities. A housing development that meets one of the eligibility requirements of subsections a.1. through a.4. and includes a child care facility located on the site of, as part of, or adjacent to, the development shall be eligible for a density bonus as defined in Government Code Section 65915(h).
- e. Senior Citizen Housing. To meet the eligibility requirements of subsection a.3., a Senior Citizen Housing Development must have at least 35 dwelling units, exclusive of the bonus units.
- f. Student Housing. An applicant who proposes to construct a housing development in which all development units will be used for students enrolled full time at an institution of higher education accredited by the Western Association of Schools and Colleges or the Accrediting Commission for Community and Junior Colleges. The developer must also enter into an agreement with an institution of higher education to the effect that where 20 percent of the units are used for lower income students, as defined, provided at a specified rent level, and provide priority for the applicable affordable units for lower income students experiencing homelessness, the units shall be subject to a recorded affordability restriction of 55 years.
- g. Ineligible Projects -- Required Replacement of Affordable Units.
  1. An applicant shall be ineligible for a density bonus or any other incentives or concessions under this section if: a) the development is proposed on any property that includes any existing affordable rental dwelling units occupied by lower or very low income households; b) if such affordable dwelling units have been vacated or demolished in the five-year period preceding the application; and c) such affordable dwelling units have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income. However, an applicant may establish eligibility if the proposed housing development replaces those units, and either of the following applies:
    - i. The proposed housing development, inclusive of the units replaced pursuant to this subsection (f)(2), contains affordable units at the percentages set forth in subsection a.

- ii. Each unit in the development, exclusive of a manager’s unit or units, is affordable to, and occupied by, either a lower or very low income household.
2. The number and type of required replacement units shall be determined as follows:

[NO CHANGE]

**Section 23.** Section 6360 DENSITY BONUS PROGRAM AND PERMIT of the San Diego County Zoning Ordinance is hereby amended to read as follows:

- a. Density Bonus Allowance. A development that complies with the eligibility requirements of Section 6355 shall be entitled to a density bonus as follows:
  - 1. Density Bonus Table. The total number of base units, exclusive of the additional bonus units, shall be the basis for determining the percentage of affordable units. The total number of base units shall be calculated in accordance with Section 6360 b and be consistent with the maximum allowable residential density under the Zoning Ordinance and the Land Use Element of the General Plan. The density bonus shall be calculated based on the Density Bonus Tables. The Density Bonus Table is intended to be compliant with California Government Code Section 65915.

**DENSITY BONUS TABLE**

Income Category Household Income Category of Affordable Units	Reserved Units Minimum % of Base Units that must be Reserved to qualify for Bonus	Bonus		
		Bonus Allowed Minimum Bonus (% of Base Units)	Additional bonus for each 1% increase in reserved units	Maximum Bonus (% of Base Units)
Very Low Income	5%	20%	2.5% for 6 to 11% 3.75% for 12 to 15%	50%
Low Income	10%	20%	1.5% for 11 to 20%; 3.75% for 21 to 24%	50%
Very Low or Low Income	100%	80%	--	80%
Moderate Income (Ownership Units Only)	10%	5%	1% for 11 to 40; 3.75% for 41-44%	35%
Age Restricted Senior Citizen Housing Development	100%	20%	--	20%
Transitional Foster Youth, Disabled Veterans, Homeless	10%	20%	--	20%

Income Category	Reserved Units	Bonus		
		Minimum Bonus (% of Base Units)	Additional bonus for each 1% increase in reserved units	Maximum Bonus (% of Base Units)
Household Income Category of Affordable Units	Minimum % of Base Units that must be Reserved to qualify for Bonus	Bonus Allowed		
Land Donation for Very Low Income Housing	10% of Market-Rate Units	15%	1%	35%
Common Interest Development	10%	5%	1%	35%
Student Housing for Full-Time Enrolled Students	20%	35%	--	35%
Condominium Conversion				
Lower Income	15%	25%	--	25%
Moderate Income	33%	25%	--	25%
Child Care Facility	Must qualify under Section 6355 a.1. – a.4.	Additional residential space equal to or greater than the square footage of the child care facility or one additional incentive		
County Affordable Senior Housing Program (Rental Units Only)				
Very Low Income	100%	50% to a maximum of 45 units/acre*		
Low Income	100%	45% to a maximum of 45 units/acre*		
Moderate Income	100%	40% to a maximum of 45 units/acre*		
Commercial Development with Affordable Housing	Pursuant to Government Code 65915.7	Pursuant to Section 6365		

\* The density cap of 45 units per acre is calculated based on the net lot area.

2. County Affordable Senior Housing Program.

[NO CHANGE]

3. Land Donation For Very Low Income Units. When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to the County for very low income housing and meets the requirements of Government Code Section 65915(g), the applicant shall be entitled to a 15 percent minimum increase above the otherwise maximum allowable residential density as shown in the table below.

# 1 - 28

- i. The donated land must have all permits and approvals necessary for the development of very low income housing units equal to at least 10 percent of the market rate units within the proposed development.
- ii. If the proposed development also includes units reserved for affordable housing, the density bonus from the donated land shall be in addition to the density bonus permitted for the provision of housing reserved for very low, low, moderate, or senior households up to a maximum combined density increase of 35 percent.

<b>Percentage of Units Very Low Income</b>	<b>Percentage Density Bonus</b>
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

4. Condominium Conversion Projects.

[NO CHANGE]

5. Child Care Facilities.

[NO CHANGE]

6. 100% Affordable Developments in Transit Accessible Areas. No maximum density shall be required for a housing development project that meets the 100 percent affordability requirements of Section 65915(b)(1)(G) and that is built within one-half mile of a major transit stop as defined by subdivision (b) of Section 21155 of the Public Resources Code or is located in a very low vehicle travel area as defined by subdivision (o) of Section 65915 of the California Government Code. The applicant shall also receive a height increase of up to three additional stories, or 33 feet.

b. Density Bonus Calculations.

1. Base Units. The number of base units shall not exceed the maximum allowable residential density as permitted by the County's Zoning Ordinance and General Plan.

i. The net lot area of the project site shall be the basis on which the number of base units is determined.

ii. The density bonus percentage shall be calculated using the total number of base housing units and shall not include the density bonus units.

iii. When calculating the maximum number of base dwelling units permitted on a project site any fraction of a base dwelling unit shall be rounded up to the nearest whole number of dwelling units.

iv. The maximum number of dwelling units permitted within the exterior boundary lines of any subdivision or a single lot, shall be reduced to an achievable number of dwelling units when such reduction is needed to comply with all applicable land use requirements. The resulting density shall be the Maximum Allowable Residential Density.

2. Density Bonus Units. When calculating the number of density bonus units to be granted to an applicant under Government Code section 65915, a fraction of a density bonus unit shall be rounded up to the nearest whole number.

3. Split Zones. If the housing development site is located in two or more zones, the number of dwelling units permitted in the development is the sum of the dwelling units permitted in each of the zones. Within the development, the permitted number of dwelling units may be distributed without regard to the zone boundaries.

4. Other regulatory incentives pursuant to Section 65915 of the Government Code.

**Section 24.** Section 6365 INCENTIVES of the San Diego County Zoning Ordinance is hereby amended to read as follows:

- a. Types of Incentives. An applicant eligible for an Affordable Housing Permit pursuant to Section 6355 may qualify for one or more of the following incentives whether or not a density bonus is requested:
  - 1. A reduction or deviation in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code. These may include, but are not limited to, a reduction in setback and square footage requirements, increased building heights, or a reduction in the ratio of vehicular parking spaces that would otherwise be required. These reductions or deviations shall result in identifiable and actual cost reductions, to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).
  - 2. Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.
  - 3. Other regulatory incentives proposed by the applicant or the County that will result in identifiable, actual cost reductions to provide for affordable housing costs as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).
- b. Proof of Cost Reduction. Proof of identifiable, actual cost reduction associated to reduce the cost of the housing development to provide for affordable housing costs may be required of the applicant pursuant to Section 7410.
- c. Permitted Number. The applicant shall receive the following number of incentives, unless disapproved in accordance with written findings as described in Section 7420 a:

**INCENTIVES SUMMARY**

Income Category of Reserved Units	% of Reserved Units			
Very Low Income	--	5%	10%	15%
Low Income	--	10%	17%	24%
Moderate Income (Ownership Units Only)	--	10%	20%	30%
County Affordable Senior Housing Program (Rental Units Only)	--	--	--	100%

Lower income students in a student housing development	20%	--	--	--
<b>Maximum Number of Incentives</b>	1	2	3	4

- d Incentives for Commercial Development. Pursuant to Government Code Section 65915.7, an applicant for a commercial development that has entered into an agreement with an applicant for a residential development that provides at least 15 percent of the dwelling units as affordable to very low income households or at least 30 percent of the dwelling units as affordable to low income households shall be entitled to an incentive in accordance with Government Code Section 65915.7(b) provided that the agreement is approved by the Planning & Development Services Director and the commercial development will contribute to affordable housing in one of the following ways:
  - 1. Directly constructing the affordable dwelling units on the commercial site or a site that is within the jurisdiction of the County, in close proximity to public amenities including schools and employment centers, and located within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code.
  - 2. Donating a portion of the commercial site or another site that meets the criteria in Section 6365 c.1. for development of the affordable dwelling units; or
  - 3. Financially contributing to the development of the affordable dwelling units.
- e. Nothing in this section requires the County to provide direct financial incentives for the housing development, including but not limited to, the provision of publicly owned land or the waiver of fees or dedication requirements.

This section does not supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code).

**Section 25.** Section 6370 PARKING REQUIREMENTS of the San Diego County Zoning Ordinance is hereby amended to read as follows:

- a. Applicability. The following parking requirements apply to eligible developments in accordance with Section 6355. Affordable housing projects that also meet the requirements of Government Code 65913.4 and are processed through ministerial review consistent with Section 7400 are subject to the parking requirements of Government Code 65913.4(d) rather than those in this section. Any additional parking modifications will be considered an incentive pursuant to Section 6365.
- b. Number of Parking Spaces Required.

The following maximum vehicular parking ratios apply for a project that meets the eligibility requirements of Section 6355, inclusive of parking for the disabled and guest parking.

**PARKING REQUIREMENTS**

Number of Bedrooms	Number of on-site parking spaces needed
0 – 1	1
2 – 3	<u>1.5</u> <sup>2</sup>
4+	2.5

- c. Lower parking ratios also apply to the following projects:
1. 0.5 space per bedroom for rental or for sale projects with at least 11% very low income or 20% lower income units, and within one-half mile of unobstructed access to a major transit stop as defined in subdivision (b) of Section 21155 of the Public Resources Code. Unobstructed access means if a resident is able to access the major transit stop without encountering natural or constructed impediments.
  2. No space required for rental projects that are 100% affordable to lower income households (exclusive of a manager’s unit), and within one-half mile of unobstructed access to a major transit stop as defined in subdivision (b) of Section 21155 of the Public Resources Code.
  3. No space required for age-restricted rental senior projects that are 100% affordable to lower income households, and have paratransit service or are within one-half mile of accessible fixed bus route service operating at least eight times per day.
  4. No space required for special needs housing development as defined in Section 51312 of the Health and Safety Code, and have paratransit service or are within one-half mile of accessible fixed bus route service operating at least eight times per day.
- d. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number.
- e. This Density Bonus Program/Affordable Housing Program does not preclude the County from reducing or eliminating a parking requirement for development projects of any type in any location.
- f. Location of Parking. For purposes of this density bonus program, a development may provide on-site parking through tandem parking or uncovered parking, but not through on-street parking.
- g. Religious Institution Affiliated Housing Project. Parking requirements for religious institution affiliated housing development projects are as provided in California Government Code Section 65913.6

Religious institution/assembly parking may count towards religious institution/assembly affiliated housing parking requirements. Up to 50% of existing or proposed religious institution/assembly parking spaces may be eliminated as a part of a religious institution/assembly affiliated housing development project. The elimination of religious-use parking spaces pursuant to a religious institution affiliated housing development project that has been approved does not constitute a concession pursuant to California Government



Code Section 65915. The reduction in parking spaces shall not reduce the minimum parking standards required of a religious institution affiliated housing development project below one space per unit. The request to share parking is exempt from a discretionary permit review or modification, and exempt from the non-conforming regulations.

This shall not apply to a religious institution affiliated housing development project if either of the following is true:

1. The parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined in subdivision (b) of Section 21155 of the Public Resources Code or a major transit stop as defined in Section 21064.3 of the Public Resources Code.
2. There is a car share vehicle located within one block of the parcel.

**Section 26.** 6375 Section AFFORDABLE AND REPLACEMENT UNITS of the San Diego County Zoning Ordinance is hereby amended to read as follows:

a. Duration of Affordability.

1. An applicant for new affordable housing shall agree to, and the County shall ensure, the continued affordability of all very low and low-income rental units that qualified the applicant for the award of the density bonus or incentives or other concessions for 55 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.
2. Replacement units shall be subject to a recorded affordability restriction for 55 years or longer.

b. Unit Affordability Requirements.

1. Rental Units. Rents for the lower income and moderate income reserved units shall be set at an affordable rent as defined in Health and Safety Code Section 50053.
2. Owner-occupied Units. Owner-occupied affordable units and replacement units shall be available at an affordable housing cost as defined in Health and Safety Code Section 50052.5.

c. Occupancy and Resale of Moderate Income Common Interest Development Units.

1. An applicant shall agree to, and the County shall ensure, that the initial occupant of moderate income units that are directly related to the receipt of the density bonus in a common interest development, as defined in Civil Code Section 1351, are persons and families of moderate income, as defined in Health and Safety Code Section 50093, and that the units are offered at an affordable housing cost, as defined in Health and Safety Code Section 50052.5.
2. The County shall enforce an equity sharing agreement as specified in California Government Code Section 65915(c)(2)

d. Location and Type of Reserved Units.

1. Location/Dispersal of Units. Affordable units shall be reasonably dispersed throughout the development where feasible and shall contain on average the same number of bedrooms as the market rate units. Affordable housing units within a mixed-income structure shall not be isolated to a specific floor or area on a specific floor.
2. Phasing. If a project is to be phased, the reserved units shall be phased in the same proportion as the market rate units or phased in another sequence acceptable to the County. The affordable units shall be constructed concurrently with or prior to construction of the market rate units.
3. Exterior Appearance. The exterior appearance and quality of the reserved units shall generally be similar to the market rate units, with exterior materials and improvements similar to and architecturally compatible with the market rate units in the development.
4. Entrance/Exits. The occupants of the affordable housing units in the mixed-income multifamily structure shall have the same access to the common entrances to that structure as the occupants of the market-rate housing units.
5. Common Areas. The occupants of the affordable housing units in the mixed-income multifamily structure shall have the same access to the common areas and amenities of that structure as the occupants of the market-rate housing units.

h. Replacement Units. All proposed projects that require residential unit demolition shall provide replacement units pursuant to any applicable requirements in section 65915 and section 66300 of the Government Code.

**Section 27.** Section 6758 PARKING REQUIREMENTS: **RESIDENTIAL** of the San Diego County Zoning Ordinance is hereby amended to read as follows:

6758 PARKING REQUIREMENTS: **RESIDENTIAL**

Type of Occupancy Use or Structure	Off-Street Parking
<b>Single Family</b> Detached, Semi-Detached/Attached, Duplex Recreation Center in Planned Developments Bicycle Parking	The Sum of the Following: 2 Parking spaces per dwelling unit 0.1 Parking space per dwelling unit None Required
<b>Multi-Dwellings<sup>1</sup></b> (3 units or more on a single lot) Studio, 1 and 2 Bedroom 3 or More Bedrooms Guest Parking <sup>2</sup> Recreation Center (> 1,000 sq.ft.) Bicycle Parking	The Sum of the Following: 1.5 Parking spaces per dwelling unit 2 Parking spaces per dwelling unit 0.2 Parking space per dwelling unit 0.1 Parking space per dwelling unit 0.5 space per dwelling unit
<b>Mobile Home Residential</b>	The Sum of the Following:

6758 PARKING REQUIREMENTS: **RESIDENTIAL**

Type of Occupancy Use or Structure	Off-Street Parking
Mobile Home Dwelling Unit	2 Parking spaces per dwelling unit
Guest Parking <sup>1,2</sup>	0.2 Parking space per dwelling unit
Recreation Center (> 1,000 sq.ft.)	0.1 Parking space per dwelling unit
Bicycle Parking	None Required
<b>Group Residential</b> Boarding Houses (permanent), Fraternity/Sorority Houses, Dormitories, Student Housing, Convents/Monasteries	0.75 Parking space per person <i>(Based on the total occupancy permitted by the County Building Code)</i>
Bicycle Parking	0.25 Bike space per person (except for Convents/Monasteries)
<b>Multiple-Unit Housing for Senior Citizens</b> Dwelling Unit/ Bedroom	The Sum of the Following: 1.5 Parking spaces per dwelling unit/bedroom
Guest Parking	0.2 Parking space per dwelling unit/bedroom
Bicycle Parking	None Required
<b>Residential Care Facilities</b> Employee Parking	The Sum of the Following: 1 Parking space per employee <i>(Largest work shift)</i>
Guest Parking	0.33 Parking space per bedroom
Bicycle Parking	None Required
<b>Accessory Apartment</b>	1 Parking Space <sup>2,3</sup>

<sup>1</sup> Parking for religious institution affiliated housing development projects is outlined in Section 6370.

<sup>1,2</sup> Up to one-third of the required guest parking may be met by on-street parking on an abutting public or private street, provided that the street is improved to County standards with provision for on-street parking.

<sup>2,3</sup> Space shall not be in tandem with any other required space.

<sup>3,4</sup> Additions, alterations or expansions to a single-family dwelling constructed prior to February 16, 1970 or that was approved and constructed with only one parking space, do not require additional parking to be provided for the single family dwelling use. However, additional required parking must be provided for any accessory uses as required by the applicable section(s) of the Zoning Ordinance.

**Section 28.** Section 6764 PARKING REQUIREMENTS: **CIVIC** of the San Diego County Zoning Ordinance is hereby amended to read as follows:

6764 PARKING REQUIREMENTS: **CIVIC**

Type of Occupancy Use or Structure	Off-Street Parking
<b>Library, Museum, Art Gallery</b>	3 Parking spaces per KSF GFA
Bicycle Parking	0.1 Bike space per car space but not less than 3

Type of Occupancy Use or Structure	Off-Street Parking
<b>Community Center</b> Bicycle Parking	3.5 Parking space per KSF GFA 0.1 Bike space per car space but not less than 3
<b>U.S. Post Office (Leased Land)</b> Bicycle Parking	30 Parking spaces per KSF GFA 0.1 Bike space per car space but not less than 3
<b>Fire Station</b>  Guest Parking  Bicycle Parking	The Sum of the Following: 1 Parking space per employee <i>(Largest work shift)</i> 3 Parking spaces <i>(Plus additional on-site parking required for fire trucks/vans assigned to the station)</i> 0.05 Bike space per car space but not less than 3
<b>Police Station</b>  Guest Parking  Bicycle Parking	The Sum of the Following: 1 Parking space per employee <i>(Largest work shift)</i> 3 Parking spaces <i>(Plus additional on-site parking required for police station vehicle fleet including motorcycles)</i> 0.1 Bike space per car space but not less than 3
<b>PUBLIC ASSEMBLY</b>	
<b>Religious Assembly<sup>1</sup></b> Church, Synagogue, Temple, Mission  Bicycle Parking	0.25 Parking space per person <i>(Based on total occupancy of the largest assembly room permitted by the County Building Code)</i> 0.1 Bike space per car space but not less than 3
<b>Park</b> Passive Uses Structured Active Uses (e.g. basketball, tennis, ball fields, etc.) Bicycle Parking	4 Parking spaces per acre 10 Parking spaces per acre  Park uses shall include bicycle racks to accommodate 0.05 bike space per car space but not less than 5 bicycle spaces
<b>Conference Center / Auditorium</b> Bicycle Parking	0.25 Parking space per seat ○ Bike space per car space but not less than 3

Type of Occupancy Use or Structure	Off-Street Parking
<p><b>Private Club</b> Lodge Hall, Union Hall</p>	<p>0.35 Parking space per person if fixed seating is provided <i>(Based on total occupancy of the largest assembly room permitted by the County Building Code)</i></p> <p>OR</p> <p>35 Parking spaces per KSF in the largest assembly room if fixed seating is not provided <i>(Plus requirements for accessory uses if such uses will be active at the same time as the largest assembly room)</i></p>

Bicycle Parking		0.05 Bike space per car space but not less than 3
<b>EDUCATIONAL INSTITUTIONS – PUBLIC AND PRIVATE</b>		
<b>Child Day-Care and Small Schools</b>		<p>The Sum of the Following:</p> <p>1 Parking space per employee plus</p> <p>0.2 Parking space per child if drop-off and pick-up area is not provided</p> <p>OR</p> <p>0.1 Parking space per child if adequate drop-off and pick-up area is provided as determined by the Director</p> <p>Drop-off areas must be designed to accommodate a continuous flow of vehicles during peak periods and allowing for safe drop-off and pick-up of passengers. The adequacy of proposed drop-off/pick-up areas shall be determined by the Director.</p>
Primary Use Day-Care Center and Pre-School		
Drop-Off	Area	
Bicycle Parking		0.05 Bike space per car space but not less than 3
<b>Elementary School</b>		<p>The Sum of the Following:</p> <p>1 Parking space per employee</p> <p>5 Parking spaces for visitors</p> <p>0.2 Parking space per seat minus employee and visitor spaces provided above</p> <p>Drop-off areas must be designed to accommodate a continuous flow of vehicles during peak periods and allowing for safe drop-off and pick-up of passengers. The adequacy of proposed drop-off/pick-up areas shall be determined by the Director.</p>
School Auditorium		
Drop-Off Areas		
Bicycle Parking		0.25 Bike space per student
<b>Junior High School or Middle School</b>		<p>The Sum of the Following:</p> <p>1 Parking space per employee</p> <p>10 Parking spaces for visitors</p> <p>0.2 Parking space per seat minus employee and visitor spaces provided above</p> <p>Drop-off areas must be designed to accommodate a continuous flow of vehicles during peak periods and allowing for safe drop-off and pick-up of passengers. The adequacy of proposed drop-off/pick-up areas shall be determined by the Director.</p>
School Auditorium		
Drop-Off	Areas	

Bicycle Parking	0.2 Bike space per student
<p><b>Senior High School</b></p> <p>Auditorium, Basketball Stadium, or Football Stadium <i>(whichever has the greatest occupancy)</i></p> <p>Bicycle Parking</p>	<p>The Sum of the Following:</p> <p>1 Parking space per employee</p> <p>15 Parking spaces for visitors</p> <p>0.25 Parking spaces per student</p> <p>0.2 Parking space per seat minus employee, visitor, and student spaces provided above</p> <p>0.1 Bike space per student</p>
<p><b>College and University</b> (Educational institutions beyond the 12<sup>th</sup> grade)</p> <p>Auditorium, Basketball Stadium, or Football Stadium <i>(whichever has the greatest occupancy)</i></p> <p>Bicycle Parking</p>	<p>The Sum of the Following:</p> <p>0.7 Parking spaces per faculty member/staff</p> <p>0.3 Parking spaces per student</p> <p>25 Parking spaces for visitors</p> <p>0.2 Parking space per seat minus employee, visitor, and student spaces provided above</p> <p>0.05 Bike space per student</p>
<p><b>Other Educational Institutions</b></p> <p>Including Private or Charitable Institutions Offering Instruction, Training, or Learning Opportunities</p> <p><i>When located in a commercial center consisting of 10 KSF GFA or more and this use does not comprise more than 25% of the total GFA of the commercial center, this section does not apply. See Section 6762 Retail Sales and Services.</i></p> <p>Bicycle Parking</p>	<p>1 Parking space per employee plus</p> <p>The Greater of the Following:</p> <p>0.5 Parking space per student/trainee, OR</p> <p>0.3 Parking space per KSF GFA</p> <p>○ Bike space per student</p>
<b>MEDICAL CARE FACILITIES</b>	
<p><b>Hospital</b></p> <p>Acute, General</p> <p>Bicycle Parking</p>	<p>2.5 Parking spaces per bed</p> <p>0.05 Bike space per car space but not less than 3</p>
<p><b>Medical Office</b></p> <p>Bicycle Parking</p>	<p>5 Parking spaces per KSF GFA</p> <p>0.1 Bike space per car space but not less than 3</p>
<p><b>Other Medical Care Facilities</b></p> <p>Other Facilities Providing Overnight Medical Care (e.g. mental/psychiatric institutions, intermediate care homes, nursing homes, etc.)</p> <p>Bicycle Parking</p>	<p>0.33 Parking spaces per bed</p> <p>0.05 Bike space per car space but not less than 3</p>

Note: KSF GFA: Thousand Square Feet of Gross Floor Area  
 1. Religious institution/assembly parking is outlined in Section 6370.

**Section 29.** Section 6911 EMERGENCY SHELTERS of the San Diego County Zoning Ordinance is hereby amended to read as follows:

Emergency Shelters (See Section 1334) shall comply with the following provisions, in addition to all other applicable County codes, except when subsection (g) Section 1006 applies, and any requirements imposed by the State Department of Housing and Community Development:

- a. The maximum number of clients permitted to be served (eating, showering or sleeping) nightly shall not exceed 1 per 125 sq. ft. of floor area. There shall be one bed provided for each client.
- b. Off street parking shall be provided as follows: one parking space per employee on site at the same time.
- c. The client waiting and/or intake areas shall be as follows:
  1. The interior waiting/intake area for a facility with 14 or fewer beds shall be no less than 125 sq. ft. and for a facility with 15 or more beds shall be no less than 200 sq. ft. in area.
  2. The exterior waiting/intake area shall be no less than 450 sq. ft. for facilities with 14 beds or fewer. The exterior waiting/intake area shall be no less than 900 sq. ft. for facilities with 15 beds or more. Exterior waiting/intake areas shall be screened from view from surrounding properties by solid fencing of not less than 6 feet in height. Fencing shall conform to the requirements of Section 6700 et. seq.
- d. An individual or individuals who do not utilize the homeless beds and/or services and who maintain their own residence off site may be eligible as on site manager(s). Each facility shall have manager(s) present onsite 24 hours per day, 7 days per week. At a minimum, one on site manager and one supporting staff member of the same sex shall be provided in each segregated sleeping area being used.
- e. Segregated sleeping, lavatory and bathing areas shall be provided if the Emergency Shelter accommodates both men and women in the same building. Reasonable accommodation shall be made to provide segregated sleeping, lavatory and bathing areas for families.
- f. No Emergency Shelter shall be located within 300 feet of another Emergency Shelter.
- g. No client shall be allowed to stay more than 180 consecutive days or 300 overall days within any 12 month period of time.
- h. Lighting shall be provided in all parking areas, exterior intake and/or waiting areas and outside common areas. Outdoor lighting shall conform to all provisions of Section 6324 of this Zoning Ordinance and Section 51.201 and following of the San Diego County Code.
- i. Adequate security shall be provided on site during all hours of operation.
- j. For purposes of this section, "client" is defined as a person who utilizes the Emergency Shelter facilities to eat, shower or sleep but is not a staff member.



**Section 30.** Section 6914 SMALL HOME LOT DEVELOPMENT of the San Diego County Zoning Ordinance is hereby added to read as follows:

Small home lot developments are allowed in multi-family zones where two or more attached or detached units would be allowed on the same lot per the zoning ordinance. Small home lot developments are subject to the provisions outlined in California Government Code Section 66499.40. A small home lot development must meet the following requirements:

- a. The proposed development is located on a lot zoned for multifamily residential development that is no larger than five acres and is substantially surrounded by qualified urban uses as defined in Section 21072 of the Public Resources Code. The residential properties within a radius of 500 feet of the site are zoned to have an allowable residential density of less than 30 dwelling units per acre.
- b. The development proponent proposes to construct single-family housing units on fee simple ownership lots
- c. Meets a minimum unit requirement and consists of single-family housing units with an total area of floor space of up to 1,750 net habitable square feet.
- d. That the units comply with external existing height and setback requirements applicable to the multifamily site.
- e. For properties that are included as sites in the Housing Element, the development must result in at least as many units as projected for that parcel in the Housing Element. a small home development may not be built on a site identified to accommodate low or very-low income units in the Housing Element

For properties that are not included as sites in the Housing Element, the development must result in the maximum number of units allowed under the density, unless there is a density range. For properties with a density range, the development must result in at least the number of units allowed by the "mid-range" density.

- f. The proposed small home lot development shall not require the demolition of: housing that is subject to a recorded covenant, ordinance, or law that restricts rent to levels affordable to persons and families of moderate, low, or very low income; housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power; housing occupied by tenants within the seven years preceding the date of the application, including housing that has been demolished or that tenants have vacated prior to the submission of the application for a development permit; or, a parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.
- g. Small home lot development is not subject to any of the following requirements:
  - 1. A setback requirement between the units, except as required in the California Building Code (Title 24 of the California Code of Regulations).
  - 2. A minimum requirement on the size of an individual small home lot created by the development.

3. A requirement that parking be enclosed or covered.
4. The formation of a homeowners' association.

**Section 31.** Section 6915 LOW BARRIER NAVIGATION CENTER of the San Diego County Zoning Ordinance is hereby added to read as follows:

- a.      Purpose and Intent. The purpose of this Section is to establish development standards for low barrier navigation centers and to ensure this use is constructed and operated in a manner that is consistent with the requirements and allowances of state law, specifically Article 12 of Chapter 3 of Division 1 of Planning and Zoning Law commencing with California Government Code Section 65660.
  
- b. Applicability. The provisions of this section shall apply to all low-barrier navigation center projects. Low-barrier navigation centers are allowed by-right (not subject to a discretionary permit or approval) in areas zoned for mixed-use and nonresidential zones permitting multifamily uses. Low-barrier navigation centers will be permitted where multi-family residential is allowed by a combination of building type designator and use classification as identified in Section 2000: Use Regulations and Section 4310: Building Type Schedule. Low-barrier navigation centers must meet the following requirements:
  1. Connected Services. It offers services to connect people to permanent housing through a services plan that identifies services staffing.
  2. Coordinated Entry System. It is linked to a coordinated entry system, so that staff in the interim facility or staff who co-locate in the facility may conduct assessments and provide services to connect people to permanent housing. "Coordinated entry system" means a centralized or coordinated assessment system developed pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.
  3. Code Compliant. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
  4. Homeless Management Information System. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System, as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.

**Section 32.** Section 6916 SUPPORTIVE HOUSING of the San Diego County Zoning Ordinance is hereby added to read as follows:

- a. Purpose and Intent. The purpose of this section is to ensure that housing development projects that meet the definition of supportive housing as defined in California Government Code Section 65650 are reviewed and processed ministerially pursuant to California Government Code Section 65583(c)(3).
  
- b. Applicability. Supportive housing shall be a use by right (not subject to a discretionary permit or approval) in all zones where multifamily and mixed-uses are permitted.

This ordinance shall take effect and be in force thirty days after its passage, and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in the \_\_\_\_\_, a newspaper of general circulation published in the County of San Diego.

APPROVED AS TO FORM AND LEGALITY

Claudia G. Silva, County Counsel

By: Suedy Alfaro, Senior Deputy County Counsel

Attachment B – ZONING ORDINANCE  
AMENDMENT – STRIKE-  
OUT/UNDERLINED COPY

(~~Strikeout~~ indicates deletion)  
(Underline indicates addition)

ORDINANCE NO. \_\_\_\_\_(N.S.)

## AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE SECTION 1000, 2000, 4000, 5000, and 6000

The Board of Supervisors of the County of San Diego ordains as follows:

**Section 1.** The Board of Supervisors finds and determines that the San Diego County Zoning Ordinance should be updated by amending or adding various sections regarding housing. The amendments made by this ordinance are intended to ensure compliance with recent changes to California housing laws. Amendments also include implementation of one housing element program and one board policy. Amendments are related to definitions, low barrier navigation centers, accessory dwelling units, minimum density, minimum lot sizes, emergency shelters, affordable and replacement units, parking for religious institution affiliated housing projects, healthcare trailers, supportive housing, density bonus, and small home lot developments. The amendments affect the following sections: 1100, 2263, 2313, 2323, 2343, 2353, 2363, 2373, 2383, 2403, 2423, 2980, 4221, 5015, 6156, 6355, 6360, 6365, 6370, 6375, 6758, 6764, 6911, 6914, 6915, and 6916.

**Section 2.** Section 1100 (E) of the Zoning Ordinance is amended to add the following definition:

Emergency Shelter: Shall have the definition prescribed in California Health and Safety Code Section 50801.

**Section 3.** Section 1100 (L) of the Zoning Ordinance is amended to add the following definition:

Low Barrier Navigation Center: Shall have the meaning prescribed in California Government Code Section 65660.

**Section 4.** 1100 (R) of the Zoning Ordinance is amended to add the following definition:

Religious Institution Affiliated Housing Development Project: Shall have the meaning prescribed in California Government Code Section 65913.6.

**Section 5.** Section 1100 (S) of the Zoning Ordinance is amended to add the following definition:

Small Home Lot Development: A development that meets the requirements for small home lot development as outlined in California Government Code Section 66499.40(b).

**Section 6.** Section 2263 PERMITTED USES SUBJECT TO LIMITATIONS of the Zoning Ordinance is amended to read as follow:

The following use types are permitted by the RC Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

- a. Residential Use Types.

Mobilehome Residential "18"  
Low Barrier Navigation Center "25"

b. Commercial Use Types.

Administrative and Professional Services "4"  
Financial, Insurance and Real Estate Services "11"  
Medical Services "4"  
Recycling Collection Facility, Small "2"

**Section 7.** Section 2313 PERMITTED USES SUBJECT TO LIMITATIONS of the Zoning Ordinance is amended to read as follow:

The following use types are permitted by the C31 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Commercial Use Types.

Convenience Sales and Personal Services "10"  
Eating and Drinking Establishments "10"  
Food and Beverage Retail Sales "10"  
Recycling Collection Facility, Small or Large "2"  
Recycling Processing Facility, Light or Heavy "3"

b. Residential Use Types

Low Barrier Navigation Center "25"

**Section 8.** Section 2323 PERMITTED USES SUBJECT TO LIMITATIONS of the Zoning Ordinance is amended to read as follow:

The following use types are permitted by the C32 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Residential Use Types.

Family Residential "1"  
Low Barrier Navigation Center "25"

b. Commercial Use Types.

Recycling Collection Facility, Small or Large "2"  
Recycling Processing Facility, Light or Heavy "3"

**Section 9.** Section 2343 PERMITTED USES SUBJECT TO LIMITATIONS of the Zoning Ordinance is amended to read as follow:

The following use types are permitted by the C34 Use Regulations subject to the applicable

provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Commercial Use Types.

Business Equipment Sales and Services "7"  
Construction Sales and Services "8" (see Section 6300)  
Gasoline Sales "12"  
Laundry Services "13"  
Recycling Collection Facility, Small or Large "2"  
Recycling Processing Facility, Light or Heavy "3"

b. Residential Use Types

Low Barrier Navigation Center "25"

**Section 10.** Section 2353 PERMITTED USES SUBJECT TO LIMITATIONS of the Zoning Ordinance is amended to read as follow:

The following use types are permitted by the C35 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Commercial Use Types.

Business Equipment Sales and Services "7"  
Construction Sales and Services "8"  
Gasoline Sales "12"  
Laundry Services "13"  
Recycling Collection Facility, Small or Large "2"  
Recycling Processing Facility, Light or Heavy "3"

b. Residential Use Types

Low Barrier Navigation Center "25"

**Section 11.** Section 2363 PERMITTED USES SUBJECT TO LIMITATIONS of the Zoning Ordinance is amended to read as follow:

The following use types are permitted by the C36 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Residential Use Types.

Family Residential "1"  
Low Barrier Navigation Center "25"

b. Commercial Use Types.

Agricultural Services "9"  
Automotive and Equipment: Repairs, Heavy Equipment "8"  
Business Equipment Sales and Services "7"  
Construction Sales and Services "8" (see Section 6300)  
Gasoline Sales "12"  
Laundry Services "13"  
Recycling Collection Facility, Small or Large "2"  
Recycling Processing Facility, Light or Heavy "3"

**Section 12.** Section 2373 PERMITTED USES SUBJECT TO LIMITATIONS of the Zoning Ordinance is amended to read as follow:

The following use types are permitted by the C37 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Residential Use Types.

Family Residential "1"  
Low Barrier Navigation Center "25"

b. Commercial Use Types.

Recycling Collection Facility, Small or Large "2"  
Recycling Processing Facility, Light or Heavy "3"  
Recycling Processing Facility, Wood and Green Materials "15"  
Wholesaling, Storage and Distribution: Light "8" c.

c. Industrial Use Types.

General Industrial "15"

**Section 13.** Section 2383 PERMITTED USES SUBJECT TO LIMITATIONS of the Zoning Ordinance is amended to read as follow:

The following use types are permitted by the C38 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Residential Use Types.

Family Residential "1"  
Low Barrier Navigation Center "25"

b. Commercial Use Types.

Food and Beverage Retail Sales "10"  
Recycling Collection Facility, Small or Large "2"  
Recycling Processing Facility, Light or Heavy "3"  
Wholesaling, Storage and Distribution: Light "8" (see Section 6300)



- c. Industrial Use Types.

General Industrial "15"

**Section 14.** Section 2403 PERMITTED USES SUBJECT TO LIMITATIONS of the Zoning Ordinance is amended to read as follow:

The following use types are permitted by the C40 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

- a. Residential Use Types.

Family Residential "1"  
Low Barrier Navigation Center "25"

- b. Commercial Use Types.

Construction Sales and Services "9"  
Recycling Collection Facility, Small or Large "2"  
Recycling Processing Facility, Light or Heavy "3"  
Recycling Processing Facility, Wood and Green Materials "15"  
Wholesaling, Storage and Distribution: Light "8" (see Section 6300)

- c. Industrial Use Types.

General Industrial "15"

**Section 15.** Section 2423 PERMITTED USES SUBJECT TO LIMITATIONS of the Zoning Ordinance is amended to read as follow:

The following use types are permitted by the C42 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

- a. Residential Use Types.

Family Residential "20"  
Low Barrier Navigation Center "25"

- b. Commercial Use Types.

Administrative and Professional Services "20"  
Business Support Services "20"  
Financial, Insurance and Real Estate Services "20"

**Section 16.** Section 2980 LIMITATIONS ON PERMITTED USES of the Zoning Ordinance is amended to add the following:

"25" Low Barrier Navigation Centers: Allowed by-right subject to the provisions of Section 6915.

**Section 17.** Section 4221 MINIMUM LOT AREA REQUIREMENTS, NET OR GROSS of the Zoning Ordinance is amended to read as follows:

The net lot area of a lot shall be not less than the required minimum area prescribed by the lot area designator of the zone, provided that one of the following requirements is satisfied:

- a. Said lot or building site is created pursuant to a use permit specifying such lesser area or issued for the purpose of authorizing such lesser area, provided that such lot or building site shall in no event have an area less than six thousand (6,000) square feet.
- b. All requirements of Section 4220 of this Ordinance are met.
- c. Said lot or building site is shown on an approved final subdivision map, or on a tentative subdivision map which has been approved or filed for approval, all prior to December 1, 1969; provided that after December 31, 1971:
  1. Said lot or building site exists as an entire lot, or as an entire parcel for which either a deed is of record in the office of the County Recorder or a bona fide contract of sale is in full force and effect.
  2. It is not the result of a division of land in violation of any State law or County ordinance.
- d. Said lot or building site is shown on an approved division of land plat or on a division of land plat filed for approval prior to December, 1969; provided that after December 31, 1971:
  1. Said lot or building site exists as an entire lot or as an entire parcel for which either a deed is of record in the office of the County Recorder or a bona fide contract of sales is in full force and effect.
  2. It is not the result of a division of land in violation of any State law or County ordinance.
- e. Exemption. Multifamily and mixed-use projects that include a floor area ratio that meets the requirements under subdivision (b) of Section 65913.11. of the California Government Code shall be allowed on existing legal parcels, regardless of consistency with the existing minimum lot size requirement, provided all other applicable requirements are met, including meeting the densities established by the Zoning Ordinance or General Plan.

**Section 18.** Section 5015 APPLICATIONS AND DESIGNATION of the Zoning Ordinance is amended to read as follows:

- a. Application. A Special Area Regulation shall be deemed applicable when conditions or purposes specified within individual Special Area Regulations are found present within San Diego County and a Special Area Designator is included within a zone.
- b. Location of Designator. Designators for Special Area Regulations shall follow the designators for the Development Regulations.
- c. Notation. Special Area Regulations applicable within a zone shall be indicated by a letter

pursuant to the table at Section 5025.

- d. Exemption. The following uses are exempt from Special Area Regulators that require a discretionary review:

1. Low Barrier Navigation Centers
2. Emergency Shelters
3. Supportive Housing Projects
4. Housing development projects that require ministerial approval pursuant to state law.

A dash ("-") shall indicate that there are no Special Area Regulations applicable to the property.

**Section 19.** Section 6156.x RESIDENTIAL AND AGRICULTURAL USE TYPES the San Diego County Zoning Ordinance is hereby amended to read as follows:

x. An Accessory Dwelling Unit (ADU) and/or one Junior Accessory Dwelling Unit (JADU) is allowed on properties zoned for residential use that provide complete independent living facilities for one or more persons with an existing or proposed single-family dwelling (SFD). A JADU means a unit that is no more than 500 sq. ft. in size and contained entirely within existing or proposed SFD.

One ADU and one JADU may be permitted on lots with an existing or proposed SFD (within a residential or mixed-use zone) provided all the following are met:

1. The ADU is either attached to an existing SFD or detached and on the same legal lot.
2. ADU may be rented but is not intended for sale separate from the primary residence, unless the lot is subdivided creating a separate lot for each dwelling, or the conditions established under Section 65852.26 of the California Government Code are met.
3. Lot does not have an existing guest living quarters, accessory living quarters, or accessory apartment. A conversion of a guest living quarters, accessory living quarters, or accessory apartment into an ADU may be permitted upon approval of a building permit.
4. The total floor area of an attached ADU shall not exceed 50% of the floor area of the SFD, up to a maximum floor area of 1,200 square feet (it could be up to 850 square feet and 1,000 square feet for ADU's with more than one bedroom, independent of the sq. ft. of the existing SFD).
5. The total floor area of a detached ADU shall not exceed 1,200 square feet, independent of the square footage of the existing SFD.
6. Applicants must provide mathematical computations of the "floor area" for both units on the plot plans, and these calculations must be taken from the exterior dimensions of the outside walls.
7. Total floor area of a proposed accessory structure attached to a detached ADU shall not exceed the allowable combined square footages per Section 6156.g of the Zoning Ordinance, or unless authorized by an approved Administrative Permit.

8. Any proposed accessory structure, attached to an ADU, exceeding 1,000 sq. ft. (combined with all other accessory structures per Section 6156.g) and/or more than 12' in height, are subject to the main building setbacks and height regulations of the Zoning Ordinance.
9. An attached or detached patio, deck, and/or balcony is subject to Section 4835 of the Zoning Ordinance.
10. A detached ADU is limited to 25' in height.
11. An ADU may be attached to an existing and permitted oversized accessory structure, if the ADU is placed within the existing accessory structure and the overall footprint is not being changed.
12. No setbacks are required if an existing and permitted accessory structure, or a portion thereof is being converted into an ADU, except for fire safety.
13. No additional development standards such as maximum square footage, height, lot coverage, and setbacks are required if an existing and permitted detached or attached accessory structure is being converted into an ADU. Any new addition to the ADU must comply with the setbacks and height regulations outlined by this ordinance.
14. An existing and permitted accessory structure, or a portion of the existing and permitted main residence may be converted into an ADU. Such a conversion are not subject to any size requirements.
15. An ADU may be attached to an existing and permitted, or proposed recreation room, if there is a defined fire and sound separation wall or floor between the ADU and recreation room. Any openings (doors, window, or penetrations) would be required to be fire rated.
16. A minimum setback of at least 4' from the side and rear lot lines is required for an ADU that is being constructed above a permitted detached accessory structure. If corner lot, the exterior side yard setback must be at least 4' from the edge of easement/street/and/or property line. The setbacks only apply to the added space above the accessory structure and the ADU can be constructed wholly or partly above the accessory structure, including extending beyond the accessory structure walls.
17. All newly constructed detached and/or attached ADU's must comply with the required front yard setbacks and a minimum side and rear setback of at least 4' (except any required fire setbacks).
18. If corner lot, the exterior side yard setback must be at least 4' from the edge of easement/street/and/or property line.
19. A detached and/or attached ADU's may encroach into the required front yard setbacks if it would otherwise prevent the construction of an ADU that is 800 sq. ft. or smaller. If the proposed ADU encroaches into the required front yard setbacks, substantial evidence shall be submitted (such as septic permit/layout, photos, or cross-section drawings of existing grade) to justify the need for placing the proposed ADU (up to 800 sq. ft.) in the front yard setbacks.

20. If the ADU is in the front yard setbacks, it cannot block the driveway, or access of the two required off-street parking spaces for the existing SFD, unless two replacement off-street parking spaces have been provided.
21. An accessory structure, or patio attached to an ADU must comply with the required exterior side yard setbacks.
22. An ADU shall provide one parking space. The parking space may be located within the setbacks and in an existing driveway as tandem parking. Parking spaces don't need to be replaced when a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted into an ADU.
23. A parking space is not required for the ADU in any of the following instances:
  - a) The ADU is located within one-half mile of public transit.
  - b) The ADU is located within an architecturally and historically significant historic district.
  - c) ADUs that are part of the proposed or existing primary residence or an accessory structure.
  - d) When on-street parking permits are required but not offered to the occupant of the ADU.
  - e) When there is a car share vehicle located within one block of the ADU.
24. The ADU shall not be used or rented for less than 30 days.
25. Properties that have multiple (2 or more) existing, non-conforming SFD's and are in a residential zone that only allows for one SFD, can have an ADU (JADU is not allowed).
26. Properties that have an existing non-conforming SFD and are in a zone that does not allow for a SFD, can have an ADU or JADU (not both).
27. One JADU, which shall not exceed 500 square feet, may be permitted on lots with an existing or proposed SFD within a residential or mixed-use zone.
28. The JADU must be completely contained within an existing or proposed SFD and may include separate sanitation facilities or may share sanitation facilities with the existing structure.
29. The JADU shall include an efficiency kitchen, which shall include all the following:
  - a) A cooking facility with appliances.
  - b) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
30. When an existing garage, carport, or covered parking space is being demolished in conjunction with the construction of a JADU or converted into a JADU, the required

parking spaces need to be replaced. An SFD must provide the required off-street parking spaces.

31. No additional parking space is required for a JADU.
32. A JADU must be within an existing or proposed SFD and cannot be attached to an ADU.
33. In instances where the JADU shares a bathroom with the SFD, interior entry to the SFD would be necessary.
34. JADU's, and/or additions for JADU's must comply with main building setbacks, including JADU additions for non-conforming SFD's. Please see Section 6886 of the Zoning Ordinance for setback information on non-conforming SFD's.
35. The JADU may be rented, but not for less than 30 days, and is not intended for sale separate from the primary residence. The owner is required to live in one of the two units.
36. No separate electric meter will be permitted for JADUs.
37. Multiple ADU's maybe permitted within portions of an existing or proposed multifamily complex within a residential or mixed-use zone if the following requirements are met:
38. Only structures/rooms within the existing or proposed multifamily complex that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, may be converted at least into one ADU, or multiple ADU's, up to 25% of the existing multifamily dwelling units.
39. Up to two detached ADU's maybe permitted, per lot that has an existing or proposed multifamily complex if the following requirements are met.
  - a) The addition of two detached ADU's is not subject to any nonconforming regulations.
  - b) A non-conforming multifamily complex can have up to two detached ADU's or may have ADU's created within the existing multifamily complex (not both) and would be subject to all other regulations.
40. Any structure designed for human habitation that is divided into two or more independent and attached living units on a single lot is considered a multifamily complex (such as duplex, triplex, stacked dwellings, Mobile Home Park, etc.). Multiple detached single-family dwellings on the same lot are not considered a multifamily complex but may qualify for one ADU or JADU (not both).
41. A deed restriction shall be recorded with the County Recorder's office, which shall include the pertinent restrictions and limitations of a junior accessory dwelling unit identified in this Section.
  - a) The junior accessory dwelling unit shall not be sold separately from the single-family dwelling unit;

- b) The junior accessory dwelling unit is restricted to the maximum size allowed per the development standards;
- c) The junior accessory dwelling unit shall be considered legal only so long as either the primary residence, or the accessory dwelling unit, is occupied by the owner of record of the property, except when the home is owned by an agency such as a land trust or housing organization in an effort to create affordable housing;
- d) The restrictions shall be binding upon any successor in ownership of the property and lack of compliance with this provision may result in legal action against the property owner, including revocation of any right to maintain a junior accessory dwelling unit on the property.

~~X. An Accessory Dwelling Unit (ADU) means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated.~~

~~1. The legal lot must have an existing single-family residence, or the ADU is to be constructed concurrently with a primary single-family residence.~~

~~2. The ADU is either attached to an existing dwelling, or located within the living area of the existing dwelling or detached and on the same legal lot.~~

~~3. ADU may be rented but is not intended for sale separate from the primary residence.~~

~~4. Lot does not have an existing guest living quarters, accessory living quarters, or accessory apartment. A conversion of a guest living quarters, accessory living quarters, or accessory apartment into an ADU is potentially permitted and requires approval of a building permit.~~

~~5. The total floor area of an attached ADU shall not exceed 50 percent of the floor area of the existing SFD, up to a maximum floor area of 1,200 square feet.~~

~~6. The total floor area of a detached ADU shall not exceed 1,200 square feet, independent of the square footage of the living area of the existing SFD.~~

~~7. The "floor area" measurements are taken from the exterior dimensions of the outside walls.~~

~~8. Total floor area of a proposed garage attached to a detached ADU shall not exceed the allowable combined square footages per Section 6156.g.~~

~~9. No other rooms, additions, uses, etc. can be attached to a detached ADU, except a garage, or unless authorized by an approved Administrative Permit.~~

~~10. An ADU is limited to 24' in height.~~

~~11. For health, fire and life safety conditions, all ADU's must comply with the required front yard & exterior side yard setbacks. In addition, setbacks shall be provided as follows:~~

~~i. ADU's must provide side and rear setbacks that are consistent with the setbacks for the main dwelling, unless it is a conversion of an existing structure.~~

~~ii. A setback of five feet from the side and rear lot lines is required for a 2-story ADU. iii. No setbacks are required if an existing and permitted garage is being converted into an ADU, except for Fire safety.~~

~~12. An ADU attached to the primary residence must comply with the required main building setbacks.~~

~~13. A new ADU shall provide one parking space. The parking space for the ADU may be located in an existing driveway as tandem parking but must comply with the required front yard and/or exterior side yard setback(s). If establishment of the ADU involves a garage conversion, replacement off-street parking for the SFD shall be provided concurrently. These parking requirements do not apply if the ADU meets any of the following:~~

~~i. Is within a half mile from transit.~~

~~ii. Is within an architecturally and historically significant historic district.~~

~~iii. Is part of an existing primary residence or an existing accessory structure.~~

~~iv. Is in an area where on-street parking permits are required, but not offered to the occupancy of the ADU.~~

~~v. Is located within one block of a car share area.~~

~~14. The applicant must provide evidence that there is sewer (or septic) service and water available, and that any applicable permits have been obtained and all applicable fees have been paid.~~

~~15. Separate sale or ownership of an ADU is prohibited, unless the lot is subdivided creating a separate lot for each dwelling.~~

~~16. Owner occupancy of one of the dwellings on the lot is not required for the duration of use of the ADU for residential purposes.~~

~~17. Before a building permit is issued, the owner of the property shall submit a notarized and recorded copy of an agreement stating that the owner understands and will abide by the requirements of the Zoning Ordinance.~~

~~18. The ADU shall not be rented for less than 30 days.~~

~~See subsection ii. for an illustrative matrix comparing Accessory Dwelling Units and~~



Guest Living Quarters.

**Section 20.** Section 6156.ii RESIDENTIAL AND AGRICULTURAL USE TYPES the San Diego County Zoning Ordinance is hereby amended to read as follows:

- ii. ~~Repealed.~~ The following matrix compares ~~Guest Living Quarters and Accessory Dwelling Unit provisions.~~ Complete regulations can be found in subsections k. and x.

**Accessory Use Regulations**

<i><b>This Table is a summary only. For complete regulations see appropriate sections of the Zoning Ordinance. In case of conflict between the provisions graphically represented in this table and the provisions set forth in the text of the Zoning Ordinance, the provisions of the Zoning Ordinance text shall apply.</b></i>		<b>Guest Living Quarters (6156.k.)</b>	<b>Accessory Dwelling Unit (6156.x.)</b>
<b>LOCATION AND SIZE</b>			
<b>Applicable Use Types</b>	Residential	■	■
	Commercial	-	-
	Industrial	-	-
	Agriculture	■	■
	Special Purpose	■	■
<b>Net Lot Size Restrictions<sup>1</sup></b>	Must meet minimum required by zoning	-	■
	Must be 20,000 sf or larger	■	-■
	<b>Administrative Permit Exceptions</b>		
	May be less than 20,000 sf	■	-
<b>Unit Size Restrictions</b>	Minimum zoning not met <sup>2</sup> but 1 acre or larger	-	-
	Must be equal or greater than 400 sf <sup>3</sup>	-	■
	May not exceed 30% of primary dwelling <sup>3</sup>	■	-
	May not exceed 600 sf <sup>3</sup>	■	-
	May not exceed 1,200 sf <sup>3</sup>	-	■
	<b>Administrative Permit Exceptions</b>		
Up to 50% of primary dwelling allowed	■	-	
May not exceed 1,200 sf	-	-	
<b>DESIGN AND USE</b>			
<b>Allowed Facilities</b>	Kitchen	-	■
	Wetbar	-	■
	Laundry	-	■
<b>Occupancy</b>	Employee	■	■
	Guests up to 30 days	■	-■
	Guest more than 30 days	-	■
	Rental	-	■
<b>Attachment to Other Structures</b>	Primary Dwelling	■	■
	Detached garage/carport 480 sf or less	■	■
	Detached garage/carport greater than 480 sf	■	■-
	Other habitable space	■	-
	Barn/agricultural storage building	■	-
	<b>Administrative Permit Exceptions</b>		
	Detached garage/carport greater than 480 sf	■	-
Barn/agricultural storage building	-	-	
<b>Electric Metering</b>	Separate Meter Allowed	-	■

PARKING			
Off-Street Parking Requirements <sup>4</sup>	1 space per bedroom or unit	-	■
	2 spaces for units equal or greater than 640 sf	-	-

- — Applicable
- — Not Applicable

**Footnotes:**

1. ~~If lot is Groundwater dependent, the lot must be twice the minimum size required per Groundwater Ordinance Section 67.722 A.1.~~
2. ~~Lot must have met the minimum net area required by zoning at the time the lot was legally created, pursuant to Policy G-3.~~
3. ~~Ministerially approved, provided all criteria of PDS (including Zoning/Building/Fire) and other County Departments are met.~~
4. ~~Required spaces may not be in tandem with required spaces for primary dwelling. May not encroach into front or exterior side setbacks.~~

**Section 21.** Section 6156.II RESIDENTIAL AND ARICULTURAL USE TYPES the San Diego County Zoning Ordinance is hereby amended to read as follows:

II. ~~Repealed. Junior Accessory Dwelling Units (JADU) means a unit that is no more than 500 square feet in size and contained entirely within an existing single-family dwelling.~~

~~T. Junior accessory dwelling units shall comply with the following standards:~~

~~W. A JADU must be created within the existing walls of an existing single-family dwelling and must include conversion of an existing bedroom.~~

~~X. The total area of a JADU shall not exceed 500 square feet.~~

~~Y. Only one ADU or, JADU, may be located on any residentially zoned lot that permits a single-family dwelling. A junior accessory dwelling unit may only be located on a lot which already contains one existing single-family dwelling.~~

~~Z. The owner of a parcel proposed for a JADU unit shall occupy as a principal residence either the primary dwelling or the JADU.~~

~~AA. A separate exterior entry shall be provided to serve a junior accessory dwelling unit.~~

~~BB. The interior connection to the main living area must be maintained.~~

~~CC. The junior accessory dwelling unit shall include an efficiency kitchen, requiring and limited to the following components:~~

~~• A sink with a maximum waste line diameter of one-and-a-half (1.5) inches,~~

~~• A cooking facility with appliance which do not require electrical service greater than onehundred-and-twenty (120) volts or natural or propane gas, and~~

~~• A food preparation counter and storage cabinets that are reasonable to size of the unit. 9-22 6156 DD. No additional parking is required beyond that required when the existing primary dwelling was constructed.~~

~~EE.A JADU shall not be rented for less than 30 days.~~

~~U. Prior to obtaining a building permit for a junior accessory dwelling unit, a deed restriction, approved by the Director of PDS, shall be recorded with the County Recorder's office, which shall include the pertinent restrictions and limitations of a junior accessory dwelling unit identified in this Section. A copy of the recorded deed restriction shall be filed with the Department stating that:~~

- ~~• The junior accessory dwelling unit shall not be sold separately from the single-family dwelling unit;~~
- ~~• The junior accessory dwelling unit is restricted to the maximum size allowed per the development standards;~~
- ~~• The junior accessory dwelling unit shall be considered legal only so long as either the primary residence, or the accessory dwelling unit, is occupied by the owner of record of the property, except when the home is owned by an agency such as a land trust or housing organization in an effort to create affordable housing;~~
- ~~• The restrictions shall be binding upon any successor in ownership of the property and lack of compliance with this provision may result in legal action against the property owner, including revocation of any right to maintain a junior accessory dwelling unit on the property.~~

**Section 22.** Section 6355 ELIGIBILITY FOR AFFORDABLE HOUSING/DENSITY BONUS PROGRAM AND PERMIT of the San Diego County Zoning Ordinance is hereby amended to read as follows:

- a. Income and Age Requirements. A housing development proposed to qualify for shall be designed and constructed so that it includes at least one of the following:
  1. At least five percent of the total number of base units are reserved as affordable for very low income households.
  2. At least ten percent of the total number of base units are reserved as affordable for lower income households.
  3. The project is a senior citizen housing development or is a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Civil Code Sections 798.76 or 799.5. No affordable units are required to receive a density bonus. Market rate age restricted units are not eligible for an incentive, waiver, or concession.
  4. Ten percent of the total dwelling units in a common interest development, as defined in Civil Code Section 1351, for persons and families in a moderate income household provided that all units in the development are offered to the public for purchase.
  5. At least ten percent of the total dwelling units in the development are reserved as affordable at a very low income level to transitional foster youth as defined in Section 66025 of the California Education Code, disabled veterans as defined in Section

18541 if the California Government Code, or homeless persons as described in the California McKinley Vento Homeless Assistance Act.

6. Under the County Affordable Senior Housing Program, one hundred percent of the units are reserved at an affordable rent, as defined in Health and Safety Code Section 50053, to very low, low, or moderate income senior citizens.
- b. Land Donation. An applicant for a tentative subdivision map, parcel map, or other residential development, who donates at least one acre of land to the County for very low income housing and has the appropriate General Plan designation, zoning, permits and approvals, and access to public facilities, shall be eligible for a density bonus.
- c. Condominium Conversion Projects. An applicant who proposes to convert apartments to a condominium project, provides at least 33 percent of the total base units for moderate income households or at least 15 percent for lower income households, and meets the requirements of Government Code Section 65915.5 shall be eligible for a density bonus.
- d. Child Care Facilities. A housing development that meets one of the eligibility requirements of subsections a.1. through a.4. and includes a child care facility located on the site of, as part of, or adjacent to, the development shall be eligible for a density bonus as defined in Government Code Section 65915(h).
- e. Senior Citizen Housing. To meet the eligibility requirements of subsection a.3., a Senior Citizen Housing Development must have at least 35 dwelling units, exclusive of the bonus units.
- f. Student Housing. An applicant who proposes to construct a housing development in which all development units will be used for students enrolled full time at an institution of higher education accredited by the Western Association of Schools and Colleges or the Accrediting Commission for Community and Junior Colleges. The developer must also enter into an agreement with an institution of higher education to the effect that where 20 percent of the units are used for lower income students, as defined, provided at a specified rent level, and provide priority for the applicable affordable units for lower income students experiencing homelessness, the units shall be subject to a recorded affordability restriction of 55 years.
- f.g. Ineligible Projects -- Required Replacement of Affordable Units.
  1. An applicant shall be ineligible for a density bonus or any other incentives or concessions under this section if: a) the development is proposed on any property that includes any existing affordable rental dwelling units occupied by lower or very low income households; b) if such affordable dwelling units have been vacated or demolished in the five-year period preceding the application; and c) such affordable dwelling units have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income. However, an applicant may establish eligibility if the proposed housing development replaces those units, and either of the following applies:
    - i. The proposed housing development, inclusive of the units replaced pursuant to this subsection (f)(2), contains affordable units at the percentages set forth in subsection a.

- ii. Each unit in the development, exclusive of a manager’s unit or units, is affordable to, and occupied by, either a lower or very low income household.
2. The number and type of required replacement units shall be determined as follows:

[NO CHANGE]

**Section 23.** Section 6360 DENSITY BONUS PROGRAM AND PERMIT of the San Diego County Zoning Ordinance is hereby amended to read as follows:

- a. Density Bonus Allowance. A development that complies with the eligibility requirements of Section 6355 shall be entitled to a density bonus as follows:
  - 1. Density Bonus Table. The total number of base units, exclusive of the additional bonus units, shall be the basis for determining the percentage of affordable units. The total number of base units shall be calculated in accordance with Section 6360 b and be consistent with the maximum allowable residential density under the Zoning Ordinance and the Land Use Element of the General Plan. The density bonus shall be calculated based on the Density Bonus ~~Table~~ Tables. The Density Bonus Table is intended to be compliant with California Government Code Section 65915.

**DENSITY BONUS TABLE**

Income Category	Reserved Units	Bonus		
		Minimum Bonus (% of Base Units)	Additional bonus for each 1% increase in reserved units	Maximum Bonus (% of Base Units)
Household Income Category of Affordable Units	Minimum % of Base Units that must be Reserved to qualify for Bonus	Minimum Bonus (% of Base Units)	Additional bonus for each 1% increase in reserved units	Maximum Bonus (% of Base Units)
Very Low Income	5%	20%	2.5% for 6 to 11% 3.75% for 12 to 15%	<del>50%</del> 35%
Low Income	10%	20%	1.5% for 11 to 20% 3.75% for 21 to 24%	<del>50%</del> 35%
<u>Very Low or Low Income</u>	<u>100%</u>	<u>80%</u>	--	<u>80%</u>
Moderate Income (Ownership Units Only)	10%	5%	1% for 11 to 40% 3.75% for 41-44%	35%
Age Restricted Senior Citizen Housing Development	100%	20%	--	20%
Transitional Youth, Foster Care, Disabled Veterans, Homeless	10%	20%	--	20%

Income Category	Reserved Units	Bonus		
		Minimum Bonus (% of Base Units)	Additional bonus for each 1% increase in reserved units	Maximum Bonus (% of Base Units)
Household Income Category of Affordable Units	Minimum % of Base Units that must be Reserved to qualify for Bonus	Bonus Allowed		
Land Donation for Very Low Income Housing	10% of Market-Rate Units	15%	1%	35%
Common Interest Development	10%	5%	1%	35%
<u>Student Housing for Full-Time Enrolled Students</u>	<u>20%</u>	<u>35%</u>	--	<u>35%</u>
Condominium Conversion				
Lower Income	15%	25%	--	25%
Moderate Income	33%	25%	--	25%
Child Care Facility	Must qualify under Section 6355 a.1. – a.4.	Additional residential space equal to or greater than the square footage of the child care facility or one additional incentive		
County Affordable Senior Housing Program (Rental Units Only)				
Very Low Income	100%	50% to a maximum of 45 units/acre*		
Low Income	100%	45% to a maximum of 45 units/acre*		
Moderate Income	100%	40% to a maximum of 45 units/acre*		
Commercial Development with Affordable Housing	Pursuant to Government Code 65915.7	Pursuant to Section 6365		

\* The density cap of 45 units per acre is calculated based on the net lot area.

2. County Affordable Senior Housing Program.

[NO CHANGE]

3. Land Donation For Very Low Income Units. When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to the County for very low income housing and meets the requirements of Government Code Section 65915(g), the applicant shall be entitled to a 15 percent minimum increase above the otherwise maximum allowable residential density as shown in the table below.

- i. The donated land must have all permits and approvals necessary for the development of very low income housing units equal to at least 10 percent of the market rate units within the proposed development.
- ii. If the proposed development also includes units reserved for affordable housing, the density bonus from the donated land shall be in addition to the density bonus permitted for the provision of housing reserved for very low, low, moderate, or senior households up to a maximum combined density increase of 35 percent.

<u>Percentage of Units Very Low Income</u>	<u>Percentage Density Bonus</u>
<u>10</u>	<u>15</u>
<u>11</u>	<u>16</u>
<u>12</u>	<u>17</u>
<u>13</u>	<u>18</u>
<u>14</u>	<u>19</u>
<u>15</u>	<u>20</u>
<u>16</u>	<u>21</u>
<u>17</u>	<u>22</u>
<u>18</u>	<u>23</u>
<u>19</u>	<u>24</u>
<u>20</u>	<u>25</u>
<u>21</u>	<u>26</u>
<u>22</u>	<u>27</u>
<u>23</u>	<u>28</u>
<u>24</u>	<u>29</u>
<u>25</u>	<u>30</u>
<u>26</u>	<u>31</u>
<u>27</u>	<u>32</u>
<u>28</u>	<u>33</u>
<u>29</u>	<u>34</u>
<u>30</u>	<u>35</u>

4. Condominium Conversion Projects.

[NO CHANGE]

5. Child Care Facilities.

[NO CHANGE]

6. 100% Affordable Developments in Transit Accessible Areas. No maximum density shall be required for a housing development project that meets the 100 percent affordability requirements of Section 65915(b)(1)(G) and that is built within one-half mile of a major transit stop as defined by subdivision (b) of Section 21155 of the Public Resources Code or is located in a very low vehicle travel area as defined by subdivision (o) of Section 65915 of the California Government Code. The applicant shall also receive a height increase of up to three additional stories, or 33 feet.

- b. Density Bonus Calculations.

1. Base Units. The number of base units shall not exceed the maximum allowable residential density as permitted by the County's Zoning Ordinance and General Plan.
  - i. The net lot area of the project site shall be the basis on which the number of base units is determined.
  - ii. The density bonus percentage shall be calculated using the total number of base housing units and shall not include the density bonus units.
  - iii. When calculating the maximum number of base dwelling units permitted on a project site any fraction of a base dwelling unit shall be rounded up to the nearest whole number of dwelling units.
  - iv. The maximum number of dwelling units permitted within the exterior boundary lines of any subdivision or a single lot, shall be reduced to an achievable number of dwelling units when such reduction is needed to comply with all applicable land use requirements. The resulting density shall be the Maximum Allowable Residential Density.
2. Density Bonus Units. When calculating the number of density bonus units to be granted to an applicant under Government Code section 65915, a fraction of a density bonus unit shall be rounded up to the nearest whole number.
3. Split Zones. If the housing development site is located in two or more zones, the number of dwelling units permitted in the development is the sum of the dwelling units permitted in each of the zones. Within the development, the permitted number of dwelling units may be distributed without regard to the zone boundaries.
4. Other regulatory incentives pursuant to Section 65915 of the Government Code.

**Section 24.** Section 6365 INCENTIVES of the San Diego County Zoning Ordinance is hereby amended to read as follows:



- a. Types of Incentives. An applicant eligible for an Affordable Housing Permit pursuant to Section 6355 may qualify for one or more of the following incentives whether or not a density bonus is requested:
  - 1. A reduction or deviation in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code. These may include, but are not limited to, a reduction in setback and square footage requirements, increased building heights, or a reduction in the ratio of vehicular parking spaces that would otherwise be required. These reductions or deviations shall result in identifiable and actual cost reductions, to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).
  - 2. Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.
  - 3. Other regulatory incentives proposed by the applicant or the County that will result in identifiable, actual cost reductions to provide for affordable housing costs as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).
- b. Proof of Cost Reduction. Proof of identifiable, actual cost reduction associated to reduce the cost of the housing development to provide for affordable housing costs may be required of the applicant pursuant to Section 7410.
- c. Permitted Number. The applicant shall receive the following number of incentives, unless disapproved in accordance with written findings as described in Section 7420 a:

**INCENTIVES SUMMARY**

Income Category of Reserved Units	% of Reserved Units			
Very Low Income	==	5%	10%	15%
Low Income	==	10%	<del>20%</del> <u>17%</u>	<del>30%</del> <u>24%</u>
Moderate Income (Ownership Units Only)	==	10%	20%	30%
County Affordable Senior Housing Program (Rental Units Only)	==	--	--	100%
<u>Lower income students in a student housing development</u>	<u>20%</u>	==	==	==

<b>Maximum Number of Incentives</b>	1	2	3	4
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- d. Incentives for Commercial Development. Pursuant to Government Code Section 65915.7, an applicant for a commercial development that has entered into an agreement with an applicant for a residential development that provides at least 15 percent of the dwelling units as affordable to very low income households or at least 30 percent of the dwelling units as affordable to low income households shall be entitled to an incentive in accordance with Government Code Section 65915.7(b) provided that the agreement is approved by the Planning & Development Services Director and the commercial development will contribute to affordable housing in one of the following ways:
1. Directly constructing the affordable dwelling units on the commercial site or a site that is within the jurisdiction of the County, in close proximity to public amenities including schools and employment centers, and located within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code.
  2. Donating a portion of the commercial site or another site that meets the criteria in Section 6365 c.1. for development of the affordable dwelling units; or
  3. Financially contributing to the development of the affordable dwelling units.
- e. Nothing in this section requires the County to provide direct financial incentives for the housing development, including but not limited to, the provision of publicly owned land or the waiver of fees or dedication requirements.

This section does not supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code).

**Section 25.** Section 6370 PARKING REQUIREMENTS of the San Diego County Zoning Ordinance is hereby amended to read as follows:

- a. **Applicability.** The following parking requirements apply to eligible developments in accordance with Section 6355. Affordable housing projects that also meet the requirements of Government Code 65913.4 and are processed through ministerial review consistent with Section 7400 are subject to the parking requirements of Government Code 65913.4(d) rather than those in this section. Any additional parking modifications will be considered an incentive pursuant to Section 6365.
- b. **Number of Parking Spaces Required.**

The following maximum vehicular parking ratios apply for a project that meets the eligibility requirements of Section 6355, inclusive of parking for the disabled and guest parking.

**PARKING REQUIREMENTS**

Number of Bedrooms	Number of on-site parking spaces needed
0 – 1	1
2 – 3	<u>1.5</u> <del>2</del>
4+	2.5

- c. Lower parking ratios also apply to the following projects:
1. 0.5 space per bedroom for rental or for sale projects with at least 11% very low income or 20% lower income units, and within one-half mile of unobstructed access to a major transit stop as defined in subdivision (b) of Section 21155 of the Public Resources Code. Unobstructed access means if a resident is able to access the major transit stop without encountering natural or constructed impediments.
  2. ~~0.5 space per unit~~ No space required for rental projects that are 100% affordable to lower income households (exclusive of a manager’s unit), and within one-half mile of unobstructed access to a major transit stop as defined in subdivision (b) of Section 21155 of the Public Resources Code.
  3. ~~0.5 space per unit~~ No space required for age-restricted rental senior projects that are 100% affordable to lower income households, and have paratransit service or are within one-half mile of accessible fixed bus route service operating at least eight times per day.
  4. ~~0.3 space per unit~~ No space required for special needs housing development as defined in Section 51312 of the Health and Safety Code, and have paratransit service or are within one-half mile of accessible fixed bus route service operating at least eight times per day.
- d. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number.
- e. This Density Bonus Program/Affordable Housing Program does not preclude the County from reducing or eliminating a parking requirement for development projects of any type in any location.
- f. Location of Parking. For purposes of this density bonus program, a development may provide on-site parking through tandem parking or uncovered parking, but not through on-street parking.
- g. Religious Institution Affiliated Housing Project. Parking requirements for religious institution affiliated housing development projects are as provided in California Government Code Section 65913.6
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- Religious institution/assembly parking may count towards religious institution/assembly affiliated housing parking requirements. Up to 50% of existing or proposed religious institution/assembly parking spaces may be eliminated as a part of a religious institution/assembly affiliated housing development project. The elimination of religious-use parking spaces pursuant to a religious institution affiliated housing development project that

has been approved does not constitute a concession pursuant to California Government Code Section 65915. The reduction in parking spaces shall not reduce the minimum parking standards required of a religious institution affiliated housing development project below one space per unit. The request to share parking is exempt from a discretionary permit review or modification, and exempt from the non-conforming regulations.

This shall not apply to a religious institution affiliated housing development project if either of the following is true:

1. The parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined in subdivision (b) of Section 21155 of the Public Resources Code or a major transit stop as defined in Section 21064.3 of the Public Resources Code.
2. There is a car share vehicle located within one block of the parcel.

**Section 26.** 6375 Section AFFORDABLE AND REPLACEMENT UNITS of the San Diego County Zoning Ordinance is hereby amended to read as follows:

a. Duration of Affordability.

1. An applicant for new affordable housing shall agree to, and the County shall ensure, the continued affordability of all very low and low-income rental units that qualified the applicant for the award of the density bonus or incentives or other concessions for 55 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.
2. Replacement units shall be subject to a recorded affordability restriction for 55 years or longer.

b. Unit Affordability Requirements.

1. Rental Units. Rents for the lower income and moderate income reserved units shall be set at an affordable rent as defined in Health and Safety Code Section 50053.
2. Owner-occupied Units. Owner-occupied affordable units and replacement units shall be available at an affordable housing cost as defined in Health and Safety Code Section 50052.5.

c. Occupancy and Resale of Moderate Income Common Interest Development Units.

1. An applicant shall agree to, and the County shall ensure, that the initial occupant of moderate income units that are directly related to the receipt of the density bonus in a common interest development, as defined in Civil Code Section 1351, are persons and families of moderate income, as defined in Health and Safety Code Section 50093, and that the units are offered at an affordable housing cost, as defined in Health and Safety Code Section 50052.5.
2. The County shall enforce an equity sharing agreement as specified in California Government Code Section 65915(c)(2)

d. Location and Type of Reserved Units.

1. Location/Dispersal of Units. Affordable units shall be reasonably dispersed throughout the development where feasible and shall contain on average the same number of bedrooms as the market rate units. Affordable housing units within a mixed-income structure shall not be isolated to a specific floor or area on a specific floor.
2. Phasing. If a project is to be phased, the reserved units shall be phased in the same proportion as the market rate units or phased in another sequence acceptable to the County. The affordable units shall be constructed concurrently with or prior to construction of the market rate units.
3. Exterior Appearance. The exterior appearance and quality of the reserved units shall generally be similar to the market rate units, with exterior materials and improvements similar to and architecturally compatible with the market rate units in the development.
4. Entrance/Exits. The occupants of the affordable housing units in the mixed-income multifamily structure shall have the same access to the common entrances to that structure as the occupants of the market-rate housing units.
5. Common Areas. The occupants of the affordable housing units in the mixed-income multifamily structure shall have the same access to the common areas and amenities of that structure as the occupants of the market-rate housing units.

d. Replacement Units. All proposed projects that require residential unit demolition shall provide replacement units pursuant to any applicable requirements in section 65915 and section 66300 of the Government Code.

**Section 27.** Section 6758 PARKING REQUIREMENTS: **RESIDENTIAL** of the San Diego County Zoning Ordinance is hereby amended to read as follows:

6758 PARKING REQUIREMENTS: **RESIDENTIAL**

Type of Occupancy Use or Structure	Off-Street Parking
<b>Single Family</b> Detached, Semi-Detached/Attached, Duplex Recreation Center in Planned Developments Bicycle Parking	The Sum of the Following: 2 Parking spaces per dwelling unit 0.1 Parking space per dwelling unit None Required
<b>Multi-Dwellings<sup>1</sup></b> (3 units or more on a single lot) Studio, 1 and 2 Bedroom 3 or More Bedrooms Guest Parking <sup>+2</sup> Recreation Center (> 1,000 sq.ft.)	The Sum of the Following: 1.5 Parking spaces per dwelling unit 2 Parking spaces per dwelling unit 0.2 Parking space per dwelling unit 0.1 Parking space per dwelling unit

6758      PARKING REQUIREMENTS: **RESIDENTIAL**

Type of Occupancy Use or Structure	Off-Street Parking
Bicycle Parking	0.5 space per dwelling unit
<b>Mobile Home Residential</b> Mobile Home Dwelling Unit Guest Parking <sup>1,2</sup> Recreation Center (> 1,000 sq.ft.) Bicycle Parking	The Sum of the Following: 2 Parking spaces per dwelling unit 0.2 Parking space per dwelling unit 0.1 Parking space per dwelling unit None Required
<b>Group Residential</b> Boarding Houses (permanent), Fraternity/Sorority Houses, Dormitories, Student Housing, Convents/Monasteries Bicycle Parking	0.75 Parking space per person <i>(Based on the total occupancy permitted by                      the County Building Code)</i> 0.25 Bike space per person (except for Convents/Monasteries)
<b>Multiple-Unit Housing for Senior Citizens</b> Dwelling Unit/ Bedroom Guest Parking Bicycle Parking	The Sum of the Following: 1.5 Parking spaces per dwelling unit/bedroom 0.2 Parking space per dwelling unit/bedroom None Required
<b>Residential Care Facilities</b> Employee Parking Guest Parking Bicycle Parking	The Sum of the Following: 1 Parking space per employee <i>(Largest work shift)</i> 0.33 Parking space per bedroom None Required
<b>Accessory Apartment</b>	1 Parking Space <sup>2,3</sup>

<sup>1</sup> Parking for religious institution affiliated housing development projects is outlined in Section 6370.

<sup>1,2</sup> Up to one-third of the required guest parking may be met by on-street parking on an abutting public or private street, provided that the street is improved to County standards with provision for on-street parking.

<sup>2,3</sup> Space shall not be in tandem with any other required space.

<sup>3,4</sup> Additions, alterations or expansions to a single-family dwelling constructed prior to February 16, 1970 or that was approved and constructed with only one parking space, do not require additional parking to be provided for the single family dwelling use. However, additional required parking must be provided for any accessory uses as required by the applicable section(s) of the Zoning Ordinance.

**Section 28.** Section 6764 PARKING REQUIREMENTS: **CIVIC** of the San Diego County Zoning Ordinance is hereby amended to read as follows:

6764      PARKING REQUIREMENTS: CIVIC

Type of Occupancy Use or Structure	Off-Street Parking
<b>Library, Museum, Art Gallery</b> Bicycle Parking	3    Parking spaces per KSF GFA 0.1    Bike space per car space but not less than 3
<b>Community Center</b> Bicycle Parking	3.5    Parking space per KSF GFA 0.1    Bike space per car space but not less than 3
<b>U.S. Post Office (Leased Land)</b> Bicycle Parking	30    Parking spaces per KSF GFA 0.1    Bike space per car space but not less than 3
<b>Fire Station</b>  Guest Parking  Bicycle Parking	The Sum of the Following: 1    Parking space per employee <i>(Largest work shift)</i> 3    Parking spaces <i>(Plus additional on-site parking required for fire trucks/vans assigned to the station)</i> 0.05    Bike space per car space but not less than 3
<b>Police Station</b>  Guest Parking  Bicycle Parking	The Sum of the Following: 1    Parking space per employee <i>(Largest work shift)</i> 3    Parking spaces <i>(Plus additional on-site parking required for police station vehicle fleet including motorcycles)</i> 0.1    Bike space per car space but not less than 3
<b>PUBLIC ASSEMBLY</b>	
<b>Religious Assembly<sup>1</sup></b> Church, Synagogue, Temple, Mission  Bicycle Parking	0.25    Parking space per person <i>(Based on total occupancy of the largest assembly room permitted by the County Building Code)</i> 0.1    Bike space per car space but not less than 3
<b>Park</b> Passive Uses Structured Active Uses (e.g. basketball, tennis, ball fields, etc.)	4    Parking spaces per acre 10    Parking spaces per acre

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Type of Occupancy Use or Structure	Off-Street Parking
Bicycle Parking	Park uses shall include bicycle racks to accommodate 0.05 bike space per car space but not less than 5 bicycle spaces
<b>Conference Center / Auditorium</b> Bicycle Parking	0.25 Parking space per seat <ul style="list-style-type: none"> <li>○ Bike space per car space but not less than 3</li> </ul>
<b>Private Club</b> Lodge Hall, Union Hall	0.35 Parking space per person if fixed seating is provided <i>(Based on total occupancy of the largest assembly room permitted by the County Building Code)</i> OR 35 Parking spaces per KSF in the largest assembly room if fixed seating is not provided <i>(Plus requirements for accessory uses if such uses will be active at the same time as the largest assembly room)</i>



Bicycle Parking	0.05 Bike space per car space but not less than 3
<b>EDUCATIONAL INSTITUTIONS – PUBLIC AND PRIVATE</b>	
<p><b>Child Day-Care and Small Schools</b> Primary Use Day-Care Center and Pre-School</p>	<p>The Sum of the Following:            1 Parking space per employee plus            0.2 Parking space per child if drop-off and pick-up area is not provided            OR            0.1 Parking space per child if adequate drop-off and pick-up area is provided as determined by the Director</p>
Drop-Off Area	<p>Drop-off areas must be designed to accommodate a continuous flow of vehicles during peak periods and allowing for safe drop-off and pick-up of passengers. The adequacy of proposed drop-off/pick-up areas shall be determined by the Director.</p>
Bicycle Parking	0.05 Bike space per car space but not less than 3
<p><b>Elementary School</b></p>	<p>The Sum of the Following:            1 Parking space per employee            5 Parking spaces for visitors            0.2 Parking space per seat minus employee and visitor spaces provided above</p>
School Auditorium	
Drop-Off Areas	<p>Drop-off areas must be designed to accommodate a continuous flow of vehicles during peak periods and allowing for safe drop-off and pick-up of passengers. The adequacy of proposed drop-off/pick-up areas shall be determined by the Director.</p>
Bicycle Parking	0.25 Bike space per student
<p><b>Junior High School or Middle School</b></p>	<p>The Sum of the Following:            1 Parking space per employee            10 Parking spaces for visitors            0.2 Parking space per seat minus employee and visitor spaces provided above</p>
School Auditorium	
Drop-Off Areas	<p>Drop-off areas must be designed to accommodate a continuous flow of vehicles during peak periods and allowing for safe drop-off and pick-up of passengers. The adequacy of proposed drop-off/pick-up areas shall be determined by the Director.</p>

Bicycle Parking	0.2 Bike space per student
<p><b>Senior High School</b></p> <p>Auditorium, Basketball Stadium, or Football Stadium <i>(whichever has the greatest occupancy)</i></p> <p>Bicycle Parking</p>	<p>The Sum of the Following:</p> <p>1 Parking space per employee</p> <p>15 Parking spaces for visitors</p> <p>0.25 Parking spaces per student</p> <p>0.2 Parking space per seat minus employee, visitor, and student spaces provided above</p> <p>0.1 Bike space per student</p>
<p><b>College and University</b> (Educational institutions beyond the 12<sup>th</sup> grade)</p> <p>Auditorium, Basketball Stadium, or Football Stadium <i>(whichever has the greatest occupancy)</i></p> <p>Bicycle Parking</p>	<p>The Sum of the Following:</p> <p>0.7 Parking spaces per faculty member/staff</p> <p>0.3 Parking spaces per student</p> <p>25 Parking spaces for visitors</p> <p>0.2 Parking space per seat minus employee, visitor, and student spaces provided above</p> <p>0.05 Bike space per student</p>
<p><b>Other Educational Institutions</b></p> <p>Including Private or Charitable Institutions Offering Instruction, Training, or Learning Opportunities</p> <p><i>When located in a commercial center consisting of 10 KSF GFA or more and this use does not comprise more than 25% of the total GFA of the commercial center, this section does not apply. See Section 6762 Retail Sales and Services.</i></p> <p>Bicycle Parking</p>	<p>1 Parking space per employee plus</p> <p>The Greater of the Following:</p> <p>0.5 Parking space per student/trainee, OR</p> <p>0.3 Parking space per KSF GFA</p> <p>○ Bike space per student</p>
<b>MEDICAL CARE FACILITIES</b>	
<p><b>Hospital</b></p> <p>Acute, General</p> <p>Bicycle Parking</p>	<p>2.5 Parking spaces per bed</p> <p>0.05 Bike space per car space but not less than 3</p>
<p><b>Medical Office</b></p> <p>Bicycle Parking</p>	<p>5 Parking spaces per KSF GFA</p> <p>0.1 Bike space per car space but not less than 3</p>
<p><b>Other Medical Care Facilities</b></p> <p>Other Facilities Providing Overnight Medical Care (e.g. mental/psychiatric institutions, intermediate care homes, nursing homes, etc.)</p> <p>Bicycle Parking</p>	<p>0.33 Parking spaces per bed</p> <p>0.05 Bike space per car space but not less than 3</p>

Note: KSF GFA: Thousand Square Feet of Gross Floor Area

1. Religious institution/assembly parking is outlined in Section 6370.

**Section 29.** Section 6911 EMERGENCY SHELTERS of the San Diego County Zoning

Ordinance is hereby amended to read as follows:

Emergency Shelters (See Section 1334) shall comply with the following provisions, in addition to all other applicable County codes, except when subsection (g) Section 1006 applies, and any requirements imposed by the State Department of Housing and Community Development:

- a. The maximum number of clients permitted to be served (eating, showering or sleeping) nightly shall not exceed 1 per 125 sq. ft. of floor area. There shall be one bed provided for each client.
- b. Off street parking shall be provided as follows: one parking space per employee on site at the same time. ~~and one additional space for every 6 client beds or portion thereof.~~
- c. The client waiting and/or intake areas shall be as follows:
  1. The interior waiting/intake area for a facility with 14 or fewer beds shall be no less than 125 sq. ft. and for a facility with 15 or more beds shall be no less than 200 sq. ft. in area.
  2. The exterior waiting/intake area shall be no less than 450 sq. ft. for facilities with 14 beds or fewer. The exterior waiting/intake area shall be no less than 900 sq. ft. for facilities with 15 beds or more. Exterior waiting/intake areas shall be screened from view from surrounding properties by solid fencing of not less than 6 feet in height. Fencing shall conform to the requirements of Section 6700 et. seq.
- d. An individual or individuals who do not utilize the homeless beds and/or services and who maintain their own residence off site may be eligible as on site manager(s). Each facility shall have manager(s) present onsite 24 hours per day, 7 days per week. At a minimum, one on site manager and one supporting staff member of the same sex shall be provided in each segregated sleeping area being used.
- e. Segregated sleeping, lavatory and bathing areas shall be provided if the Emergency Shelter accommodates both men and women in the same building. Reasonable accommodation shall be made to provide segregated sleeping, lavatory and bathing areas for families.
- f. No Emergency Shelter shall be located within 300 feet of another Emergency Shelter.
- g. No client shall be allowed to stay more than 180 consecutive days or 300 overall days within any 12 month period of time.
- h. Lighting shall be provided in all parking areas, exterior intake and/or waiting areas and outside common areas. Outdoor lighting shall conform to all provisions of Section 6324 of this Zoning Ordinance and Section 51.201 and following of the San Diego County Code.
- i. Adequate security shall be provided on site during all hours of operation.
- j. For purposes of this section, "client" is defined as a person who utilizes the Emergency Shelter facilities to eat, shower or sleep but is not a staff member.

**Section 30.** Section 6914 SMALL HOME LOT DEVELOPMENT of the San Diego County

Zoning Ordinance is hereby added to read as follows:

Small home lot developments are allowed in multi-family zones where two or more attached or detached units would be allowed on the same lot per the zoning ordinance. Small home lot developments are subject to the provisions outlined in California Government Code Section 66499.40. A small home lot development must meet the following requirements:

- a. The proposed development is located on a lot zoned for multifamily residential development that is no larger than five acres and is substantially surrounded by qualified urban uses as defined in Section 21072 of the Public Resources Code. The residential properties within a radius of 500 feet of the site are zoned to have an allowable residential density of less than 30 dwelling units per acre.
- b. The development proponent proposes to construct single-family housing units on fee simple ownership lots
- c. Meets a minimum unit requirement and consists of single-family housing units with an total area of floor space of up to 1,750 net habitable square feet.
- d. That the units comply with external existing height and setback requirements applicable to the multifamily site.
- e. For properties that are included as sites in the Housing Element, the development must result in at least as many units as projected for that parcel in the Housing Element. a small home development may not be built on a site identified to accommodate low or very-low income units in the Housing Element  
For properties that are not included as sites in the Housing Element, the development must result in the maximum number of units allowed under the density, unless there is a density range. For properties with a density range, the development must result in at least the number of units allowed by the "mid-range" density.
- f. The proposed small home lot development shall not require the demolition of: housing that is subject to a recorded covenant, ordinance, or law that restricts rent to levels affordable to persons and families of moderate, low, or very low income; housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power; housing occupied by tenants within the seven years preceding the date of the application, including housing that has been demolished or that tenants have vacated prior to the submission of the application for a development permit; or, a parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.
- g. Small home lot development is not subject to any of the following requirements:
  1. A setback requirement between the units, except as required in the California Building Code (Title 24 of the California Code of Regulations).
  2. A minimum requirement on the size of an individual small home lot created by the development.
  3. A requirement that parking be enclosed or covered.

4. The formation of a homeowners' association.

**Section 31.** Section 6915 LOW BARRIER NAVIGATION CENTER of the San Diego County Zoning Ordinance is hereby added to read as follows:

a. Purpose and Intent. The purpose of this Section is to establish development standards for low barrier navigation centers and to ensure this use is constructed and operated in a manner that is consistent with the requirements and allowances of state law, specifically Article 12 of Chapter 3 of Division 1 of Planning and Zoning Law commencing with California Government Code Section 65660.

b. Applicability. The provisions of this section shall apply to all low-barrier navigation center projects. Low-barrier navigation centers are allowed by-right (not subject to a discretionary permit or approval) in areas zoned for mixed-use and nonresidential zones permitting multifamily uses. Low-barrier navigation centers will be permitted where multi-family residential is allowed by a combination of building type designator and use classification as identified in Section 2000: Use Regulations and Section 4310: Building Type Schedule. Low-barrier navigation centers must meet the following requirements:

1. Connected Services. It offers services to connect people to permanent housing through a services plan that identifies services staffing.
2. Coordinated Entry System. It is linked to a coordinated entry system, so that staff in the interim facility or staff who co-locate in the facility may conduct assessments and provide services to connect people to permanent housing. "Coordinated entry system" means a centralized or coordinated assessment system developed pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.
3. Code Compliant. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
4. Homeless Management Information System. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System, as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.

**Section 32.** Section 6916 SUPPORTIVE HOUSING of the San Diego County Zoning Ordinance is hereby added to read as follows:

a. Purpose and Intent. The purpose of this section is to ensure that housing development projects that meet the definition of supportive housing as defined in California Government Code Section 65650 are reviewed and processed ministerially pursuant to California Government Code Section 65583(c)(3).

b. Applicability. Supportive housing shall be a use by right (not subject to a discretionary permit or approval) in all zones where multifamily and mixed-uses are permitted.

This ordinance shall take effect and be in force thirty days after its passage, and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in the \_\_\_\_\_, a newspaper of general circulation published in the County of San Diego.

APPROVED AS TO FORM AND LEGALITY

Claudia G. Silva, County Counsel

By: Suedy Alfaro, Senior Deputy County Counsel

Attachment C – ENVIRONMENTAL  
DOCUMENTATION



# County of San Diego

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www.SDCPDS.org

**DAHVIA LYNCH**  
DIRECTOR

Date: January 13, 2023

To: Planning Commission

From: Camila Easland, Project Manager

**RE: CEQA Guidelines Section 15164 Addendum to the Previously Adopted Program Environmental Impact Report for the County of San Diego General Plan Update (Environmental Review Number 02-ZA-001; Sch. 2002111067) for Purposes of Consideration of the 2023 Housing Zoning Ordinance Update, PDS2022-POD-22-004; PDS-2023-ER-00-001**

Finding that California Environmental Quality Act (CEQA) Section 15164 applies to the 2023 Housing Zoning Ordinance Update, [PDS2022-POD-22-004](#). CEQA Guidelines, Section 15164(a) states that an Addendum to a previously certified EIR may be prepared if some changes or additions are necessary but none of the conditions described in Section 15162 or 15163 calling for the preparation of a subsequent or supplemental EIR have occurred. CEQA Guidelines Section 15164 applies to the Zoning Ordinance Update. There are some changes and additions which need to be included in an Addendum to the previously certified Program EIR for the County of San Diego General Plan Update in accordance with CEQA Guidelines Section 15164. These modifications would not involve a substantial increase in the severity of previously identified significant effects identified in the Program EIR for the County of San Diego General Plan Update and would not create new potentially significant impacts that would require new mitigation. The Final Program EIR for the County of San Diego General Plan Update is hereby amended by this Addendum and the Environmental Checklist as described below.

## **Location:**

The project is located within the unincorporated areas of San Diego County within the First, Second, Third, Fourth and Fifth Supervisorial Districts.

## **Background**

Sections 7501 and 7503.e of the Zoning Ordinance authorize the Director of Planning and Development Services (PDS) to initiate requests to amend the Zoning Ordinance as necessary to implement and ensure consistency with the General Plan. In conformance with State law and the General Plan Implementation Plan, PDS periodically packages a series of proposed Zoning Ordinance amendments for consideration by the Board. This project constitutes the 108th Zoning Ordinance update package since the Ordinance was originally adopted in 1978.

Staff maintains an ongoing list throughout the year of potential ordinance and code changes that are either suggested by County staff, customers, or community members who regularly utilize these documents, or are required by updated or new state legislation. In support of PDS's efforts toward continuous improvement, it is important for the Zoning Ordinance and County Code to be revised on a



## Information Copy

regular basis. The revisions are intended to improve the clarity of regulations, to streamline regulations or correct errors that create difficulties for customers and staff, to add definitions or regulations that address new uses or business practices, and to comply with state legislation. The amendments included as part of these periodic updates are intended to be minor in nature. More substantial amendments which could result in more significant impacts or generate a significant amount of public concerns and comments are typically processed as separate projects.

When determining which changes to bring forward as part of the package of proposed ordinance and code amendments, staff researches each request by consulting customers, members of various industry groups and knowledgeable staff, including threading potential issues with other County departments such as Agriculture, Weights and Measures, General Services and the Sheriff Department. Staff also researches similar regulations in other jurisdictions to identify best practices and potential issues. Finally, staff closely considers all comments received during the public review period.

A Program EIR for the County's General Plan Update, Environmental Review Number 02-ZA- 00, State Clearing House Number 2002111067, was certified by the Board of Supervisors on August 3, 2011. The certified Program EIR evaluated potentially significant effects for the following environmental areas of potential concern: 1) Aesthetics; 2) Agricultural Resources; 3) Air Quality; 4) Biological Resources; 5) Cultural And Paleontological Resources; 6) Geology And Soils; 7) Hazards and Hazardous Materials; 8) Hydrology and Water Quality; 9) Land Use and Planning; 10) Mineral Resources; 11) Noise; 12) Population and Housing; 13) Public Services; 14) Recreation; 15) Transportation and Traffic; 16) Utilities and Service Systems, and 17) Climate Change.

Of these seventeen environmental subject areas, it was determined that only Geology/Soils and Population/Housing would not involve potentially significant impacts. The remaining environmental issues evaluated included impacts that would be significant and unavoidable with the exception of the following four subject areas in which all impacts would be mitigated below a level of significance: Cultural and Paleontological Resources, Land Use and Planning, Recreation, and Climate Change. For those areas in which environmental impacts will remain significant and unavoidable, even with the implementation of mitigation measures, overriding considerations exist which make the impacts acceptable.

### **Project Changes**

Similar to the General Plan Update, the proposed amendments to the Zoning Ordinance include changes that encompass the entire unincorporated County of San Diego. These amendments have been proposed in order to comply with the requirements of recently-adopted State housing laws. The amendments are intended to be minor in nature and do not require changes to the County's General Plan land use designations, zoning districts, or parcel-specific zoning designators. The zoning amendments are required for the following topics:

- Accessory Dwellings Units (ADUs) and Junior Accessory Dwelling Units (JADUs)
- Low Barrier Navigation Centers (LBNCs)
- Religious Institution Affiliated Housing Development Projects
- Small Home Lot Developments
- Emergency Shelters
- Supportive Housing
- Housing Development Projects on Existing Legal Parcels
- Student Housing
- Density Bonus
- Demolition and Replacement Units
- Affordable Housing Entrances and Amenities
- Housing Affordable to Low-Income Households

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Table 1 and Table 2 below provide descriptions of the proposed Zoning Ordinance and County Code changes and the purpose for each change.

**Table 1: Zoning Ordinance Amendments Summary**

Zoning Amendment Item Number	Section / Title	Purpose
1	1100/Definitions	Add a definition for Low Barrier Navigation Center (LBNC), which shall have the meaning prescribed in California Government Code Section 65660.
2	1100/ Definitions	Add a definition for Religious Institution Affiliated Housing Development Project, which shall have the meaning prescribed in California Government code Section 65913.6.
4	1100/ Definitions	Add a definition for Small Home Lot Development, which shall have the meaning prescribed in California Government Code Section 66499.40.
5	1100/ Definitions	Add a definition for Emergency Shelter, which shall have the definition prescribed in Health and Safety Code 50801.
7	Various sections in Chapter 2000 (Use Regulations)	Add LBNC as an allowable use where mixed-use is allowed and in nonresidential zones that allow multifamily uses. These zones are RC, C31, C32, C34, C35, C36, C37, C38, C40, and C42.
8	4221/Minimum Lot Area Requirements, Net or Gross	Add a universal exemption that allows for housing projects on existing legal parcels, regardless of consistency with existing minimum lot size requirement, provided that all other applicable requirements are met.
9	5015/Application and Designation	Exempt Supportive Housing uses from special areas regulators that would require discretionary review as required by State housing law.
10	5015/Applications and Designation	Exempt LBNCs from special areas regulators that would require discretionary review as required by State housing law.
11	5015/Application and Designation	Exempt housing projects that require ministerial approval pursuant to state law from special areas regulators that would require discretionary review.
12	5015/Application and Designation	Exempt Emergency Shelters from special areas regulators that would require discretionary review as required by State housing law.
13	6156/Residential and Agricultural Use Types	Increase maximum height for ADUs from 24 to 25 feet.

Table 1, continued

Zoning Amendment Item Number	Section / Title	Purpose
14	6156/Residential and Agricultural Use Types	<p>Add the following changes as required by State housing law:</p> <ul style="list-style-type: none"> <li>• 6156.x: Revise to allow at least one attached accessory dwelling unit (ADU), and up to 25% of the number of units.</li> <li>• 6156.x: Revise to allow not more than 2 detached ADUs subject to a 25-foot height limit and 4-foot rear and side setbacks</li> <li>• 6156.x: Revise to allow at least 850 or 1,000 square foot unit</li> <li>• 6156.x: Revise to change setback to 4 feet</li> <li>• 6156.x: Remove parking setbacks</li> <li>• 6156.x: Allow parking in the setbacks and remove replacement parking requirement</li> <li>• 6156.ii: Remove minimum lot size; remove guest for more than 30 days</li> <li>• 6156.II: Revise to allow an ADU and a junior ADU (JADU) on the same lot. Section was removed an combined with 6156x.</li> </ul>
16	6355/Eligibility for Affordable Housing/Density Bonus Program and Permit	<p>Add a subsection (f) to include Student Housing as a use eligible for affordable housing/density bonus program and permit. This would apply to proposed housing developments in which all development units would be used for students enrolled full time at an institution of higher education accredited by the Western Association of Schools and Colleges or the Accrediting Commission for Community and Junior Colleges. The developer would be required to enter into an agreement with the institution to the effect that where 20 percent of the units are used for lower income students, as defined, provided at a specified rent level, and provide priority for the applicable affordable units for lower income students experiencing homelessness, the units shall be subject to a recorded affordability restriction of 55 years.</p>
17	6360/Density Bonus	<p>Add Student Housing for Full-Time Enrolled Students as an income category. The minimum percentage of base units that must be reserved to qualify for the bonus would be 20%, and the maximum bonus would be 35% of the base units.</p>
18	6370/Parking Requirements	<p>Update the Parking Requirements table to reduce the number of on-site parking spaces needed for 2-3 bedroom units from 2 spaces to 1.5 spaces. Add subsection g outlining parking requirements for religious institution affiliated housing projects.</p>
19	6375/Affordable Units and Replacement Units	<p>Add subsection e: Replacement Units. Require that all proposed projects requiring residential unit demolition shall provide replacement units pursuant to section 65915(c)(3)(B) of the Government Code.</p>

Table 1, continued

Zoning Amendment Item Number	Section / Title	Purpose
20	6375/Affordable Units and Replacement Units	<p>Update subsection (d): Location and Type of Reserved Units to include the following requirements:</p> <ul style="list-style-type: none"> <li>• The occupants of the affordable housing units in the mixed-income multifamily structure shall have the same access to the common entrances to that structure as the occupants of the market-rate housing units.</li> <li>• The occupants of the affordable housing units in the mixed-income multifamily structure shall have the same access to the common areas and amenities of that structure as the occupants of the market-rate housing units.</li> <li>• A mixed-income multifamily structure shall not isolate the affordable housing units in that structure to a specific floor or an area on a specific floor.</li> </ul>
21	6911/Emergency Shelters	Remove parking requirements for emergency shelters based on the number of beds.
22	6360/Density Bonus	<p>Update the Density Bonus Table to include Very Low or Low Income as an income category. The minimum percentage of base units that must be reserved to qualify for the bonus would be 100%, and the maximum bonus would be 80% of the base units.</p> <p>Increase the maximum bonus for both Very Low Income units and Low Income units from 35% to 50% as required by State housing law.</p>
23	6360/Density Bonus	Add subsection 6: Transit Accessible Areas as developments entitled to a density bonus. Housing development projects built within one-half mile of a major transit stop in which 100 percent of the units are affordable to lower-incomes shall have no maximum density requirements. Such projects would also receive a height increase of up to three additional stories, or 33 feet.
24	6365/Incentives	<p>Update the Incentives Summary table to reduce the required percentage of reserved units for Low Income units to receive a maximum of 3 or 4 incentives.</p> <p>Add Lower Income Students in a Student Housing Development as an income category of reserved units. These developments would require 20% of reserved units for Lower Income Students in a Student Housing Development to receive a maximum of one incentive.</p>
25	6758/Parking Requirements: Residential	Add a footnote to the parking requirements for residential uses. Religious institution/assembly parking would be allowed to count towards religious institution/assembly affiliated housing parking requirements, and up to 50% of existing religious institution/assembly parking spaces may be eliminated as part of a religious institution/assembly affiliated housing development project.

Table 1, continued

Zoning Amendment Item Number	Section / Title	Purpose
26	6764/Parking Requirements: Civic	Add a footnote to the parking requirements table for civic uses. Religious institution/assembly parking would be allowed to count towards religious institution/assembly affiliated housing parking requirements, and up to 50% of existing religious institution/assembly parking spaces may be eliminated as part of a religious institution/assembly affiliated housing development project.
27	6914/Small Home Lot Development	Add a Section 6914: Small Home Lot Development. Small home lot developments would be allowed in multi-family zones where two or more attached or detached units would be allowed on the same lot per the Zoning Ordinance. Small home lot developments would be subject to the provisions outlined in California Government Code Section 66499.40. Small home lot developments would not be subject to requirements including setback requirements between units, except as required in the California Building Code; a minimum requirement on the size of an individual home lot created by the development; a requirement that parking be enclosed or covered; and the formation of a homeowners' association.
29	6915/Low Barrier Navigation Centers	Add new section 6915: Low-Barrier Navigation Centers to allow low-barrier navigation centers by right areas zoned for mixed use and non-residential zones permitting multifamily use per California Government Code Section 65660.
30	6916/Supportive Housing	Add new section 6916: Supportive Housing to allow supportive housing where multifamily and mixed-use are allowed, per California Government Code Section 65583(c)(3).

The proposed project would not result in any new significant environmental impacts or substantially worsen or increase the severity of impacts already identified in the General Plan Update EIR, based on the analysis provided in this Environmental Review Update Checklist. There are no substantial changes with respect to the circumstances under which the proposed project is undertaken that require major revisions of the Final EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Likewise, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Final EIR was certified that show significant effects or more severe effects than those analyzed in the Final EIR.

**Finding**

The Final Program EIR for the County of San Diego General Plan Update, as amended by this Addendum and the Environmental Review Checklist, may be used to fulfill the environmental review requirements of the Zoning Ordinance Update. Because the changes to the Zoning Ordinance meet the conditions for the application of CEQA Guidelines Section 15164, a preparation of a subsequent or supplemental EIR is not required.



## County of San Diego

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**DAHVIA LYNCH**  
 DIRECTOR

January 13, 2023

### **ENVIRONMENTAL REVIEW UPDATE CHECKLIST FORM FOR PROJECTS WITH PREVIOUSLY APPROVED ENVIRONMENTAL DOCUMENTS**

#### **FOR PURPOSES OF CONSIDERATION OF A 2023 HOUSING ZONING ORDINANCE UPDATE PDS2017-POD-17-004, PDS-2023-ER-00-001**

The California Environmental Quality Act (CEQA) Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted Negative Declaration (ND) or a previously certified environmental impact report (EIR) covering the project for which a subsequent discretionary action is required. This Environmental Review Update Checklist Form has been prepared in accordance with CEQA Guidelines Section 15164(e) to explain the rationale for determining whether any additional environmental documentation is needed for the Zoning Ordinance Update.

#### **1. Background on the previously certified EIR:**

A Program Final EIR for the County's General Plan Update, Environmental Review Number 02-ZA-001, State Clearing House Number 2002111067, was certified by the Board of Supervisors on August 3, 2011. The certified Program Final EIR evaluated potentially significant effects for the following environmental areas of potential concern: Aesthetics; Agricultural Resources; Air Quality; Biological Resources; Cultural and Paleontological Resources; Geology and Soils; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use and Planning; Mineral Resources; Noise; Population and Housing; Public Services; Recreation; Transportation and Traffic; Utilities and Service Systems, and Climate Change.

Of these environmental subject areas, it was determined that only Geology/Soils and Population/Housing would not involve potentially significant impacts. The certified Final Program EIR found that the project would cause significant effects which could be mitigated to a level below significance for the following areas: Cultural and Paleontological Resources, Land Use and Planning, Recreation, and Global Climate Change. Effects to Aesthetics, Agricultural Resources, Air Quality, Biological Resources, Hazards and Hazardous Materials, Hydrology and Water Quality, Mineral Resources, Noise, Public Services, Transportation and Traffic, and Utilities and Service Systems remained significant and unavoidable. A Statement of Overriding Considerations was made in approving the General Plan Update. The previously certified Program Final EIR is available at <http://www.sandiegocounty.gov/pds/gpupdate/environmental.html>.

#### **2. Lead agency name and address:**

County of San Diego, Planning & Development Services  
5510 Overland Avenue, Suite 110  
San Diego, CA 92123

- a) Contact: Camila Easland, Land Use/Environmental Planner
- b) Phone number: (619) 323-7362
- c) E-mail: Camila.Easland@sdcounty.ca.gov

**3. Project applicant’s name and address:**

Camila Easland  
County of San Diego, Planning & Development Services  
5510 Overland Ave., Suite 310  
San Diego, CA 92123

**4. Does the project for which a subsequent discretionary action is now proposed differ in any way from the previously approved project?**

YES	NO
<input checked="" type="checkbox"/>	<input type="checkbox"/>

Several amendments to the San Diego County Zoning Ordinance are proposed in order to comply with recently adopted California state housing laws. No development is proposed, nor are any primary uses proposed. The proposed Zoning Ordinance Update includes provisions related to Accessory Dwellings Units (ADUs) and Junior Accessory Dwelling Units (JADUs); Low Barrier Navigation Centers (LBNCs); Religious Institution Affiliated Housing Development Projects; Small Home Lot Developments; Emergency Shelters; Intergenerational Senior Housing; Supportive Housing; Housing Development Projects; Student Housing; Density Bonus; Demolition and Replacement Units; Affordable Housing Entrances and Amenities; Trailers; and Housing Affordable to Low-Income Households.

The proposed amendments and additions to the San Diego County Zoning Ordinance consist of updates to the following County Code sections:

**Section 1100: Definitions**

**Various Sections in Chapter 2000: Use Regulations**

- **Section 2263: Permitted Uses Subject to Limitations**
- **Section 2313: Permitted Uses Subject to Limitations**
- **Section 2323: Permitted Uses Subject to Limitations**
- **Section 2343: Permitted Uses Subject to Limitations**
- **Section 2353: Permitted Uses Subject to Limitations**
- **Section 2363: Permitted Uses Subject to Limitations**
- **Section 2373: Permitted Uses Subject to Limitations**
- **Section 2383: Permitted Uses Subject to Limitations**
- **Section 2403: Permitted Uses Subject to Limitations**
- **Section 2423: Permitted Uses Subject to Limitations**
- **Section 2462: Permitted Uses**

**Section 4221: Minimum Lot Area Requirements. Net or Gross****Section 5015: Applications and Designation****Section 6156: Residential and Agricultural Use Types****Section 6355: Eligibility for Affordable Housing/Density Bonus Program and Permit****Section 6360: Density Bonus****Section 6365: Incentives****Section 6370: Parking Requirements****Section 6375: Affordable Units and Replacement Units****Section 6758: Parking Requirements: Residential****Section 6764: Parking Requirements: Civic****Section 6911: Emergency Shelters****Section 6914: Small Home Lot Development****Basic Provisions:****Low Barrier Navigation Center (LBNC) (Section 1100: Definitions)**

The Zoning Ordinance Update would add a definition for Low Barrier Navigation Center (LBNC), which shall have the meaning prescribed in California Government Code Section 65660.

**Religious Institution Affiliated Housing Development Project (Section 1100: Definitions)**

The Zoning Ordinance Update would add a definition for Religious Institution Affiliated Housing Development Project, which shall have the meaning prescribed in California Government code Section 65913.6.

**Small Home Lot Development (Section 1100: Definitions)**

The Zoning Ordinance Update would add a definition for Small Home Lot Development, which shall have the meaning prescribed in California Government Code Section 66499.40.

**Emergency Shelter (Section 1100: Definitions)**

The Zoning Ordinance Update would add a definition for Emergency Shelter, which shall have the definition prescribed in Health and Safety Code 50801.

**Intergenerational Senior Housing (Section 1100: Definitions)**

The Zoning Ordinance Update would add definition for Intergenerational Senior Housing, which shall have the meaning prescribed in Section 51.3.5 of the Civil Code.

**Use Regulations:****LBNC (Various Sections in Chapter 2000: Use Regulations)**

The Zoning Ordinance Update would add LBNCs as an allowable use where mixed-use is allowed and in nonresidential zones that allow multifamily uses. These zones are RC, C31, C32, C34, C35, C36, C37, C38, C40, and C42.



**Development Regulations:****Housing Development Projects on Existing Legal Parcels (Section 4221: Minimum Lot Area Requirements, Net or Gross)**

The Zoning Ordinance Update would add a subsection (e), Exemption. This amendment would require that housing projects shall be allowed on existing legal parcels, regardless of the minimum lot size requirement.

**Special Area Regulations:****Supportive Housing (Section 5015: Applications and Designations)**

The Zoning Ordinance Update would add a subsection (d), Exemption. Supportive Housing Projects would be exempt from Special Area Regulators that require a discretionary review.

**LBNC (Section 5015: Applications and Designations)**

The Zoning Ordinance Update would exempt LBNCs from Special Area Regulators that require a discretionary review.

**Emergency Shelters (Section 5015: Applications and Designations)**

The Zoning Ordinance Update would exempt Emergency Shelters from Special Area Regulators that require a discretionary review.

**Housing projects required to be processed by right per state law (Section 5015: Applications and Designations)**

The Zoning Ordinance Update would exempt housing projects required to be processed by right per state law from Special Area Regulators that require a discretionary review.

**General Regulations****ADUs and JADUs (Section 6156: Residential and Agricultural Use Types)**

The Zoning Ordinance Update would result in the following changes to Section 6156 regarding ADUs and JADUs:

- ADUs would be allowed to be constructed on legal lots with existing multi-family residences or concurrently with multi-family residences. The amendment would add subsections (a) through (c) outlining the allowable numbers of ADUs and JADUs for single-family residences and multi-family residences. Single-family residences would be allowed to have one ADU and one JADU. Multi-family residences would be allowed to have one ADU within the portions of multifamily structures that are not used as livable space for up to 25 percent of the number of existing multifamily units. Multi-family dwellings could have no more than two detached ADUs, which would be subject to a height limit of 25 feet and a 4-foot rear and side yard setbacks.
- ADUs would be allowed to be sold or conveyed separately from the primary residence if conditions established under Section 65852.26 of the California Government Code are met.
- The requirements for the total floor area of an attached ADU would be updated. Section 6156(x)(5) current states that the floor area of an ADU is not to exceed 50 percent of the floor area of an existing single-family dwelling, up to a maximum floor area of 1,200 square feet. These requirements would be updated to add that the floor area of ADUs shall not exceed at least 850 feet for a studio and one bedroom and 1,000 square feet for a two or more bedroom unit, whichever is higher.

- If ADU parking replaces existing parking, replacement parking would not be required.
- The setback requirements for a 2-story ADU would be reduced from five to four feet from the side and rear lot lines.
- The Accessory Use Regulations table would be revised to remove net lot size restrictions for ADUs. Additionally, ADUs would not be permitted to have guests for less than 30 days.
- One ADU and one JADU would be allowed on any residentially zone permitting a single-family dwelling.

#### Student Housing (Section 6355: Eligibility for Affordable Housing/Density Bonus Program and Permit)

The Zoning Ordinance Update would add a subsection (f) to include Student Housing as a use eligible for affordable housing/density bonus program and permit. This would apply to proposed housing developments in which all development units would be used for students enrolled full time at an institution of higher education accredited by the Western Association of Schools and Colleges or the Accrediting Commission for Community and Junior Colleges. The developer would be required to enter into an agreement with the institution to the effect that where 20 percent of the units are used for lower income students, as defined, provided at a specified rent level, and provide priority for the applicable affordable units for lower income students experiencing homelessness, the units shall be subject to a recorded affordability restriction of 55 years.

#### Student Housing for Full-Time Enrolled Students (Section 6360: Density Bonus)

The Zoning Ordinance Update would add Student Housing for Full-Time Enrolled Students as an income category. The minimum percentage of base units that must be reserved to qualify for the bonus would be 20%, and the maximum bonus would be 35% of the base units.

#### Transit Accessible Areas (Section 6360: Density Bonus)

The Zoning Ordinance Update would add Transit Accessible Areas as a development entitled to a density bonus. Housing development projects built within one-half mile of a major transit stop or located in a very low vehicle travel area (Section 65915 (o) of the CGC) in which 100 percent of the units are affordable to lower-incomes would not have maximum density requirements. Such projects would also receive a height increase of up to three additional stories, or 33 feet.

#### Parking Requirements for 2-3 Bedroom Units (Section 6370: Parking Requirements)

The Zoning Ordinance Update would lower the number of on-site parking spaces needed for 2-3 bedroom units from 2 to 1.5 spaces.

#### Demolition and Replacement Units (Section 6375: Affordable Units and Replacement Units)

The Zoning Ordinance Update would add a subsection (e), Replacement Units. Under this amendment, any proposed project that would require residential unit demolition would be required to provide replacement units pursuant to section 65915(c)(3)(B) of the Government Code.

#### Affordable Housing Entrances and Amenities (Section 6375: Affordable Units and Replacement Units)

The Zoning Ordinance Update would update subsection (d): Location and Type of Reserved Units to ensure that a mixed-income multifamily structure does not isolate the affordable housing units in such structure to a specific floor or an area on a specific floor. Additionally, the Zoning Ordinance Update would ensure that occupants of affordable housing units have the same access to the common entrances, common areas, and amenities as the occupants of market-rate housing units.

Parking Requirements for Emergency Shelters (Section 6911: Emergency Shelters)

The Zoning Ordinance Update would remove parking requirements for emergency shelters based on the number of beds.

Very Low or Low Income Units (Section 6360: Density Bonus)

The Zoning Ordinance Update would update the Density Bonus Table to include Very Low or Low Income as an income category. The minimum percentage of base units that must be reserved to qualify for the bonus would be 100%, and the maximum bonus would be 80% of the base units. The Zoning Ordinance Update would also increase the maximum bonus for both Very Low Income units and Low Income units from 35% to 50%.

Low Income and Lower Income Students in a Student Housing Development (Section 6365: Incentives)

The Zoning Ordinance Update would update the Incentives Summary table to reduce the required percentage of reserved units for Low Income units to receive a maximum of 3 or 4 incentives. Additionally, Lower Income Students in a Student Housing Development would be added as an income category of reserved units. These developments would require 20% of reserved units for Lower Income Students in a Student Housing Development to receive a maximum of one incentive.

Parking Requirements for Religious Institution Affiliated Parking Requirements (Section 6758: Parking Requirements: Residential and Section 6764: Parking Requirements: Civic)

The Zoning Ordinance Update would add footnotes to the Parking Requirements tables in both sections. Per these additions, religious institution/assembly parking may count towards religious institution/assembly affiliated housing parking requirements. Up to 50% of existing religious institution/assembly parking spaces may be eliminated as part of a religious institution/assembly affiliated housing development project.

Small Home Lots Developments (Section 6914: Small Home Lot Development)

The Zoning Ordinance Update would add Section 6914: Small Home Lot Development. Small home lot developments would be allowed in multi-family zones where two or more attached or detached units would be allowed on the same lot per the Zoning Ordinance. Small home lots developments would be subject to the provisions outlined in California Government Code Section 66499.40 and would be exempt from the following requirements: setback requirements between the units, except as required from the California Building Code; a minimum requirement on the size of an individual small home lot created by the development; parking be enclosed or covered; and the formation of a homeowners' association.

**5. SUBJECT AREAS DETERMINED TO HAVE NEW OR SUBSTANTIALLY MORE SEVERE SIGNIFICANT ENVIRONMENTAL EFFECTS COMPARED TO THOSE IDENTIFIED IN THE PREVIOUS ND OR EIR.**

The subject areas checked below were determined to be new significant environmental effects or to be previously identified effects that have a substantial increase in severity either due to a change in project, change in circumstances or new information of substantial importance, as indicated by the checklist and discussion on the following pages.

- NONE
- Aesthetics
- Agriculture and Forest Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology & Soils
- Greenhouse Gas Emissions
- Hazards & Hazardous Materials
- Hydrology & Water Quality
- Land Use & Planning
- Mineral Resources
- Noise
- Population & Housing
- Public Services
- Recreation
- Transportation/ Traffic
- Utilities & Services Systems
- Mandatory Findings of Significance

**DETERMINATION:**

On the basis of this analysis, Planning & Development Services has determined that:

- No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, the previously certified EIR is adequate upon completion of an ADDENDUM without modification.
- No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous EIR or ND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, because the project is a residential project in conformance with, and pursuant to, a Specific Plan with an EIR completed after January 1, 1980, the project is exempt pursuant to CEQA Guidelines Section 15182.
- Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous ND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3). However all new significant environmental effects or a substantial increase in severity of previously identified significant effects are clearly avoidable through the incorporation of mitigation measures agreed to by the project applicant. Therefore, a SUBSEQUENT ND is required.
- Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous ND or EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, a SUBSEQUENT or SUPPLEMENTAL EIR is required.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Camila Easland  
Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Land Use/Environmental Planner  
Title

**INTRODUCTION**

CEQA Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted ND or a previously certified EIR for the project.

CEQA Guidelines, Section 15162(a) states that when an EIR has been certified or a Negative Declaration adopted for a project, no Subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole public record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
  - a. The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration; or
  - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR; or
  - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous Negative Declaration or EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines, Section 15162(b) states that if changes to a project or its circumstances occur or new information becomes available after adoption of a Negative Declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent Negative Declaration, an Addendum, or no further documentation.

CEQA Guidelines, Section 15163(a) states that the lead or responsible agency may choose to prepare a supplement to an EIR rather than a subsequent EIR if:

- a. Any of the conditions described in Section 15162 would require the preparation of a subsequent EIR, and
- b. Only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation.

CEQA Guidelines, Section 15164(a) states that the lead agency or responsible agency shall prepare an Addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a Subsequent EIR have occurred.

CEQA Guidelines, Section 15164(b) states that an Addendum to a previously adopted Negative Declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or Negative Declaration have occurred.

If the factors listed in CEQA Guidelines Sections 15162, 15163, or 15164 have not occurred or are not met, no changes to the previously certified EIR or previously adopted ND are necessary.

**The following responses detail any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that may cause one or more effects to environmental resources. The responses support the "Determination," above, as to the type of environmental documentation required, if any.**

**ENVIRONMENTAL REVIEW UPDATE CHECKLIST**

**I. AESTHETICS –**

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to aesthetic resources including: scenic vistas; scenic resources including, but not limited to, trees, rock outcroppings, or historic buildings within a state scenic highway; existing visual character or quality of the site and its surroundings; or day or nighttime views in the area?

YES

NO

Scenic Vistas:

The General Plan Program Final EIR identified impacts to scenic vistas, scenic resources, visual character or quality, and light and glare as potentially significant. Impacts to scenic vistas and resources were less than significant with mitigation; however, impacts to visual quality/character and light or glare were significant and unavoidable.

The viewshed and visible components of the landscape within that viewshed, including the underlying landform and overlaying land cover, establish the visual environment for the scenic vista. The project does not propose any development that could impact scenic vistas. Future projects associated with the proposed amendments may be located near or within the viewshed of a scenic vista. However, many of the future projects associated with the proposed amendments are expected to be located in developed areas and would be compatible with the existing surrounding community, thereby not resulting in disturbance to scenic vistas. Additionally, the uses regulated pursuant to these amendments would be required to conform to all other applicable regulations, performance standards and design standards of the Zoning Ordinance and other applicable codes and ordinances. Therefore, the proposed project would not have a substantial adverse effect on a scenic vista.

Scenic Resources:

The project does not propose any development that could impact scenic resources. Future projects associated with the proposed amendments may be located near or within the composite viewshed of a State scenic highway. All future projects associated with the proposed amendments are similar to other permitted uses in that they are contained within buildings and no aspect of the use has any known, anticipated or reasonably expected external impact on environmental resources. In addition, the uses would be contained within buildings allowed pursuant to these amendments and would be required to conform to all other applicable regulations, performance standards and design standards of the Zoning

Ordinance and other applicable codes and ordinances. Therefore, the proposed project would not have any substantial adverse effect on a scenic resource within a State scenic highway.

Existing Visual Character:

Future projects associated with the proposed amendments may be visible from the surrounding areas. The uses allowed pursuant to these amendments would be required to conform to all other applicable regulations, performance standards and design standards of the Zoning Ordinance and other applicable codes and ordinances. Additionally, many future projects associated with the proposed amendments are expected to be implemented in areas developed with housing and urban uses, and would therefore match the existing visual character of such areas. Therefore, the proposed project would not substantially degrade the existing visual character or quality of a site and its surroundings.

Day or Nighttime Views:

The project does not propose any development; making revisions to the Zoning Ordinance or County Code that would lead to the use of outdoor lighting or building materials; and the use of outdoor lighting or building materials with highly reflective properties such as highly reflective glass or high-gloss surface colors. The type of permitted uses do not have any direct impact on day or nighttime views. The uses will be contained in buildings allowed pursuant to these amendments would also be required to conform to all other applicable regulations, performance standards and design standards of the Zoning Ordinance and other applicable codes and ordinances. Additionally, several future uses permitted by the proposed amendments, such as ADUs and JADUs, would be relatively small developments that would not be anticipated to adversely affect day or nighttime views. Therefore, the project would not create any new sources of light pollution that could contribute to skyglow, light trespass or glare and adversely affect day or nighttime views in an area.

**II. AGRICULTURE AND FORESTRY RESOURCES –**

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to agriculture or forestry resources including: conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use, conflicts with existing zoning for agricultural use or Williamson Act contract, or conversion of forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

YES

NO

Conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a Non-Agricultural Use:

The project proposes amendments to the County of San Diego Zoning Ordinance to make minor updates and additions to various sections. The project does not propose any development that would result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses nor does the project propose any amendments that would result in changes to existing agricultural zoning. Much of the future development associated with the proposed project is anticipated to be implemented on developed sites or in developed areas, which would not result in an adverse effect on any agricultural resources.

The character of amendments proposed would not lessen or revise policies, regulations, or mitigations governing the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide or Local Importance (Important Farmland) to non-agricultural uses. Therefore, no potentially significant project or



cumulative level conversion of agricultural resources to a non- agricultural use would occur as a result of this project.

Conflict with Existing Zoning for Agricultural Use, or Williamson Act Contract:

The amendments proposed for this project do not introduce new uses in agricultural zones or propose amendments governing agricultural lands or lands under Williamson Act Contracts. Additionally, the project does not propose to rezone any properties. Therefore, there would be no conflict with existing zoning for agricultural use, or a Williamson Act contract.

Conflict with Existing Zoning for Forest Land, Timberland, or Timberland Zoned Timberland Production:

The project would not result in changes to zoning regulations governing forest land or timberland. The County of San Diego does not have any existing Timberland Production Zones. In addition, the project does not propose rezones to any properties. Therefore, project implementation would not result in changes to zoning regulations or encourages changes in zoning governing forest land or timberland.

**III. AIR QUALITY –**

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to air quality including: conflicts with or obstruction of implementation of the San Diego Regional Air Quality Strategy (RAQS) or applicable portions of the State Implementation Plan (SIP); violation of any air quality standard or substantial contribution to an existing or projected air quality violation; a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard; exposure of sensitive receptors to substantial pollutant concentrations; or creation of objectionable odors affecting a substantial number of people?

YES

NO

Conflicts with or Obstruction of Implementation of the San Diego Regional Air Quality Strategy (RAQS) or Applicable Portions of the State Implementation Plan (SIP):

The project does not propose any development and does not propose any changes to the existing zoning or General Plan Designations on any properties, or any changes to the allowed densities anticipated in SANDAG growth projections used in development of the RAQS and SIP. As such, the project is not expected to conflict with or obstruct implementation of either the RAQS or the SIP. Therefore, the project would not violate ambient air quality standards.

Violate any Air Quality Standard or Contribute Substantially to an Existing or Projected Air Quality Violation:

In general, air quality impacts from land use projects are the result of emissions from motor vehicles, and from short-term construction activities associated with such projects. The San Diego County Land Use Environment Group (LUEG) has established guidelines for determining significance which incorporate the Air Pollution Control District's (SDAPCD) established screening-level criteria for all new source review (NSR) in APCD Rule 20.2. These screening-level criteria can be used as numeric methods to demonstrate that a project's total emissions (e.g. stationary and fugitive emissions, as well as emissions from mobile sources) would not result in a significant impact to air quality. Since APCD does not have screening-level criteria for emissions of volatile organic compounds (VOCs), the use of the screening level for reactive organic compounds (ROC) from the South Coast Air Quality Management District (SCAQMD) for the Coachella Valley (which are more appropriate for the San Diego Air Basin) are used.

Future projects associated with the proposed amendments may result in air quality impacts, including those related to construction or vehicle trips that have the potential to emit criteria air pollutants. However, these future projects would be residential in nature and are therefore not anticipated to result in substantial impacts to air quality. As such, the project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation.

Cumulatively Considerable Net Increase of any Criteria Pollutant for Which the Project Region is Non-Attainment under an Applicable Federal or State Ambient Air Quality Standard:

San Diego County is presently in non-attainment for the 1-hour and 8-hour concentrations under the California Ambient Air Quality Standard (CAAQS) for Ozone (O<sub>3</sub>). San Diego County is also presently in non-attainment for the annual geometric mean, for the 24-hour concentrations of Particulate Matter less than or equal to 10 microns (PM<sub>10</sub>), and for the 24-hour concentrations of Particulate Matter less than or equal to 2.5 microns (PM<sub>2.5</sub>) under the CAAQS. O<sub>3</sub> is formed when volatile organic compounds (VOCs) and nitrogen oxides (NO<sub>x</sub>) react in the presence of sunlight. VOC sources include any source that burns fuels (e.g., gasoline, natural gas, wood, oil); solvents; petroleum processing and storage; and pesticides.

In 2005, the SDAPCD adopted the *Measures to Reduce Particulate Matter in San Diego County*. This document identifies fugitive dust as the major source of directly emitted particulate matter in the county, with mobile sources and residential wood combustion as minor contributors. Data on PM<sub>2.5</sub> source apportionment indicates that the main contributor to PM<sub>2.5</sub> in the county is combustion organic carbon, followed closely by ammonium sulfate and ammonium nitrate from combustion sources. The main contributors to PM<sub>10</sub> include resuspended soil and road dust from unpaved and paved roads, construction and demolition sites, and mineral extraction and processing.

Construction and operations associated with future projects would be required to comply with all applicable requirements for dust and pollution control, such as SDAPCD Rule 55, Fugitive Dust Control. As such, there would be no considerable net increase in any criteria pollutant.

Exposure of Sensitive Receptors to Substantial Pollutant Concentrations:

Air quality regulators typically define sensitive receptors as schools (Preschool-12<sup>th</sup> Grade), hospitals, resident care facilities, or day-care centers, or other facilities that may house individuals with health conditions that would be adversely impacted by changes in air quality. The County of San Diego also considers residences as sensitive receptors since they house children and the elderly.

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections. Future projects associated with the proposed amendments may be located nearby to sensitive receptors. As described above, construction and operation of such projects would not result in result in substantial impacts to air quality and would therefore not expose sensitive receptors to substantial pollutant concentrations.

**IV. BIOLOGICAL RESOURCES –**

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to biological resources including: adverse effects on any sensitive natural community (including riparian habitat) or species identified as a candidate, sensitive, or special status species in a local or regional plan, policy, or regulation, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; adverse effects to federally protected wetlands as defined by Section 404 of the Clean Water Act; interference with the movement of any native resident or migratory fish or wildlife species or with wildlife corridors, or impeding the use of native wildlife nursery sites; and/or conflicts with the provisions of any adopted Habitat Conservation Plan, Natural Communities

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Information Copy

Conservation Plan, or other approved local, regional or state habitat conservation plan, policies or ordinances?

YES

NO

Adverse Effects on Sensitive Natural Community or Species Identified as a Candidate, Sensitive, or Special Status Species in a Local or Regional Plan, Policy, or Regulation, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service:

The project does not propose any development that could impact any candidate, sensitive, or special status species. All future projects would be required to comply with existing County, State and Federal regulations that ensure the protection of candidate, sensitive or special status species. Additionally, much of the future development associated with the proposed amendments may be implemented on developed sites, which would not result in adverse impacts to any candidate, sensitive, or special status species. Therefore, the project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

Therefore, the project would not result in substantial adverse effects to any riparian habitat or sensitive natural community identified in the County of San Diego Multiple Species Conservation Program, County of San Diego Resource Protection Ordinance, Natural Community Conservation Plan, Fish and Wildlife Code, Endangered Species Act, Clean Water Act, or any other local or regional plans, policies or regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service.

Adverse Effects to Federally Protected Wetlands as Defined by Section 404 of the Clean Water Act:

The project proposes amendments to the County of San Diego Zoning Ordinance to make minor updates and additions to various sections. The project does not propose any development that could have an impact on federally protected wetlands defined by Section 404 of the Clean Water Act. There are no proposed amendments to any Zoning Ordinance or County Code provisions related to wetland habitat protection. Therefore, no significant impacts would occur to wetlands or waters of the U.S. as defined by Section 404 of the Clean Water Act and under the jurisdiction of the Army Corps of Engineers.

Interference with the Movement of any Native Resident or Migratory Fish or Wildlife Species or with Wildlife Corridors, or impeding the use of native Wildlife Nursery Sites:

The project proposes amendments to the County of San Diego Zoning Ordinance to make minor updates and additions to various sections. The project does not propose any development that could result in substantial adverse effects, either directly or through habitat modification, to corridors or native wildlife nursery sites. All future projects on land that contains native habitat, and possibly even on land that provides corridors or native wildlife nursery sites, would be required to comply with all existing County, State and Federal regulations that ensure the protection of sensitive species and breeding sites. Therefore, the project would not have a substantial adverse impact on the movement of any native resident or migratory fish or wildlife species, or established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

Conflicts with the Provisions of any Adopted Habitat Conservation Plan, Natural Communities Conservation Plan, or other Approved Local, Regional or State Habitat Conservation Plan, Policies or Ordinances:

The proposed amendments would not modify any adopted HCPs or NCCPs, or other provisions related to biological resource protection. Any future uses associated with these Zoning Ordinance amendments would still be subject to applicable HCPs/NCCPs such as the Multiple Species Conservation Program or

the Southern California Coastal Sage Scrub NCCP. Future projects would also be subject to any applicable regional or local policies/ordinances that protect biological resources.

**V. CULTURAL RESOURCES –**

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to cultural resources including: causing a change in the significance of a historical or archaeological resource as defined in State CEQA Guidelines Section 15064.5; destroying a unique paleontological resource or site or unique geologic feature; and/or disturbing any human remains, including those interred outside of formal cemeteries?

YES

NO

Cause a Change in the Significance of a Historical or Archaeological Resource as defined in State CEQA Guidelines Section 15064.5:

Unincorporated San Diego County contains historical sites that are designated on local, State, and national historical lists and meets the definitions of historical resources under Section 15064.5 of the State CEQA Guidelines or the County’s Resource Protection Ordinance. All known historic buildings, or sites have been identified so that any permit activity relating to a property having known significant historic sites would be required to undergo additional review by an environmental specialist.

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor updates and additions to various sections. There are no proposed amendments to any sections which regulate historical or archaeological resources. The project does not propose any development of such uses that could result in a substantial adverse change to a historical or archaeological resource due to demolition, destruction, alteration, or structural relocation.

Destroy a Unique Paleontological Resource or Site or Unique Geologic Feature:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor updates and additions to various sections. There are no proposed amendments to any sections which regulate unique geologic features. Given the regulatory processes the fact that unique geologic resources are such a rarity in San Diego County, potential impacts to unique geologic features associated with future projects are not anticipated.

Impacts to paleontological resources generally occur from the physical destruction of fossil remains by excavation operations that cut into geologic formations. Trenching and tunneling activities may also result in impacts to paleontological resources. The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor updates and additions to various sections. There are no proposed amendments to any sections which regulate unique geologic features and no development is proposed that would result in destruction of paleontological resources. The project does not propose any development of such uses that could result in a substantial adverse change to a paleontological resource due to demolition, destruction, alteration, or structural relocation.

Disturb any Human Remains, including those Interred Outside of Formal Cemeteries:

Archaeological materials, including human burials, have been found throughout unincorporated San Diego County. The location of most of these sites is kept confidential in order to protect these resources. Ground disturbing impacts, including grading, excavation and utilities installation during construction, would have the potential to cause adverse impacts to currently undiscovered human remains. The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor

updates and additions to various sections. The project does not propose any development that could disturb human remains due to demolition, destruction, alteration, or structural relocation.

**VI. GEOLOGY AND SOILS –**

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from geology and soils including: exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, seismic-related ground failure, including liquefaction, strong seismic ground shaking, or landslides; result in substantial soil erosion or the loss of topsoil; produce unstable geological conditions that will result in adverse impacts resulting from landslides, lateral spreading, subsidence, liquefaction or collapse; being located on expansive soil creating substantial risks to life or property; and/or having soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

YES

NO

Exposure of People or Structures to Potential Substantial Adverse Effects, Including The Risk of Loss, Injury, or Death Involving Rupture of A Known Earthquake Fault, Seismic-Related Ground Failure, Including Liquefaction, Strong Seismic Ground Shaking, or Landslides:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor updates and additions to various sections. The project does not propose any development and there would be no impact from the exposure of people or structures to adverse effects from a known fault-rupture hazard zone as a result of this project. Future projects associated with the proposed amendments may be located within a fault-rupture hazard zone as identified by the Alquist-Priolo Earthquake Fault Zoning Act, Special Publication 42 (SP 42), Revised 1997, Fault-Rupture Hazards Zones in California or within an area with substantial evidence of a known fault. However, any structures that would be built would be required to comply with the requirements that address seismic events through engineering requirements prior to the issuance of a building permit. Therefore, there would be no potentially significant impact from the exposure of people or structures to a known fault-rupture hazard zone as a result of this project.

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor updates and additions to and deletions from various sections. The project does not propose any development and there would be no impact from the exposure of people or structures to potential adverse effects from strong seismic ground shaking. Future projects may be located within 5 kilometers of the centerline of a known active-fault zone as defined within the Uniform Building Code’s Maps of Known Active Fault Near-Source Zones in California. To ensure the structural integrity of all buildings and structures, any future projects must conform to the Seismic Requirements as outlined within the California Building Code. The County Code requires a soils compaction report with proposed foundation recommendations to be approved before the issuance of a building permit. Therefore, compliance with the California Building Code and the County Code ensures that any future development would not result in a potentially significant impact from the exposure of people or structures to potential adverse effects from strong seismic ground shaking.

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor updates and additions to various sections. The project does not propose any development. However, some future projects associated with these amendments may be located within a “Potential Liquefaction Area” as identified in the County Guidelines for Determining Significance for Geologic Hazards. To ensure the structural integrity of all buildings and structures, any future structures located in these areas would be required to conform to the Seismic Requirements as outlined within the California

Building Code. The County Code requires a soils compaction report with proposed foundation recommendations to be approved by a County Structural Engineer before the issuance of a building or grading permit. Therefore, there would be a less than significant impact from the exposure of people or structures to adverse effects from a known area susceptible to ground failure, including liquefaction.

Result in Substantial Soil Erosion or the Loss of Topsoil:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor updates and additions to various sections. Soils throughout San Diego County are identified as having a soil erodibility rating of “slight”, “moderate” and/or “severe” as indicated by the Soil Survey for the San Diego Area, prepared by the US Department of Agriculture, Soil Conservation and Forest Service dated December 1973. The project does not propose any development and would not result in any soil erosion or the loss of topsoil. In addition, future projects associated with the proposed amendments would not result in substantial soil erosion or the loss of topsoil because any project that involves grading is required to comply with San Diego County Code of Regulations, Title 8, Zoning and Land Use Regulations, Division 7, Sections 87.414 (DRAINAGE - EROSION PREVENTION) and 87.417 (PLANTING). Compliance with these regulations minimizes the potential for water and wind erosion. Due to these factors, the project would not result in substantial soil erosion or the loss of topsoil.

Unstable Geological Conditions that Will Result in Adverse Impacts Resulting From Landslides, Lateral Spreading, Subsidence, Liquefaction or Collapse:

Seismic activity poses two types of potential hazards for people and structures, categorized as either primary or secondary hazards. Primary hazards include ground rupture, ground shaking, ground displacement, subsidence, and uplift from earth movement. Secondary hazards include ground failure (lurch cracking, lateral spreading, and slope failure), liquefaction, water waves (seiches), movement on nearby faults (sympathetic fault movement), dam failure, and fires. San Diego County is subject to strong ground motion from seismic activity, similar to that of the rest Southern California.

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor updates and additions to various sections. No development is proposed as part of this project. Some future projects associated with the proposed amendments may be located in areas subject to geologic hazards. Future projects would be required to comply with the California Building Code (CBC), which includes design criteria for seismic loading and other geologic hazards. Conformance with CBC and local requirements relative to grading and construction would ensure that future projects would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. Therefore, the project would not result in unstable geological conditions that would result in adverse impacts resulting from landslides, lateral spreading, subsidence, liquefaction, or collapse.

Located on Expansive Soil Creating Substantial Risks to Life or Property:

Some future projects associated with the proposed amendments may be located on properties with expansive soils as defined within Table 18-I-B of the Uniform Building Code (1994). This was confirmed by staff review of the Soil Survey for the San Diego Area, prepared by the US Department of Agriculture, Soil Conservation and Forest Service dated December 1973. However, the project would not have any significant impacts because any new construction associated with future development would be required to comply with the improvement requirements identified in the 1997 Uniform Building Code, Division III – Design Standard for Design of Slab-On-Ground Foundations to Resist the Effects of Expansive Soils and Compressible Soils, which ensure suitable structure safety in areas with expansive soils. Therefore, these soils would not create substantial risks to life or property.



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of a significant hazard to the public or the environment through the routine transport, storage, use, or disposal of hazardous materials or wastes; creation of a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; production of hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; location on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 creating a hazard to the public or the environment; location within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport; within the vicinity of a private airstrip resulting in a safety hazard for people residing or working in the project area; impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; and/or exposure of people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

YES

NO

Creation of A Significant Hazard to the Public or the Environment Through the Routine Transport, Storage, Use, or Disposal of Hazardous Materials or Wastes/Creation of A Significant Hazard to the Public or the Environment through Reasonably Foreseeable Upset and Accident Conditions Involving the Release of Hazardous Materials into the Environment:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor updates and additions to various sections. The project does not propose any development and does not propose to demolish or renovate any structures. If adopted, changes to County Code Section 6375 (Affordable Units and Replacement Units) would require that any proposed development requiring the demolition of residential units must construct replacement units pursuant to Government Code Section 6591(c)(3)(b). Structures that were constructed prior to 1980 may contain Lead Based Paint (LBP) and Asbestos Containing Materials (ACMs).

Lead is a highly toxic metal that was used up until 1978 in paint used on walls, woodwork, siding, windows and doors. Lead containing materials shall be managed by applicable regulations including, at a minimum, the hazardous waste disposal requirements (Title 22 CCR Division 4.5, the worker health and safety requirements (Title 8 CCR Section 1532.1) and the State Lead Accreditation, Certification, and Work Practice Requirements (Title 17 CCR Division 1, Chapter 8).

Asbestos was used extensively from the 1940's until the late 1970's in the construction industry for fireproofing, thermal and acoustic insulation, condensation control, and decoration. The USEPA has determined that there is no "safe" exposure level to asbestos. It is therefore highly regulated by the USEPA, CalEPA, and the CalOSHA. Demolition or renovation operations that involve asbestos-containing materials must conform to San Diego Air Pollution Control District (SDAPCD) Rules 361.140-361.156. In accordance with existing regulations, any future projects in which structures may contain these substances would be required to complete asbestos and lead surveys to determine the presence or absence of ACMs or LBP prior to issuance of a building permit that includes demolition of onsite structures and prior to commencement of demolition or renovation activities.

The San Diego County Department of Environmental Health and Quality, Hazardous Materials Division (DEHQ HMD) is the Certified Unified Program Agency (CUPA) for San Diego County responsible for enforcing Chapter 6.95 of the Health and Safety Code. As the CUPA, the DEHQ HMD is required to regulate hazardous materials business plans and chemical inventory, hazardous waste and tiered permitting, underground storage tanks, and risk management plans. The Hazardous Materials Business Plan is required to contain basic information on the location, type, quantity and health risks of hazardous materials stored, used, or disposed of onsite. The plan also contains an emergency response plan which



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describes the procedures for mitigating a hazardous release, procedures and equipment for minimizing the potential damage of a hazardous materials release, and provisions for immediate notification of the HMD, the Office of Emergency Services, and other emergency response personnel such as the local Fire Agency having jurisdiction. Implementation of the emergency response plan facilitates rapid response in the event of an accidental spill or release, thereby reducing potential adverse impacts. Furthermore, the DEHQ HMD is required to conduct ongoing routine inspections to ensure compliance with existing laws and regulations; to identify safety hazards that could cause or contribute to an accidental spill or release; and to suggest preventative measures to minimize the risk of a spill or release of hazardous substances. Contaminated materials which are removed from demolition sites must be disposed of appropriately at a landfill or other approved site as required by the DEH and Department of Public Works.

The project does not propose any development that would result in the routine transport, storage, use, or disposal of hazardous materials or waste. Construction of future projects associated with the proposed amendments may result in temporary hazards related to the transport and use of hazardous materials, including those used for construction vehicle use and maintenance (diesel fuel, motor oil, etc.). Once such future projects are operational, they would not be anticipated to result in the routine transport, use, or disposal of hazardous materials, as such future projects would be residential uses. Additionally, due to the strict requirements that regulate hazardous substances outlined above, the project and any future projects associated with the proposed amendments would not result in any potentially significant impacts related to the routine transport, use, and disposal of hazardous substances or related to the accidental explosion or release of hazardous substances.

Production of Hazardous Emissions or Handling Hazardous or Acutely Hazardous Materials, Substances, or Waste Within One-Quarter Mile of An Existing or Proposed School:

The project proposes amendments to the County of San Diego Zoning Ordinance to make minor revisions and additions to various sections. Future projects associated with the proposed amendments may be located within one-quarter mile of an existing or proposed school. However, the proposed amendments do not alter the provisions which regulate uses which emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste. Additionally, any production of hazardous emissions or handling of hazardous materials associated with the future uses allowed pursuant to the proposed amendments are not expected to be of a magnitude that would result in adverse impacts to a nearby existing or proposed school.

Therefore, due to above reasons and the strict requirements that regulate hazardous substances within local, State, and Federal regulations, the project would not result in any potentially significant impacts related to the routine transport, use, and disposal of hazardous substances within one-quarter mile of an existing or proposed school.

Location on a Site which is included on a List of Hazardous Materials Sites Compiled Pursuant to Government Code Section 65962.5 Creating a Hazard to the Public or the Environment:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions and additions to various sections. The project does not propose any development that could create a significant hazard to the public or environment. Additionally, the project does not propose structures for human occupancy or significant linear excavation within 1,000 feet of an open, abandoned, or closed landfill, is not located on or within 250 feet of the boundary of a parcel identified as containing burn ash (from the historic burning of trash), is not on or within 1,000 feet of a Formerly Used Defense Site (FUDS), does not contain a leaking Underground Storage Tank (UST) and is not located on a site with the potential for contamination from historic uses such as intensive agriculture, industrial uses, a gas station or vehicle repair shop.

Some future projects associated with the proposed amendments may be located on sites which are included on one of the following lists or databases: the State of California Hazardous Waste and

Substances sites list compiled pursuant to Government Code Section 65962.5., the San Diego County Hazardous Materials Establishment database, the San Diego County DEHQ Site Assessment and Mitigation (SAM) Case Listing, the Department of Toxic Substances Control (DTSC) Site Mitigation and Brownfields Reuse Program Database (“CalSites” Envirostor Database), the Resource Conservation and Recovery Information System (RCRIS) listing, the EPA’s Superfund CERCLIS database or the EPA’s National Priorities List (NPL).

The project does not propose any development that would be located on a site that could create a significant hazard to the public or environment. Future projects would be evaluated for potential hazards to ensure the health and safety of future residents are protected. Therefore, the project would not create a significant hazard to the public or environment.

Location Within an Airport Land Use Plan Or, Where Such A Plan Has Not Been Adopted, Within Two Miles of a Public Airport or Public Use Airport/ Within the Vicinity of a Private Airstrip Resulting in A Safety Hazard For People Residing or Working in the Project Area:

The project does not propose any development and does not propose any construction of any structures equal to or greater than 150 feet in height, constituting a safety hazard to aircraft and/or operations from an airport or heliport. Some future projects associated with these amendments may be located within an Airport Influence Area (AIA) for a public airport or public use airport within the unincorporated County. The proposed project would not result in hazards to airport safety or surrounding land uses for the following reasons:

- Future projects would comply with the California Land Use Planning Handbook’s Safety Compatibility Criteria for Safety Compatibility Zones.
- Future projects would be compatible with the applicable Airport Land Use Compatibility Plan (ALUCP) by the San Diego County Regional Airport Authority.
- Future projects would comply with Airport Land Use Compatibility Policies for the appropriate ALUCP.
- Future projects would not be allowed to propose any distracting visual hazards including but not limited to distracting lights, glare, sources of smoke or other obstacles or an electronic hazard that would interfere with aircraft instruments or radio communications.
- The project does not propose any amendments to the Zoning Ordinance or County Code that would authorize construction of any structure equal to or greater than 150 feet in height, constituting a safety hazard to aircraft and/or operations from an airport or heliport.
- The project does not propose any amendments to existing regulations that affect any artificial bird attractor, including but not limited to reservoirs, golf courses with water hazards, large detention and retention basins, wetlands, landscaping with water features, wildlife refuges, or agriculture (especially cereal grains).

Therefore, the project would not constitute a safety hazard for people residing or working in the project area.

Future projects associated with these amendments may be located where an ALUCP has not been adopted and within two miles of a public airport or within one mile of a private airstrip. However, prior to issuance of any building permits, sites would be evaluated for potential safety hazards to operations from an airport or heliport. Additionally, the proposed amendments do not permit future uses that would result in potential safety hazards to aircraft. Therefore, the project would not constitute a safety hazard for people residing or working in the project area.

Impair Implementation of or Physically Interfere with an Adopted Emergency Response Plan or Emergency Evacuation Plan:**OPERATIONAL AREA EMERGENCY PLAN AND MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN:**

The Operational Area Emergency Plan is a comprehensive emergency plan that defines responsibilities, establishes an emergency organization, defines lines of communications, and is designed to be part of the statewide Standardized Emergency Management System. The Operational Area Emergency Plan provides guidance for emergency planning and requires subsequent plans to be established by each jurisdiction that has responsibilities in a disaster situation. The Multi-Jurisdictional Hazard Mitigation Plan includes an overview of the risk assessment process, identifies hazards present in the jurisdiction, hazard profiles, and vulnerability assessments. The plan also identifies goals, objectives and actions for each jurisdiction in the County of San Diego, including all cities and the County unincorporated areas. The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor updates and additions to various sections. The project would not interfere with the Operational Area Emergency Plan because it would not prohibit subsequent plans from being established or prevent the goals and objectives of existing plans from being carried out.

**SAN DIEGO COUNTY NUCLEAR POWER STATION EMERGENCY RESPONSE PLAN:**

The San Diego County Nuclear Power Station Emergency Response Plan would not be interfered by the project due to the location of the project, plant and the specific requirements of the plan. The emergency plan for the San Onofre Nuclear Generating Station includes an emergency planning zone within a 10-mile radius. All land area within 10 miles of the plant is not within the jurisdiction of the unincorporated County and as such a project in the unincorporated area is not expected to interfere with any response or evacuation.

**OIL SPILL CONTINGENCY ELEMENT:**

The Oil Spill Contingency Element would not experience interference because the project does not propose any development.

**EMERGENCY WATER CONTINGENCIES ANNEX AND ENERGY SHORTAGE RESPONSE PLAN:**

The Emergency Water Contingencies Annex and Energy Shortage Response Plan would not be interfered with because the project does not propose altering major water or energy supply infrastructure, such as the California Aqueduct.

**DAM EVACUATION PLAN:**

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor updates and additions to various sections. The project does not propose any development. The Dam Evacuation Plans for the dams within the County of San Diego would not be interfered with because even though some future projects may be located within a dam inundation zone, the project does not propose changes to the regulations pertaining to a unique institution that would be difficult to safely evaluate in the event of a dam failure. Unique institutions, as defined by the Office of Emergency Services, include hospitals, schools, skilled nursing facilities, retirement homes, mental health care facilities, care facilities for patients with disabilities, adult and childcare facilities, jails/detention facilities, stadiums, arenas, amphitheaters, or a similar use. Since the project does not propose a unique institution in a dam inundation zone or any changes in any regulations pertaining to a unique institution, the project would not impair implementation of or physically interfere with the implementation of an emergency response plan.

Exposure of People or Structures to a Significant Risk of Loss, Injury or Death Involving Wildland Fires, including Where Wildlands are Adjacent to Urbanized Areas or Where Residences are Intermixed with Wildlands:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor updates and additions to various sections. The project does not propose any development. Future projects associated with the proposed amendments may be located in many areas throughout the unincorporated areas of the County that are in a variety of settings. Each will be addressed below:

Some future uses allowed by these amendments may be located in areas that are completely surrounded by urbanized areas and/or irrigated lands and there are no adjacent wildlands. Therefore, based on the location of those future projects, it is not anticipated that there would be exposure of people or structures to a significant risk of loss, injury or death involving hazardous wildland fires.

Some future uses allowed by these amendments may be located within and served by independent fire protection districts and may also be located adjacent to wildlands that have the potential to support wildland fires. However, the project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires because future uses would comply with the regulations relating to emergency access, water supply, and defensible space specified in the Consolidated Fire Code for the 16 Fire Protection Districts in San Diego County. Implementation of these fire safety standards would occur during the building permit process. Therefore, through compliance with the Consolidated Fire Code and through compliance with applicable Fire Protection District's conditions on a future project, it is not anticipated that the project would expose people or structures to a significant risk of loss, injury or death involving hazardous wildland fires.

Some future projects associated with the proposed amendments may be located within and served by a County service area fire protection district and may also be located adjacent to wildlands that have the potential to support wildland fires. However, future projects would comply with the regulations relating to emergency access, water supply, and defensible space specified in the County Fire Code and through compliance with the San Diego County Fire Authority conditions. Therefore, the project is not anticipated to expose people or structures to a significant risk of loss, injury or death involving hazardous wildland fires. Moreover, the project would not contribute to a cumulatively considerable impact because projects in the surround area of these future projects are required to comply with the County Fire Code.

**IX. HYDROLOGY AND WATER QUALITY –**

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to hydrology and water quality including: violation of any waste discharge requirements; an increase in any listed pollutant to an impaired water body listed under section 303(d) of the Clean Water Act ; cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses; substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level; substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial erosion, siltation or flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems; provide substantial additional sources of polluted runoff; place housing or other structures which would impede or redirect flood flows within a 100- year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, including County Floodplain Maps; expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; and/or inundation by seiche, tsunami, or mudflow?

YES

NO

Violate Any Waste Discharge Requirements:

Future development associated with the proposed amendments may require building permits, grading permits, on-site wastewater system permits and well permits which are subject to regional surface water and storm water permitting regulations for the County of San Diego. These future projects would be required to demonstrate compliance with all applicable regulations including: A Waste Discharge Requirement Permit, NPDES General Permit for Discharges of Storm Water Associated with Construction Activities, NPDES General Permit for Discharges of Storm Water Associated with Industrial Activities, or Section 401 Water Quality Certification. In addition, some future projects may be required to implement site design measures and/or source control BMPs and/or treatment control BMPs to reduce potential pollutants to the maximum extent practicable from entering storm water runoff. The required measures would enable future projects to meet waste discharge requirements as required by the Land-Use Planning for New Development and Redevelopment Component of the San Diego Municipal Permit (SDRWQCB Order No. R9- 2007-0001), as implemented by the San Diego County Jurisdictional Urban Runoff Management Program (JURMP) and Standard Urban Storm Water Mitigation Plan (SUSMP).

An Increase in any Listed Pollutant to an Impaired Water Body Listed Under Section 303(D) of the Clean Water Act:

Future development associated with the proposed amendments may be located within various hydrologic units throughout the unincorporated areas of the County of San Diego. According to the Clean Water Act Section 303(d) list, these watersheds are impaired for numerous pollutants. However, it is expected that future uses would be required to employ site design measures and/or source control BMPs and/or treatment control BMPs such that potential pollutants would be reduced in any runoff to the maximum extent practicable so as not to increase the level of these pollutants in receiving waters. The required BMPs would be consistent with the regional surface water and storm water planning and permitting process that has been established to improve the overall water quality in County watersheds. As a result, the project would not contribute to a cumulative impact to an already impaired water body, as listed on the Clean Water Act Section 303(d).

Regional surface water and storm water permitting regulations for County of San Diego include the following: San Diego Region, Order No. R9-2007-0001, (NPDES No. CAS 0108758); County Watershed Protection Ordinance; Stormwater Management, and Discharge Control Ordinance (WPO); County Stormwater Standards Manual. The stated purposes of these ordinances are to protect the health, safety and general welfare of the County of San Diego residents; to protect water resources and to improve water quality; to cause the use of management practices by the County and its citizens that would reduce the adverse effects of polluted runoff discharges on waters of the state; to secure benefits from the use of storm water as a resource; and to ensure the County is compliant with applicable state and federal laws.

The Watershed Protection Ordinance (WPO) has discharge prohibitions, and requirements that vary depending on type of land use activity and location in the County. Each project subject to WPO is required to prepare a Stormwater Management Plan that details a project's pollutant discharge contribution to a given watershed and propose BMPs or design measures to mitigate any impacts that may occur in the watershed.

Cause or Contribute to an Exceedance of Applicable Surface or Groundwater Receiving Water Quality Objectives or Degradation of Beneficial Uses:

The Regional Water Quality Control Board has designated water quality objectives for waters of the San Diego Region to protect the existing and potential beneficial uses of each hydrologic unit. The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor

updates and additions to various sections. No development is proposed as part of this project. Future projects associated with these amendments may be located in various hydrologic units that have existing and potential beneficial uses for inland surface waters, coastal waters, reservoirs, and lakes, and ground water. However, it is expected that site design measures and/or source control BMPs and/or treatment control BMPs would be employed by future projects to reduce potential pollutants in runoff to the maximum extent practicable, such that a future project would not cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses.

In addition, required BMPs are consistent with regional surface water, storm water and groundwater planning and permitting process that has been established to improve the overall water quality in County watersheds. As a result, the project would not contribute to a cumulatively considerable exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses. Refer to Section VIII., Hydrology and Water Quality, Question b, for more information on regional surface water and storm water planning and permitting process.

Substantially Deplete Groundwater Supplies or Interfere Substantially With Groundwater Recharge such that there would be a Net Deficit in Aquifer Volume or a Lowering of the Local Groundwater Table Level:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor updates and additions to various sections. No development is proposed as part of the project, and the project would not use any groundwater for any purpose, including irrigation, domestic or commercial demands. Some future projects associated with these amendments may obtain their water supply from a Water District that obtains water from surface reservoirs or other imported water source. Those projects would not use any groundwater for any purpose, including irrigation, domestic or commercial demands. In addition, the proposed amendments do not involve regulations regarding operations that would interfere substantially with groundwater recharge including, but not limited to the following: the project does not involve regional diversion of water to another groundwater basin; or diversion or channelization of a stream course or waterway with impervious layers, such as concrete lining or culverts, for substantial distances (e.g. ¼ mile).

These activities and operations can substantially affect rates of groundwater recharge. Some future projects allowed pursuant to these amendments could be located outside of the boundaries of a Water District and would rely on groundwater. However, prior to the issuance of any building permits for future facilities on sites that are groundwater dependent, the applicant would be required to demonstrate that there is adequate groundwater available to support the proposed use and would not deplete groundwater supplies or interfere substantially with groundwater recharge. Therefore, less than a significant impact to groundwater resources is anticipated.

Substantially Alter the Existing Drainage Pattern of the Site or Area in a Manner which would Result in Substantial Erosion, Siltation Or Flooding On- Or Off-Site:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor updates and additions to various sections. The project does not propose any construction of new or expanded development that could alter the drainage pattern of a site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site.

Future projects may be required to prepare a Stormwater Management Plan (SWMP) and implement certain site design measures, source control, and/or treatment control BMPs to reduce potential pollutants, including sediment from erosion or siltation, to the maximum extent practicable from entering storm water runoff. These measures would control erosion and sedimentation and satisfy waste discharge requirements as required by the Land-Use Planning for New Development and Redevelopment Component of the San Diego Municipal Permit (SDRWQCB Order No. R9- 2007-0001), as implemented

by the San Diego County Jurisdictional Urban Runoff Management Program (JURMP) and Standard Urban Storm Water Mitigation Plan (SUSMP).

The SWMP specifies and describes the implementation process of all BMPs that would address equipment operation and materials management, prevent the erosion process from occurring, and prevent sedimentation in any onsite and downstream drainage swales. The Department of Public Works would ensure that the Plan is implemented as proposed. Due to these factors, it has been found that the project would not result in significantly increased erosion or sedimentation potential and would not alter any drainage patterns of the site or area on- or off-site. In addition, because erosion and sedimentation would be controlled within the boundaries of a project, future projects would not contribute to a cumulatively considerable impact. For further information on soil erosion refer to VI. Geology and Soils.

Create or Contribute Runoff Water which would Exceed the Capacity of Existing or Planned Storm Water Drainage Systems:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor updates and additions to various sections. This project does not propose any new or expanded development and does not propose to create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems.

Some future development associated with the proposed amendments would not result in the conversion of previously pervious land to impervious surfaces as the uses may be conducted on developed sites. Therefore, these uses would not create or contribute runoff water that would exceed the capacity of existing storm water drainage systems. Some future projects associated with the proposed amendments could result in the conversion of previously permeable surfaces to impervious surfaces and would be subject to regional surface water, storm water and groundwater planning and permitting process that has been established to improve the overall water quality in County watersheds as stated in e) and f) above. Due to these factors, the project would not contribute runoff water that would exceed the capacity of existing storm water drainage systems.

Provide Substantial Additional Sources of Polluted Runoff:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor updates and additions to various sections. This project does not propose any development or any grading activities. Some future projects associated with the proposed amendments could produce potential sources of polluted runoff. However, all operations on a site would be required to conform to the restrictions and conditions of the use permit regulating the project site, if one is present. Other future projects associated with amendments would also be required to include site design measures and/or source control BMPs and/or treatment control BMPs that will be employed such that potential pollutants will be reduced in runoff to the maximum extent practicable. Refer to IX. Hydrology and Water Quality Questions a, b, c, for further information.

Place Housing or Other Structures which would impede or Redirect Flood Flows within A 100-Year Flood Hazard Area as Mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or Other Flood Hazard Delineation Map, including County Floodplain Maps:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor updates and additions to various sections. The proposed amendments do not amend any regulations regarding allowed uses in flood hazard areas nor would the amendments authorize the placement of access roads or other improvements which will impede or redirect flood flows in these areas. Therefore, this project would not impede or redirect flood flows within 100-year flood hazard areas.

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor updates and additions to various sections. This project does not propose any development.

Some future projects associated with these amendments could be located on properties that contain areas within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, including County Floodplain Maps. However, the proposed amendments do not amend any regulations regarding allowed uses in flood hazard areas, nor do the amendments authorize the placement of structures within a 100-year flood hazard area. Additionally, the amendments would not authorize the placement of access roads or other improvements which would limit access during flood events or affect downstream properties. Therefore, the project is not proposing to place structures with a potential for human occupation within 100-year flood hazard areas and would not place access roads or other improvements which would limit access during flood events or affect downstream properties.

Expose People or Structures to a Significant Risk of Loss, Injury or Death Involving Flooding, Including Flooding as a Result of the Failure of a Levee or Dam; and/or Inundation by Seiche, Tsunami, or Mudflow:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor updates and additions to various sections. The proposed amendments do not amend any regulations regarding development within special flood hazard areas. Some future projects associated with these amendments could be located within a special flood hazard area as identified on a Flood Insurance Rate Map (FIRM), County Flood Plain Map or Alluvial Fan Map. However, future projects would be required to be located at an elevation that would prevent exposure of people or property to flooding. Therefore, this project would not expose people or structures to a significant risk of loss, injury or death involving flooding.

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor updates and additions to various sections. Some future projects associated with these amendments may lie within a mapped dam inundation area for a major dam/reservoir within San Diego County, as identified on an inundation map prepared by the dam owner. The San Diego County Office of Emergency Services has an established emergency evacuation plan for certain areas. These Zoning Ordinance and County Code Amendments do not amend any provisions related to dams or levees or to provisions related to "Unique Institutions".

Unique Institutions include hospitals, schools, skilled nursing facilities, retirement homes, mental health care facilities, care facilities with patients that have disabilities, adult and childcare facilities, jails/detention facilities, and stadiums, arenas and amphitheaters. Therefore, the project would not result in exposing people or structures to a significant risk of loss injury, or death due to flooding as a result of the failure of a levee or dam.

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor updates and additions to various sections. Reservoirs in San Diego County are for water storage and the land surrounding the reservoirs is owned by the agency that controls the reservoir and development cannot occur along the shore. Therefore, future uses would not be subject to inundation by seiche.

The proposed amendments would apply only to the unincorporated areas of San Diego County, and future associated projects would be located at least 1.8 miles or more from the coast; and therefore, in the event of a tsunami, would not be inundated.

Mudflow is a type of landslide. If a future use allowed by these amendments is located within a landslide susceptibility zone, any landform modifications necessary for construction would be required to comply with the San Diego County Code, Title 8, Division 7, Section 87.209 and provide a soils investigation to ensure that recommendations to correct weak or unstable soil conditions have been incorporated into the grading plan and specification. Therefore, it is not anticipated that the project would expose people or property to inundation due to a mudflow.



**X. LAND USE AND PLANNING –**

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to land use and planning including: physically dividing an established community; and/or conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?

YES

NO

Physically Dividing an Established Community:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor updates and additions to various sections. The project does not propose the introduction of new infrastructure such major roadways or water supply systems, or utilities to the area. Therefore, the proposed project would not significantly disrupt or divide an established community.

Conflicts with any Applicable Land Use Plan, Policy, or Regulation of an Agency with Jurisdiction Over the Project Adopted for the Purpose of Avoiding or Mitigating an Environmental Effect:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor updates and additions to various sections. Future development associated with these amendments would affect land zoned as residential, commercial, and industrial throughout the unincorporated County, which are consistent with a number of General Plan Land Use Designations. The project is consistent with the General Plan because future projects associated with the proposed amendments are anticipated by these land use designations that provide commerce, industry, and residences and their accessory uses, and are consistent with their respective use regulations. Therefore, this project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project, (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating and environmental effect.

**XI. MINERAL RESOURCES –**

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to mineral resources including: the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; and/or loss of locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

YES

NO

The Loss of Availability of a Known Mineral Resource that Would Be of Value to the Region and the Residents of the State:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor updates and additions to various sections. There is no development associated with this project that could result in the loss of availability of a known mineral resource. Additionally, many of the future projects associated with the proposed amendments would be located on developed sites and would not result in the loss of availability of known mineral resources of value. Therefore, no potentially significant loss of availability of a known mineral resource of value to the region and the residents of the state would occur as a result of this project.

Loss of Locally-Important Mineral Resource Recovery Site Delineated on a Local General Plan, Specific Plan or other Land Use Plan:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor updates and additions to and deletions from various sections. There is no development associated with this project and there is no proposal to change the Zoning Use Classification or the General Plan designation of any properties. The future uses allowed pursuant to these amendments would occur within residential commercial, and industrial zones. Therefore, no potentially significant loss of availability of a known mineral resource of locally important mineral resource recovery (extraction) site delineated on a local general plan, specific plan or other land use plan will occur as a result of this project.

**XII. NOISE –**

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from noise including: exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels; a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project; a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project; for projects located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, or for projects within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

YES

NO

Exposure of Persons to or Generation of Noise Levels in Excess of Standards Established in the Local General Plan or Noise Ordinance, or Applicable Standards of Other Agencies:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions and additions to and deletions from various sections. There are no proposed amendments to any sections that regulate noise. Future uses allowed pursuant to these amendments may generate noise and would be required to comply with standards set by the County of San Diego General Plan, County of San Diego Noise Ordinance and other applicable local, state and federal noise control regulations. Therefore, the project would not expose people to or generate noise levels in excess of standards established in the County of San Diego General Plan, County of San Diego Noise Ordinance, and applicable standards of other agencies.

Exposure of Persons to or Generation of Excessive Groundborne Vibration or Groundborne Noise Levels:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor updates and additions to various sections. There is no development associated with this project. As indicated in the response listed under XII. Noise, Question a., the project would not expose existing or planned noise sensitive areas in the vicinity of a future project to a substantial permanent increase in noise levels that exceed the allowable limits of the County of San Diego General Plan, County of San Diego Noise Ordinance and other applicable local, state and federal noise regulations.

Some future development associated with these amendments are expected to require building permits, grading permits, on-site wastewater system permits and well permits which are subject to the noise standards. Prior to the issuance of these permits, future projects would be reviewed to ensure that the proposed uses are set back adequately from any public road or transit right-of-way with projected noise contours of 65 dB or more; any property line for parcels zoned industrial or extractive use; or any

permitted extractive uses so that the projects do not have any chance of being impacted by groundborne vibration or groundborne noise levels.

In addition, the project does not propose any major, new or expanded infrastructure such as mass transit, highways or major roadways or intensive extractive industry that could generate excessive groundborne vibration or groundborne noise levels on a project or cumulative level. Therefore, the project would not expose persons to or generate excessive groundborne vibration or groundborne noise levels on a project or cumulative level.

A Substantial Permanent Increase in Ambient Noise Levels in the Project Vicinity Above Levels Existing Without the Project:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor updates and additions to various sections. There is no development associated with this project. As indicated in the response listed under Section XI. Noise, the project would not expose existing or planned noise sensitive areas in the vicinity of a future project to a substantial permanent increase in noise levels that exceed the allowable limits of the County of San Diego General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control regulations.

Some future projects associated with the proposed amendments are expected to require building permits, grading permits, on-site wastewater system permits and well permits, as well as other permits which are subject to the noise standards. Prior to issuance of these permits, future projects would be reviewed to ensure that the proposed uses which involve permanent noise sources that may increase the ambient noise levels of an area do not exceed the allowable limits of the County of San Diego General Plan, County of San Diego Noise Ordinance and other applicable local, State and Federal noise regulations. Therefore, the project would not result in a substantial permanent increase in ambient noise levels above levels existing without the project.

A Substantial Temporary or Periodic Increase in Ambient Noise Levels in the Project Vicinity Above Levels Existing Without the Project:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor updates and additions to various sections. There is no development associated with this project that would result in any uses that may create substantial temporary or periodic increases in ambient noise levels in the project vicinity including but not limited to outdoor commercial or industrial uses that involve crushing, cutting, drilling, grinding, or blasting of raw materials; truck depots, transfer stations or delivery areas; or outdoor sound systems. Some future projects associated with the proposed amendments may create temporary or periodic increases in ambient noise levels, however, these future uses would be required to comply with the allowable limits of the County of San Diego General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control regulations.

Some future projects associated with these amendments are expected to require building permits, grading permits, on-site wastewater system permits and well permits, as well as other permits which are subject to the noise standards. Prior to issuance of these permits, future projects would be reviewed to ensure that the proposed uses which involve permanent noise sources that may increase the ambient noise levels of an area do not exceed the allowable limits of the County of San Diego General Plan, County of San Diego Noise Ordinance and other applicable local, State and Federal noise regulations. Also, general construction noise is not expected to exceed the construction noise limits of the County of San Diego Noise Ordinance (Section 36.409), which are derived from State regulations to address human health and quality of life concerns. Construction operations would occur only during permitted hours of operation pursuant to Section 36-410. Also, it is not anticipated that a future project would operate construction equipment in excess of 75 dB for more than an eight hours during a 24-hour period.

Therefore, the project would not result in a substantial temporary or periodic increase in existing ambient noise levels in the project vicinity.

For Projects Located within an Airport Land Use Plan or, Where Such a Plan Has Not Been Adopted, Within Two Miles of a Public Airport or Public Use Airport, or For Projects Within The Vicinity of a Private Airstrip, Would the Project Expose People Residing or Working in the Project Area to Excessive Noise Levels:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor updates and additions to various sections. There is no development associated with this project. Some future projects associated with the proposed amendments could be located within an Airport Land Use Compatibility Plan (ALUCP) for County airports or within 2 miles of a public airport or public use airport. These future projects are expected to require building permits, grading permits, on-site wastewater system permits and well permits, as well as other permits which would be subject to the County noise standards and to any applicable ALUCP. Prior to issuance of these permits, future projects will be reviewed to ensure that the proposed uses conform to the applicable ALUCP. Therefore, the project would not expose people residing or working in the project area to excessive airport-related noise on a project or cumulative level.

**XIII. POPULATION AND HOUSING –**

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects to population and housing including displacing substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere?

YES

NO

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor updates and additions to various sections. The project does not propose any amendments that would result in the displacement of substantial numbers of housing or people, necessitating the construction of replacement housing elsewhere. The proposed amendments allow for uses in commercial, industrial, and residential zones subject to specified standards and limitations. No changes are proposed which would revise zoning of residential properties. Additionally, the implementation of new state laws intended to increase certain uses, such accessory dwelling units and LBNCs would help keep families and communities together.

There are no amendments proposed which would eliminate existing housing unit. Proposed amendments to Section 6375 (Affordable Units and Replacement Units) of the County Code requires that any project that would result in demolition of residential units must provide replacement units pursuant to Government Code Section 65915(c)(3)(B). Therefore, the proposed project would not displace any existing housing or necessitate the construction of replacement housing elsewhere.

**XIV. PUBLIC SERVICES –**

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services: fire protection, police protection, schools, parks, or other public facilities?

YES

NO

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor updates and additions to and deletions from various sections. There are no proposed amendments to any sections that would change the availability of governmental facilities or that would result in the construction of new governmental facilities. Some of the future projects associated with the proposed amendments are expected to be located on already developed sites or within developed areas and would be served by existing services and facilities with the capacity to serve such development. Future projects are not expected to be of a magnitude that would result in the need for new or altered government facilities. Therefore, the project would not have an adverse physical effect on the environment because the project does not require new or significantly altered services or facilities to be constructed.

**XV. RECREATION –**

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or that include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

YES

NO

Increase in the use of Existing Neighborhood and Regional Parks or other Recreational Facilities such that Substantial Physical Deterioration of the Facility Would Occur or be Accelerated:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor updates and additions to and Future residential projects, such as LBNCs and supportive housing, may increase the use of existing neighborhood and regional parks or other recreational facilities in the vicinity. However, such projects are not anticipated to be of a magnitude that would result in substantial physical deterioration of existing parks or other recreational facilities.

Require the Construction or Expansion of Recreational Facilities which Might Have an Adverse Physical Effect on the Environment:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor updates and additions to various sections. The project does not include any changes to regulations regarding recreational facilities or require the construction or expansion of recreational facilities. Future projects associated with the proposed amendments are not anticipated to be of a magnitude that would warrant the construction or expansion of recreational facilities. Therefore, no adverse physical effect on the environment would occur as a result of new or expanded recreational facilities.

**XVI. TRANSPORTATION/TRAFFIC –**

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause effects to transportation/traffic including: an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system; exceedance, either individually or cumulatively, of a level of service standard established by the county congestion management agency for designated roads or highways; a change in air traffic patterns, including either an increase in traffic

levels or a change in location that results in substantial safety risks; substantial increase in hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); inadequate emergency access; inadequate parking capacity; and/or a conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

YES

NO

Increase in Traffic which is Substantial in Relation to the Existing Traffic Load and Capacity of the Street System; Exceedance, Either Individually or Cumulatively, of A Level Of Service Standard Established by the County Congestion Management Agency for Designated Roads or Highways:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor updates and additions to and deletions from various sections to comply with recent state housing legislation. Future projects associated with the proposed amendments may be located on developed sites or within developed areas and would therefore not substantially increase traffic in relation to existing traffic. The proposed amendments would not allow any new uses which would increase traffic affecting the capacity of the street system, either individually or cumulatively. Concurrently the amendments would not change a level of service standard established by the county congestion management agency for designated roads or highways.

A Change in Air Traffic Patterns, including Either an Increase in Traffic Levels or a Change in Location that Results in Substantial Safety Risks:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor updates and additions to various sections. The project does not propose any development that would result in a change to air traffic patterns. The main compatibility concerns for the protection of airport airspace are related to airspace obstructions (building height, antennas, etc.) and hazards to flight (wildlife attractants, distracting lighting or glare, etc.).

Future projects could be located within an Airport Influence Area, or within 2 miles of a public airport. These sites would be required to comply with the allowable land uses identified for the applicable safety zone within the ALUCP for an airport. These projects would be reviewed to ensure that they would not result in a change in air traffic patterns because the allowable land uses within airport safety zones are created for the purpose of ensuring ongoing airport safety, including maintenance of air traffic patterns. Furthermore, the project would not exceed the FAR Part 77 criteria related to airspace obstructions. Therefore, the proposed project would not have a significant impact on air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.

Substantial Increase In Hazards Due To A Design Feature (E.G., Sharp Curves Or Dangerous Intersections) Or Incompatible Uses (E.G., Farm Equipment)/Inadequate Emergency Access/Inadequate Parking Capacity:

The project proposes amendments to the County of San Diego Zoning Ordinance to make minor updates and additions to various sections. There is no development proposed by this project. The project does not propose any new uses which would place incompatible uses (e.g., farm equipment) on existing roadways. All road improvements associated with future projects would be constructed according to the County of San Diego Public and Private Road Standards. Roads used to access future project sites would be required to meet County standards. In addition, the proposed project would not create or place curves, slopes or walls which would impede adequate site distance on a road. Therefore, the proposed project would not increase hazards due to design features or incompatible uses.

Future projects would be reviewed by the local Fire Protection District that would include requirements for adequate emergency fire access prior to the approval of any permits. Therefore, the project would not result in inadequate emergency access.

Future uses, such as the development of ADUs and JADUs could be associated with additional parking, however prior to this proposed amendment, Section 6156 allowed for parking associated with secondary dwelling units. As such, the effects of increased parking requirements have already been analyzed. The proposed revisions to Section 6156 are being made to ensure that the Zoning Ordinance complies with State law.

Conflict with Adopted Policies, Plans, or Programs Supporting Alternative Transportation (E.G., Bus Turnouts, Bicycle Racks):

Some future projects associated with the proposed amendments may be located on developed sites. If these uses do not generate any additional ADTs, project implementation would not result in the construction of any road improvements or new road design features that would interfere with the provision of public transit, bicycle or pedestrian facilities. Some future projects may generate additional ADTs. These projects would be reviewed for compliance with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities. Therefore, the project would not conflict with policies, plans, or programs regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

**XVII. TRIBAL CULTURAL RESOURCES –**

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to tribal cultural resources including: causing a change in the significance of a tribal cultural resource as defined in Public Resource Code §21074?

YES	NO
<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project proposes amendments to the County of San Diego Zoning Ordinance to make minor updates and additions to and deletions from various sections. There are no proposed amendments to any sections that regulate tribal cultural resources. The project does not propose any uses that could cause a change in the significant of a tribal cultural resource. Therefore, the project would not result in adverse impacts to tribal cultural resources.

Since the previous EIR for The General Plan Update (PDS2002-3910-02ZA001[ER], SCH#2002111067) was certified, there has been a change in circumstances. Assembly Bill 52 (AB- 52) became effective on July 1, 2015. AB-52 requires that tribal cultural resources (TCR) be evaluated under CEQA. AB-52 consultation does not apply since the environmental document is not a Negative Declaration, Mitigated Negative Declaration or Environmental Impact Report.

**XVIII. UTILITIES AND SERVICE SYSTEMS –**

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause effects to utilities and service systems including: exceedance of wastewater treatment requirements of the applicable Regional Water Quality Control Board; require or result in the construction of new water or wastewater treatment facilities, new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; require new or expanded entitlements to water supplies or new water resources to serve the project; result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing

commitments; be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs; and/or noncompliance with federal, state, and local statutes and regulations related to solid waste?

YES

NO

Exceedance of Wastewater Treatment Requirements of the Applicable Regional Water Quality Control Board:

Some future projects are expected to require building permits, grading permits, on-site wastewater systems (OSWS), also known as septic systems, and well permits. Discharged wastewater must conform to the Regional Water Quality Control Board's (RWQCB) applicable standards, including the Regional Basin Plan and the California Water Code. California Water Code Section 13282 allows RWQCBs to authorize a local public agency to issue permits for OSWS "to ensure that systems are adequately designed, located, sized, spaced, constructed and maintained." The RWQCBs with jurisdiction over San Diego County have authorized the County of San Diego, Department of Environmental Health and Quality (DEHQ) to issue certain OSWS permits throughout the County and within the incorporated cities. DEHQ would review the OSWS lay-out pursuant to DEH, Land and Water Quality Division's, "On-site Wastewater Systems: Permitting Process and Design Criteria" prior to the issuance of any building permits for a project. Some future uses would discharge domestic waste to a community sewer system that is permitted to operate by the Regional Water Quality Control Board (RWQCB).

Prior to the issuance of any building permits, a project facility availability form would be required from the appropriate district which will serve the project to assure that there is adequate capacity to accommodate the project. Therefore, because future projects would be discharging wastewater to a DEHQ permitted on-site wastewater system (OSWS) or a community sewer system and would be required to satisfy any required conditions, the proposed project is consistent with the wastewater treatment requirements of the RWQCB, including the Regional Basin Plan and the proposed project would not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.

Require or Result in the Construction of New Water or Wastewater Treatment Facilities, New Storm Water Drainage Facilities or Expansion of Existing Facilities, the Construction of which Could Cause Significant Environmental Effects:

There is no development proposed by this project. Therefore, the project does not require the construction of any new or expanded water or wastewater treatment facilities which could cause significant environmental effects. No future projects are expected to exceed existing capacity and availability of water and wastewater utilities. Therefore, the project would not require any construction of new or expanded facilities which could cause significant environmental effects.

Some future projects associated with the proposed amendments may be located on developed sites and would not include new or expanded storm water drainage facilities. Moreover, the project does not involve any landform modification or require any source, treatment or structural Best Management Practices for storm water. Therefore, the project would not require any construction of new or expanded facilities, which could cause significant environmental effects.

Require New or Expanded Entitlements to Water Supplies or New Water Resources to Serve the Project:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor updates and additions to various sections. There is no development associated with this project. Some future projects may be located on developed sites and would be served by existing available water supplies. Some future projects are expected to require building permits, grading permits, on- site wastewater system permits and well permits, which would require evidence from the appropriate



Water District where municipal water service is proposed or an approved well permit, indicating adequate water resources and entitlements are available to serve the requested water resources prior to issuance of building permits for a future project. Therefore, the project would not require expanded entitlements.

Result in a Determination by the Wastewater Treatment Provider, which Serves or May Serve the Project that it has Adequate Capacity to Serve the Project's Projected Demand in Addition to the Provider's Existing Commitments:

Some future uses allowed pursuant to these amendments may be located on developed sites and would be served by existing available wastewater treatment provider's service capacity or by an existing on-site wastewater system. Some future projects are expected to require building permits, grading permits, on-site wastewater system permits and well permits. Review of these permits would require evidence from the appropriate wastewater treatment provider that it has adequate capacity to serve a project's projected demand in addition to the provider's existing commitments prior to issuance of any permits for a future project. Therefore, the project would not interfere with any wastewater treatment provider's service capacity.

Served by a Landfill with Sufficient Permitted Capacity to Accommodate the Project's Solid Waste Disposal Needs:

Some future projects associated with the proposed amendments may generate solid waste. All solid waste facilities, including landfills, require solid waste facility permits to operate. In San Diego County, the County Department of Environmental Health and Quality, Local Enforcement Agency issues solid waste facility permits with concurrence from the California Integrated Waste Management Board (CIWMB) under the authority of the Public Resources Code (Sections 44001-44018) and California Code of Regulations Title 27, Division 2, Subdivision 1, Chapter 4 (Section 21440 et seq.). A minor increase in construction activity could lead to increases in construction and demo waste in landfills; however, there is sufficient existing permitted solid waste capacity to accommodate the project's solid waste disposal needs.

Noncompliance with Federal, State, and Local Statutes and Regulations Related to Solid Waste:

Some future uses would generate solid waste and would be required to deposit all solid waste at a permitted solid waste facility. All solid waste facilities, including landfills, require solid waste facility permits to operate. In San Diego County, the County Department of Environmental Health and Quality, as the Local Enforcement Agency, issues solid waste facility permits with concurrence from the California Integrated Waste Management Board (CIWMB) under the authority of the Public Resources Code (Sections 44001-44018) and California Code of Regulations Title 27, Division 2, Subdivision 1, Chapter 4 (Section 21440 et seq.). Future projects would deposit all solid waste at a permitted solid waste facility and therefore, would comply with Federal, State, and local statutes and regulations related to solid waste.

**XIX. MANDATORY FINDINGS OF SIGNIFICANCE:**

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in any mandatory finding of significance listed below?

*Does the project degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

*Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are*

*considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

*Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?*

YES

NO

Per the instructions for evaluating environmental impacts in this Addendum, the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory were considered in the response to each question in sections IV and V of this form. In addition to project specific impacts, this evaluation considered the projects potential for significant cumulative effects. There is no substantial evidence that there are biological or cultural resources that would be affected or associated with this project. Therefore, this project has been determined not to meet this Mandatory Finding of Significance.

Per the instructions for evaluating environmental impacts in this Addendum, the potential for adverse cumulative effects were considered in the response to each question in sections I through XVIII of this form. In addition to project specific impacts, this evaluation considered the projects potential for incremental effects that are cumulatively considerable. As a result of this evaluation, there is no substantial evidence that there are cumulative effects associated with this project. Therefore, this project has been determined not to meet this Mandatory Finding of Significance.

In the evaluation of environmental impacts in this Addendum, the potential for adverse direct or indirect impacts to human beings were considered in the response to certain questions in sections I. Aesthetics, III. Air Quality, VI. Geology and Soils, VIII. Hazards and Hazardous Materials, IX Hydrology and Water Quality XII. Noise, XIII. Population and Housing, and XVI. Transportation and Traffic. As a result of this evaluation, there is no substantial evidence that there are adverse effects on human beings associated with this project. Therefore, this project has been determined not to meet this Mandatory Finding of Significance.

**XX. ATTACHMENTS**

None

**XXI. REFERENCES USED IN THE COMPLETION OF THE ENVIRONMENTAL REVIEW UPDATE CHECKLIST FORM**

California Environmental Quality Act, CEQA Guidelines.

County of San Diego General Plan Final Program EIR, certified on August 3, 2011.

County of San Diego Zoning Ordinance

Attachment D – SUMMARY OF HOUSING  
LEGISLATION

## 2023 HOUSING ZONING ORDINANCE UPDATE

### Summary of Housing Legislation

ITEM	STATE LAW	SUMMARY OF STATE LAW
<b>Homeless Housing</b>		
Low Barrier Navigation Centers (LBNC)	AB 101 (2019)	<ul style="list-style-type: none"> <li>Requires the approval of Low Barrier Navigation Centers (LBNC) ministerially in zones where mixed use is allowed and nonresidential zones where multifamily is allowed.</li> <li>“LBNC” means a Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.</li> <li>“Low Barrier” means best practices to reduce barriers to entry, and may include, but is not limited to: (1) the presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth; (2) Pets; (3) Storage of possessions; (4) Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.</li> </ul>
Emergency Shelters	AB 139 (2019)	<ul style="list-style-type: none"> <li>Establishes that an emergency shelter can only be required to include sufficient parking to accommodate all staff working in the shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone.</li> </ul>
Supportive Housing	AB 2162 (2018)	<ul style="list-style-type: none"> <li>Requires ministerial approval of Supportive Housing in multifamily and mixed zones, and must meet the several requirements, including:               <ol style="list-style-type: none"> <li>Units within the development are subject to a recorded affordability restriction for 55 years.</li> <li>100% of the units within the development are dedicated to lower income households and are receiving public funding to ensure affordability of the housing to lower income individuals.</li> <li>At least 25% of the units in the development or 12 units, whichever is greater, are restricted as supportive housing for homeless individuals. If the development consists of fewer than 12 units, then 100% of the units in the development shall be restricted as supportive housing for homeless individuals.</li> </ol> </li> <li>Requires that a developer of supportive housing provide the County with a plan for providing supportive services, and documentation</li> </ul>

		demonstrating that supportive services will be provided onsite to residents in the project and describing those services.
<b>Affordable Housing Development</b>		
Religious Institution Affiliated Housing Development Projects	AB 2244 (2022)	<ul style="list-style-type: none"> <li>Clarifies that the definition of "religious-use parking spaces" applies to both existing parking spaces and those parking spaces required of a proposed development for a new place of worship.</li> <li>Prohibits the number of spaces proposed to be eliminated in the case of a proposal for a newly constructed place of worship from exceeding 50% of the spaces that would otherwise be required.</li> <li>Prohibits the number of spaces proposed to be eliminated in the case of an existing place of worship from exceeding 50% of the spaces that exist at the time the request is made.</li> </ul>
	AB 1851 (2019)	<ul style="list-style-type: none"> <li>Allows a religious institution to develop an affordable housing project at a place of worship owned by the religious institution and allows the religious institution to reduce the number of religious-use parking spaces available at the place of worship. Developer cannot eliminate more than 50% of the existing parking.</li> </ul>
Density Bonus	AB 2334 (2022)	<ul style="list-style-type: none"> <li>Allows a housing development project to receive added height and unlimited density if the project is located in an urbanized very low vehicle travel area, at least 80% of the units are restricted to lower income households, and no more than 20% are for moderate-income households.</li> </ul>
	SB 290 (2021)	<ul style="list-style-type: none"> <li>This bill makes several changes to density bonus law, including the density bonus formula, parking, number of incentives and concessions, and provides definition for incentives/concessions for moderate-income housing</li> </ul>
	AB 491 (2021)	<ul style="list-style-type: none"> <li>Requires that a mixed-income multifamily structure provide the same access to the common entrances, common areas, and amenities of the structure to occupants of the affordable housing units in the structure as is provided to occupants of the market-rate housing units.</li> <li>Prohibits a mixed-income multifamily structure from isolating the affordable housing units within the structure to a specific floor or an area on a specific floor.</li> </ul>
	AB 2345 (2020)	<ul style="list-style-type: none"> <li>This bill makes several changes to density bonus law, including the density bonus formula, parking, number of incentives and concessions, and provides definition for incentives/concessions.</li> </ul>

	SB 1227 (2018)	<ul style="list-style-type: none"> <li>Requires that a 35% density bonus to be provided to a developer that agrees to construct a housing development in which all units in the development will be used for student housing.</li> <li>The development must provide 20% of the units for lower-income students, and priority for lower income students experiencing homelessness.</li> </ul>
	AB 1763 (2018)	<ul style="list-style-type: none"> <li>Requires the County to grant a density bonus for a project that will contain at least 20% of the total units for lower income students in a student housing development.</li> </ul>
Affordable Housing Preservation	SB 330 (2019)	<ul style="list-style-type: none"> <li>Requires replacement of affordable housing units for projects located within affected areas of the County. This bill would apply in census designated places, based on the 2013-2017 American Community Survey 5-year Estimates, that are wholly located within the boundaries of an urbanized area, as designated by the United States Census Bureau.</li> </ul>
<b>Accessory Dwelling Units (ADU)</b>		
ADUs Development Standard	AB 2221 (2022)	<ul style="list-style-type: none"> <li>Specifies that an ADU that is detached from the proposed or existing primary dwelling may include a detached garage.</li> <li>Prohibits the County from establishing limits on lot coverage, floor area ratio, open space, and minimum lot size, that do not permit the construction of at least an 800 square foot ADU.</li> <li>Allows ADUs to be constructed in the front setbacks under certain circumstances.</li> </ul>
	AB 345 (2021)	<ul style="list-style-type: none"> <li>Allows an ADU to be sold or conveyed separately from the primary residence to a qualified buyer if certain conditions are met.</li> <li>Requires the development of a tenancy in common agreement that provides a delineation of all areas of the property that are for the exclusive use of a cotenant, delineation of each cotenant's responsibility for the costs of taxes, insurance, utilities, general maintenance and repair, and improvements associated with the property, and procedures for dispute resolution among cotenants before resorting to legal action.</li> </ul>
	SB 897 (2022)	<ul style="list-style-type: none"> <li>Prohibits the denial of an application for a permit to create ADU due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the ADU.</li> <li>Increases the maximum height limitation that may be imposed on ADUs to 25 feet.</li> </ul>

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		<ul style="list-style-type: none"> <li>• Prohibits the construction of an ADU from triggering a requirement that fire sprinklers be installed in the existing primary dwelling.</li> <li>• Creates additional restrictions for applying parking requirements for the development of ADUs.</li> <li>• Specifies that enclosed uses within the proposed or existing single-family residence, such as attached garages, are considered a part of the proposed or existing single-family residence.</li> <li>• The bill would require a Junior ADU that does not include a separate bathroom to include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.</li> <li>• Prohibits the denial of a permit for an unpermitted ADU that was constructed before January 1, 2018, because, among other things, the unit is in violation of building standards or state or local standards applicable to ADUs, unless the local agency makes a finding that correcting the violation is necessary to protect the health and safety of the public or occupants of the structure. This requirement does not apply to a building that is deemed substandard under specified provisions of law.</li> </ul>
	AB 68 (2019)	<ul style="list-style-type: none"> <li>• Prohibits imposition of standards on lot coverage and minimum lot size.</li> <li>• Allows ADUs to be attached to, or located within, an attached garage, storage area, or an accessory structure.</li> <li>• Prohibit the imposition of minimum or maximum ADU size, lot coverage, floor area ratio, open space, and minimum lot size if these requirements would not permit at least an 800 square foot ADU that is at least 16 feet in height with 4-foot side and rear yard setbacks to be constructed.</li> <li>• Allows ADUs within residential and mixed-use zones.</li> <li>• Allows the construction of both an ADU and one Junior ADU on single-family lots, and multiple ADUs on multifamily lots.</li> </ul>
	AB 881 (2019)	<ul style="list-style-type: none"> <li>• Prohibits imposition of standards on lot coverage and minimum lot size.</li> <li>• Allows ADUs to be attached to, or located within, an attached garage, storage area, or an accessory structure.</li> <li>• Establishes a setback of no more than 4 feet for an ADU that is not converted from an existing structure, or a new structure constructed in the same location and to the same dimensions as an existing structure.</li> <li>• Prohibits imposition of replacement of off-street parking spaces when a garage, carport, or covered</li> </ul>

		<p>parking structure is demolished or converted for the development of an ADU.</p> <ul style="list-style-type: none"> <li>• Prohibits the imposition of owner occupancy for ADUs.</li> <li>• Prohibits the imposition of a minimum square footage requirement for either an attached or detached ADUs that prohibits an efficiency unit.</li> <li>• Prohibits the imposition of a maximum square footage requirement for either an attached or detached ADU that is less than 850 square feet, and 1,000 square feet if the ADU contains more than one bedroom.</li> <li>• Prohibits the imposition of any other minimum or maximum size for an ADU, or limits on lot coverage, floor area ratio, open space, and minimum lot size for either attached or detached dwelling units that prohibits at least an 800 square foot ADU that is at least 16 feet in height and with a 4-foot side and rear yard setbacks.</li> <li>• Prohibits the imposition of parking requirements if the ADU is located within 1/2-mile walking distance of public transit.</li> <li>• Allows ADUs within residential and mixed-use zones.</li> <li>• Allows the construction of both an ADU and one Junior ADU on single-family lots, and multiple ADUs on multifamily lots.</li> </ul>
	<p>SB 13 (2019)</p>	<ul style="list-style-type: none"> <li>• Authorizes the creation of an ADU in areas zoned to allow single-family or multifamily dwelling residential use.</li> <li>• Allows an ADU to be attached to, or located within, an attached garage, storage area, or other structure.</li> <li>• Prohibits imposition of replacement of off-street parking spaces when a garage, carport, or covered parking structure is demolished or converted for the development of an ADU.</li> <li>• Prohibit imposition parking standards on an ADU that is located within one-half mile walking distance of public transit.</li> <li>• Prohibits imposition of a minimum square footage requirement for either an attached or detached ADU that prohibits an efficiency unit.</li> <li>• Prohibits the imposition of a minimum square footage requirement or limits on lot coverage, floor area ratio, open space, and minimum lot size that prohibits at least an 800 square foot ADU that is at least 16 feet in height and with a 4-foot side and rear yard setbacks.</li> <li>• Prohibits the imposition of a maximum square footage requirement for either an attached or</li> </ul>



		<p>detached ADU that is less than 850 square feet, and 1,000 square feet if the ADU contains more than one bedroom.</p> <ul style="list-style-type: none"> <li>• Prohibits the imposition of owner occupancy for ADUs.</li> </ul>
	AB 587 (2019)	<ul style="list-style-type: none"> <li>• Authorizes an ADU to be sold or conveyed separately from the primary residence to a qualified buyer if certain conditions are met. Those conditions include, among others, that the property was built or developed by a qualified nonprofit corporation, a recorded contract exists between the qualified buyer and the qualified nonprofit corporation that imposes an enforceable restriction upon the sale and conveyance of the property that ensures the property will be preserved for affordable housing, and that the property is held pursuant to a recorded tenancy in common agreement that includes specified provisions.</li> </ul>
<b>Housing Development</b>		
Small Home Lot Development	AB 803 (2021)	<ul style="list-style-type: none"> <li>• Authorizes a development proponent to submit an application for the construction of a small home lot development, that meets specific criteria, including: <ul style="list-style-type: none"> <li>(1) Development is located on a parcel that is no larger than 5 acres, is substantially surrounded by qualified urban uses, and is zoned for multifamily residential use.</li> <li>(2) Unit size does not exceed 1,750 square feet.</li> <li>(3) Units comply with external existing height and setback requirements applicable to the multifamily site.</li> <li>(4) Development does not require the demolition or alteration of affordable housing</li> <li>(5) Site is not listed in the Housing Element as a site for lower-income housing.</li> <li>(6) Provides at least as many units as the maximum allowable density for the site.</li> </ul> </li> </ul>
Small Housing Development Utilizing Floor Area Ratio	SB 478 (2021)	<ul style="list-style-type: none"> <li>• Prohibit the County from imposing a floor area ratio standard that is less than 1.0 on a housing development project that consists of 3 to 7 units, or less than 1.25 on a housing development project that consists of 8 to 10 units.</li> <li>• Prohibits the County from imposing a lot coverage requirement that would physically preclude a housing development project from achieving the floor area ratios described above.</li> <li>• Site must be within a multifamily or mixed-use zone, and must be within a urbanized areas or urban clusters.</li> </ul>