

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

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

ORDINANCE AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 113.0103; AMENDING CHAPTER 12, ARTICLE 7, DIVISION 1 BY AMENDING SECTION 127.0108 AND ADDING SECTION 127.0112; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTIONS 131.0420, 131.0422, AND 131.0449; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5 BY AMENDING SECTION 131.0522; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 7 BY AMENDING SECTION 131.0707; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 3 BY RETITLING AND AMENDING SECTIONS 141.0302 AND 141.0305 AND ADDING SECTION 141.0319; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 5 BY AMENDING SECTIONS 142.0501, 142.0505, 142.0520, AND 142.0525, RETITLING AND AMENDING SECTION 142.0528, AMENDING SECTION 142.0530, AND RETITLING AND AMENDING SECTION 142.0531; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 6 BY AMENDING SECTION 142.0640; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 13 BY AMENDING SECTION 142.1304; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 7 BY AMENDING SECTIONS 143.0720, 143.0740, 143.0745, AND 143.0746, AND ADDING SECTION 143.0747; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 8 BY AMENDING SECTIONS 143.0810, 143.0815, 143.0820, 143.0830, 143.0840, 143.0850, AND 143.0860; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 10 BY AMENDING SECTIONS 143.1005, 143.1010, 143.1015, AND 143.1025; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 12 BY AMENDING SECTIONS 143.1201 AND 143.1203, REPEALING SECTION 143.1205, AND AMENDING SECTIONS 143.1207 AND 143.1212; AMENDING CHAPTER 14, ARTICLE 4, DIVISION 5 BY AMENDING SECTION 144.0505, ALL RELATING TO THE HOMES FOR ALL OF US: HOUSING ACTION PACKAGE 2.0 LAND DEVELOPMENT CODE AMENDMENT.

WHEREAS, the Homes for All of Us: Housing Action Package 2.0 (Housing Action Package 2.0), amends the San Diego Municipal Code to implement recent changes in state law, to incentivize new housing development and opportunities for all income levels to address local

housing needs, revises existing regulations and affordable housing programs to further fair housing and to encourage the development of new homes, fortifies existing regulations to reduce displacement caused by new development, and adds regulations governing the continuation of certain incompatible uses near residential areas; and

WHEREAS, Housing Action Package 2.0 amends the Land Development Code to align with the mandatory provisions of Assembly Bill 2097 by removing parking minimums from properties located within Transit Priority Areas (TPAs); and

WHEREAS, Housing Action Package 2.0 amends the City's existing Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) regulations to align with state regulations and guidelines provided by the State of California's Housing and Community Development Department (HCD) by (1) complying with the directive described in the letter HCD sent to the City Planning Department on October 14, 2022, stating JADUs can only be constructed within a single-family dwelling; and (2) amending JADU regulations so that JADUs can no longer be constructed within detached garages or ADUs; and

WHEREAS, Housing Action Package 2.0 amends the ADU Density Bonus program to incentivize the development of ADUs accessible to community members with limited mobility or disabilities in accordance with California Building Code accessibility requirements; and

WHEREAS, the need for more accessible homes to accommodate people with disabilities will continue to rise as the population ages and the units produced through the accessible ADU Home Incentive will assist in meeting the General Plan Housing Element goals by expanding housing opportunities for people with disabilities, mobility limitations, and special needs; and

WHEREAS, Housing Action Package 2.0 allows for greater flexibility in developing affordable homes on publicly owned land by increasing the floor area ratio bonuses in exchange for additional base-unit affordable homes for qualifying housing developments; and

WHEREAS, Housing Action Package 2.0 amends the Land Development Code to provide a 0.5 floor area ratio bonus for residential or mixed-use development on sites in the Sustainable Development Area with a base commercial zone that allows for residential or mixed-use, but currently has a non-residential use; and

WHEREAS, this floor area ratio bonus incentivizes the production of mixed-used development with homes on underutilized commercial sites to support the implementation of community plan updates and General Plan Housing Element goals; and

WHEREAS, the City of San Diego (City) is home to multiple community colleges and major universities that cannot meet the on-campus student housing demand given the shortage of affordable off-campus rental housing options, especially for low-income students; and

WHEREAS, Housing Action Package 2.0 promotes additional opportunities for affordable student homes near college and university campuses by expanding the existing student housing density bonus; and

WHEREAS, Housing Action Package 2.0 amends the Affordable Housing in All Communities program to include Single Room Occupancy (SRO) Hotel Rooms as a qualifying use for the program, and allows for ministerial approval of affordable SRO homes in areas near transit where affordable housing is either unavailable or very limited; and

WHEREAS, the Complete Communities Housing Solutions (CCHS) housing incentive program provides a floor area ratio bonus to developments that provide affordable homes and neighborhood amenities; and

WHEREAS, Housing Action Package 2.0 amends the CCHS program to encourage the construction of more moderate income affordable homes and three bedroom family homes, and to provide greater flexibility for the development of affordable homes by allowing affordable homes required by the program to be located off-site; and

WHEREAS, Housing Action Package 2.0 promotes the preservation of affordable homes and protects community members from displacement caused by new market rate development; and

WHEREAS, Housing Action Package 2.0 provides an incentive to build homes on land zoned for housing but that contain certain incompatible previously conforming uses in the San Diego Promise Zone; and

WHEREAS, Housing Action Package 2.0 prohibits the continuation of certain previously conforming uses after 15 years for uses considered incompatible in the San Diego Promise Zone; and

WHEREAS, the San Diego Promise Zone, which is one of 22 federally designated Promise Zones in the United States and one of only four in California, is home to the City's most culturally rich and ethnically diverse neighborhoods, but also to some of the most disadvantaged and underserved communities; and

WHEREAS, incompatible land uses result in negative economic impacts that contribute to systemic inequalities in communities; and

WHEREAS, through the community plan update process, several communities within the San Diego Promise Zone have identified areas better suited for residential or commercial uses and those areas have been rezoned accordingly; and

WHEREAS, Housing Action Package 2.0 amends previously conforming use regulations to discontinue specifically identified incompatible uses in the San Diego Promise Zone to promote a healthy environment, among other things; and

WHEREAS, junk yards are considered an incompatible use as they can contain large amounts of discarded materials, including vehicles, machinery, appliances, and other hazardous materials that can leak fluids, thereby contaminating soil and nearby water sources, which poses risks to public health; and

WHEREAS, large collection facilities are considered an incompatible use as they can process and handle large volumes of waste and recyclable materials generating dust, odors, and harmful airborne particles that contribute to air pollution in the surrounding areas, thereby having adverse effects on respiratory health; and

WHEREAS, large processing and collection facilities are considered an incompatible use as they can generate large vehicle traffic on neighborhood streets producing air and noise pollution that has been found to increase stress, contribute to high blood pressure, and cause hearing loss; and

WHEREAS, the City Planning Department contracted with Keyser Marston Associates, Inc. to analyze the economic viability of a 15-year amortization schedule for the identified incompatible uses in the San Diego Promise Zone.; and

WHEREAS, the economic viability study determined that 15 years is more than adequate to amortize existing improvements and transition an incompatible previously conforming use to an allowable use while minimizing the financial impact on property owners; and

WHEREAS, a 15-year amortization period for the discontinuation of incompatible uses provides property owners with incompatible previously conforming uses time to develop new, conforming uses; and

WHEREAS, phasing out identified incompatible previously conforming uses will address an environmental justice issue and improve the quality of life for San Diego Promise Zone community members; and

WHEREAS, City staff conducted extensive analysis and public outreach involving multiple stakeholder groups, City departments, and other government agencies to receive feedback on Housing Action Package 2.0; and

WHEREAS, the San Diego Planning Commission considered Housing Action Package 2.0 on June 1, 2023 and August 3, 2023, and recommended the San Diego City Council adopt the Housing Action Package 2.0 in the form presented to the City Council; and

WHEREAS, the Office of the City Attorney has drafted this Ordinance based on the information provided by City staff with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

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

Section 1. That Chapter 11, Article 3, Division 1, of the San Diego Municipal Code is amended by amending section 113.0103, to read as follows:

**§113.0103 Definitions**

*Abutting property through Parking space, off-street* (See off-street parking space)

[No change in text.]

*Parkway through Yard* [No change in text.]

Section 2. That Chapter 12, Article 7, Division 1, of the San Diego Municipal Code is amended by amending section 127.0108 and adding section 127.0112, to read as follows:

**§127.0108     Abandonment of Previously Conforming Uses**

- (a) If a *previously conforming* use is discontinued for a period of less than two consecutive years, except *previously conforming* uses subject to Section 127.0112, operations may be resumed, or changed to another use in the same category in accordance with Section 127.0107.
- (b) If a *previously conforming* use has been discontinued for a period of two or more consecutive years, except *previously conforming* uses subject to Section 127.0112, resumption of the use requires a Neighborhood Use Permit. Discontinuance of the use for a period of two or more consecutive years creates a presumption in favor of abandonment, against which the owner or person asserting the *previously conforming* status may offer evidence sufficient to satisfy the City Manager that one or more of the following has occurred:
  - (1) through (2) [No change in text.]
- (c) A *previously conforming* use that is brought into conformance is no longer *previously conforming* and shall not resume operations or revert to a *previously conforming* status. A *previously conforming* use can maintain *previously conforming* status, except *previously conforming* uses subject to Section 127.0112, during construction in accordance with Section 127.0108(d) without being considered to have been abandoned.

- (d) If the *previously conforming* use, except *previously conforming* uses subject to Section 127.0112, is temporarily discontinued while repairs, remodeling, or major alterations of the *structure* are under construction, maintenance of an active *construction permit* and the Business Tax Certificate shall mean that the use has not been discontinued during the construction and the use's *previously conforming* status is maintained.

**§127.0112 Replacing Incompatible Previously Conforming Uses**

The purpose of this Section is to address incompatible *previously conforming* land uses near residential uses. Certain existing *previously conforming* uses are on *premises* that have been rezoned to allow for residential and mixed-use *development*. These incompatible uses can cause adverse impacts and reduce the quality of life in neighborhoods with residential uses. The intent of this Section is to not allow incompatible uses identified in this Section to continue near residential uses and to encourage land uses that are in compliance with the applicable *land use plans* and base zones.

- (a) The following *previously conforming* uses, when located within 50 feet from the *property line* of the *previously conforming* use to the *property line* of an existing residential use established prior to January 1, 2024, are considered incompatible uses:
- (1) Junk Yards;
  - (2) Wrecking and Dismantling of Motor Vehicles;
  - (3) Very Heavy Industrial Uses (as defined in Section 141.1009); and
  - (4) The following Recycling Facilities:



- (A) Large Collection Facilities;
  - (B) Large Construction and Demolition Debris Recycling Facility;
  - (C) Large Processing Facility Accepting at least 98% of Total Annual Weight of Recyclables from Commercial and Industrial Traffic;
  - (D) Large Processing Facility Accepting All Types of Traffic; and
  - (E) Tire Processing Facilities.
- (b) The following requirements apply to *previously conforming* uses that are considered incompatible uses and are located within the *San Diego Promise Zone* as established on January 1, 2024:
- (1) If a *previously conforming* use has been discontinued for 30 or more consecutive days, the *previously conforming* use is no longer permitted to operate on the *premises*, and operations may not be resumed or changed to another use in the same category, except when temporarily discontinued due to repairs, including repairs needed for reconstruction following fire, natural disaster, or act of the public enemy. If the *previously conforming* use is temporarily discontinued while repairs of the *structure* are under construction, maintenance of an active *construction permit* and the Business Tax Certificate shall mean that the use has not been discontinued

during the construction and the use's *previously conforming* status is maintained.

- (2) The *previously conforming* use shall no longer be permitted to operate 15 years after the effective date of the ordinance. Notice of this date shall be sent by certified mail to the *record owner* and tenant(s) by the City of San Diego no later than 60 days after the ordinance takes effect.

Section 3. That Chapter 13, Article 1, Division 4, of the San Diego Municipal Code is amended by amending sections 131.0420, 131.0422, and 131.0449, to read as follows:

**§131.0420 Use Regulations of Residential Zones**

The regulations of Section 131.0422 apply in the residential zones where indicated in Table 131-04B.

- (a) The uses permitted in any residential zone may be further limited or expanded by the following:
  - (1) through (2) [No change in text.]
  - (3) The presence of *environmentally sensitive lands*, pursuant to Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations);
  - (4) Chapter 14, Article 3, Division 13 (Multi-Dwelling Unit and Urban Lot Split Regulations for Single Family Zones);
  - (5) Any other applicable provision of the San Diego Municipal Code.
- (b) through (f) [No change in text.]

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

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

**Legend for Table 131-04B**

[No change in text.]

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

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

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones											
	1st & 2nd >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
<b>Open Space through Separately Regulated Residential Uses, Employee Housing: Greater than 12 Employees [No change in text.]</b>		[No change in text.]											
Fraternities and Sororities		C <sup>(11)</sup>	C <sup>(11)</sup>	C <sup>(11)</sup>	C <sup>(11)</sup>	C <sup>(11)</sup>	C <sup>(11)</sup>	C <sup>(11)</sup>	C <sup>(11)</sup>	C <sup>(11)</sup>	C <sup>(11)</sup>	C <sup>(11)</sup>	C <sup>(11)</sup>
Garage, Yard, & Estate Sales through Residential Care Facilities: 7 or more persons [No change in text.]		[No change in text.]											
Student Housing		L <sup>(11)</sup>	L <sup>(11)</sup>	L <sup>(11)</sup>	L <sup>(11)</sup>	L <sup>(11)</sup>	L <sup>(11)</sup>	L <sup>(11)</sup>	L <sup>(11)</sup>	L <sup>(11)</sup>	L <sup>(11)</sup>	L <sup>(11)</sup>	L <sup>(11)</sup>
Transitional Housing through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses,													

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones											
	1st & 2nd >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Theatre <i>Marquees</i> [No change in text.]		[No change in text.]											

**Footnotes for Table 131-04B**

<sup>1</sup> through <sup>10</sup> [No change in text.]

<sup>11</sup> *Development of multiple dwelling units* permitted in accordance with Sections 141.0305 and 141.0319.

**§131.0449 Garage Regulations in Residential Zones**

(a) [No change in text.]

(b) Garages in RT Zones

- (1) Two *off-street parking spaces* are required, except for residential or commercial *development* in a *transit priority area* where any portion of the *premises* is located within a *transit priority area*. *Off-street parking spaces* provided in a *transit priority area* are exempt from the *unbundled parking* requirement in Section 142.0528(b)(1). An enclosed and detached one-car garage is required except as otherwise provided in this section. The second *off-street parking* may be provided in an enclosed and detached garage or an unenclosed space located consistent with the garage location requirements in Section 131.0449(b)(5).

(2) through (10) [No change in text.]

Section 4. That Chapter 13, Article 1, Division 5, of the San Diego Municipal Code is amended by amending section 131.0522, to read as follows:

**§131.0522 Use Regulations Table for Commercial Zones**

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

**Legend for Table 131-05B**

[No change in text.]

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

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones															
	1st & 2nd >>	CN <sup>(1)</sup> -				CR-		CO-						CV-		CP-	
	3rd >>	1-				1-	2-	1-	2-	3-	1-	2	3	1	2	1	
	4th >>	1	2	3	4	5	6	1	1	1	2	1	2	1	2	3	1
<b>Open Space through Separately Regulated Residential Uses</b> , Greater than 12 Employees [No change in text.]		[No change in text.]															
Fraternities and Sororities		L <sup>(2)</sup>				L	-	L	-	-	-	L <sup>(2)</sup>	-				
Garage, Yard, & Estate Sales through Residential Care Facilities: 7 or More Persons [No change in text.]		[No change in text.]															
Student Housing		L <sup>(2)</sup>				L	-	L	-	-	-	L <sup>(2)</sup>	-				
Transitional Housing through <b>Signs</b> , Separately Regulated <b>Signs</b> Uses, Theatre <i>Marquees</i> [No change in text.]		[No change in text.]															

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																											
	1st & 2nd >>	CC-																											
	3rd >>	1-			2-			3-					4-					5-											
	4th >>	1	2	3	1	2	3	4	5	4	5	6	7	8	9	1	2	3	4	5	6	1	2	3	4	5	6		
<b>Open Space through Separately Regulated Residential Uses</b> , Employee Housing, Greater than 12 Employees [No change in text.]		[No change in text.]																											
Fraternities and Sororities		C			-			C					C					C											
Garage, Yard, & Estate Sales through Residential Care Facilities: 7 or More Persons [No change in text.]		[No change in text.]																											

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																								
	1st & 2nd >>	CC-																								
	3rd >>	1-			2-			3-					4-					5-								
	4th >>	1	2	3	1	2	3	4	5	4	5	6	7	8	9	1	2	3	4	5	6	1	2	3	4	5
Student Housing		L			-			L					L					L								
Transitional Housing through <b>Signs</b> , Separately <b>Regulated Signs</b> Uses, Theater <i>Marquees</i> [No change in text.]		[No change in text.]																								

**Footnotes for Table 131-05B**

[No change in text.]

Section 5. That Chapter 13, Article 1, Division 7, of the San Diego Municipal Code is amended by amending section 131.0707, to read as follows:

**§131.0707 Use Regulations Table for Mixed-Use Zones**

The uses allowed in the mixed-use zones are shown in Table 131-07A.

**Legend for Table 131-07A**

[No change in text.]

**Table 131-07A****Use Regulations Table for Mixed-Use Zones**

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones					
	1st >>	RMX			EMX		
	2nd >>	1	2	3	1	2	3
Open Space through Separately Regulated Residential Uses, Employee Housing, Greater than 12 Employees [No change in text.]		[No change in text.]					
Fraternities and Sororities		C	C	C	C <sup>(1)</sup>	C <sup>(1)</sup>	C <sup>(1)</sup>
Garage, Yard, & Estate Sales through Residential Care Facilities: 7 or More Persons [No change in text.]		[No change in text.]					
Student Housing		L	L	L	L	L	L

Use Categories/Subcategories	Zone Designator	Zones					
	1st >>	RMX			EMX		
	2nd >>	1	2	3	1	2	3
Transitional Housing through <b><i>Signs, Separately Regulated Signs Uses</i></b> , Theater <i>Marquees</i> [No change in text.]		[No change in text.]					

**Footnotes for Table 131-07A**

[No change in text.]

Section 6. That Chapter 14, Article 1, Division 3, of the San Diego Municipal Code is amended by retitling and amending sections 141.0302 and 141.0305 and adding section 141.0319, to read as follows:

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

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

- (a) [No change in text.]
- (b) The following regulations are applicable to both *ADUs* and *JADUs*:

(1) [No change in text.]

(2) *Development Regulations*

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

(E) The following landscape regulations shall apply to the construction of an *ADU* or *JADU*:

(i) through (ii) [No change in text.]

(F) *ADUs* and *JADUs* shall not be required to provide fire sprinklers if they are not required for the primary *dwelling unit*. When located on a *premises* where the primary *dwelling unit* is protected with an automatic fire sprinkler system in accordance with section R313 of the California Residential Code, an *ADU* or *JADU* shall be protected with an automatic fire sprinkler system.

(G) Construction of an *ADU* or *JADU* shall not require the correction of *previously conforming* conditions on the premises.

(H) *ADUs* and *JADUs* constructed within Areas of Future Sea Level Rise must comply with the regulations in Section 132.0404.

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

(c) In addition to the requirements in section 141.0302(a), the following additional regulations are applicable to *ADUs*:

(1) [No change in text.]



(2) *Development Regulations for ADUs*

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

(G) *ADU structures* shall comply with the front *yard* and *street* side *yard setbacks* of the base zone. Interior side *yard* and rear *yard setbacks* for new *ADU structures* shall be provided as follows:

- (i) One-story *ADU structures* with a *structure height* 16 feet or less may observe a zero-foot *setback* at the interior side *yard* and rear *yard*.
- (ii) One-story *ADU structures* with a *structure height* that exceeds 16 feet and multi-story *ADU structures* may observe zero-foot interior side *yard* and rear *yard setbacks*, unless the side or rear *property line* abuts another *premises* that is residentially zoned or developed with exclusively residential uses, in which case a 4-foot *setback* shall apply.

(H) *ADU Bonus for Affordable ADUs*. One additional *ADU* shall be permitted for every *ADU* on the *premises* that is set aside as affordable to *very low income* and *low income* households for a period of not less than 10 years, or as affordable to *moderate income* households for a period of not less than 15 years, guaranteed through a written agreement and a deed of trust securing the agreement,

entered into by the *applicant* and the President and Chief Executive Officer of the San Diego Housing Commission.

(i) through (iii) [No change in text.]

**Table 141-03A**

**Qualifying Criteria for Affordable *ADU* Bonus**

[No change in text.]

- (I) *ADU* Bonus for Accessible *ADUs*. For *development* utilizing the *ADU* Bonus for Affordable *ADUs* in accordance with Section 141.302(c)(2)(H), a maximum of one additional accessible *ADU* shall be permitted if the *development* includes:
- (i) At least two *ADUs* shall be affordable to *very low income, low income, or moderate income* households; and
  - (ii) The accessible *ADU* shall comply with the following:
    - (a) Accessibility requirements in Chapter 11A of the California Building Code, including at least one accessible bathroom, one accessible *kitchen*, and one accessible *bedroom*; and
    - (b) The accessible *ADU* shall be located on an accessible route, as defined by the California Building Code.

(d) In addition to the requirements in Section 141.0302(b), *JADUs* are subject to the following additional regulations:

(1) [No change in text.]

(2) *Development* Regulations

(A) [No change in text.]

(B) A *JADU* of not less than 150 square feet and not more than 500 square feet is permitted within an existing or proposed *single dwelling unit*, or an attached garage.

(C) [No change in text.]

**§141.0305 Fraternity Houses and Sorority Houses**

Fraternity houses and sorority houses are facilities that are designed or used as a residence for students that are members of an organized university or college fraternity or sorority and enrolled at a college or university accredited by the Western Association of Schools and Colleges: Senior College and University Commission or the Accrediting Commission for Community and Junior Colleges. Fraternity houses and sorority houses may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) Fraternity houses and sorority houses may be permitted only in the following locations:

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

- (b) If the fraternity house or sorority house is not located on a college or university campus, off-street parking shall be provided as follows:
  - (1) At a rate of 1 parking space for each resident if the fraternity house or sorority house is located outside of a *transit priority area*, or
  - (2) Through a parking agreement between the college or university with which the fraternity house or sorority house is affiliated and the *applicant*, which will allow the *applicant* to use college or university parking facilities to meet the parking requirement.
- (c) [No change in text.]
- (d) The fraternity house or sorority house must be officially recognized by the college or university.
- (e) [No change in text.]

**§141.0319 Student Housing**

Student Housing are facilities designed and used as a residence for students enrolled at a college or university accredited by the Western Association of Schools and Colleges: Senior College and University Commission or the Accrediting Commission for Community and Junior Colleges, including student dormitories and student apartments. Student housing is permitted as a limited use in the zones indicated with a “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), subject to the following regulations:

- (a) Student housing may be permitted only in the following locations:
  - (1) Within an area specifically designated for these facilities by the applicable *land use plan*, or

- (2) If the applicable *land use plan* does not contain a designated area, such facilities may be located within a 1-mile radius of the boundary of a *premise* operated as a college or university campus accredited by the Western Association of Schools and Colleges: Senior College and University Commission or the Accrediting Commission for Community and Junior Colleges, in any zone that allows *multiple dwelling unit* development, or
- (3) Within a *Sustainable Development Area*, in any zone that allows *multiple dwelling unit* development.

(b) Automobile and Bicycle Parking Regulations

- (1) Automobile *off-street parking spaces* shall comply with Table 142-05C.
- (2) Student housing located within a 1-mile radius of the boundary of a *premises* operated as a college or university campus accredited by the Western Association of Schools and Colleges: Senior College and University Commission or the Accrediting Commission for Community and Junior Colleges may meet the automobile *off-street parking space* requirement through a parking agreement between the *applicant* and the college or university. The parties involved shall provide the parking agreement in the form acceptable and to the satisfaction of the City Manager.
- (3) Bicycle parking shall be located in enclosed and secure areas.

(c) Occupancy Regulations

- (1) Student housing subject to this division shall be occupied exclusively by undergraduate, graduate, or professional students enrolled full time at a college or university accredited by the Western Association of Schools and Colleges: Senior College and University Commission or the Accrediting Commission for Community and Junior Colleges; and
  - (2) The enrollment of a student in a college or university accredited by the Western Association of Schools and Colleges: Senior College and University Commission or the Accrediting Commission for Community and Junior Colleges shall be verified prior to occupancy by documentation submitted by the student or by the student housing operator on behalf of the student to the San Diego Housing Commission.
- (d) Onsite Management Regulations
- (1) A resident manager is required to live on the student housing *premises*.
  - (2) At least one manager of the student housing operator shall be located and accessible on the student housing *premises* 24 hours per day.
- (e) Student Housing Amenity Regulations
- (1) A minimum of 10 percent of the *structures'* ground *floor gross floor area* shall be dedicated to student amenities, excluding leasing or manager offices, including one or more of the following:

- (A) Gyms,
  - (B) Community rooms,
  - (C) Shared resources for students such as computer labs, a shared *kitchen*, or community gardens, or
  - (D) Shared facilities such as study rooms or co-study spaces.
- (2) Student housing shall include onsite laundry facilities.

Section 7. That Chapter 14, Article 2, Division 5, of the San Diego Municipal Code is amended by amending sections 142.0501, 142.0505, 142.0520, 142.0525, retitling and amending section 142.0528, amending section 142.0530, and retitling and amending section 142.0531, to read as follows:

**§142.0501 Purpose of the Parking Regulations**

The purpose of these regulations is to provide a unified set of standards for public and private transportation related improvements throughout the City. The standards are designed to work together to accommodate a multi modal transportation system and encourage transportation mode alternatives to the single occupant automobile. The intent is to provide for a safe and efficient transportation system delivering a high degree of personal mobility; to reduce traffic congestion and improve air quality; ~~and~~ to reasonably accommodate the peak parking needs of *development*, balanced by the needs of pedestrians, bicyclists, and transit users, and the preservation and enhancement of community character; and to further the City's housing and climate goals.

**§142.0505 When Parking Regulations Apply**

These regulations apply in all base zones and planned districts, with the exception of those areas specifically identified as being exempt from the regulations, whether or not a permit or other approval is required.

Table 142-05A identifies the applicable regulations and the type of permit required by this Division, if any, for the type of *development* shown.

**Table 142-05A****Parking Regulations Applicability**

<b>Type of <i>Development</i> Proposal</b>	<b>Applicable Regulations</b>	<b>Required Permit Type/ Decision Process</b>
<i>Any single dwelling unit residential development</i> [No change in text.]	Sections 142.0510, 142.0520, and 142.0560	[No change in text.]
<i>Any multiple dwelling unit residential development</i> through <i>Any multiple dwelling unit residential development</i> that includes housing that meets the criteria stated in Section 142.0527 (Affordable Housing Parking Regulations) [No change in text.]	[No change in text.]	[No change in text.]
<i>Any multiple dwelling unit residential development</i> that meets the criteria in Section 142.0528 (Transit Priority Area Regulations)	[No change in text.]	[No change in text.]
<i>Any nonresidential development</i> through <i>Shared parking</i> for nonspecified uses [No change in text.]	[No change in text.]	[No change in text.]

**§142.0520 Single Dwelling Unit Residential Uses — Required Parking Ratios**

The required number of *off-street parking spaces* for *single dwelling units* and related uses are shown in Table 142-05B.



**Table 142-05B**  
**Minimum Required Parking Spaces for**  
**Single Dwelling Units and Related Uses**

<b>Type of Unit and Related Uses</b>	<b>Number of Required Parking Spaces</b>
[No change in text.]	[No change in text.]
[No change in text.]	[No change in text.]
All <i>single dwelling units</i> where all or a portion of the <i>premises</i> is located within a <i>transit priority area</i>	0 spaces per <i>dwelling unit</i>

**Footnotes for Table 142-05B**

[No change in text.]

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

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

Table 142-05C

## Minimum Required Parking Spaces for

## Multiple Dwelling Units and Related Accessory Uses

<i>Multiple Dwelling Unit Type and Related and Accessory Uses</i>	<b>Automobile Spaces Required Per Dwelling Unit</b> (Unless Otherwise Indicated)				<b>Motorcycle Spaces Required Per Dwelling Unit<sup>(9)</sup></b>	<b>Bicycle Spaces Required Per Dwelling Unit<sup>(5)</sup></b>
	<b>Basic <sup>(1)</sup></b>	<b>Transit Area <sup>(2)</sup></b>	<b>Transit Priority Area <sup>(9)</sup></b>	<b>Parking Impact<sup>(4)</sup></b>		
<b>Studio up to 400 square feet</b> through <i>Condominium conversion</i> <sup>(8)</sup> , <b>3 + bedrooms</b> [No change in text.]	[No change in text.]					
<b>Rooming house</b> [No change in text.]	[No change in text.]		0	1.75 per tenant	[No change in text.]	
<b>Student Housing</b>	1.0 per tenant <sup>(10)</sup>	0.75 per tenant <sup>(10)</sup>	0	1.75 per tenant <sup>(10)</sup>	N/A	0.5 per bed <sup>(11)</sup>
<b>Residential care facility (6 or fewer persons)</b> [No change in text.]	[No change in text.]		0	[No change in text.]		
<b>Small lot subdivision in accordance with Section 143.0365</b>						
<b>Studio up to 400 square feet</b> [No change in text.]	[No change in text.]		0	[No change in text.]		
<b>1 bedroom or studio over 400 square feet</b> [No change in text.]	[No change in text.]		0	[No change in text.]		
<b>2+ bedrooms</b> [No change in text.]	[No change in text.]		0	[No change in text.]		
<b>Transitional Housing Facilities (6 or fewer persons)</b> through <i>Permanent Supportive Housing</i> [No change in text.]	[No change in text.]					
<b>Continuing Care Retirement Communities</b>						
<i>Dwelling units</i> [No change in text.]	[No change in text.]		0	[No change in text.]		
<b>Convalescent and memory care rooms</b> [No change in text.]	[No change in text.]		0	[No change in text.]		
<b>Employees</b> [No change in text.]	[No change in text.]		0	[No change in text.]		
<i>Accessory uses (spaces per square feet<sup>(7)</sup>)</i> [No change in text.]	[No change in text.]		Retail Sales: 0 0	[No change in text.]		

## Footnotes for Table 142-05C

- <sup>1</sup> Basic. The basic parking ratio applies to *development* that does not qualify for a reduced parking requirement (in accordance with the *transit area* or *transit priority area* parking ratio or the *very low*

*income* parking ratio), or for an increased parking requirement in accordance with the Parking Impact Area as described in Chapter 13, Article 2, Division 8 (Parking Impact Overlay Zone). *Development* qualifying for both a reduced parking ratio (*transit area* or *very low income* parking ratio) and an increased parking ratio (Parking Impact Area) shall also use the basic parking ratio.

<sup>2</sup> through <sup>3</sup> [No change in text.]

<sup>4</sup> Parking Impact. The parking impact ratio applies to *development* where all or a portion of the *premises* is located within a designated beach impact area or a campus impact area as described in Chapter 13, Article 2, Division 8 (Parking Impact Overlay Zone), unless otherwise noted, but does not apply to *development* where all or a portion of the *premises* is located within a *transit priority area*.

<sup>5</sup> Bicycle. Bicycle racks are not required for a *dwelling unit* with a garage accessible only by residents of the *dwelling unit*.

<sup>6</sup> 5+ Bedrooms in Parking Impact Areas. -Beach impact area: 2.5 spaces per *dwelling unit*. Campus impact area: 1 space per bedroom.

<sup>7</sup> through <sup>8</sup> [No change in text.]

<sup>9</sup> The *transit priority area* parking ratio applies to *development* where all or a portion of the *premises* is located within a *transit priority area* as described in Section 142.0528 and supersedes any other applicable parking ratio.

<sup>10</sup> Student housing located within a 1-mile radius of the boundary of a *premise* operated as a college or university campus accredited by the Western Association of Schools and Colleges: Senior College and University Commission or the Accrediting Commission for Community and Junior Colleges, may meet the automobile *off-street parking spaces* requirement through a parking agreement between the college or university and the student housing.

<sup>11</sup> Student housing located outside of a *transit priority area* are not required to provide bicycle parking.

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

## **§142.0528 Transit Priority Area Parking Regulations**

The *Transit Priority Area* Regulations establish the parking requirements for *multiple dwelling unit* residential *development* where all or a portion of the *premises* is located within a *transit priority area*. *Multiple dwelling unit* residential *development* that involves four or fewer *dwelling units*, or that includes at least 20 percent on-site housing that is affordable to persons with a household income equal to or less than 50 percent of the area median income as determined in accordance with California Health and Safety Code Section 50093 and is subject to an affordability restriction for a minimum of 55 years, or *multiple*

*dwelling unit residential development* where the *off-street parking spaces* are provided in garages that are attached to and directly accessible from the *dwelling unit*, is exempt from the *unbundled parking* requirement in subsection 142.0528(b)(1). Reasonable accommodations to parking requirements shall be granted if necessary to afford people with disabilities equal housing opportunities under state or federal law, in accordance with Section 131.0466. *Multiple dwelling unit residential development* in the Centre City and Gaslamp Planned Districts is exempt from the transportation amenity requirement in subsection 142.0528(c).

(a) Parking Requirements.

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

(b) [No change in text.]

(c) Transportation Amenities. All *multiple dwelling unit residential development* where all or a portion of the *premises* is located within a *transit priority area* shall provide transportation amenities based on its Transportation Amenity Score. Transportation amenity, as used herein, means a feature provided by a *development* that reduces vehicle trips by informing, educating, and incentivizing transit use, bicycling, walking, and ridesharing. The types of transportation amenities are listed in Land Development Manual Appendix Q.

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

**§142.0530 Nonresidential Uses — Parking Ratios**

(a) Retail Sales, Commercial Services, and Mixed-Use Development.

Table 142-05E establishes the ratio of required parking spaces to building *floor* area in the commercial zones, industrial zones, mixed-use zones, and planned districts shown, for retail sales uses and for those commercial service uses that are not covered by Table 142-05F or 142-05G.

Table 142-05E also establishes the required parking ratios for mixed-use *development* in a single *structure* that include an allowed use from at least two of the following use categories: (1) retail sales, (2) commercial services, and (3) offices.

**Table 142-05E**

**Parking Ratios for Retail Sales, Commercial Services, Offices, and Mixed-Use**

**Development**

Zone	Parking Spaces Required per 1,000 Square Feet of <i>Floor</i> Area Unless Otherwise Noted ( <i>Floor</i> Area Includes <i>Gross Floor Area</i> plus Below <i>Grade Floor</i> Area and Excludes <i>Floor</i> Area Devoted to Parking)			
	Required Automobile Parking Spaces <sup>(1)</sup>			
	Minimum Required Outside a <i>Transit Area</i> or <i>Transit Priority Area</i>	Minimum Required Within a <i>Transit Priority Area</i> <sup>(6)</sup>	Minimum Required Within a <i>Transit Area</i> <sup>(2)</sup>	Maximum Permitted
Commercial Zones, CC-1-1 through Mixed-Use Zones, EMX-3 [No change in text.]	[No change in text.]			
Planned Districts				

Zone	Parking Spaces Required per 1,000 Square Feet of <i>Floor</i> Area Unless Otherwise Noted ( <i>Floor</i> Area Includes <i>Gross Floor Area</i> plus Below <i>Grade Floor</i> Area and Excludes <i>Floor</i> Area Devoted to Parking)			
	Required Automobile Parking Spaces <sup>(1)</sup>			
	Minimum Required Outside a <i>Transit Area</i> or <i>Transit Priority Area</i>	Minimum Required Within a <i>Transit Priority Area</i> <sup>(6)</sup>	Minimum Required Within a <i>Transit Area</i> <sup>(2)</sup>	Maximum Permitted
Carmel Valley through La Jolla Shores [No change in text.]	[No change in text.]			
Old Town [No change in text.]	[No change in text.]			

**Footnotes for Table 142-05E**

<sup>1</sup> through <sup>5</sup> [No change in text.]

<sup>6</sup> The *transit priority area* parking ratio applies to *development* where all or a portion of the *premises* is located within a *transit priority area* and supersedes any other applicable parking ratio. Vehicle Miles Travelled Reduction Measures are applicable as described in Section 143.1103(b)(1).

- (b) Eating and Drinking Establishments. Table 142-05F establishes the required ratio of parking spaces to building *floor* area in the commercial zones, industrial zones, and planned districts shown, for eating and drinking establishments that are the *primary use* on a *premises*.

Table 142-05F

## Parking Ratios for Eating and Drinking Establishments

Zone	Parking Spaces Required per 1,000 Square Feet of Eating and Drinking Establishment <sup>(1)</sup> <i>Floor Area Unless Otherwise Noted (Floor Area Includes Gross Floor Area plus Below Grade Floor Area and Excludes Floor Area Devoted to Parking)</i>			
	Required Automobile Parking Spaces <sup>(2)</sup>			
	Minimum Required Outside a Transit Area or Transit Priority Area	Minimum Required Within a Transit Priority Area <sup>(6)</sup>	Minimum Required Within a Transit Area <sup>(3)</sup>	Maximum Permitted
Commercial Zones				
Commercial Zones, CC-1-1 through Mixed-Use Zones, EMX-3 [No change in text.]	[No change in text.]			
Industrial Zones				
IH-1-1 IH-2-1	[No change in text.]	0	[No change in text.]	
IL-1-1 IL-2-1	[No change in text.]	0	[No change in text.]	
IL-3-1 through IBT-1-1 [No change in text.]	[No change in text.]			
Planned Districts				
Carmel Valley through La Jolla Shores [No change in text.]	[No change in text.]			
Old Town [No change in text.]	[No change in text.]			

## Footnotes for Table 142-05F

- <sup>1</sup> Eating and Drinking Establishments. The minimum parking ratios apply to eating and drinking establishments that do not have a common parking area with any other uses. There is no minimum parking

requirement or maximum permitted parking for outdoor dining. Within the CN, CO, and CV Zones, minimum parking required can also be replaced with bicycle parking at a ratio of 2 bicycle parking spaces provided for every required vehicle parking space. Within the Coastal Overlay Zone, outdoor dining areas such as decks, patios, terraces, etc., are considered part of the eating and drinking establishment's *gross floor area* and are included in calculating parking requirements.

<sup>2</sup> through <sup>5</sup> [No change in text.]

<sup>6</sup> The *transit priority area* parking ratio applies to *development* where all or a portion of the *premises* is located within a *transit priority area* and supersedes any other applicable parking ratio. Vehicle Miles Travelled Reduction Measures are applicable as described in Section 143.1103(b)(1).

- (c) Nonresidential Uses. Table 142-05G establishes the required ratio of parking spaces to building *floor area* for the nonresidential uses shown that are not covered by the parking requirements in sections 142.0530(a) and (b).

**Table 142-05G**

**Parking Ratios for Specified Non-Residential Uses**

Use	Parking Spaces Required per 1,000 Square Feet of <i>Floor Area</i> Unless Otherwise Noted ( <i>Floor Area</i> Includes <i>Gross Floor Area</i> plus below <i>Grade Floor Area</i> , and Excludes <i>Floor Area</i> Devoted to Parking)			
	Required Automobile Parking Spaces <sup>(1)</sup>			
	Minimum Required Outside a <i>Transit Priority Area</i>	Minimum Required Within a <i>Transit Priority Area</i> <sup>(8)</sup>	Minimum Required Within a <i>Transit Area</i> <sup>(2)</sup>	Maximum Permitted
<b>Institutional</b>				
<b>Separately Regulated Uses</b>				
Botanical Gardens and Arboretums	[No change in text.]			
Educational facilities:				
Kindergarten through grade 9	[No change in text.]	0	[No change in text.]	
Grade 10 through grade 12	[No change in text.]	0	[No change in text.]	
Vocational/trade schools	[No change in text.]	0	[No change in text.]	



Use	Parking Spaces Required per 1,000 Square Feet of <i>Floor Area</i> Unless Otherwise Noted ( <i>Floor Area</i> Includes <i>Gross Floor Area</i> plus below <i>Grade Floor Area</i> , and Excludes <i>Floor Area</i> Devoted to Parking)			
	Required Automobile Parking Spaces <sup>(1)</sup>			
	Minimum Required Outside a <i>Transit Priority Area</i>	Minimum Required Within a <i>Transit Priority Area</i> <sup>(8)</sup>	Minimum Required Within a <i>Transit Area</i> <sup>(2)</sup>	Maximum Permitted
Exhibit Halls & Convention Facilities	[No change in text.]	0	[No change in text.]	
Hospitals	[No change in text.]	0	[No change in text.]	
Intermediate care facilities and nursing facilities	[No change in text.]	0	[No change in text.]	
Interpretive Centers	[No change in text.]	0	[No change in text.]	
Museums	[No change in text.]	0	[No change in text.]	
Radio & Television Broadcasting	[No change in text.]	0	[No change in text.]	
Retail Sales: See Table 142-05E [No change in text.]				
Commercial Services				
Eating & Drinking Establishments	[No change in text.]			
Public assembly & entertainment, Theaters through Swimming pools [No change in text.]	[No change in text.]			
All other assembly and entertainment	[No change in text.]	0	[No change in text.]	
Visitor accommodations	[No change in text.]			
Separately Regulated Uses				
Child Care Centers	[No change in text.]	0	[No change in text.]	
Funeral parlors & Mortuaries	[No change in text.]	0	[No change in text.]	
Private clubs, lodges, fraternal organizations (except fraternities and sororities) through Single room occupancy hotels (For <i>SRO Hotels</i> that meet the criteria for affordable housing <i>dwelling units</i> stated in Section 142.0527, see	[No change in text.]			

Use	Parking Spaces Required per 1,000 Square Feet of <i>Floor Area</i> Unless Otherwise Noted ( <i>Floor Area</i> Includes <i>Gross Floor Area</i> plus below <i>Grade Floor Area</i> , and Excludes <i>Floor Area</i> Devoted to Parking)			
	Required Automobile Parking Spaces <sup>(1)</sup>			
	Minimum Required Outside a <i>Transit Priority Area</i>	Minimum Required Within a <i>Transit Priority Area</i> <sup>(8)</sup>	Minimum Required Within a <i>Transit Area</i> <sup>(2)</sup>	Maximum Permitted
Section 142.0527 for parking requirements) [No change in text.]				
Veterinary clinics & hospitals	[No change in text.]	0	[No change in text.]	
Offices <sup>(4)</sup>				
Business & professional/ Government/ Regional & corporate headquarters (except in IS Zone) through All office uses in the IS Zone [No change in text.]	[No change in text.]			
Vehicle & Vehicular Equipment Sales & Service				
Automobile service stations	[No change in text.]	0	[No change in text.]	
Vehicle repair & maintenance	[No change in text.]	0	[No change in text.]	N/A
Vehicle sales & rentals	[No change in text.]	0	[No change in text.]	[No change in text.]
Distribution and Storage <sup>(4)</sup>				
All distribution and storage uses through Self Storage Facilities [No change in text.]	[No change in text.]			
Industrial				
Heavy Manufacturing (except in IS Zone)	1.5 <sup>(6)</sup>	0 <sup>(6)</sup>	1.5 <sup>(6)</sup>	[No change in text.]
Light manufacturing (except in IS Zone)	2.5 <sup>(6)</sup>	0 <sup>(6)</sup>	2.1 <sup>(6)</sup>	[No change in text.]
Research & development (except in IS Zone) through All industrial uses in the IS Zone [No change in text.]	[No change in text.]			

**Footnotes for Table 142-05G**

<sup>1</sup> through <sup>7</sup> [No change in text.]

<sup>8</sup> The *transit priority area* parking ratio applies to *development* where all or a portion of the *premises* is located within a *transit priority area* and supersedes any other applicable parking ratio. Vehicle Miles Travelled Reduction Measures are applicable as described in Section 143.1103(b)(1).

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

**§142.0531 Transit Priority Area Regulations for Non-Residential Uses**

(a) Table 142-05E establishes the ratio of required parking spaces to building *floor area* within a *transit priority area* in the commercial zones, industrial zones, mixed-use zones, and planned districts shown.

(b) [No change in text.]

(c) Where no *off-street parking spaces* are provided on a *premises* in a *transit priority area*:

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

(d) Where *off-street parking spaces* are provided on a *premises* in a *transit priority area*, a *premises* with 11 to 25 *off-street parking spaces* must provide at least 2 accessible *off-street parking spaces*. A *premises* with greater than 25 *off-street parking spaces* shall be subject to the requirements in the California Building Standards Code.

Section 8. That Chapter 14, Article 2, Division 6, of the San Diego Municipal Code is amended by amending section 142.0640, to read as follows:

**§142.0640 Development Impact Fees for Public Facilities and Spaces**

(a) [No change in text.]

(b) Payment of Fees

Development Impact Fees (as defined in California Government Code Section 66000) for applicable *development* shall be paid prior to requesting a final inspection. A final inspection shall not occur until the applicable DIFs are paid in areas where DIFs have been established by City Council resolution or ordinance. Notwithstanding the above, the City Manager may also require the payment of DIFs for *development* that would increase demand for public facilities or result in the need for new public facilities. shall not be required for inclusionary *dwelling units* provided pursuant to Chapter 14, Article 2, Division 13 if the *applicant* has satisfied all the requirements of Division 13 for inclusionary *dwelling units* on the same *premises* as the market-rate *dwelling units*. The DIF amount due shall be based upon the DIF schedule in effect when the *development* application was *deemed complete*, or the DIF schedule in effect when the fees are paid, whichever amount is lower, plus an automatic increase consistent with Section 142.0640(c), if applicable.

Exemptions:

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

(4) For *development* utilizing the Complete Communities: Housing Solutions Regulations in Chapter 14, Article 3, Division 10, all covenant-restricted affordable *dwelling units* and *dwelling units* that contain at least three bedrooms are exempt from DIFs.

- (5) For *development* of a streetary, in accordance with Section 141.0621, the DIFs shall be assessed at a rate of 1/15th of the Development Impact Fees established by City Council resolution or ordinance, and shall be collected every two years with the issuance of the applicable Public Right of Way Permit.
- (6) Active sidewalks developed in accordance with Section 141.0621 are exempt from DIFs.
- (7) The first two *dwelling units* constructed in accordance with Chapter 14, Article 3, Division 13 shall be exempt from the requirement to pay DIF. The third and fourth *dwelling units* constructed in accordance with Chapter 14, Article 3, Division 13 shall be required to pay DIF, which shall be scaled in accordance with Table 142-06A, based upon the *dwelling unit* size.

**Table 142-06A**

**Scaled Development Impact Fee Rate for Specific Residential Development**

[No change in text.]

- (8) *Development* that designs and constructs an onsite park that satisfies the *development's* park standard identified in the Parks Master Plan, shall not be subject to the requirement to pay the Citywide Park DIF, where the requirements set forth in San Diego Resolution R-313688 (Aug. 13, 2021) (Resolution R-313688) have been satisfied. *Development* that designs and constructs an onsite park that satisfies a portion of the *development's* parks standards

shall be subject to a proportionate share credit of the DIF for the Citywide Park DIF where the requirements set forth in Resolution R313688 have been satisfied. To be eligible for any exemption under this subsection, the following additional requirements shall apply:

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

(F) Prior to requesting final inspection of the first *dwelling unit* in the *development*, a fee in the amount of 10 percent of the total DIF related to parks that would have otherwise been required shall be paid to fund park and recreation improvements in the City in accordance with Resolution R-313688.

(9) Interim residential *development* that obtains a Building Permit in accordance with Section 141.0309 shall be required to pay one-third of the applicable residential DIF. At the end of 10 years from issuance of the Neighborhood Use Permit, if the interim residential use and associated Neighborhood Use Permit is extended beyond the initial term, the remaining two-thirds of the applicable residential DIF in effect at the time of the granting of the initial Building Permit shall be paid.

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

Section 9. That Chapter 14, Article 2, Division 13, of the San Diego Municipal Code is amended by amending section 142.1304, to read as follows:

**§142.1304 Inclusionary Affordable Housing Requirements**

From July 1, 2020 through June 30, 2024, the requirements of subsections (a) and (b) of this Section shall be implemented incrementally as set forth in the Inclusionary Affordable Housing Implementation and Monitoring Procedures Manual on file with the San Diego Housing Commission (Procedures Manual). Effective July 1, 2024, all residential *development* subject to this Division shall include inclusionary *dwelling units* as follows:

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

(e) *Development* of inclusionary *dwelling units* shall be subject to the following:

(1) The inclusionary *dwelling units* shall be constructed at the same time as the market-rate *dwelling units* and receive final inspection approval from the Building Official no later than the date that the market-rate *dwelling units* receive final inspection approval from the Building Official. The *applicant* may seek an alternative *development* schedule in accordance with Sections 142.1310 and 142.1311.

(2) [No change in text.]

(3) Sale or lease of the inclusionary *dwelling units* shall follow the marketing requirements and procedures in the Procedures Manual. *Very low income*, *low income*, and *moderate income* households located in an area identified as a Low Resource or High Segregation and Poverty Resource California Tax Credit

Allocation Committee (CTCAC) Opportunity Area when the *development* application is *deemed complete* shall receive priority preference for new covenant-restricted *dwelling units* created under this section.

(4) through (5) [No change in text.]

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

Section 10. That Chapter 14, Article 3, Division 7, of the San Diego Municipal Code is amended by amending sections 143.0720, 143.0740, 143.0745, 143.0746, and adding section 143.0747, to read as follows:

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

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

(g) A *lower income student's* housing *density* bonus agreement shall utilize the following qualifying criteria:

(1) At least 10 percent of the pre-*density* bonus units in the *development* shall be affordable to *lower income students* at a rent that does not exceed 30 percent of 65 percent of the area median income for a single-room occupancy unit type.

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

(2) All units in the student housing *development* shall be used exclusively for undergraduate, graduate, or professional students enrolled full time at an institution of higher education accredited by the Western Association of Schools and Colleges: Senior College and University Commission or the



Accrediting Commission for Community and Junior Colleges.

(3) [No change in text.]

(4) The *lower income student* units shall be comparable in mix and amenities to the market-rate student units in the *development* and be dispersed throughout the *development*.

(5) Rental units shall remain available as affordable units for a period of 55 years or longer, as may be required by other laws or covenants.

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

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

(1) through (5) [No change in text.]

(6) For *development* meeting the criteria for *lower income students*, the *density* bonus and incentives shall be calculated in accordance with Table 143-07B.

(7) through (15) [No change in text.]

(m) through (n) [No change in text.]

(o) A residential or mixed-use *development* consistent with all base zone requirements may receive a 0.5 *floor area ratio* bonus that may be combined with any other bonuses and incentives found within this Division and within Chapter 14, Article 3, Division 10 if any portion of the *development* is located on a *premises* that meets all of the following:

(1) Located in a *Sustainable Development Area*; and

- (2) Located in a commercial base zone that allows for residential or mixed-use *development*; and
  - (3) Has an existing land use in the *premises* that is not developed residential.
- (p) *Very low income, low income, and moderate income* households located in an area identified as a Low Resource or High Segregation and Poverty Resource California Tax Credit Allocation Committee (CTCAC) Opportunity Area when the *development* application is *deemed complete* shall receive priority preference for new covenant-restricted *dwelling units* created under this section.

**§143.0740 Incentives in Exchange for Affordable Housing Dwelling Units**

An *applicant* proposing a *density* bonus shall be entitled to incentives as described in this Division for any *development* for which a written agreement and a deed of trust securing the agreement is entered into by the *applicant* and the President and Chief Executive Officer of the San Diego Housing Commission. The City shall process an incentive requested by an *applicant* as set forth in this section.

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

**Table 143-07A**

**Very Low Income Density Bonus Households**

[No change in text.]

**Table 143-07B**

**Low Income Density Bonus Households**

[No change in text.]

**Table 143-07C**

**Moderate Income Density Bonus Households**

[No change in text.]

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

A *development* that complies with the Affordable Housing Regulations may provide all or a portion of the required affordable *dwelling units* off-site in accordance with the following:

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

(f) Off-site affordable *dwelling units* may be located in an existing *structure*, provided the *applicant* provides evidence that the existing *structure* has a remaining useful life of at least 55 years from the issuance of a Certificate of Occupancy pursuant to Section 143.0745(g)(2)(B) and complies with current California Building Code standards, to the satisfaction of the City Manager. Off-site affordable *dwelling units* that are occupied at the time the application is *deemed complete* shall comply with the State Relocation Act pursuant to California Government Code Section 7260 or the Residential Tenant Protection Regulations in accordance with Chapter 9, Article 8, Division 7, whichever amount of relocation assistance is greater.

(g) [No change in text.]

**§143.0746 Affordable Housing in All Communities**

(a) Affordable housing uses not otherwise allowed in High or Highest Resource California Tax Credit Allocation Committee (CTCAC) Areas. Affordable housing may be permitted in High or Highest Resource

CTCAC Areas in accordance with Process One on a *premises* located within a non-residential base zone that does not otherwise allow *multiple dwelling unit development*, subject to all of the following:

(1) The *development* proposes to construct one or more of the following:

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

(C) Transitional housing;

(D) An emergency shelter; or

(E) SRO *hotel rooms* in a SRO *hotel* that meets the deed restriction requirement in Section 143.0746(a)(7).

(2) The *premises* is located within all of the following:

(A) [No change in text.]

(B) An area identified as a High or Highest Resource CTCAC Opportunity Area when the *development* application is *deemed complete*;

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

(3) through (7) [No change in text.]

(b) Affordable housing may be permitted on a *premises* owned by a public agency or a qualified nonprofit corporation (consistent with Chapter 2 of the Municipal Code) in accordance with Process One on a *premises* located within a base zone that does not allow *multiple dwelling unit development*, subject to all of the following:

(1) [No change in text.]

- (2) The *development* includes one of the following:
  - (A) [No change in text.]
  - (B) *Multiple dwelling unit development* for use by public agency employees to be constructed under a contract with a public agency;
  - (C) *Multiple dwelling unit development* for use by active or retired military personnel or veterans, to be constructed by or through a contract with the federal government;
  - (D) *Multiple dwelling unit development* for use by *lower income students* constructed by or through a contract with a community college district or a state operated university;
  - (E) *Permanent supportive housing*;
  - (F) Transitional housing; or
  - (G) An emergency shelter.
- (3) The *premises* is located:
  - (A) [No change in text.]
  - (B) Outside of an area designated for Industrial, Park, or Open Space in a *land use plan*.
- (4) The residential *density* maximums for *development* shall not apply.
- (5) The residential maximum *floor area ratio* shall be determined by the Mobility Zone as defined in Section 143.1103 and the percentage of *very low income, low income, and moderate income dwelling units* provided as identified in Table 143-07E.

- (A) Where a *premises* is located in two or more Mobility Zones, the entire *premises* shall be subject to the regulations applicable to the Mobility Zone with the greatest *floor area ratio* bonus.
- (B) *Development* located within the Coastal Overlay Zone and the Coastal Height Limit Overlay Zone as shown on Map No. C-380, filed in the office of the City Clerk as Document No. 743737, shall be limited to a maximum *floor area ratio* of 2.5, and to a maximum height of 30 feet, except for those areas located within Mobility Zone 1.

**Table 143-07E****Maximum Floor Area Ratios by Mobility Zone**

Mobility Zone <sup>1</sup>	Affordability Level	Percent Affordable <i>Dwelling Units</i> After Applied Bonus		
		25-34%	35-49%	50-100%
1	<i>Very Low Income, Low Income, and Moderate Income</i>	Unlimited	Unlimited	Unlimited
2	<i>Very Low Income or Low Income</i> <sup>2</sup>	6.0	7.0 FAR	8.0 FAR
	<i>Moderate Income</i> <sup>3</sup>	5.0 FAR	6.0 FAR	7.0 FAR
3	<i>Very Low Income or Low Income</i> <sup>2</sup>	4.0 FAR	5.0 FAR	6.0 FAR
	<i>Moderate Income</i> <sup>3</sup>	3.0 FAR	4.0 FAR	5.0 FAR

**Footnotes for Table 143-07E**

<sup>1</sup> Mobility Zones as defined in Section 143.1103.

<sup>2</sup> For base zones that have a maximum *floor area ratio* equal or greater than the *floor area ratio* specified in Table 143-07E, the *development* shall receive an additional *floor area ratio* bonus of 3.0 for *very low income* and *low income dwelling units*.

<sup>3</sup> For base zones that have a maximum *floor area ratio* equal or greater than the *floor area ratio* specified in Table 143-07E, the *development* shall receive an additional *floor area ratio* bonus of 1.5 for *moderate income dwelling units*.

- (6) Residential *development* shall comply with the following *development* regulations:
  - (A) Within Mobility Zone 1, residential *development* shall comply with the underlying base zone, except for the *floor area ratio*.
  - (B) Within Mobility Zones 2 and 3 residential, *development* shall comply with the *development* regulations of the RM-2-5 zone with the exception of the following:
    - (i) *Floor area ratio* and *density* shall be based on Table 143-07E.
    - (ii) *Lot* area and *lot* dimensions shall be based on the base zone.
- (7) *Development* consistent with the criteria in this section shall be entitled to incentives and waivers in accordance with Sections 143.0740 through 143.0743.
- (8) Affordable *dwelling units* within a *multiple dwelling unit development* shall remain available and affordable for a period of 55 years or longer, as may be required by other laws or covenants.

**§143.0747 Incentives for Development of a Previously Conforming Use Identified as an Incompatible Use**

An *applicant* proposing *development* to replace a *previously conforming* use identified as an incompatible use in Section 127.0112 shall be entitled to one of the following incentives:

- (a) If a *development* application is *deemed complete* within 15 years of the date of notification in accordance with Section 127.0112(b)(2), the *development* may increase the maximum *floor area ratio* allowed in the base zone by 0.5. The increased *floor area ratio* shall be in addition to any other increase in *density* or *floor area ratio* allowed in this Division.
- (b) If a *development* application is *deemed complete* within 15 years of the date of notification in accordance with Section 127.0112(b)(2) and includes 50 percent of its pre-*density bonus dwelling units* set aside as affordable to *very low income*, *low income*, or *moderate income* households for a period of not less than 55 years guaranteed through a written agreement and a deed of trust securing the agreement, entered into by the *applicant* and the President and Chief Executive Officer of the San Diego Housing Commission, the *development* may increase the maximum *floor area ratio* allowed by the base zone by 1.5. The increased *floor area ratio* shall be in addition to any other increase in *density* or *floor area ratio* allowed in this Division.

Section 11. That Chapter 14, Article 3, Division 8, of the San Diego Municipal Code is amended by amending sections 143.0810, 143.0815, 143.0820, 143.0830, 143.0840, 143.0850, and 143.0860, to read as follows:

**§143.0810 Purpose of Coastal Zone Affordable Housing Replacement Regulations**

The purpose of these regulations is to preserve existing *dwelling units* within the Coastal Overlay Zone that are occupied by *very low income*, *low income*, or



*moderate income families* as defined by California Government Code Section 65590(b). These regulations are intended to implement California Government Code Section 65590 and the City of San Diego's prohousing policies, by providing for replacement housing within the Coastal Overlay Zone.

**§143.0815 When Coastal Overlay Zone Affordable Housing Replacement Regulations Apply**

(a) This Division applies to any *development* that proposes the conversion or demolition of rental *dwelling units* within the Coastal Overlay Zone that are occupied by persons or *families* of *very low income*, *low income*, or *moderate income*, except as provided in Section 143.0820.

(b) The following *development* types shall be reviewed for compliance with the regulations in this Division:

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

(3) Demolition of a residential *structure* with three or more *dwelling units* or demolition of at least five *dwelling units* when two or more *structures* are involved.

(c) [No change in text.]

**§143.0820 Exemptions from the Coastal Overlay Zone Affordable Housing Replacement Regulations**

This Division is not applicable to the following:

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

(c) The conversion or demolition of a residential *structure* that contains less than three *dwelling units*; and

(d) The conversion or demolition of 4 or fewer *dwelling units* on a *premises* with more than one residential *structure*.

**§143.0830 Coastal Overlay Zone Affordable Housing Replacement Requirements**

- (a) Within the Coastal Overlay Zone, the conversion or demolition of *dwelling units* occupied by households of *very low income*, *low income*, or *moderate income* is prohibited unless provision is made for the replacement of the units on a one-to-one basis.
- (b) The replacement requirements to provide *dwelling units* affordable to, and occupied by, *very low income*, *low income*, or *moderate income families* can be met in any of the following ways:
  - (1) Conversion of existing market-rate *dwelling units* to units affordable to, and occupied by, *very low income*, *low income*, or *moderate income* persons or *families*;
  - (2) Conversion of existing nonresidential *development* to *dwelling units* affordable to, and occupied by, *very low income*, *low income*, or *moderate income* persons or *families*;
  - (3) *Development* of new *dwelling units* affordable to, and occupied by, *very low income*, *low income*, or *moderate income* persons or *families* to replace those housing units converted or demolished;
  - (4) Substantial rehabilitation of deteriorated or dilapidated *dwelling units* to units affordable to, and occupied by, *very low income*, *low income*, or *moderate income* persons or *families*; or
  - (5) [No change in text.]

**§143.0840 General Rules for Coastal Overlay Zone Affordable Housing Replacement Regulations**

- (a) The Executive Director of the San Diego Housing Commission shall be responsible for determining *very low income*, *low income*, and *moderate income* affordability standards and residents' qualifications.
- (b) through (d) [No change in text.]

**§143.0850 Development Review Procedures and Requirements for Coastal Overlay Zone Affordable Housing Replacement**

- (a) [No change in text.]
- (b) Within 45 calendar days of receipt of the application for *development*, the Executive Director of the San Diego Housing Commission shall determine whether the *dwelling units* to be converted or demolished are occupied by persons or *families* of *very low income*, *low income*, or *moderate income*. This determination shall be based upon a survey of the residents. Information on tenant income shall be provided under penalty of perjury and shall include income from all sources, including reasonable return on tenant assets. A *dwelling unit* need not be replaced if, based upon a tenant income survey of the residents, the Executive Director determines that the unit is not occupied by persons or *families* of *very low income*, *low income*, or *moderate income*.
- (c) Where a proposed *development* is required to provide replacement units that are affordable to *very low income*, *low income*, or *moderate income* persons or *families*, the *applicant* shall enter into a Coastal Affordable Housing Compliance Agreement with the San Diego Housing Commission. The agreement shall include the following provisions:

- (1) A description of the *coastal development* project, including its location and the number of *dwelling units* to be developed, converted, or demolished;
  - (2) [No change in text.]
  - (3) A description of the method to be used to insure the affordability of the replacement *dwelling units*. The term of affordability shall be for at least 5 years. Affordability shall include the rent or estimated housing cost and, in the case of forsale units, the *applicant* shall identify the techniques to be used to limit future resales. The agreement shall be recorded and shall be an encumbrance upon the *applicant's* project until the provisions of this section are satisfied.
- (d) If an *applicant* chooses to pay an in-lieu fee instead of providing replacement *dwelling units*, the agreement shall include a provision that the San Diego Housing Commission shall develop, and make available as soon as feasible, the number and type of *dwelling units* the *applicant* would otherwise have been required to provide. The agreement shall also include the amount of the fee and the manner in which the fee shall be paid in accordance with the following:
- (1) In the case of conversions, the fee shall be due upon commencement of sales of *dwelling units* converted to residential ownership status or upon approval of the final permits for change of use to nonresidential use;

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

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

**§143.0860 Standards for Coastal Overlay Zone Affordable Housing Replacement Dwelling Units**

(a) Replacement *dwelling units* shall provide housing opportunities similar to those provided by the *dwelling units* converted or demolished.

Replacement *dwelling units* shall be acceptable to the Executive Director of the San Diego Housing Commission in accordance with a Coastal Affordable Housing Compliance Permit. The replacement *dwelling units* need not be identical to those converted or demolished, but should be provided in the same *bedroom* ratio.

(b) Priority for location of replacement *dwelling units* shall be as follows and in accordance with Section 143.0860(c):

(1) [No change in text.]

(2) Elsewhere in the Coastal Overlay Zone within the same community plan area; or

(3) Elsewhere in the Coastal Overlay Zone.

(c) Replacement *dwelling units* that are not located on the same *premises* as the converted or demolished affordable *dwelling units* shall comply with all of the following:

(1) Replacement *dwelling units* shall not be constructed within an area identified as a Low Resource or High Segregation and Poverty Opportunity Area by the California Tax Credit Allocation Committee when the *development* application is *deemed complete*.

- (2) If the converted or demolished affordable *dwelling units* were located on a *premises* within an area identified as a High or Highest Resource Opportunity Area by the California Tax Credit Allocation Committee when the *development* application is *deemed complete*, the replacement *dwelling units* shall also be constructed within an area identified as a High or Highest Resource Opportunity Area by the California Tax Credit Allocation Committee and shall not be constructed in a lower Opportunity Area than the Opportunity Area in which the converted or demolished *structure* is located.
- (d) Replacement *dwelling units* shall be provided and available for occupancy within three years of the date that a converted unit is offered for sale to the public or that the physical demolition of a demolished unit is substantially complete.
- (e) *Very low income, low income, and moderate income* households located in an area identified as a Low Resource or High Segregation and Poverty Opportunity Area by the California Tax Credit Allocation Committee when the *development* application is *deemed complete* shall receive priority preference for new affordable *dwelling units* created under this Division.

Section 12. That Chapter 14, Article 3, Division 10, of the San Diego Municipal Code is amended by amending sections 143.1005, 143.1010, 143.1015, and 143.1025, to read as follows:

**§143.1005 Required Replacement of Existing Affordable Units**

- (a) [No change in text.]
- (b) The number and type of required replacement affordable *dwelling units* shall be determined as follows:
  - (1) through (3) [No change in text.]
  - (4) All rental replacement affordable *dwelling units* shall be affordable for at least 55 years. *Very low income, low income, and moderate income* households located within an area identified as a Low Resource or High Segregation and Poverty Opportunity Area by the California Tax Credit Allocation Committee when the *development* application is *deemed complete*, shall receive priority preference for new covenant-restricted *dwelling units* created under this Division.
  - (5) [No change in text.]
  - (6) The *applicant* agrees to provide relocation benefits to the occupants of those affordable residential *dwelling units*, and the right of first refusal for a comparable *dwelling unit* available in the new housing *development* at a rent affordable to *very low income* or *low income* households.
    - (A) [No change in text.]
    - (B) For any *very low income, low income, or moderate income* household displaced by conversion, the *applicant* shall pay to such household an amount in accordance with Chapter 16

(commencing with Section 7260) of Division 7 of Title 1 of the California Government Code or the Residential Tenant Protection Regulations located in Chapter 9, Article 8, Division 7, whichever amount of relocation assistance is greater.

(7) [No change in text.]

**§143.1010 Incentives in Exchange for Sustainable Development Area Affordable Housing and Infrastructure Amenities**

An *applicant* proposing *development* that is consistent with the criteria in Section 143.1002 shall be entitled to the following incentives:

- (a) Waiver of the existing *floor area ratio* and a new *floor area ratio* based upon whether the *development* is located in FAR Tier 1, FAR Tier 2, FAR Tier 3, or FAR Tier 4. If a mixed-use *development* is proposed, the *floor area ratio* of the non-residential portion of the *development* shall not exceed the maximum *floor area ratio* of the applicable base zone or Planned District.

*Development* located within the Coastal Overlay Zone and the Coastal Height Limit Overlay Zone as shown on Map No. C-380, filed in the office of the City Clerk as Document No. 743737, shall be limited to a maximum *floor area ratio* of 2.5, and to a maximum height of 30 feet, with the exception of those areas located within the FAR Tier 1.

- (1) Within FAR Tier 1, there shall be no maximum *floor area ratio* for residential *development*.



- (2) Within FAR Tier 2, the new maximum *floor area ratio* shall be 8.0.
  - (3) Within FAR Tier 3, the new maximum *floor area ratio* shall be 6.5.
  - (4) Within FAR Tier 4, the new maximum *floor area ratio* shall be 4.0.
  - (5) An additional *floor area ratio* bonus of 1.5 shall be added to the maximum *floor area ratio* identified in Section 143.1010(a)(2)-(4) if:
    - (A) At least 10 percent of the total *dwelling units* in the *development* are at least two *bedroom dwelling units*;
    - (B) An additional 10 percent or more of the total *dwelling units* in the *development* are at least three *bedroom dwelling units*; and
    - (C) Each *dwelling unit* is under only one lease agreement per *dwelling unit*.
- (b) through (d) [No change in text.]
- (e) Waiver of the private exterior open space requirement in Section 131.0455 for all *dwelling units* in the *development* if at least 10 percent of the total *dwelling units* in the *development* are at least three *bedroom dwelling units*, and each *dwelling unit* in the *development* is under only one lease agreement per *dwelling unit*.

- (f) Waiver of Development Impact Fees for all covenant-restricted affordable *dwelling units* and all *dwelling units* that contain at least three *bedrooms*, if the *development* provides a residential *density* that is at least 120 percent of the maximum permitted *density* of the applicable base zone or Planned District.
- (g) Waiver of the Neighborhood Enhancement Fee for *development* that meets the affordable housing requirements set forth by this Division and restricts 100 percent of the *dwelling units*, not including any managers units, to households earning no more than 50 percent of the area *median income*.
- (h) Use of up to five Affordable Housing Incentives. An *applicant* utilizing the regulations in this Division shall be entitled to incentives as described in Section 143.1010(h) for any *development* for which a written agreement and a deed of trust securing the agreement is entered into by the *applicant* and the President and Chief Executive Officer of the San Diego Housing Commission. The City shall process an incentive requested by an *applicant* in accordance with Section 143.1010(h).
  - (1) An incentive means any of the following:
    - (A) [No change in text.]
    - (B) Any other incentive proposed by the *applicant*, other than those identified in section 143.1010(h)(2), that results in identifiable, actual cost reductions.
  - (2) Items not considered incentives by the City of San Diego include, but are not limited to, the following:

- (A) [No change in text.]
- (B) A waiver of fees or dedication requirements, except as allowed under Section 143.1010(f);
- (C) through (E) [No change in text.]
- (3) An incentive requested as part of a *development* meeting the requirements of this Division shall be processed according to the following:
  - (A) Upon an *applicant's* request, *development* that meets the applicable requirements of this Division shall be entitled to incentives pursuant to Section 143.1010(h) unless the City makes a written finding of denial based upon substantial evidence, of any of the following:
    - (i) [No change in text.]
    - (ii) The incentive would have a specific adverse impact upon public health and safety as defined in California Government Code Section 65589.5, the physical environment, including environmentally sensitive lands, or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development

unaffordable to *low income* and *moderate income*  
households;

(iii) and (iv) [No change in text.]

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

(4) [No change in text.]

- (i) Affordable Housing waivers may be granted, except that waivers cannot be used to deviate from the requirements of this Division. An *applicant* utilizing the regulations in this Division shall be entitled to a waiver as described in Section 143.1010(i) for any *development* for which a written agreement and a deed of trust securing the agreement is entered into by the *applicant* and the President and Chief Executive Officer of the San Diego Housing Commission.

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

- (j) Compliance with the regulations in this Division shall satisfy compliance with the City's Inclusionary Affordable Housing Regulations in Chapter 14, Article 2, Division 13, and the *applicant's* affordable housing obligations.

**§143.1015 Required Provision of Affordable Dwelling Units**

- (a) In accordance with Section 143.1002(a)(1), an *applicant* requesting application of the regulations in this Division shall provide a written agreement to provide affordable *dwelling units*, entered into by the

*applicant* and the President and Chief Executive Officer of the San Diego Housing Commission and secured by a deed of trust, that meets the following requirements:

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

(4) As an alternative to the requirements in Section 143.1015(a)(1)-(3), an *applicant* may meet one of the following requirements:

- (A) Provide at least 40 percent of the rental *dwelling units* in the *development*, excluding any additional *dwelling units* allowed under a *floor area ratio* bonus, for rent by *very low income* households at a cost, including an allowance for utilities that does not exceed 30 percent of 50 percent of the area *median income*, as adjusted for household size; or
- (B) Provide 100 percent of the total *dwelling units*, excluding any managers units, in the *development* for rent by *low income* households, including an allowance for utilities that does not exceed 30 percent of 60 percent of the area *median income*, as adjusted for household size; or
- (C) Provide 100 percent of the rental *dwelling units* in the *development*, excluding any additional *dwelling units* allowed under a *floor area ratio* bonus, for rent by *moderate income* households at a cost, including an allowance for utilities that does not exceed:

- (i) 30 percent of 80 percent of the area *median income*, as adjusted for household size for at least 50 percent of the required rental *dwelling units*; and
- (ii) 30 percent of 120 percent of the area *median income*, as adjusted for household size for the remainder of the required rental *dwelling units*.

(5) through (6) [No change in text.]

(7) As an alternative to the requirements in Section 143.1015(a)(1)-(3) or 143.1015(a)(4) to provide the required rental *dwelling units* onsite, the required rental *dwelling units* may be provided on a different *premises* from the *development* subject to all the following requirements:

- (A) The required rental *dwelling units* shall be located on a receiver site that is located within:
  - (i) A *Sustainable Development Area*; and
  - (ii) An area identified as a Moderate, High, or Highest Resource Opportunity Area by the California Tax Credit Allocation Committee when the *development* application is *deemed complete*.
- (B) The *applicant* shall pay a fee to the “Neighborhood Enhancement Fund,” as established by San Diego Resolution R-313282 (Nov. 17, 2020), calculated based on the square feet of *lot* area for the *development premises* and

the *premises* for the receiver site for the required rental *dwelling units*. The fee to the “Neighborhood Enhancement Fund” for the receiver site shall not exceed the amount of the fee for the *development premises*.

- (C) A final inspection shall not occur for the *development* until a deed of trust for the affordable *dwelling units* located at the receiver site has been entered into by the *applicant* and the President and the Chief Executive Officer of the San Diego Housing Commission.
- (D) The *applicant* shall record a deed restriction prior to the issuance of the first Building Permit for the *development* that:
  - (i) Documents the required number of affordable *dwelling units* to be provided; and
  - (ii) Assigns foreclosure rights of the *development premises* to the San Diego Housing Commission as follows: For new *development*, if the affordable *dwelling units* have not received a certificate of occupancy within 54 months of the issuance of the first Building Permit. For an existing *structure*, if the affordable *dwelling units* have not received a certificate of occupancy within 36 months of the issuance of the first Building Permit.

- (b) [No change in text.]

**§143.1025 Supplemental Development Regulations**

*Development* utilizing the regulations in this Division must comply with the following Supplemental Development Regulations and may not utilize the waivers provided in Section 143.1010(g) to deviate from the requirements in Section 143.1025.

- (a) Pedestrian Circulation Space. All *development* shall include the following pedestrian circulation improvements:

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

(4) Each *dwelling unit* on the ground *floor* fronting a *public right-of-way* or a private drive shall have a separate ground *floor* entrance or path adjacent to the *public right-of-way* or a private drive.

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

- (d) Buffer from Adjacent Freeways. *Development*, except for *development* within the Centre City Planned District, on a *premises* within 50 feet of a freeway shall comply with the following:

(1) [No change in text.]

(2) Outdoor areas such as patios, parks, plazas, and other common spaces used by residents, customers, or members of the public shall be oriented away from the *freeway*.

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



Section 13. That Chapter 14, Article 3, Division 12, of the San Diego Municipal Code is amended by amending sections 143.1201 and 143.1203, repealing section 143.1205, and amending sections 143.1207 and 143.1212, to read as follows:

**§143.1201 Purpose of the Dwelling Unit Protection Regulations**

The purpose of these regulations is to specify when and how a residential *development* that proposes demolition of existing *dwelling units* or *protected dwelling units* must replace those *dwelling units*. These regulations are intended to implement California Government Code Section 66300(d) and the City of San Diego's pro-housing policies by requiring replacement of *dwelling units* and *protected dwelling units* for any residential *development* subject to this Division.

**§143.1203 When the Dwelling Unit Protection Regulations Apply**

This Division applies to the following *developments* with a complete *development* application submitted on or after January 1, 2020:

- (a) through (b) [No change in text.]
- (c) Mixed-use *developments* consisting of residential and non-residential uses;
- (d) Transitional housing facilities and *permanent supportive housing*; and
- (e) Commercial *development* in zones that permit residential *development*.

**§143.1207 Definitions**

The following definitions apply to this Division in addition to the definitions in Chapter 11, Article 3, Division 1 of the Land Development Code. Each word or phrase that is defined in this Division or in Chapter 11, Article 3, Division 1 of the Land Development Code appears in the text in italicized letters.

- (a) *Protected dwelling unit* means any of the following:

- (1) *Dwelling units* located outside of the Barrio Logan Plan Area that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to *very low income* or *low income* households during the five-year period preceding the *development* application.
- (2) *Dwelling units* located outside of the Barrio Logan Plan Area that are or were rented by *very low income* or *low income* households during the five-year period preceding the *development* application.
- (3) *Dwelling units* located within the Barrio Logan Plan Area that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to *very low income* or *low income* households during the seven-year period preceding the *development* application.
- (4) *Dwelling units* located within the Barrio Logan Plan Area that are or were rented by *very low income* or *low income* households during the seven-year period preceding the *development* application.
- (5) SRO *hotel rooms* or other *dwelling units* that were withdrawn from rent or lease in accordance with California Government Code Sections 7060 through 7060.7 during the 10-year period preceding the *development* application.

**§143.1212 Replacement of Protected Dwelling Units**

*Development* subject to this Division that proposes demolition of vacant or occupied *protected dwelling units* on the *premises* shall comply with all the following:

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

(d) The *applicant* shall provide existing residents of *protected dwelling units* with all of the following:

- (1) The ability to occupy their *dwelling units* until six months before the start of construction activities with proper notice, pursuant to California Government Code Sections 7260 through 7277. In the Barrio Logan Community Plan Area, any existing residents shall be allowed to occupy their *dwelling units* until six months before the start of construction activities with proper notice, which shall occur at least 12 months prior to the anticipated termination of residency. The *applicant* shall deliver a notice of intent to terminate residency to the San Diego Housing Commission and to each resident household.
- (2) The ability to rent their *dwelling units* at the prior rental rate if the demolition does not proceed and the *dwelling unit* is returned to the rental market.
- (3) To those households that remain in a *protected dwelling unit*, the *applicant* shall provide:

- (A) Relocation benefits consistent with the requirements of California Government Code Sections 7260 through 7277 for public agencies or the Residential Tenant Protection Regulations located in Chapter 9, Article 8, Division 7, whichever provides greater relocation benefits. The *applicant* for development in the Barrio Logan Community Plan Area shall engage a qualified third-party contractor or consultant to oversee the provision of the required relocation benefits. The third-party contractor or consultant shall provide a letter to the San Diego Housing Commission certifying compliance with the relocation benefits requirements after completion of the relocation process.
- (B) [No change in text.]
- (C) For *development* located within the Barrio Logan Community Plan Area, residents living within one mile of the *development* at the time of application shall receive priority for 75 percent of the affordable *dwelling units* in the *development* that are reserved for *very low income, low income, or moderate income* households.

**Table 143-12A**

[No change in text.]

- (e) Any *protected dwelling units* replaced in accordance with this Division may be counted toward compliance with the Inclusionary Affordable Housing Regulations in Chapter 14, Article 2, Division 13, ~~and the~~ Affordable Housing Regulations in Chapter 14, Article 3, Division 7, and the Coastal Overlay Zone Affordable Housing Replacement Regulations in Chapter 14, Article 3, Division 8.
- (f) *Very low income, low income, and moderate income* households located within an area identified as a Low Resource or High Segregation and Poverty Opportunity Area by the California Tax Credit Allocation Committee when the *development* application is *deemed complete*, shall receive priority preference for new covenant-restricted *dwelling units* created under this Division.

Section 14. That Chapter 14, Article 4, Division 5, of the San Diego Municipal Code is amended by amending section 144.0505, to read as follows:

**§144.0505     Tenant Benefits, Rights and Obligations**

The *subdivider* of a *condominium conversion* project shall provide all the following benefits to any person whose tenancy in the project the *subdivider* terminates due to the *condominium conversion*:

- (a) Any tenant who lawfully resides in a condominium plan, cooperative, or stock apartment *development* pursuant to this Section shall be given a right of first refusal by the *subdivider* or subsequent owner of the *development*

for the purchase of tenant's rental *dwelling unit* upon the same terms and conditions that the *dwelling unit* will be initially offered to the general public or terms and conditions more favorable to the tenant. This right to purchase shall run for a period of 90 days from the date of the notice, unless the tenant gives written notice within the 90-day period of tenant's intention not to exercise that right.

(b) This Section shall not apply to the following:

- (1) A *record* owner of four *dwelling units* or less.
- (2) Transfers pursuant to court order, including, but not limited to, transfers ordered by a probate court in the administration of an estate, transfers by any foreclosure sale after default, transfers by any foreclosure sale after default in an obligation secured by a mortgage, or transfers by a sale under a power of sale after a default in an obligation secured by a deed of trust or secured by any other instrument containing a power of sale, and any subsequent transfer by a mortgagor or beneficiary of a deed of trust who accepts a deed in lieu of foreclosure or purchases the property at a foreclosure sale.
- (3) Transfers by a fiduciary during the administration of a decedent's estate, guardianship, conservatorship, or trust. For purposes of this paragraph, a "fiduciary" means a state- or federally-chartered bank, trust company, savings association, savings bank, credit union, or industrial loan company.

- (c) Relocation Assistance shall be provided in accordance with the Residential Tenant Protection Regulations in Chapter 9, Article 8, Division 7 or California Government Code Sections 7260 through 7277, whichever regulations provide greater relocation assistance.
- (d) In the Barrio Logan Community Plan Area, any existing tenants in the *development* will be allowed to occupy their *dwelling units* until six months before the start of construction activities with proper notice, which shall occur at least 12 months prior to the anticipated date of termination of residency. The *record owner* shall deliver a notice of intent to terminate residency to the San Diego Housing Commission and to each resident household.

Section 15. That a full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 16. That this Ordinance shall take effect and be in force the sixtieth day from and after its final passage except for the provisions applicable inside the Coastal Overlay Zone and within the San Diego Regional Airport Authority regions, and except as set out in Sections 17 and 18, below.

Section 17. That for the amendments in section 143.0640(b)(1)(4) related to the discontinuation of Development Impact Fee Waivers for dwelling units under 500 square feet, this Ordinance shall take effect on January 1, 2025; however, other revisions to section 143.0640(b)(1)(4) relating to fee waivers for at least three bedroom units will take effect on the sixtieth day from and after final passage of the Ordinance.

Section 18. That the implementation of a new program to ensure priority preference for affordable homes as set forth in sections 142.1304(e)(3), 143.0720(p), 143.0860(e), 143.1005(b)(4), and 143.1212(f) will not be implemented until a program can be developed and approved as part of a future action of the Housing Authority or City Council to ensure successful implementation.

Section 19. That prior to becoming effective, this Ordinance shall be submitted to the San Diego County Regional Airport Authority acting as the Airport Land Use Commission (ALUC) for a consistency determination with the Airport Land Use Compatibility Plan.

That if the ALUC finds this Ordinance consistent with the Airport Land Use Compatibility Plans (ALUCP) for San Diego International Airport, Marine Corps Air Station Miramar, Gillespie Field, Montgomery Field, and Brown Field Airport (collectively, Airports), this Ordinance shall take effect and be in force on the thirtieth day from and after the finding of consistency, or on the thirtieth day from and after its final passage, whichever is later, except that the provisions of this Ordinance inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

That if the ALUC determines that this Ordinance is inconsistent or conditionally consistent, subject to proposed modifications, with the ALUCPs for the Airports, the Ordinance shall be submitted to the Council for reconsideration.

That if the ALUC determines that this Ordinance is conditionally consistent with the ALUCPs for the Airports, but that consistency is subject to proposed modifications, with the ALUCPs for the Airports, the Ordinance shall be submitted to the Council for reconsideration.



That if the ALUC determines that this Ordinance is conditionally consistent with the ALUCPs for the Airports, but that consistency is subject to proposed modifications, the Council may amend this Ordinance to accept the proposed modifications, and this Ordinance as amended shall take effect and be in force on the thirtieth day from and after its final passage, except that the provisions of this Ordinance as amended inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

That a proposed decision by the Council to overrule a determination of inconsistency or to reject the proposed modifications for a finding of conditional consistency shall include the findings required pursuant to Public Utilities Code section 21670 and require a two-thirds vote. The proposed decision and findings shall be forwarded to the ALUC, the California Department of Transportation, Division of Aeronautics, and the airport operators for the Airports. The Council shall hold a second hearing not less than 45 days from the date the proposed decision and findings were provided, at which hearing any comments submitted by the public agencies shall be considered and a final decision to overrule a determination of inconsistency shall require a two-thirds vote.

That if the Council makes a final decision to overrule a determination of inconsistency, this Ordinance shall take effect and be in force on the thirtieth day from and after that final decision, except that the provisions of this Ordinance inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

Section 20. That no permits shall be issued for development that is inconsistent with the provisions of this Ordinance unless a deemed complete application for such permits is submitted to the City prior to the date on which the applicable provisions of this Ordinance become effective.

APPROVED: MARA W. ELLIOTT, City Attorney

By \_\_\_\_\_  
Lauren N. Hendrickson  
Deputy City Attorney

LNH:cm  
April 7, 2023  
Or.Dept: Planning  
Doc. No. 3385467

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

DIANA J.S. FUENTES  
City Clerk

By \_\_\_\_\_  
Deputy City Clerk

Approved: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor