



Memorandum

TO: PLANNING COMMISSION

FROM: Rosalynn Hughey

SUBJECT: SEE BELOW

DATE: March 13, 2020

SUBJECT: File No. PP20-003. AN ORDINANCE OF THE CITY OF SAN JOSÉ AMENDING TITLE 20 (ZONING ORDINANCE OR ZONING CODE) OF THE SAN JOSÉ MUNICIPAL CODE TO:

(A) AMEND PART 4.5, CHAPTER 20.30, TO ADD A NEW SECTION 20.30.495 TO MAKE PROVISIONS FOR USE OF TINY HOME ON WHEELS AS ACCESSORY DWELLING UNIT;

(B) ADD SECTION 20.200.327 TO INCLUDE A NEW DEFINITION OF TINY HOME ON WHEELS; AND

(C) TO MAKE TECHNICAL, FORMATTING, OR NON-SUBSTANTIVE CHANGES WITHIN THAT CHAPTER OF TITLE 20 OF THE SAN JOSÉ MUNICIPAL CODE.

RECOMMENDATION

Staff recommends that the Planning Commission recommend that the City Council take all of the following actions:

1. Consider the Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (FEIR), for which findings were adopted by City Council through Resolution No. 76041 on November 1, 2011, and Supplemental EIR Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda thereto.

2. Approve an ordinance of the City of San José amending various sections of Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to (a) amend Part 4.5, Chapter 20.30, to add a new Section 20.30.495 to make provisions for use of Tiny Home on Wheels as Accessory Dwelling Unit; (b) add Section 20.200.327 to include a new definition of Tiny Home on Wheels; and (c) to make technical, formatting, or non-substantive changes within that Chapter of Title 20 of the San José Municipal Code.

OUTCOME

Approval of the proposed Municipal Code amendments will allow Tiny Home on Wheels to be used as Accessory Dwelling Unit (ADU) within Title 20 (Zoning Ordinance or Zoning Code) as described in the Analysis section below.

BACKGROUND

On December 17, 2019, the City Council directed staff to report back with Zoning Code amendments to legalize Portable Living Units (PLUs) by April 2020. Staff was asked to explore ordinances enacted by other California cities including Fresno, San Luis Obispo, and Los Angeles, work with the San Jose Conservation Corps and Charter School to research and identify innovative strategies that streamline legalization of PLUs, and identify distinctions between PLUs, ADUs, and Recreational Vehicles (RVs).

The proposed amendment to Chapter 20.30, Part 4.5 will include new provisions to allow PLUs, also commonly referred to as Tiny Home on Wheels (THOW), and hereafter referenced as THOW in the proposed Zoning Code update, specifically on lots consisting of single-family dwellings. THOW, perceived as an affordable housing alternative to tackle the housing crisis, could be used as and in lieu of a traditionally built ADU. Primarily designed as smaller portable units, they provide substantially lowered costs of construction, installation, and maintenance.

The California Department of Housing and Community Development (HCD), considers THOW as being similar to Recreational Vehicles (RV), in that they are placed or built on a chassis rather than a foundation structure. However, they are intended as a permanent and year around housing option, and will require registration with the Department of Motor Vehicles (DMV), and compliance with American National Standards Institute (ANSI) standards and National Fire Protection Association (NFPA) requirements. The primary distinction between THOW and a RV is that although THOW is mounted on a wheeled trailer chassis but built to look like a conventional residential dwelling, using conventional building materials, and thereby architecturally distinct from traditional mobile homes and recreational vehicles.

THOW would typically include additional characteristics as listed below:

1. Designed as a separate, independent living quarters that is no larger than 400 square feet.
2. Required functional areas that support normal daily routines, including a bathroom, a kitchen, and a sleeping area.
3. Registered and titled to tow legally under the California Department of Motor Vehicles.
4. Required compliance with ANSI 119.5 standard or NFPA 1192.
5. Allowed as a type of ADU.
6. Required to meet zoning regulations, including development standards.
7. Required to obtain and establish electric, water and sewer connections.

Typically, THOW could be placed on a concrete, paved, or compacted gravel surface using leveling and support jacks. However, if THOW were to be anchored to the grade with new foundation after wheels are removed, or if it exceeds the maximum floor area requirement, then the structure will be categorized as a conventional ADU and subject to additional permitting requirements.

More recently, several cities within the State, including Los Angeles, San Diego, Fresno, and San Luis Obispo have adopted ordinances that allow THOW in the rear yards of single-family dwellings to further diversify affordable and accessible housing options. The DMV registration and ANSI compliance, requirements for conventional exterior appearance, hidden undercarriage and siting along rear yards, and exemption from parking requirements are applicable to all cities. The maximum area requirement typically varies between 400-440 square feet, although 400 square feet is more prevalent nationwide. The proposed updates are consistent with provisions incorporated by other cities.

ANALYSIS

Title 20: Amend Chapters 20.30, and 20.200 of the Zoning Ordinance

1. New Section 20.30.495, Part 4.5, Chapter 20.30 - Add provisions for Tiny Home on Wheels

This update will incorporate new provisions for THOW on lots consisting of single-family dwellings. Staff recommends that THOW be allowed as a type of detached ADU, subject to siting criteria as listed below:

- a. The lot does not contain a detached Accessory Dwelling Unit but may contain an attached ADU or Junior Accessory Dwelling Unit (JADU).
- b. Only one THOW is allowed on a lot.

- c. A THOW shall be subject to ADU permitting requirements in accordance with Section 20.30.460, if the wheels are removed and unit is placed on a foundation.

Analysis: The proposed update will incorporate new provisions to accommodate THOW on most single-family lots city-wide, and allows a THOW to be placed on a lot containing an attached ADU or JADU. Beginning in 2020, State law changes required cities to allow construction of traditional ADUs of up to 800 square feet on two-family or multi-family properties, and staff currently recommends limiting THOW only to single-family lots. THOW as a type of ADU is a relatively new concept state-wide, and cities are considering potential issues and refining the process for expanding this use. Further evaluation of THOW on single-family lots could help determine the validity for allowing them at a future date on two-family and multi-family properties.

No restrictions are proposed for accommodating an attached ADU or JADU in conjunction with a THOW except for an additional detached unit. Current Zoning Code requires that the cumulative total of the rear yard covered by the ADU, accessory buildings and structures, except pools, shall not exceed forty percent (40%) of the rear yard, although this ratio cannot prohibit an 800 square foot ADU with minimum four-foot side and rear yard setbacks. At the prior ADU update in December 2019, staff recommended retaining the rear yard restriction to address overcrowding of structures resulting in reduced open space on most lots. For typical lots, measuring approximately 6000 square feet and with a typical rear yard measuring 1,200 square feet (60 feet x 20 feet), the ADU could amount to approximately 480 square feet if the 40% limitation on all accessory building and structures were to be imposed. In accordance with State law, the current Code allows a maximum ADU size of up to 800 square feet, but incorporating minimum 4 foot setbacks if it exceeds the 40% rear yard coverage. However, this requirement may not be conducive to allowing a detached ADU in addition to another detached dwelling structure on site. For these reasons, staff recommends that only one detached ADU or THOW occupy a site at any given time. If anchored to the grade with new foundation after the wheels are removed, then the THOW will be subject to additional permitting requirements applicable to any ADU.

Additional development standards and criteria for THOW are listed below:

- d. THOW shall be located in the rear yard of the lot of the One-Family Dwelling with a minimum setback of four (4) feet from any interior side or rear property line, and ten (10) feet from a corner property line. If the size of the rear yard is insufficient to accommodate THOW, they may be located in the interior side yard area with a minimum forty-five (45) feet setback from the front property line, and four (4) feet setback from an interior side property line.
- e. The THOW shall be located minimum six (6) feet away from the One-Family Dwelling.
- f. The THOW undercarriage (wheels, axles, tongue and hitch) shall be hidden from view from the public right of way.

Analysis: The development standards for THOW are proposed to be similar to current ADU standards, except that a THOW would require minimum four feet setback from the rear and side property lines for fire safety, and a setback of ten feet from the corner property line. The undercarriage is required to be hidden from view from the public right-of-way.

Staff recommends that the following paving requirements shall apply:

- g. The THOW shall be parked on a paved or alternate pad that include bumper guards, curbs, or other installations adequate to prevent movement of the THOW. The wheels and leveling or support jacks must sit on a paving surface that meet either of the following criteria:
 - i. A parking area for a moveable THOW shall be paved with hard, durable asphaltic paving that is at least two inches thick after compaction, or with cement paving at least three inches thick or
 - ii. Alternative paving materials may consist of porous asphalt, porous concrete, permeable interlocking concrete pavers, permeable pavers, decomposed granite, crushed rock or gravel, plastic or concrete grid system confined on all sides and filled with gravel or grass in the voids, or other similar materials that meet the following requirements:
 - 1) Permeable interlocking concrete pavers and permeable pavers shall have a minimum thickness of 80 mm (3.14 inches).
 - 2) Products and underlying drainage material shall be installed to meet manufacturers' specifications. Sub-grade soils shall be compacted as required to meet the product installation specifications.
- h. No additional parking shall be required for THOW, and displaced parking resulting from the construction or placement of THOW will not required to be replaced;

Analysis: This update will allow newer paving materials for THOW to facilitate alternative options for greater flexibility. No additional parking or parking replacement will be required, consistent with current parking regulations for ADUs.

Staff recommends that THOW meet the following regulatory and design standards:

- i. The THOW shall be connected to electric, water, and sewer utilities with the issuance of required Building permits.
- j. The THOW is not required to have sprinklers but shall meet the ANSI 119.5 or NFPA 1192 standards relating to health, fire and life-safety;
- k. The THOW shall incorporate the following design elements:
 - i. Cladding and trim: Materials used on the exterior of the THOW shall exclude single piece composite laminates or interlocked metal sheathing.
 - ii. Windows and doors: Windows shall be at least double pane glass, and include exterior trim. Windows and doors shall not have rounded corners.
 - iii. Roofing: Roofs shall have a minimum of a 12:2 pitch for greater than 50 percent of the roof area and not be composed of wooden shingles.
 - iv. Extensions. All exterior walls and roof of a THOW used as an ADU shall be fixed with no slide-outs, tip-outs, nor other forms of mechanically articulating room area extensions.
 - v. Mechanical equipment shall be incorporated into the structure and not be located on the roof, and
- l. The THOW shall be no greater than two stories, and shall not exceed a maximum height of 16 feet.

Analysis: The proposed update will incorporate new provisions for THOW to resemble the conventional appearance of an ADU. THOW regulations will primarily be addressed through DMV registration, and compliance with ANSI or NFPA requirements. However, necessary building permit requirements for sewer, water or electricity connections will be limited only to electrical and plumbing permits.

2. New Section 20.200.327:

THOW is defined as a structure intended for separate, independent living quarters for one household that meets all of the following criteria:

- a. Is a detached self-contained unit, designed and built to look like a conventional building structure, and which includes basic functional areas that support normal daily routines such as cooking, sleeping, toilet, and bathing facilities.
- b. Is licensed and registered with the California Department of Motor Vehicles.

- c. Meets the American National Standards Institute (ANSI) 119.5 requirements or the National Fire Protection Association (NFPA) 1192 standards, and is certified for ANSI or NFPA compliance. Certification must be made by a qualified third-party inspector.
- d. Is towable by a bumper hitch, frame-towing hitch, or fifth-wheel connection and cannot move under its own power.
- e. Is a minimum of 150 square feet and maximum of 400 square feet as measured within the exterior faces of the exterior walls.

Analysis: The proposed update will incorporate new provisions for THOW to streamline permitting timelines and requirements, and allow for flexibility in cost-effective housing options.

General Plan Conformance

The Envision San José 2040 General Plan encourages the periodic review of the Zoning Ordinance and other supporting Ordinances in the Municipal Code to ensure that the document reflects the goals, policies, and implementation of the General Plan.

General Plan Goals/Policies: Title 20- Zoning Ordinance

The proposed amendments to Title 20 would provide clarity to certain sections of the Zoning Code that will allow for better implementation of the goals and policies of the General plan, and to facilitate and streamline affordable housing, which is a key component of the General Plan. THOW could significantly contribute to affordable housing as they utilize existing single-family lots, and provide opportunities for low cost housing options within the City. In addition to being used as income opportunity for homeowners, THOW could help people provide housing to their extended family members and students; and therefore create more naturally affordable and low cost housing opportunities for neighborhoods. The proposed amendments to Title 20 are consistent with the following General Plan policies:

General Land Use Policy LU-1.10: Review criteria in the Zoning Ordinance and update it as appropriate to reflect Land Use goals, policies, and implementation actions in this Plan.

1. Affordable Housing Policy H-2.5: Facilitate second units on single-family residential lots, in conformance with our City's Secondary Unit Ordinance, to take advantage of a potential source of affordable housing and to assist our City in meeting its housing needs.

New Sections 20.30.495 and 20.200.327 include new provisions to allow THOW as ADUs. The proposed amendment supports the General Plan Goals and Policies by providing opportunities to develop affordable housing to allow an additional low-cost unit on an existing single-family lot. This type of housing option, while adding density to single-family neighborhoods, does not impact the character of an existing single-family neighborhood. THOWs are anticipated to lower housing costs, and meet diverse housing needs. Given the

rising construction costs, the ability to maximize development of much needed housing and utilization of existing lots can promote continued investment in the City. It should be noted, however, that as THOWs are categorized as vehicles and registered with DMV and not deemed permanent units, they will not count towards the Regional Housing Needs Allocation requirements that are delineated in Government Code Section 65584. Currently, it is unclear if a fully portable THOW that retains wheels and not placed on a foundation, would qualify to be computed towards housing unit count alike more recently included ADUs. Additional guidance from HCD is awaited.

PUBLIC OUTREACH/INTEREST

Staff followed Council Policy 6-30: Public Outreach Policy, in that notices for the public hearings were posted on the City's website and published in the San José Post-Record and emailed to a list of interested groups and individuals. This staff report and attachments were posted on the City's website. Staff has been available to respond to questions from the public.

Staff initiated outreach efforts to gather public input on the proposed Zoning Code changes, and held a community meeting for stakeholders at City Hall on February 13th, 2020. The 18 community members included residents, design professionals and stakeholders. Attendees were in support of the proposed changes to allow THOW as a type of ADUs. A few of the attendees expressed that multiple THOW could be explored on the same site. They requested clarification related to impact fees, construction, taxes and permitting requirements. The attendees provided input that the City could consider allowing flexibility for THOW to be moved on and off a lot.

COORDINATION

The preparation of the proposed ordinance, and this staff report were coordinated with the City Attorney's Office.

CEQA

Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (FEIR), for which findings were adopted by City Council through Resolution No. 76041 on November 1, 2011, and Supplemental EIR Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda thereto. Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the earlier approved programs and the Final Program EIRs adequately describe the activity for purposes of CEQA. The project does not involve new significant effects beyond those analyzed in the Final Program EIRs.



ROSALYNN HUGHEY, DIRECTOR

Planning, Building and Code Enforcement

Attachments:

- 1) Draft Ordinance
- 2) Determination of Consistency

DRAFT

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING PART 4.5, CHAPTER 20.30 OF TITLE 20 (ZONING ORDINANCE OR ZONING CODE) OF THE SAN JOSÉ MUNICIPAL CODE TO ADD NEW SECTION 20.30.495 TO MAKE PROVISIONS FOR USE OF TINY HOME ON WHEELS AS ACCESSORY DWELLING UNIT; AMENDING CHAPTER 20.200 OF TITLE 20 (ZONING ORDINANCE OR ZONING CODE) OF THE SAN JOSÉ MUNICIPAL CODE TO ADD SECTION 20.200.327 TO INCLUDE NEW DEFINITION OF TINY HOME ON WHEELS; AND TO MAKE OTHER TECHNICAL, NON-SUBSTANTIVE, OR FORMATTING CHANGES WITHIN THOSE SECTIONS OF TITLE 20 OF THE SAN JOSÉ MUNICIPAL CODE

WHEREAS, pursuant to Section 15168(c)(2) of the CEQA Guidelines, the City of San José has determined that this Ordinance is pursuant to, in furtherance of and within the scope of the previously approved program evaluated in the Final Program Environmental Impact Report for the Envision San José 2040 General Plan (the “FEIR”), for which findings were adopted by City Council through its Resolution No. 76041 on November 1, 2011, and Supplemental Environmental Impact Report (the “SEIR”), through Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda thereto, and does not involve new significant effects beyond those analyzed in the FEIR and SEIR; and

WHEREAS, the City Council of the City of San José is the decision-making body for this Ordinance; and

WHEREAS, this Council of the City of San José has considered and approves the information contained in the FEIR, as supplemented and addenda thereto, and related City Council Resolution Nos. 76041 and 77617 and the determination of consistency therewith prior to taking any approval actions on this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. A new Section 20.30.495 added to Part 4.5, Chapter 20.30 of Title 20 of the San José Municipal Code, to be numbered, entitled, and to read as follows:

20.30.495 Tiny Home on Wheels (THOW)

Notwithstanding any other provision of this Title to the contrary, Tiny Home on Wheels (THOW) shall be allowed as a type of detached Accessory Dwelling Unit on a lot consisting of One-Family Dwelling, subject to all of the following criteria:

1. The lot does not contain a detached Accessory Dwelling Unit, except the lot may contain an attached Accessory Dwelling Unit or Junior Accessory Dwelling Unit;
2. Only one THOW is allowed on a lot;
3. The THOW shall be subject to ADU permitting requirements in accordance with Section 20.30.460, only if the wheels are removed and unit is attached to a conventional foundation;
4. The THOW shall be located in the rear yard of the lot of the One-Family Dwelling with a minimum setback of four (4) feet from any interior side or rear property line, and ten (10) feet from a corner property line;
5. If the size of the rear yard is insufficient to accommodate a THOW, THOW may be located in the interior side yard area and shall meet a minimum front setback of forty-five (45) feet from the front property line, and maintain a minimum setback of four (4) feet from an interior side property line;
6. The THOW shall be located a minimum of six (6) feet away from the One-Family Dwelling;
7. The THOW undercarriage (wheels, axles, tongue and hitch) shall be hidden from view from the public right of way;
8. The THOW shall be parked on a paved or alternate pad that include bumper guards, curbs, or other installations adequate to prevent movement of the

THOW. The wheels and leveling or support jacks must sit on a paving surface that meet either of the following criteria:

- a. A parking area for a moveable THOW shall be paved with hard, durable asphaltic paving that is at least two inches thick after compaction, or with cement paving at least three inches thick; or
 - b. Alternative paving materials may consist of porous asphalt, porous concrete, permeable interlocking concrete pavers, permeable pavers, decomposed granite, crushed rock or gravel, plastic or concrete grid system confined on all sides and filled with gravel or grass in the voids, or other similar materials that meet the following requirements:
 - i. Permeable interlocking concrete pavers and permeable pavers shall have a minimum thickness of 80 mm (3.14 inches); and
 - ii. Products and underlying drainage material shall be installed to meet manufacturers' specifications. Sub-grade soils shall be compacted as required to meet the product installation specifications;
9. No additional parking shall be required for the THOW, and displaced parking resulting from the construction of THOW is not required to be replaced;
10. The THOW shall be connected to electric, water, and sewer utilities with the issuance of required Building permits;
11. The THOW is not required to have sprinklers but shall meet the ANSI A119.5 or NFPA 1192 standards relating to health, fire and life-safety;
12. The THOW shall incorporate all of the following design elements:
- a. Cladding and trim: Materials used on the exterior of THOW shall exclude single piece composite laminates, or interlocked metal sheathing;
 - b. Windows and doors: Windows shall be at least double pane glass, and include exterior trim. Windows and doors shall not have rounded corners;
 - c. Roofing: Roofs shall have a minimum of a 12:2 pitch for greater than 50 percent of the roof area and not be composed of wooden shingles;
 - d. Extensions. All exterior walls and roof of THOW used shall be fixed with no slide-outs, tip-outs, nor other forms of mechanically articulating room area extensions;
 - e. Mechanical equipment shall be incorporated into the structure and not be located on the roof; and

13. The THOW shall be no greater than two stories, and shall not exceed a maximum height of 16 feet. Roof height shall be determined in accordance with San José Municipal Code Section 20.200.510.

SECTION 2. A new Section 20.200.327 is added to Chapter 20.200 of Title 20 of the San José Municipal Code, to be numbered, entitled, and to read as follows:

20.200.327 Dwelling, Tiny Home on Wheels or THOW.

“Tiny Home on Wheels” or “THOW” means a structure intended for separate, independent living quarters for one household that meets all of the following criteria:

1. Is a detached self-contained unit, designed and built to look like a conventional building structure, and which includes basic functional areas that support normal daily routines such as cooking, sleeping, toilet, and bathing facilities; and
2. Is licensed and registered with the California Department of Motor Vehicles; and
3. Meets the American National Standards Institute (ANSI) 119.5 requirements or the National Fire Protection Association (NFPA) 1192 standards, and is certified for ANSI or NFPA compliance. Certification must be made by a qualified third-party inspector; and
4. Is towable by a bumper hitch, frame-towing hitch, or fifth-wheel connection and cannot move under its own power; and
5. Is a minimum of 150 square feet and maximum of 400 square feet as measured within the exterior faces of the exterior walls.

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PASSED FOR PUBLICATION of title this _____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

**DETERMINATION OF CONSISTENCY WITH THE
ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL ENVIRONMENTAL IMPACT
REPORT AND SUPPLEMENTAL PROGRAM ENVIRONMENTAL IMPACT REPORT
(SCH# 2009072096)**

Pursuant to Section 15168(c)(2) of the CEQA Guidelines, the City of San José has determined that the project described below is pursuant to or in furtherance of the Envision San José 2040 General Plan Final EIR (General Plan FEIR), Supplemental EIR to Envision San José General Plan EIR, and Addenda thereto. The City of San José has determined that this activity is within the scope of the earlier approved programs and the Final EIRs adequately describe the activity for purposes of CEQA.

File No. PP20-003 Zoning Code Update of the San José Municipal Code.

Project Description: An ordinance of the City of San José amending Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to (a) amend Part 4.5, Chapter 20.30 to add a new Section 20.30.495 to make provisions for use of tiny home on wheels as an Accessory Dwelling Unit; (b) add Section 20.200.327 to include new definition of Tiny Home on Wheels; and (c) to make technical, formatting, minor modifications, or non-substantive changes within those Chapters of Title 20 of the San José Municipal Code.

Location: Citywide **Council District** Citywide **County Assessor's Parcel Number** - Various

The environmental impacts of this project were addressed by a Final Program EIR entitled, "Envision San José 2040 General Plan," adopted by City Council Resolution No. 76041 on November 1, 2011 supplemented by the Supplemental EIR entitled, "Envision San José 2040 General Plan Supplemental EIR," adopted by City Council Resolution No. 77617 on December 15, 2015, and addenda thereto. The Program EIR and Supplemental Program EIR were prepared for the comprehensive update and revision of all elements of the City of San José General Plan, including an extension of the planning timeframe to the year 2035. The following impacts were reviewed and found to be adequately considered by the EIRs:

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|---|---|--|
| <input checked="" type="checkbox"/> Transportation | <input checked="" type="checkbox"/> Land Use | <input checked="" type="checkbox"/> Noise and Vibration |
| <input checked="" type="checkbox"/> Air Quality | <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Geology and Soils |
| <input checked="" type="checkbox"/> Hydrology & Water Quality | <input checked="" type="checkbox"/> Hazardous Materials and Hazards | <input checked="" type="checkbox"/> Public Facilities & Services |
| <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Aesthetics | <input checked="" type="checkbox"/> Energy |
| <input checked="" type="checkbox"/> Population and Housing | <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Public Facilities & Services |
| <input checked="" type="checkbox"/> Cumulative Impacts | <input checked="" type="checkbox"/> Growth Inducing Impacts | <input checked="" type="checkbox"/> Agriculture |
| <input checked="" type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Hazardous Materials and Hazards | <input checked="" type="checkbox"/> Public Facilities & Services |

BACKGROUND

The Envision San José 2040 General Plan encourages routine review of the Zoning Ordinance and other supporting Ordinances in the Municipal Code to ensure that the document reflects the goals, policies, and implementation of the General Plan.

PROPOSED PROJECT

As previously mentioned, the proposed amendments would modify Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to make modifications to Chapters 20.30 and 20.200 within Title 20. The intent of these updates is to incorporate changes to the code as part of the ongoing updates for the San José Municipal Code.

The following analysis considers how the proposed changes to Title 20 will achieve the objectives consistent with relevant General Plan Goals, Policies, and Actions.

- a. Section 20.30.495: Make provisions for use of Tiny Home on Wheels as Accessory Dwelling Unit;

Analysis: The proposed amendment to Chapter 20.30, Part 4.5 will include new provisions to allow Tiny Home on Wheels (THOW), used as an Accessory Dwelling Unit (ADU), on lots consisting of One-Family dwellings. Perceived as an affordable and alternative tool to tackle the housing crisis, THOWs are designed as smaller portable units and provide substantially lowered costs of construction, installation, and maintenance. THOWs are intended as a permanent and year around housing option and require registration with the Department of Motor Vehicles (DMV) and additional compliance with the American National Standards Institute (ANSI) or National Fire Protection Association (NFPA) standards. The primary distinction between THOW and a RV is that although THOW is mounted on a wheeled trailer chassis, it is built to look like a conventional residential dwelling using conventional building materials, and thereby architecturally distinct from traditional mobile homes and recreational vehicles. THOW would typically include additional characteristics as listed below:

- a. *Designed as a separate, independent living quarters that is no larger than 400 square feet.*
- b. *Required functional areas that support normal daily routines, including a bathroom, a kitchen, and a sleeping area.*
- c. *Registered and titled to tow legally under the California Department of Motor Vehicles.*
- d. *Required compliance with ANSI 119.5 standards or NFPA 1192.*
- e. *Allowed as a type of ADU.*
- f. *Required to meet zoning regulations, including development standards.*
- g. *Required to obtain and establish electric, water and sewer connections.*

Typically, THOW could be placed on a concrete, paved, or compacted gravel surface using leveling and support jacks. However, if THOW were to be anchored to the grade with new foundation after wheels are removed, or if it exceeds the maximum floor area requirement, then the structure will be categorized as a conventional ADU, and subject to additional permitting requirements.

- b. Section 20.200.327: Include new definition of Tiny Home on Wheels; and to make technical, formatting, minor modifications, or non-substantive changes within those Chapters of Title 20 of the San José Municipal Code.

Analysis: THOW is defined as a structure intended for separate, independent living quarters for one household that meets all of the following criteria:

- a. *Is a detached self-contained unit, designed and built to look like a conventional building structure, and which includes basic functional areas that support normal daily routines such as cooking, sleeping, toilet, and bathing facilities.*
- b. *Is licensed and registered with the California Department of Motor Vehicles.*
- c. *Meets the American National Standards Institute (ANSI) 119.5 requirements or the National Fire Protection Association (NFPA) 1192 standards, and is certified for ANSI or NFPA compliance. Certification must be made by a qualified third-party inspector.*

- d. *Is towable by a bumper hitch, frame-towing hitch, or fifth-wheel connection and cannot move under its own power.*
- e. *Is a minimum of 150 square feet and maximum of 400 square feet as measured within the exterior faces of the exterior walls.*

ANALYSIS

The proposed amendments to Title 20 support the below-listed Goals and Policies of the General Plan by aligning certain sections of the code to better implement the General Plan, such as, but not limited to, those identified below:

- General Land Use Policy LU-1.10: Review criteria in the Zoning Ordinance and update it as appropriate to reflect Land Use goals, policies, and implementation actions in this Plan.
- General Land Use Policy LU-1.5: Maintain a Zoning Ordinance and Subdivision Ordinance that aligns with and supports the Land Use/Transportation Diagram and Envision General Plan goals and policies. Develop new Zoning Districts which enumerate uses and establish development standards, including heights, to achieve vital missed-use complete communities and facilitate their implementation.

These amendments propose to expand opportunities, facilitate expansion of existing development, and streamline design of small-scale potentially reasonably-priced housing, which is a key component of the General Plan. Given the increasing costs associated with development, the ability to maximize the utility of any given single-family lot must be facilitated.

The project will consist of amending Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to reflect the goals and policies of the General Plan. The proposed changes to the Municipal Code would further the General Plan policies and goals such as Policies LU-1.10, and H-2.5, and would provide updated codes that to which future redevelopment shall adhere.

No specific development proposal is part of the amendment to Title 20. Future proposals will be subject to further project specific review by the applicable department. The proposed project is to amend the existing Municipal Code to align with goals and policies of the General Plan. For the reasons discussed above, the project is within the scope of the General Plan FEIR, General Plan Supplemental EIR, and addenda thereto pursuant to CEQA, and CEQA Guidelines Section 15168(c)(2), and adoption of the Guidelines does not result in new significant impacts beyond those identified in the General Plan Final and Supplemental EIRs. Any further actions, such as actions to approve individual development projects based on the amended Zoning Code will require additional environmental review at the time such actions are proposed.

Rosalynn Hughey, Director
Planning, Building and Code Enforcement

3/10/2020
Date


Deputy

Project Manager
Aparna Ankola

The following
items were
received after
packets were
distributed.

From: Sam Kennard <sam@rebuildingtogethersv.org>
Sent: Thursday, March 19, 2020 4:56 PM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: In support of of THOW zoning amendment -- Rebuilding Together Silicon Valley

[External Email]

Dear Planning Commission,

Please see the attached letter.

Thank you,

Sam Kennard
Program Manager
Pronouns: he / him / his
Rebuilding Together Silicon Valley
(408) 578-9519 ext. 1009

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March 19, 2020

Planning Commissioners
City of San Jose
200 E. Santa Clara Street
San Jose, CA 95113

RE: Support for Zoning Ordinance Amendment File NO. PP20-003

Dear Planning Commissioners:

Please approve the zoning ordinance amendment to legalize tiny homes on wheels (THOWs). Our friends at San Jose Conservation Corps + Charter School (SJCC+CS) provide transition-age youth (18-27 years old) with a high school education and job training in conservation and construction. Many of their students are having a hard time finding housing and many are homeless adversely impacting their ability to learn and stay healthy. Thus SJCC+CS is proposing to teach its students to build THOWs and place them in homeowner's backyards so they can be rented to its students at very low rents.

As a regional leader in addressing housing instability in older adults, we also recognize the benefit this program could have as a form of passive income for older adult homeowners living on fixed incomes.

SJCC+CS however, is unable to implement this program without first amending the zoning ordinance to legalize THOWs.

We need to utilize every possible tool we have to alleviate the housing crisis and house our housing insecure neighbors; through the use of tiny homes on wheels, this program offers that.

Please approve the zoning ordinance amendment to legalize tiny homes on wheels.

Thank you,

Sam Kennard

Program Manager

Pronouns: he / him / his

Rebuilding Together Silicon Valley

(408) 578-9519 ext. 1009



From: Vianey Nava <vnav@sjcccs.org>
Sent: Monday, March 23, 2020 10:56 AM
To: PlanningSupportStaff <PlanningSupportStaff@sanjoseca.gov>
Subject: Support of Letter for PP20-2003 to be heard by PC 03-23-2020

[External Email]

Please find letter of support for PP20-2003.

Thanks,

Vianey Nava, MURP, LEED AP
Housing Program Director



**SAN JOSE
CONSERVATION
CORPS+CHARTER
SCHOOL**

<https://www.sjcccs.org>

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SAN JOSE CONSERVATION CORPS +CHARTER SCHOOL

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Bedriye Usta

Director, PWC

Dorsey Moore

Executive Director/CEO

March 23, 2020

Planning Commissioners

City of San Jose

200 E. Santa Clara Street

San Jose, CA 95113

RE: Support for Zoning Ordinance Amendment File NO. PP20-003

Dear Planning Commissioners:

San Jose Conservation Corps + Charter School (SJCC+CS) provides transition-age youth (18-27 years old) with a high school education and job training in conservation and construction. It serves very-low income young adults and given the high-cost of living in Silicon Valley it is difficult for them to find affordable housing. As a result, over 30% of the students are housing unstable and many are homeless, this makes it difficult to attend school consistently, stay focused and healthy. Thus SJCC+CS faces a *housing emergency* and therefore has developed a program to address housing for its students while at the same time providing multiple benefits to the community.

Housing Solutions: Youth Housing Promise

The Youth Housing Promise (YHP) program will provide job training in building tiny homes on wheels (THOWs), lease backyards of single-family homes and place housing insecure students in the units. THOWs will be rent restricted at 40% AMI or \$1,025 of which, the host families will receive passive rent income of \$500 per month + utility allowance. YHP will have wrap-around services such as property management and resident services to ensure a successful program.

The benefits include: students obtain marketable job skills, a sense of pride and affordable housing while enrolled at SJCC+CS; the program will seek host families that are low-income and seniors on fixed income whom are typically endangered of being displaced; all while preventing chronic homelessness amongst young adults.

SJCC+CS however, is unable to implement this program without first amending the zoning ordinance to legalize THOWs.

Zoning Ordinance Amendment

Some jurisdiction have recognized THOWs as a viable innovative housing solution to alleviate the housing crisis and jurisdictions such as [Santa Clara County](#), [Fresno](#), San Luis Obispo [SLO](#) and [Los Angeles](#) have already legalized them while the cities of [Sacramento](#) and [San Diego](#) as well as [Humboldt](#) County are on the cusp of amending their zoning ordinances.



CHANGING LIVES
EDUCATING THE WORKFORCE FOR THE FUTURE

San Jose Conservation Corps + Charter School
1560 Berger Drive, San Jose, CA 95112 Main Phone: 408-283-7171
www.sjcccs.org 501(c)(3) Federal Tax ID: 77-0155997



Amending the zoning ordinance to include THOWs as part of the accessory dwelling unit (ADU) ordinance will allow the units to be placed in single family backyards and SJCC+CS will be able to implement its program at once.

This amendment will also open the door for any homeowner looking to have a temporary unit in their backyard to house their loved ones or have as a rental unit—potentially preventing displacement. THOWs are less expensive than ADUs and thus a viable option to those homeowners who are unable to carry a second mortgage.

The amendment is not intended to allow recreational vehicles (RVs) or travel trailers to be used as housing, as such the design guidelines steer the aesthetics through the use of construction materials to look and feel much like a typical ADU.

Tiny Homes on Wheels (THOWs)

THOWs are independent living facilities just like an ADU—they have a full bathroom, kitchen and a flexible living area and the utilities (electrical, sewer and water) are connected to the primary home. The dwelling unit sits on a trailer which allows it to be towed and placed—they are not self-propelled and are DMV registered, and are estimated to last 30-years.

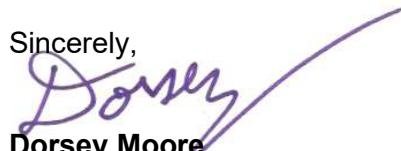
THOWs are third party certified meeting standardized codes ANSI or NFPA. SJCC's units are 160 square feet (18' length x 8'6" width + a 2' x 4' niche) designed to accommodate two students, with a futon and a murphy bed. They also include an amenity package consisting of a full-size refrigerator, microwave/hood, HVAC, stove top and washer/dryer appliances as well as security features such as keypad and Ring entry system and Amazon's Echo Show.

THOWs create an entirely new class of affordable housing—quick to build, interim housing—which have the potential to make a significant impact in alleviating the housing crisis, preventing displacement and chronic homelessness.

For all the reasons described above, we respectfully request that the Planning Commission approve the zoning ordinance amendment and legalize tiny homes on wheels.

Thank you for your consideration of our request!

Sincerely,



Dorsey Moore

Executive Director/CEO

San Jose Conservation Corps + Charter School

408-439-6653; dmoore@sjcccs.org

5.a. PP20-003

From: Michael Lane <mlane@spur.org>

Sent: Wednesday, March 25, 2020 12:22 PM

To: PlanningSupportStaff <PlanningSupportStaff@sanjoseca.gov>

Cc: Planning Commission 4 <PlanningCom4@sanjoseca.gov>; Planning Commission 7 <PlanningCom7@sanjoseca.gov>; Planning Commission 2 <PlanningCom2@sanjoseca.gov>; Planning Commission 3 <PlanningCom3@sanjoseca.gov>; Planning Commission 5 <PlanningCom5@sanjoseca.gov>; Planning Commission 6 <PlanningCom6@sanjoseca.gov>; Planning Commission 1 <PlanningCom1@sanjoseca.gov>

Subject: Support letter for Zoning Ordinance Amendment File No. PP20-003

[External Email]

Dear Chair Ballard, Vice Chair Griswold and Commissioners:

Please find attached our formal support letter. We write to urge you to approve the staff recommendation and adopt zoning ordinance amendment PP20-003 to make provisions for use of Portable Dwelling Units (PDUs) - also known as “tiny homes on wheels” - as Accessory Dwelling Units (ADUs).

Portable dwelling units in general and the SJCC+CS program in particular are worthy of support and represent exactly the kind of affordable housing solutions with substantial co-benefits that our community desperately needs at this time. For these reasons, we urge adoption of the proposed zoning ordinance amendment.

Sincerely,

Michael Lane

San José Policy Director

SPUR

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March 25, 2020

Planning Commission
City of San José
200 E. Santa Clara Street
San Jose CA 95113

In re: Support for Zoning Ordinance Amendment File No. PP20-003

Dear Chair Ballard, Vice Chair Griswold and Commissioners:

We write to urge you to approve the staff recommendation and adopt zoning ordinance amendment PP20-003 to make provisions for use of Portable Dwelling Units (PDUs) - also known as “tiny homes on wheels” - as Accessory Dwelling Units (ADUs).

In response to the housing affordability and availability crisis, the California State Legislature and local jurisdictions – including, notably, the City of San José - have recently adopted measures to facilitate and expedite the design, permitting and construction of ADUs and tiny homes including Bridge Housing Communities.

In fact, SPUR’s August 2017 report, “Room for More: SPUR’s Housing Agenda for San José,” included a key strategy and call for the City to enable greater production of housing that is affordable by design and allow the construction of in-law units and other smaller living spaces. Since that time, significant progress has certainly been made toward this end and the City has become a model for other jurisdictions in this regard.

Now, building on this effort, the San José Conversation Corps + Charter School (SJCC+CS) is bringing forward another innovative program and solution to our housing crisis, to wit, portable dwelling units that can be quickly and relatively inexpensively constructed in a backyard. SJCC+CS estimates the construction time to be five (5) days and the cost to be approximately fifty-thousand dollars (\$50,000).

As a key benefit, the SJCC+CS Housing Solutions Enterprise also allows students to obtain a high school diploma, develop job skills, and acquire employment in the construction industry.

The SJCC+CS PDU is a 153 square foot fully independent living unit - much like an ADU - with a kitchen, bathroom, flexible living space for double occupancy, and an amenities package which includes appliances (mini-fridge, stove top, HVAC, microwave/hood) as well as a keypad, Ring entry system, and Amazon's Echo Show.

SJCC+CS will train students to build the units, lease backyards to place the units, and rent the units at below market rents to its students, while the host family will receive monthly rental income. However, to allow this program to go forward, the existing zoning ordinance must be amended.

Portable dwelling units in general and the SJCC+CS program in particular are worthy of support and represent exactly the kind of affordable housing solutions with substantial co-benefits that our community desperately needs at this time. For these reasons, we urge adoption of the proposed zoning ordinance amendment.

Sincerely,

Michael Lane, San José Policy Director
SPUR

5.a. PP20-003

From: Camille Fontanilla <cfontanilla@SomosMayfair.org>

Sent: Thursday, March 26, 2020 12:22 AM

To: PlanningSupportStaff <PlanningSupportStaff@sanjoseca.gov>

Subject: Letter for the Record - Support for Zoning Ordinance Amendment File NO. PP20-003

[External Email]

Dear Planning Support Staff,

This letter was intended to be sent to you this morning but due to the rapidly changing environment, it fell off my radar. My apologies!

Please accept this letter for the record for the item taken up earlier this evening related to **Support for Zoning Ordinance Amendment File NO. PP20-003.**

The Si Se Puede Collective is in full support. Hope the outcome this evening was in the affirmative.

Thank you,

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March 24, 2020

Planning Commissioners
City of San Jose
200 E. Santa Clara Street
San Jose, CA 95113

RE: Support for Zoning Ordinance Amendment File NO. PP20-003

Dear Planning Commissioners:

Please approve the zoning ordinance amendment to legalize tiny homes on wheels (THOWs). Our friends at San Jose Conservation Corps + Charter School (SJCC+CS) provide transition-age youth (18-27 years old) with a high school education and job training in conservation and construction. Many of their students are having a hard time finding housing and many are homeless adversely impacting their ability to learn and stay healthy. Thus SJCC+CS is proposing to teach its students to build THOWs and place them in homeowner's backyards so they can be rented to its students at very low rents.

SJCC+CS however, is unable to implement this program without first amending the zoning ordinance to legalize THOWs.

We need to utilize every possible tool we have to alleviate the housing crisis and house our housing insecure neighbors; through the use of tiny homes on wheels, this program offers that.

Please approve the zoning ordinance amendment to legalize tiny homes on wheels.

Thank you,

Maritza Maldonado, **Amigos de Guadalupe**

Veronica Goei, **Grail Family Services**

Jessica Paz-Cedillos, **School of Arts and Culture at MHP**

Camille Llanes-Fontanilla, **SOMOS Mayfair**

Cayce Hill, **Veggielution**