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ORDINANCE NUMBER O- 21223 (NEW SERIES)

DATE OF FINAL PASSAGE AUG 12 2020

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 113.0103; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 131.0112; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2 BY AMENDING SECTION 131.0222; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3 BY AMENDING SECTION 131.0322; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 131.0422; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5 BY AMENDING SECTION 131.0522; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 BY AMENDING SECTION 131.0622; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 15 BY AMENDING SECTIONS 132.1510, 132.1515, AND 132.1535; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 3 BY AMENDING AND RENAMING SECTION 141.0302; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 6 BY AMENDING SECTIONS 142.0640 AND 142.0680; AMENDING CHAPTER 15, ARTICLE 5, DIVISION 2 BY AMENDING SECTION 155.0238; AMENDING CHAPTER 15, ARTICLE 10, DIVISION 3 BY AMENDING SECTION 1510.0303; AND AMENDING CHAPTER 15, ARTICLE 16, DIVISION 1 BY AMENDING SECTION 1516.0112 RELATING TO THE PERMITTING OF MOVABLE TINY HOUSES.

WHEREAS, over the past decade, new housing development has not kept pace with job or population growth, resulting in housing costs that have increased at a much faster rate than income levels; and

WHEREAS, the City of San Diego currently regulates alternative housing models that contribute to addressing housing supply shortages and affordability, such as accessory dwelling units (ADUs), referred to as companion units and junior units in the San Diego Municipal Code (Municipal Code); and

WHEREAS, alternative housing models, such as movable tiny houses, can provide flexible housing options for a variety of households living at different income levels; and

WHEREAS, state law provides homeowners the opportunity to add ADUs on their residential property with reduced requirements for parking, zoning setbacks, fire sprinklers, public utilities, and fees; and

WHEREAS, state law allows local agencies to adopt less restrictive requirements for the development of ADUs; and

WHEREAS, this Ordinance adds movable tiny houses as a separately regulated residential use within the existing companion unit and junior unit regulations in the Municipal Code, to encourage housing supply, choices, and affordability; and

WHEREAS, the Department of Housing and Community Development (HCD) reviewed a draft of this Ordinance and issued a comment letter on May 10, 2019, stating that HCD “supports the City’s efforts to encourage and allow a variety of housing choices, including ‘tiny houses’ as an ADU as defined in the proposed ordinance amendment”; and

WHEREAS, movable tiny houses will allow for in-fill development that maintains the scale and character of existing development; and

WHEREAS, movable tiny houses will contribute to the equitable distribution of housing opportunities that are cost accessible to all residents; therefore, reducing regulatory and procedural barriers to increasing housing production and capacity in appropriate locations; and

WHEREAS, movable tiny houses expand housing opportunities and support current homeowners by providing rental income to homeowners; 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 Motel [No change in text.]

Movable tiny house means an *accessory structure* that is between 150 and 430 square feet in size on a residential *lot*, and that provides independent living facilities for one or more persons, independent of the primary *dwelling unit*, and that includes permanent provisions for living, sleeping, eating, cooking and sanitation.

MSCP Subarea Plan through Yard [No change in text.]

Section 2. That Chapter 13, Article 1, Division 1 of the San Diego Municipal Code is amended by amending section 131.0112, to read as follows:

§131.0112 Descriptions of Use Categories and Subcategories

(a) The following are descriptions of each use category and subcategory found in the Use Regulations Tables of each base zone. These descriptions shall be used to classify specific uses into use subcategories for the purpose of determining applicable use regulations, in accordance with Section 131.0110. A description of separately regulated uses is located in Section 131.0112(b).

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

(3) Residential Use Category

This category includes uses that provide living accommodations for one or more persons. The residential subcategories are:

- (A) [No change in text.]
- (B) *Mobilehome Parks* — A premises with two or more mobilehomes used as dwelling units other than a companion unit, junior unit, movable tiny house, or employee housing.
- (C) *Multiple Dwelling Unit* — Dwelling units where more than one dwelling unit, other than a companion unit, junior unit, movable tiny house, or employee housing, is located on a single lot.

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

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

(b) [No change in text.]

Section 3. That Chapter 13, Article 1, Division 2 of the San Diego Municipal Code is amended by amending section 131.0222, to read as follows:

§131.0222 Use Regulations Table for Open Space Zones

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

Legend for Table 131-02B

[No change in text.]

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

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones				
	1st & 2nd >>	OP-		OC-	OR ⁽¹⁾ -	OF ⁽¹⁾ -
	3rd >>	1-	2-	1-	1-	1-
	4th >>	1	1	1	1	2
Open Space through Residential, Separately Regulated Residential Uses, Junior Units [No change in text.]		[No change in text.]				
Live/Work Quarters		-	-	-	-	-
<i>Movable Tiny Houses</i>		-	-	-	L	-
<i>Permanent Supportive Housing through Signs, Separately Regulated Signs Uses, Theater Marquees</i> [No change in text.]		[No change in text.]				

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

Section 4. That Chapter 13, Article 1, Division 3 of the San Diego Municipal Code is amended by amending section 131.0322, to read as follows:

§131.0322 Use Regulations Table for Agricultural Zones

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

Legend for Table 131-03B

[No change in text.]

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

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
Open Space through Residential, Separately Regulated Residential Uses, Live/Work Quarters [No change in text.]		[No change in text.]			
<i>Movable Tiny Houses</i>		-		L	
<i>Permanent Supportive Housing through Signs, Separately Regulated Signs Uses, Theater Marquees</i> [No change in text.]		[No change in text.]			

Footnotes for Table 131-03B [No change in text.]

Section 5. That Chapter 13, Article 1, Division 4 of the San Diego Municipal Code is amended by amending section 131.0422, to read as follows:

§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
Open Space through Residential, Separately Regulated Residential Uses, Live/Work Quarters [No change in text.]		[No change in text.]																						
<i>Movable Tiny Houses</i>	L	L												L		L								
<i>Permanent Supportive Housing through Signs, Separately Regulated Signs Uses, Theater 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 >>	RM-												
	3rd >>	1-			2-			3-			4-		5-	
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12	
Open Space through Residential, Separately Regulated Residential Uses, Live/Work Quarters [No change in text.]		[No change in text.]												
<i>Movable Tiny Houses</i>	L	L			L			L		L				
<i>Permanent Supportive Housing through Signs, Separately Regulated Signs Uses, Theater Marquees</i> [No change in text.]		[No change in text.]												

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

Section 6. 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 ⁽¹⁾ -					CR-		CO-			CV-		CP-				
	3rd >>	1-					1-	2-	1-	2-	3-	1-	1-					
	4th >>	1	2	3	4	5	6	1	1	1	2	1	2	1	2	3	1	2
Open Space through Residential, Separately Regulated Residential Uses, Live/Work Quarters [No change in text.]	[No change in text.]																	
<i>Movable Tiny Houses</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<i>Permanent Supportive Housing through Signs, Separately Regulated Signs Uses, Theater 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
Open Space through Residential, Separately Regulated Residential Uses, Live/Work Quarters [No change in text.]		[No change in text.]																								
<i>Movable Tiny Houses</i>		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<i>Permanent Supportive Housing through Signs, Separately Regulated Signs Uses, Theater Marquees</i> [No change in text.]		[No change in text.]																								

Footnotes for Table 131-05B [No change in text.]

Section 7. That Chapter 13, Article 1, Division 6 of the San Diego Municipal Code is amended by amending section 131.0622, to read as follows:

§131.0622 Use Regulations Table for Industrial Zones

The uses allowed in the industrial zones are shown in Table 131-06B.

Legend for Table 131-06B

[No change in text.]

**Table 131-06B
Use Regulations Table for Industrial Zones**

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >>	IP-			IL-			IH-		IS-	IBT-
	3rd >>	1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
	4th >>	1	1	1	1	1	1	1	1	1	1
Open Space through Residential, Separately Regulated Residential Uses, Live/Work Quarters [No change in text.]		[No change in text.]									
<i>Movable Tiny Houses</i>		-	-	-	-	-	-	-	-	-	-
<i>Permanent Supportive Housing through Signs, Separately Regulated Signs Uses, Theater Marquees</i> [No change in text.]		[No change in text.]									

Footnotes for Table 131-05B [No change in text.]

Section 8. That Chapter 13, Article 2, Division 15 of the San Diego Municipal Code is amended by amending sections 132.1510, 132.1515, and 132.1535, to read as follows:

§132.1510 Noise Compatibility

Noise compatibility between airport operations and proposed *development* within Review Area 1 of this overlay zone shall be evaluated as follows:

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

Legend for Table 132-15D

[No change in text.]

Table 132-15D

Noise Compatibility Criteria

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Aircraft Noise Exposure (dB CNEL)			
	60-65	65-70	70-75	75-80
Open Space through Residential, Separately Regulated Residential Uses, Live/Work Quarters [No change in text.]	[No change in text.]			
<i>Movable Tiny Houses</i>	p ²	-	-	-
Residential Care Facilities through Industrial, Separately Regulated Industrial Uses, Wrecking & Dismantling of Motor Vehicles [No change in text.]	[No change in text.]			

Footnotes to Table 132-15D [No change in text.]

§132.1515 Safety Compatibility

Safety compatibility between airport operations and proposed *development* within Review Area 1 of this overlay zone shall be evaluated in accordance with this Section.

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

Legend for Table 132-15F

[No change in text.]

Table 132-15F

Safety Compatibility Criteria for MCAS Miramar

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	APZ I	APZ II	TZ
Maximum People Per Acre	25	50	300
Open Space through Residential, Separately Regulated Residential Uses, Live/Work Quarters [No change in text.]	[No change in text.]		
<i>Movable Tiny Houses</i>	P	P	P
Residential Care Facilities through Industrial, Separately Regulated Industrial Uses, Wrecking & Dismantling of Motor Vehicles [No change in text.]	[No change in text.]		

Footnotes to Table 132-15F [No change in text.]

(g) [No change in text.]

Legend for Table 132-15G

[No change in text.]

Table 132-15G

Safety Compatibility Criteria for Brown Field and Montgomery Field

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
Maximum People Per Acre	N/A	70	130	130	200	No limit
Maximum <i>Lot Coverage</i> ¹¹	N/A	50%	60%	70%	70%	N/A
Open Space through Residential, Separately Regulated Residential Uses, Live/Work Quarters [No change in text.]	[No change in text.]					
<i>Movable Tiny Houses</i>	-	-	P	P	-	P
Residential Care Facilities through Industrial, Separately Regulated Industrial Uses, Wrecking & Dismantling of Motor Vehicles [No change in text.]	[No change in text.]					

Footnotes to Table 132-15G [No change in text.]

§132.1535 Previously Conforming

This section applies to the *development* and operation of existing uses of *structures* located within the Airport Land Use Compatibility Overlay Zone that were legally established in an airport influence area prior to adoption of an Airport Land Use Compatibility Plan.

- (a) [No change in text.]
- (b) Reconstruction, alteration or expansion of a *previously conforming* use or *structure* may be permitted with a Building Permit as follows:
 - (1) *Previously conforming single dwelling units* and associated *companion units, junior units, and movable tiny houses*, as applicable, may be reconstructed, altered or expanded in

compliance with the development regulations of the underlying
base zone.

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

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

Section 9. That Chapter 14, Article 1, Division 3 of the San Diego Municipal Code is amended by amending and renaming section 141.0302, to read as follows:

§141.0302 Companion Units, Junior Units, and Movable Tiny Houses

Companion units, junior units, and movable tiny houses are each permitted as a limited use in accordance with Process One in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) and Chapter 15, Article 1, Division 4 (General and Supplemental Regulations), subject to the following regulations.

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

(c) *Movable Tiny Houses*

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

- (A) licensed and registered with the California Department of Motor Vehicles; and
- (B) exempt from parking regulations.

(2) *A movable tiny house* shall not:

- (A) be larger than allowed by California state law for movement on public highways;
- (B) exceed one story;
- (C) be able to move under its own power; or

- (D) have a separate address from the primary *dwelling unit*.
- (3) A *movable tiny house* shall be located:
- (A) on a *premises* adjacent to a *public right-of-way* that is at least 20 feet wide. Exterior portions of a *movable tiny house* shall not be located more than 150 feet from the *public right-of-way*. A *movable tiny house* shall be accessed from the *public right-of-way* by a path that is at least 5 feet wide;
 - (B) behind or to the side of the primary *dwelling unit* and not in any front yard; and
 - (C) at a fire separation distance of at least 5 feet from an adjacent *lot* line and at least 10 feet from any other structures on the *premises*.
- (4) A *movable tiny house* shall not be located within:
- (A) a brush management zone established pursuant to Section 142.0412; or
 - (B) the *MHPA*.
- (5) When sited on a *premises*, the undercarriage, including wheels, axles, tongue, and hitch, shall be concealed from view. The wheels shall not be removed and shall sit with leveling or support jacks on a paving surface designed in accordance with Section 142.0560(h)(1).
- (6) All mechanical equipment, including heating, ventilation, and air

conditioning, shall be incorporated into the structure and not located on the roof.

- (7) *A movable tiny house* shall be connected to water, sewer, and electric utilities. Connections to natural gas are prohibited.
- (8) *A movable tiny house* shall comply with the National Fire Protection Association 1192 Standard on Recreational Vehicles or the American National Standards Institute A119.5 Park Model Recreational Vehicle Standard. *A movable tiny house* shall be certified by a recognized national certification body as complying with one of these standards and a certified label shall be placed on the *movable tiny house* to demonstrate compliance.
- (9) 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, a *movable tiny house* shall be protected with an automatic fire sprinkler system.
- (10) When located within the Very High Fire Hazard Severity Zone, as established pursuant to Chapter 5, Article 5, Division 94, a *movable tiny house* shall satisfy the following additional requirements:
 - (A) *A movable tiny house* shall be protected with an automatic fire sprinkler system in compliance with Section R313 of the California Residential Code even if located on a

premises where the primary *dwelling unit* is not protected with an automatic fire sprinkler system;

- (B) Exterior walls shall be constructed with ignition-resistant materials in compliance with Section R337 of the California Residential Code; and
 - (C) Glazed openings, including skylights, shall comply with Section R337 of the California Residential Code.
- (11) A *movable tiny house* shall be constructed to include the following design elements:
- (A) Cladding and Trim: Materials used on the exterior shall not be single piece composite, laminates, or interlocked metal sheathing;
 - (B) Windows and Doors: Windows shall be at least double pane glass, labeled for building use, and include exterior trim. Windows and doors shall not have radius corners;
 - (C) Roofs: Roofs shall be sloped to drain over the roof edge. At least 50 percent of the roof area shall have a roof slope of 2:12 or more. Roof coverings shall comply with the Residential Building Regulations in Chapter 14, Article 9, Division 9; and
 - (D) Living Area Extensions: The roof and all exterior walls shall not be fixed with slide-outs, tip-outs, or other forms of mechanically articulating room area extensions.

- (d) Only one *companion unit* or *movable tiny house*, and one *junior unit* are permitted on a *premises*. Guest quarters and non-habitable structures shall be permitted in addition to the *companion unit* or *movable tiny house*, and *junior unit*.
- (e) *Companion units* are not subject to Section 131.0450.
- (f) A *companion unit*, *junior unit*, or *movable tiny house* shall not be used for a rental term of less than 30 consecutive days.

Section 10. That Chapter 14, Article 2, Division 6 of the San Diego Municipal Code is amended by amending sections 142.0640 and 142.0680, to read as follows:

§142.0640 Impact Fees for Financing Public Facilities

- (a) [No change in text.]
- (b) Payment of Fees

The payment of DIFs (as defined in California Government Code Section 66000) shall be required prior to issuance of any Building Permit 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 prior to issuance of any *Construction permit* issued or required for *development* that would increase demand for public facilities and/or result in the need for new public facilities. The DIFs due shall be determined in accordance with the fee schedule approved by the applicable City Council resolution in effect upon the issuance of a Building Permit, or *Construction permit*, as applicable, and may include an automatic increase consistent with Section 142.0640(c).

Exemptions:

- (1) *Accessory dwelling units, including dwelling units as defined as companion units, junior units, movable tiny houses, or guest quarters are exempt from DIFs.*
- (2) [No change in text.]

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

§142.0680 Cost Reimbursement District Regulations

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

(f) **Actions Necessary to Form a Cost Reimbursement District**

- (1) [No change in text.]
- (2) **Notice and Hearing on Formation of Cost Reimbursement District.**
 - (A) [No change in text.]
 - (B) The City Clerk shall cause a notice of the hearing, in substantially the following form, to be published once in a newspaper of general circulation in the City at least ten calendar days prior to the hearing:

NOTICE OF HEARING

The City Council of the City of San Diego will hold a public hearing at

_____ on _____ at the City Council Chambers on the 12th Floor of the City Administration Building, 202 C Street, San Diego, California, 92101 to consider the establishment of a reimbursement district for the financing of certain public facilities and related improvements within the City otherwise known as the Cost Reimbursement District No. (_____).

Your property is located within the proposed boundaries of the cost reimbursement district and may be subject to a lien to pay a portion of the cost of providing such facilities. If, within a twenty-year period from the date of forming the district, you either file a final map or are issued a building permit, the lien amount will become due and payable. Payment of the lien under these reimbursement proceedings shall not be required in the following circumstances:

- (a) [No change in text.]
- (b) For issuance of a building permit for the addition of accessory structures to an existing dwelling unit provided the accessory structure is not a companion unit, junior unit, or movable tiny house.
- (c) through (e) [No change in text.]

The boundaries of the district are more particularly described by Plat No. _____ which is on file in the Office of the City Clerk.

All persons desiring to testify with respect to: the necessity of the proposed public improvements, the cost of the proposed public improvements, the benefited area or the amount of the costs eligible to be recovered, may appear and be heard at this hearing.

(C) [No change in text.]

(3) [No change in text.]

(g) [No change in text.]

(h) Lien on Property

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

(7) If, during the period following the formation of the cost reimbursement district, any person records a *final map* (subdivision, parcel, or consolidation map) or applies for a building permit for construction on a

lot for which a lien for *public improvements* has been established in accordance with section 142.0680, and such person or predecessor in interest has not paid the lien to the City, the established lien shall be paid prior to the earlier of the filing of the *final map* or the issuance of the building permit. Payment of the lien shall not be required in the following circumstances:

- (A) [No change in text.]
- (B) For issuance of a building permit for the addition of *accessory structures* to an existing *dwelling unit* provided the *accessory structure* is not a *companion unit, junior unit, or movable tiny house*.
- (C) through (E) [No change in text.]

- (i) [No change in text.]

Section 11. That Chapter 15, Article 5, Division 2 of the San Diego Municipal Code is amended by amending section 155.0238, to read as follows:

§155.0238 Use Regulations Table of CU Zones

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

Legend for Table 155-02C

[No change in text.]

Table 155-02C
Use Regulations Table for CU Zones

Use Categories/Subcategories [See Land Development Code Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones							
	1st & 2nd >>	CU-							
	3rd >>	1-(1)		2-			3-		
	4th >>	1	2	3	4	5	3 ⁽²⁾⁽¹²⁾	6	7
Open Space through Residential, Separately Regulated Residential Uses, Live/Work Quarters [No change in text.]	[No change in text.]								
<i>Movable Tiny Houses</i>	L		-			-			
Residential Care Facilities through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]								

Footnotes for Table 155-02C [No change in text.]

Section 12. That Chapter 15, Article 10, Division 3 of the San Diego Municipal Code is amended by amending section 1510.0303, to read as follows:

§1510.0303 Single-Family Zone - Permitted Uses

In the Single-Family (SF) Zone, designated on that certain map referenced in Section 1510.0102, no building or improvement or portion thereof shall be erected, constructed, converted, established, altered, or enlarged, nor shall any premises be used except for one or more of the following uses:

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

(c) Boarder and lodger accommodations; Companion units, junior units, and movable tiny houses; Family day care homes; Garage, *yard* and estate sales; Guest quarters and habitable accessory buildings; Home occupations; Community gardens; and Temporary real estate sales offices

and model homes as a limited use in accordance with the applicable regulations in Chapter 14, Article 1 (Separately Regulated Use Regulations).

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

Section 13. That Chapter 15, Article 16, Division 1 of the San Diego Municipal Code is amended by amending section 1516.0112, to read as follows:

§1516.0112 Use Regulations for Old Town San Diego Residential Zones

The uses allowed in the Old Town San Diego Residential zones are shown in Table 1516-01B:

Legend for Table 1516-01B

[No change in text.]

Table 1516-01B

Use Regulations for Old Town 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 >>	OTRS-	OTRM-		
	3rd >>	1-	1-	2-	
	4th >>	1	1	1	2
Open Space through Residential, Separately Regulated Residential Uses, Companion Units [No change in text.]		[No change in text.]			
Employee Housing: through Housing for Senior Citizens [No change in text.]		[No change in text.]			
<i>Junior Units</i>		-	-	-	
Live/Work Quarters		-	-	-	
<i>Movable Tiny Houses</i>		L	L	L	

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 >>	OTRS-	OTRM-		
	3rd >>	1-	1-	2-	
	4th >>	1	1	1	2
Residential Care Facilities through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]			

Footnotes for Table 1516-01B [No change in text.]

Section 14. 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 15. That prior to becoming effective, this Ordinance shall be submitted to the San Diego County Regional Airport Authority (SDCRAA) for a consistency determination.

That if the SDCRAA 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 Airports (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 applicable 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 SDCRAA 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 City Council for reconsideration.

That if the SDCRAA determines that this Ordinance is conditionally consistent with the ALUCPs for the Airports, but that consistency is subject to proposed modifications, the City 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 applicable 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 City 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 SDCRAA, the California Department of Transportation, Division of Aeronautics, and the airport operators for the Airports. The City 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 City 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 applicable 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 16. That no permits shall be issued for development that is inconsistent with the provisions of this Ordinance unless complete applications for such permits are submitted to the City prior to the date on which the applicable provisions of this Ordinance become effective.

Section 17. That Ordinance O-21167 has been recently considered by the City Council and that Ordinance O-2020-117 will be considered by the City Council in the near future which amend San Diego Municipal Code sections also amended by this Ordinance; therefore, the City Clerk, with the written approval and concurrence of the City Attorney, is authorized to reconcile the numbering of sections and placement of text within these sections upon the final passage of the Ordinances, without further action by the City Council, pursuant to San Diego Charter section 275.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Lindsey H. Sebastian
Lindsey H. Sebastian
Deputy City Attorney

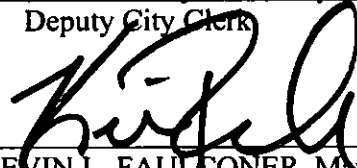
LHS:als
06/01/2020
07/21/2020 Rev. Copy
Or.Dept: Planning
Doc. No.: 2393276_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of 08/04/2020.

ELIZABETH S. MALAND
City Clerk

By /s/ Stacy D. Ready
Deputy City Clerk

Approved: 8/11/20
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

STRIKEOUT ORDINANCE

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

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 113.0103; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 131.0112; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2 BY AMENDING SECTION 131.0222; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3 BY AMENDING SECTION 131.0322; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 131.0422; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5 BY AMENDING SECTION 131.0522; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 BY AMENDING SECTION 131.0622; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 15 BY AMENDING SECTIONS 132.1510, 132.1515, AND 132.1535; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 3 BY AMENDING AND RENAMING SECTION 141.0302; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 6 BY AMENDING SECTIONS 142.0640 AND 142.0680; AMENDING CHAPTER 15, ARTICLE 5, DIVISION 2 BY AMENDING SECTION 155.0238; AMENDING CHAPTER 15, ARTICLE 10, DIVISION 3 BY AMENDING SECTION 1510.0303; AND AMENDING CHAPTER 15, ARTICLE 16, DIVISION 1 BY AMENDING SECTION 1516.0112 RELATING TO THE PERMITTING OF MOVABLE TINY HOUSES.

§113.0103 Definitions

Abutting property through Motel [No change in text.]

Movable tiny house means an accessory structure that is between 150 and 430 square feet in size on a residential lot, and that provides independent living facilities for one or more persons, independent of the primary dwelling unit, and that includes permanent provisions for living, sleeping, eating, cooking and sanitation.

MSCP Subarea Plan through Yard [No change in text.]

§131.0112 Descriptions of Use Categories and Subcategories

- (a) The following are descriptions of each use category and subcategory found in the Use Regulations Tables of each base zone. These descriptions shall be used to classify specific uses into use subcategories for the purpose of determining applicable use regulations, in accordance with Section 131.0110. A description of separately regulated uses is located in Section 131.0112(b).

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

(3) Residential Use Category

This category includes uses that provide living accommodations for one or more persons. The residential subcategories are:

(A) [No change in text.]

(B) *Mobilehome Parks* — A premises with two or more mobilehomes used as dwelling units other than a companion unit, junior unit, movable tiny house, or employee housing.

(C) *Multiple Dwelling Unit* — Dwelling units where more than one ~~dwelling unit~~ dwelling unit, other than a companion unit, junior unit, movable tiny house, or employee housing, is located on a single lot.

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

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

(b) [No change in text.]

§131.0222 Use Regulations Table for Open Space Zones

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

Legend for Table 131-02B

[No change in text.]

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

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones				
	1st & 2nd >>	OP-		OC-	OR ⁽¹⁾ -	OF ⁽¹⁾ -
	3rd >>	1-	2-	1-	1-	1-
	4th >>	1	1	1	1 2	1
Open Space through Residential, Separately Regulated Residential Uses, Junior Units [No change in text.]		[No change in text.]				
Live/ <u>w</u> Work Quarters		-	-	-	-	-
<u>Movable Tiny Houses</u>		=	=	=	<u>L</u>	=
<i>Permanent Supportive Housing through Signs, Separately Regulated Signs Uses, Theater Marquees</i> [No change in text.]		[No change in text.]				

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

§131.0322 Use Regulations Table for Agricultural Zones

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

Legend for Table 131-03B

[No change in text.]

Table 131-03B
Use Regulations Table for Agricultural Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
Open Space through Residential, Separately Regulated Residential Uses, Live/Work Quarters [No change in text.]		[No change in text.]			
<i>Movable Tiny Houses</i>		=		L	
<i>Permanent Supportive Housing through Signs, Separately Regulated Signs Uses, Theater Marquees</i> [No change in text.]		[No change in text.]			

Footnotes for Table 131-03B [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
Open Space through Residential, Separately Regulated Residential Uses, Live/Work Quarters [No change in text.]		[No change in text.]																						
<i>Movable Tiny Houses</i>		L		L										L		L								

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
Permanent Supportive Housing through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]																						

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones												
	1st & 2nd >>	RM-												
	3rd >>	1-			2-			3-			4-		5-	
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12	
Open Space through Residential, Separately Regulated Residential Uses, Live/Work Quarters [No change in text.]		[No change in text.]												
<u>Movable Tiny Houses</u>		L	L	L	L	L								
Permanent Supportive Housing through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]												

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

§131.0522 Use Regulations Table for Commercial Zones

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

Legend for Table 131-05B

[No change in text.]

Table 131-05B
Use Regulations Table for Commercial Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																
	1st & 2nd >>	CN ⁽¹⁾ -		CR-		CO-			CV-		CP-							
	3rd >>	1-		1-	2-	1-	2-	3-	1-	1-								
	4th >>	1	2	3	4	5	6	1	1	1	2	1	2	1	2	3	1	2
Open Space through Residential, Separately Regulated Residential Uses, Live/Work Quarters [No change in text.]	[No change in text.]																	
<u>Movable Tiny Houses</u>	=		=		=		=		=		=		=		=			
<i>Permanent Supportive Housing through Signs, Separately Regulated Signs Uses, Theater 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
Open Space through Residential, Separately Regulated Residential Uses, Live/Work Quarters [No change in text.]	[No change in text.]																									
<u>Movable Tiny Houses</u>	=		=		=			=			=															
<i>Permanent Supportive Housing through Signs, Separately Regulated Signs Uses, Theater Marquees</i> [No change in text.]	[No change in text.]																									

Footnotes for Table 131-05B [No change in text.]

§131.0622 Use Regulations Table for Industrial Zones

The uses allowed in the industrial zones are shown in Table 131-06B.

Legend for Table 131-06B

[No change in text.]

Table 131-06B
Use Regulations Table for Industrial Zones

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >	IP-			IL-			IH-		IS-	IBT-
	3rd >>	1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
	4th >>	1	1	1	1	1	1	1	1	1	1
Open Space through Residential, Separately Regulated Residential Uses, Live/Work Quarters [No change in text.]	[No change in text.]										
<u>Movable Tiny Houses</u>	=	=	=	=	=	=	=	=	=	=	=
Permanent Supportive Housing through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]										

Footnotes for Table 131-05B [No change in text.]

§132.1510 Noise Compatibility

Noise compatibility between airport operations and proposed *development* within

Review Area 1 of this overlay zone shall be evaluated as follows:

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

Legend for Table 132-15D

[No change in text.]

Table 132-15D

Noise Compatibility Criteria

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Aircraft Noise Exposure (dB CNEL)			
	60-65	65-70	70-75	75-80
Open Space through Residential, Separately Regulated Residential Uses, Live/Work Quarters [No change in text.]	[No change in text.]			
<u>Movable Tiny Houses</u>	P^2	=	=	=

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Aircraft Noise Exposure (dB CNEL)			
	60-65	65-70	70-75	75-80
Residential Care Facilities through Industrial, Separately Regulated Industrial Uses, Wrecking & Dismantling of Motor Vehicles [No change in text.]	[No change in text.]			

Footnotes to Table 132-15D [No change in text.]

§132.1515 Safety Compatibility

Safety compatibility between airport operations and proposed *development* within Review Area 1 of this overlay zone shall be evaluated in accordance with this Section.

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

Legend for Table 132-15F

[No change in text.]

Table 132-15F

Safety Compatibility Criteria for MCAS Miramar

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	APZ I	APZ II	TZ
Maximum People Per Acre	25	50	300
Open Space through Residential, Separately Regulated Residential Uses, Live/Work Quarters [No change in text.]	[No change in text.]		
<u>Movable Tiny Houses</u>	<u>P</u>	<u>P</u>	<u>P</u>
Residential Care Facilities through Industrial, Separately Regulated Industrial Uses, Wrecking & Dismantling of Motor Vehicles [No change in text.]	[No change in text.]		

Footnotes to Table 132-15F [No change in text.]

(g) [No change in text.]

Legend for Table 132-15G

[No change in text.]

Table 132-15G

Safety Compatibility Criteria for Brown Field and Montgomery Field

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
Maximum People Per Acre	N/A	70	130	130	200	No limit
Maximum <i>Lot Coverage</i> ¹¹	N/A	50%	60%	70%	70%	N/A
Open Space through Residential, Separately Regulated Residential Uses, Live/Work Quarters [No change in text.]	[No change in text.]					
<u><i>Movable Tiny Houses</i></u>	=	=	<u>P</u>	<u>P</u>	=	<u>P</u>
Residential Care Facilities through Industrial, Separately Regulated Industrial Uses, Wrecking & Dismantling of Motor Vehicles [No change in text.]	[No change in text.]					

Footnotes to Table 132-15G [No change in text.]

§132.1535 Previously Conforming

This section applies to the *development* and operation of existing uses of *structures* located within the Airport Land Use Compatibility Overlay Zone that were legally established in an airport influence area prior to adoption of an Airport Land Use Compatibility Plan.

(a) [No change in text.]

(b) Reconstruction, alteration or expansion of a *previously conforming* use or

structure may be permitted with a Building Permit as follows:

- (1) *Previously conforming single dwelling units* and associated *companion units, and junior units, and movable tiny houses*, as applicable, may be reconstructed, altered or expanded in compliance with the development regulations of the underlying base zone.

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

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

§141.0302 Companion Units, ~~and Junior Units~~, and Movable Tiny Houses

Companion units, ~~and junior units~~, and movable tiny houses are each permitted as a limited use in accordance with Process One in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) and Chapter 15, Article 1, Division 4 (General and Supplemental Regulations), subject to the following regulations.

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

(c) Movable Tiny Houses

(1) A movable tiny house shall be:

- (A) licensed and registered with the California Department of Motor Vehicles; and**
- (B) exempt from parking regulations.**

(2) A movable tiny house shall not:

- (A) be larger than allowed by California state law for movement on public highways;**

- (B) exceed one story;
 - (C) be able to move under its own power; or
 - (D) have a separate address from the primary *dwelling unit*.
- (3) A *movable tiny house* shall be located:
 - (A) on a *premises* adjacent to a *public right-of-way* that is at least 20 feet wide. Exterior portions of a *movable tiny house* shall not be located more than 150 feet from the *public right-of-way*. A *movable tiny house* shall be accessed from the *public right-of-way* by a path that is at least 5 feet wide;
 - (B) behind or to the side of the primary *dwelling unit* and not in any front yard; and
 - (C) at a fire separation distance of at least 5 feet from an adjacent *lot* line and at least 10 feet from any other structures on the *premises*.
- (4) A *movable tiny house* shall not be located within:
 - (A) a brush management zone established pursuant to Section 142.0412; or
 - (B) the *MHPA*.
- (5) When sited on a *premises*, the undercarriage, including wheels, axles, tongue, and hitch, shall be concealed from view. The wheels shall not be removed and shall sit with leveling or support jacks on a paving surface designed in accordance with Section

142.0560(h)(1).

- (6) All mechanical equipment, including heating, ventilation, and air conditioning, shall be incorporated into the structure and not located on the roof.
- (7) A movable tiny house shall be connected to water, sewer, and electric utilities. Connections to natural gas are prohibited.
- (8) A movable tiny house shall comply with the National Fire Protection Association 1192 Standard on Recreational Vehicles or the American National Standards Institute A119.5 Park Model Recreational Vehicle Standard. A movable tiny house shall be certified by a recognized national certification body as complying with one of these standards and a certified label shall be placed on the movable tiny house to demonstrate compliance.
- (9) 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, a movable tiny house shall be protected with an automatic fire sprinkler system.
- (10) When located within the Very High Fire Hazard Severity Zone, as established pursuant to Chapter 5, Article 5, Division 94, a movable tiny house shall satisfy the following additional requirements:

 - (A) A movable tiny house shall be protected with an automatic

fire sprinkler system in compliance with Section R313 of the California Residential Code even if located on a premises where the primary dwelling unit is not protected with an automatic fire sprinkler system;

(B) Exterior walls shall be constructed with ignition-resistant materials in compliance with Section R337 of the California Residential Code; and

(C) Glazed openings, including skylights, shall comply with Section R337 of the California Residential Code.

(II) A movable tiny house shall be constructed to include the following design elements:

(A) Cladding and Trim: Materials used on the exterior shall not be single piece composite, laminates, or interlocked metal sheathing;

(B) Windows and Doors: Windows shall be at least double pane glass, labeled for building use, and include exterior trim. Windows and doors shall not have radius corners;

(C) Roofs: Roofs shall be sloped to drain over the roof edge. At least 50 percent of the roof area shall have a roof slope of 2:12 or more. Roof coverings shall comply with the Residential Building Regulations in Chapter 14, Article 9, Division 9; and

(D) Living Area Extensions: The roof and all exterior walls

shall not be fixed with slide-outs, tip-outs, or other forms of mechanically articulating room area extensions.

(d) Only one *companion unit* or *movable tiny house*, and one *junior unit* is are permitted on a *premises*. Guest quarters and non-habitable structures shall be permitted in addition to the *companion unit* or *movable tiny house*, and *junior unit*.

~~(d)~~(e) *Companion units* are not subject to Section 131.0450.

~~(e)~~(f) A *companion unit*, ~~or~~ *junior unit*, *or movable tiny house* shall not be used for a rental term of less than 30 consecutive days.

§142.0640 Impact Fees for Financing Public Facilities

(a) [No change in text.]

(b) Payment of Fees

The payment of DIFs (as defined in California Government Code Section 66000) shall be required prior to issuance of any Building Permit 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 prior to issuance of any *Construction permit* issued or required for *development* that would increase demand for public facilities and/or result in the need for new public facilities. The DIFs due shall be determined in accordance with the fee schedule approved by the applicable City Council resolution in effect upon the issuance of a Building Permit, or *Construction permit*, as applicable, and may include an automatic increase consistent with Section 142.0640(c).

Exemptions:

(1) Accessory *dwelling units*, including *dwelling units* as defined as *companion units, junior units, movable tiny houses*, or guest quarters are exempt from DIFs.

(2) [No change in text.]

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

§142.0680 Cost Reimbursement District Regulations

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

(f) Actions Necessary to Form a Cost Reimbursement District

(1) [No change in text.]

(2) Notice and Hearing on Formation of Cost Reimbursement District.

(A) [No change in text.]

(B) The City Clerk shall cause a notice of the hearing, in substantially the following form, to be published once in a newspaper of general circulation in the City at least ten ~~(10)~~ calendar days prior to the hearing:

NOTICE OF HEARING

The City Council of the City of San Diego will hold a public hearing at

_____ on _____ at the City

Council Chambers on the 12th Floor of the City Administration Building, 202 C Street, San

Diego, California, 92101 to consider the establishment of a reimbursement district for the

financing of certain public facilities and related improvements within the City otherwise known

as the Cost Reimbursement District No. (_____).

Your property is located within the proposed boundaries of the cost reimbursement district and may be subject to a lien to pay a portion of the cost of providing such facilities. If, within a twenty-year period from the date of forming the district, you either file a final map or are issued a building permit, the lien amount will become due and payable. Payment of the lien under these reimbursement proceedings shall not be required in the following circumstances:

- (a) [No change in text.]
- (b) For issuance of a building permit for the addition of accessory structures to an existing dwelling unit provided the accessory structure is not a companion unit, ~~or junior unit, or movable tiny house.~~
- (c) through (e) [No change in text.]

The boundaries of the district are more particularly described by Plat No. _____ which is on file in the Office of the City Clerk.

All persons desiring to testify with respect to: the necessity of the proposed public improvements, the cost of the proposed public improvements, the benefited area or the amount of the costs eligible to be recovered, may appear and be heard at this hearing.

- (C) [No change in text.]
- (3) [No change in text.]
- (g) [No change in text.]
- (h) Lien on Property
- (1) through (6) [No change in text.]
- (7) If, during the period following the formation of the cost reimbursement district, any person records a *final map* (subdivision, parcel, or consolidation map) or applies for a

building permit for construction on a lot for which a lien for *public improvements* has been established in accordance with section 142.0680, and such person or predecessor in interest has not paid the lien to the City, the established lien shall be paid prior to the earlier of the filing of the *final map* or the issuance of the building permit. Payment of the lien shall not be required in the following circumstances:

- (A) [No change in text.]
- (B) For issuance of a building permit for the addition of *accessory structures* to an existing *dwelling unit* provided the *accessory structure* is not a *companion unit*, ~~or~~ *junior unit*, or movable tiny house.

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

- (i) [No change in text.]

§155.0238 Use Regulations Table of CU Zones

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

Legend for Table 155-02C

[No change in text.]

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

Use Categories/Subcategories [See Land Development Code Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >>	CU-									
	3rd >>	1 ⁻⁽¹⁾		2-			3-				
	4th >>	1	2	3	4	5	3 ⁽²⁾⁽¹²⁾	6	7	8	
Open Space through Residential, Separately Regulated Residential Uses, Live/Work Quarters [No change in text.]	[No change in text.]										
<u>Movable Tiny Houses</u>	L		=			=					
Residential Care Facilities through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]										

Footnotes for Table 155-02C [No change in text.]

§1510.0303 Single-Family Zone - Permitted Uses

In the Single-Family (SF) Zone, designated on that certain map referenced in Section 1510.0102, no building or improvement or portion thereof shall be erected, constructed, converted, established, altered, or enlarged, nor shall any premises be used except for one or more of the following uses:

- (a) through (b) [No change in text.]
- (c) Boarder and lodger accommodations; Companion units, ~~and~~ junior units, and movable tiny houses; Family day care homes; Garage, yard and estate sales; Guest quarters and habitable accessory buildings; Home occupations; Community gardens; and Temporary real estate sales offices and model homes as a limited use in accordance with the applicable regulations in Chapter 14, Article 1 (Separately Regulated Use Regulations).

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

§1516.0112 Use Regulations for Old Town San Diego Residential Zones

The uses allowed in the Old Town San Diego Residential zones are shown in

Table 1516-01B:

Legend for Table 1516-01B

[No change in text.]

Table 1516-01B

Use Regulations for Old Town 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 >>	OTRS-	OTRM-		
	3rd >>	1-	1-	2-	
	4th >>	1	1	1	2
Open Space through Residential, Separately Regulated Residential Uses, Companion Units [No change in text.]		[No change in text.]			
Junior Units		-	-	-	
Employee Housing: through Housing for Senior Citizens [No change in text.]		[No change in text.]			
<u>Junior Units</u>		=	=	=	
Live/Work Quarters		-	-	-	
<u>Movable Tiny Houses</u>		<u>L</u>	<u>L</u>	<u>L</u>	
Residential Care Facilities through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]			

Footnotes for Table 1516-01B [No change in text.]

LHS:als
06/01/2020
07/21/2020 Rev. Copy
Or.Dept: Planning
Doc. No.: 2393277_2

Passed by the Council of The City of San Diego on AUG 04 2020, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage AUG 12 2020

AUTHENTICATED BY:

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

(Seal)

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

By *Elizabeth Maland*, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on JUL 21 2020, and on AUG 12 2020.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

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

By *Elizabeth Maland*, Deputy

<p>Office of the City Clerk, San Diego, California</p> <p>Ordinance Number O- <u>21223</u></p>
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