

Homes For All of Us

# Housing Action Package 2.0

**DRAFT HAP 2.0 Amendments to the Municipal Code**

## About this Document

This is a draft document of proposed code amendments related to the Housing Action Package 2.0 (HAP 2.0). HAP 2.0 builds upon the adoption of the first Housing Action Package by encouraging more homes and a greater variety of homes through the adoption of new programs and initiatives and the amendment of existing programs. Through amendments to the Land Development Code, the Housing Action Package aims to incentivize and promote new home opportunities throughout the City that San Diegans of all income levels can afford.

This document is subject to revisions based on comments received in the public hearing process. The [Housing Action Package 2.0 website](#) will include the latest draft regulations.

## How to Read This Document

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

## How to Provide Feedback on Policies

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Click the policy proposal title to provide feedback on specific policies.

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## ASSEMBLY BILL 2097 (AB 2097) IMPLEMENTATION

### §113.0103 Definitions

*Abutting property through Parking space, off-street* (See off-street parking space) [No change in text.]

~~*Parking standards transit priority area* means the area defined in California Public Resources Code Section 21099, as may be amended, or an area within one-half mile of a major transit stop that is existing or planned, if the planned *major transit stop* is scheduled to be completed within the current San Diego Association of Governments (SANDAG) Regional Transportation Improvement Program (RTIP).~~

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

### §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 all or a portion of the premises are located within a transit priority area. Off-street parking

spaces that are provided in a transit priority area are exempt from the unbundled parking requirement in subsection 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.]

#### §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~~ by 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**

Type of <i>Development</i> Proposal	Applicable Regulations	Required Permit Type/ Decision Process
Any <i>single dwelling unit</i> residential <i>development</i> through Any <i>multiple dwelling unit</i> residential <i>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.]
Any <i>multiple dwelling unit</i> residential <i>development</i> that meets the criteria in Section 142.0528 (Parking Standards Transit Priority Area Regulations)	Sections 142.0510, 142.0525, 142.0528, and 142.0560	No permit required by this division
Any nonresidential <i>development</i> through <i>Shared parking</i> for	[No change in text.]	[No change in text.]

Type of <i>Development Proposal</i>	Applicable Regulations	Required Permit Type/ Decision Process
nonspecified uses [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**

Type of Unit and Related Uses	Number of Required Parking Spaces
All <i>single dwelling units</i> , except those with five or more <i>bedrooms</i> in campus impact areas (See Chapter 13, Article 2, Division 8)	2 spaces per <i>dwelling unit</i> <sup>(1)</sup>
<i>Single dwelling units</i> with five or more <i>bedrooms</i> in campus impact areas (See Chapter 13, Article 2, Division 8)	1 space per <i>bedroom</i> ( <i>previously conforming</i> parking regulations in Section 142.0510(d) do not apply) <sup>(2)</sup>
<u>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></u>	<u>0 spaces per <i>dwelling unit</i></u>

**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**

<b>Multiple Dwelling Unit Type and Related and Accessory Uses</b>	<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>Parking Standards Transit Priority Area <u>Transit Priority Area<sup>(9)</sup></u></b>	<b>Parking Impact<sup>(4)</sup></b>		
<b>Studio up to 400 square feet</b>	1.25	1.0	0	1.5	0.05	0.3
<b>1 bedroom or studio over 400 square feet</b>	1.5	1.25	0	1.75	0.1	0.4
<b>2 bedrooms</b>	2.0	1.75	0	2.25	0.1	0.5
<b>3-4 bedrooms</b>	2.25	2.0	0	2.5	0.1	0.6
<b>5+ bedrooms</b>	2.25	2.0	0	(See footnote 6)	0.2	1.0

<b>Multiple Dwelling Unit Type and Related and Accessory Uses</b>	<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>Parking Standards Transit Priority Area Transit Priority Area<sup>(9)</sup></b>	<b>Parking Impact<sup>(4)</sup></b>		
<b>Affordable Housing dwelling units regulated by Section 142.0527</b>	N/A	N/A	0	0.25 beyond that required in Section 142.0527	(See footnote 3)	(See footnote 3)
<b>Condominium conversion<sup>(8)</sup></b>						
<b>1 bedroom or studio over 400 Square feet</b>	1.0	0.75	0	1.25	N/A	N/A
<b>2 bedrooms</b>	1.25	1.0	0	1.5	N/A	N/A
<b>3 + bedrooms</b>	1.5	1.25	0	1.75	N/A	N/A
<b>Rooming house</b>	1.0 per tenant	0.75 per tenant	<del>0.75 per tenant</del> 0	1.0 per tenant	0.05 per tenant	0.30 per tenant
<b>Residential care facility (6 or fewer persons)</b>	1 per 3 beds or per permit	1 per 4 beds or per permit	<del>1 per 4 beds or per permit</del> 0	1 per 3 beds or per permit	N/A	N/A



<b>Multiple Dwelling Unit Type and Related and Accessory Uses</b>	<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>Parking Standards Transit Priority Area Transit Priority Area<sup>(9)</sup></b>	<b>Parking Impact<sup>(4)</sup></b>		
<b>Small lot subdivision in accordance with Section 143.0365</b>						
	1.25	1.0	<u>4.0</u> 0	1.5	N/A	N/A
<b>Studio up to 400 square feet</b>	1.5	1.25	<u>4.25</u> 0	1.75	N/A	N/A
<b>1 bedroom or studio over 400 square feet</b>	2.0	1.75	<u>4.75</u> 0	2.25	N/A	N/A
<b>2+ bedrooms</b>						
<b>Transitional Housing Facilities (6 or fewer persons)</b>	1 per on-site employee	0	0	0	N/A	N/A
<b>Transitional Housing Facilities (7 or more persons)</b>	1 per on-site employee	0	0	0	N/A	N/A
<b>Permanent Supportive Housing</b>	1 per on-site employee	0	0	0	N/A	N/A

<b>Multiple Dwelling Unit Type and Related and Accessory Uses</b>	<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>Parking Standards Transit Priority Area Transit Priority Area<sup>(9)</sup></b>	<b>Parking Impact<sup>(4)</sup></b>		
<b>Continuing Care Retirement Communities</b>	1.0	0.75	<del>0.75</del> 0	1.25	N/A	N/A
<b>Dwelling units</b>	1.0 per 3 beds	1.0 per 3 beds	<del>1.0</del> per 3 beds 0	1.0 per 3 beds	N/A	N/A
<b>Convalescent and memory care rooms</b>	1 per peak shift	0.75 per peak shift	<del>0.75</del> per peak shift 0	1.25 per peak shift	See Section 142.0530(f)	See Section 142.0530(e)
<b>Employees</b>						
<b>Accessory uses (spaces per square foot<sup>(7)</sup>)</b>	Retail Sales: 2.5 per 1,000	Retail Sales: 2.5 per 1,000	<del>Retail Sales: 2.5 per 1,000</del> 0	Retail Sales: 2.5 per 1,000	N/A	N/A
	Eating and Drinking Estb.: 5 per 1,000	Eating and Drinking Estb.: 5 per 1,000	<del>Eating and Drinking Estb.: 5 per 1,000</del> 0	Eating and Drinking Estb.: 5 per 1,000		

**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 ~~Parking Standards Transit Priority Area~~ 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> *Transit Area*. The *transit area* parking ratio applies to *development* where all or a portion of the *premises* is located within a *transit area* as described in Chapter 13, Article 2, Division 10 (Transit Area Overlay Zone) or that is subject to Chapter 13, Article 2, Division 11 (Urban Village Overlay Zone).
- <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 ~~Parking Standards Transit Priority Area~~ transit priority area.
- <sup>5</sup> Bicycle. Bicycle racks are not required for a ~~dwelling unit~~ 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~~ dwelling unit. Campus impact area: 1 space per bedroom.
- <sup>7</sup> through <sup>8</sup> [No change in text.]
- <sup>9</sup> ~~Parking Standards Transit Priority Area~~. The ~~Parking Standards Transit Priority Area~~ transit priority area parking ratio applies to *development* where all or a portion of the *premises* is located within a ~~Parking Standards Transit Priority Area~~ transit priority area as described in Section 142.0528 and supersedes any other applicable parking ratio.

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

§142.0528 ~~Parking Standards~~ Transit Priority Area Parking Regulations

The ~~Parking Standards~~ *Transit Priority Area* Parking Regulations

establish the parking requirements for *multiple dwelling unit*

residential *development* where all or a portion of the *premises* is

located within a ~~Parking Standards~~ Transit Priority Area transit

priority area. For purposes of this section, ~~Parking Standards~~ Transit

Priority Area means the area defined in California Public Resources

Code Section 21099, as may be amended, or an area within one-half

mile of a *major transit stop* that is existing or planned, if the planned

*major transit stop* is scheduled to be completed within the San Diego

Association of Governments (SANDAG) Regional Transportation

Improvement Program (RTIP). The RTIP covers five fiscal years and

incrementally implements the long-range Regional Transportation

Plan for the San Diego region. *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. ~~Off-street parking spaces are not required.~~
- (1) *Off-street parking spaces* are not required.
  - (2) Bicycle spaces shall comply with Table 142-05C.
  - (3) 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 ~~Parking Standards Transit Priority Area~~ 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 Non-Residential Uses – Required 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 developments 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	<b>Parking Spaces Required per 1,000 Square Feet of <i>Floor</i> Area Unless Otherwise Noted</b> ( <i>Floor Area</i> Includes <i>Gross Floor Area</i> plus <i>Below Grade Floor Area</i> and Excludes <i>Floor Area</i> Devoted to <i>Parking</i> )			
	<b>Required Automobile Parking Spaces<sup>(1)</sup></b>			
	<b>Minimum Required Outside a <i>Transit Area</i> or <i>Parking Standards Transit Priority Area</i></b>	<b>Minimum Required Within a <i>Parking Standards Transit Priority Area</i><sup>(6)</sup></b>	<b>Minimum Required Within a <i>Transit Area</i><sup>(2)</sup></b>	<b>Maximum Permitted</b>
<b>Commercial Zones</b>				
CC-1-1 CC-2-1 CC-4-1 CC-5-1	2.5	0	2.1	6.5
CC-1-2 CC-2-2 CC-4-2 CC-5-2	2.5	0	2.1	6.5
CC-1-3 CC-2-3 CC-4-3 CC-5-3	5.0 <sup>(3)</sup>	0	4.3	6.5
CC-2-4 CC-3-4 CC-4-4 CC-5-4	2.5	0	2.1	6.5
CC-3-5	1.0 <sup>(4)</sup>	0	1.0 <sup>(4)</sup>	5.5
CC-3-5/Beach impact area <sup>(5)</sup>	2.5	0	2.1	6.5

Zone	<b>Parking Spaces Required per 1,000 Square Feet of <i>Floor</i> Area Unless Otherwise Noted</b> ( <i>Floor Area</i> Includes <i>Gross Floor Area</i> plus <i>Below Grade Floor Area</i> and Excludes <i>Floor Area</i> Devoted to <i>Parking</i> )			
	<b>Required Automobile Parking Spaces<sup>(1)</sup></b>			
	<b>Minimum Required Outside a <i>Transit Area</i> or <i>Parking Standards Transit Priority Area</i></b>	<b>Minimum Required Within a <i>Parking Standards Transit Priority Area</i><sup>(6)</sup></b>	<b>Minimum Required Within a <i>Transit Area</i><sup>(2)</sup></b>	<b>Maximum Permitted</b>
CC-4-5	1.0 <sup>(4)</sup>	0	1.0 <sup>(4)</sup>	5.5
CC-2-5 CC-5-5	1.25	0	1.25	5.5
CC-3-6 CC-4-6 CC-5-6	2.5	0	2.1	6.5
CC-3-7	2.5	0	2.1	6.5
CC-3-8	2.5	0	2.1	6.5
CC-3-9	2.5	0	2.1	6.5
CN-1-1	0	0	0	5.5
CN-1-2	0	0	0	6.5
CN-1-3	0	0	0	6.5
CN-1-4	0	0	0	6.5
CN-1-5	0	0	0	6.5
CN-1-6	0	0	0	6.5
CR-1-1 CR-2-1	5.0 <sup>(3)</sup>	0	4.3	6.5
CO-1-1 CO-1-2	5.0	0	4.3	6.5



Zone	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 Area</i> or <i>Parking Standards Transit Priority Area</i>	Minimum Required Within a <i>Parking Standards Transit Priority Area</i> <sup>(6)</sup>	Minimum Required Within a <i>Transit Area</i> <sup>(2)</sup>	Maximum Permitted
CO-2-1 CO-2-2 CO-3-1 CO-3-2 CO-3-3				
CV-1-1	5.0	0	4.3	6.5
CV-1-2	2.5	0	2.1	6.5
<b>Industrial Zones</b>				
IH-1-1 IH-2-1	5.0	4.3 <u>0</u>	4.3	6.5
IL-1-1 IL-2-1	5.0	4.3 <u>0</u>	4.3	6.5
IL-3-1	5.0	0	4.3	6.5
IP-1-1 IP-2-1	5.0	0	4.3	6.5
IS-1-1	1.0 <sup>(4)</sup>	0	1.0 <sup>(4)</sup>	5.5
IBT-1-1	5.0	0	4.3	6.5
<b>Mixed-Use Zones</b>				
RMX-1	1.5	0	1.0	5.5
RMX-2	1.5	0	1.0	5.5

Zone	<b>Parking Spaces Required per 1,000 Square Feet of <i>Floor</i> Area Unless Otherwise Noted</b> ( <i>Floor Area</i> Includes <i>Gross Floor Area</i> plus <i>Below Grade Floor Area</i> and Excludes <i>Floor Area</i> Devoted to <i>Parking</i> )			
	<b>Required Automobile Parking Spaces<sup>(1)</sup></b>			
	<b>Minimum Required Outside a <i>Transit Area</i> or <i>Parking Standards Transit Priority Area</i></b>	<b>Minimum Required Within a <i>Parking Standards Transit Priority Area</i><sup>(6)</sup></b>	<b>Minimum Required Within a <i>Transit Area</i><sup>(2)</sup></b>	<b>Maximum Permitted</b>
RMX-3	1.5	0	1.0	5.5
EMX-1	1.5	0	1.0	5.5
EMX-2	1.5	0	1.0	5.5
EMX-3	1.5	0	1.0	5.5
<b>Planned Districts</b>				
Barrio Logan: Subdistrict B	1.0 <sup>(4)</sup>	0	1.0 <sup>(4)</sup>	5.5

Zone	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 Area</i> or <i>Parking Standards Transit Priority Area</i>	Minimum Required Within a <i>Parking Standards Transit Priority Area</i> <sup>(6)</sup>	Minimum Required Within a <i>Transit Area</i> <sup>(2)</sup>	Maximum Permitted
Barrio Logan: Except Subdistrict B	2.5	0	2.1	6.5
Carmel Valley	5.0	0	4.3	6.5
Cass Street	2.0	0	2.0	6.5
Central Urbanized	2.5	0	2.1	6.5
La Jolla	1.7	0	1.7	5.5
La Jolla Shores	1.0	0	1.0 <sup>(4)</sup>	5.5
Mid-City: CN-3 and CV-3	1.25	0	1.25	5.5
Mid-City: Except CN-3, CV-3	2.5	0	2.1	6.5

Zone	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 Area</i> or <i>Parking Standards Transit Priority Area</i>	Minimum Required Within a <i>Parking Standards Transit Priority Area</i> <sup>(6)</sup>	Minimum Required Within a <i>Transit Area</i> <sup>(2)</sup>	Maximum Permitted
Mount Hope	3.3	0	2.8	6.5
Mission Valley: CV	2.5	0	2.1	6.5
Mission Valley: Except CV	5.0	0	4.3	6.5
Old Town	4.0	0	3.4	6.5
West Lewis Street	1.0 (4)	0	1.0 (4)	5.5

**Footnotes for Table 142-05E**

- <sup>1</sup> Parking spaces for carpool vehicles and zero emissions vehicles are required in accordance with Section 142.0530(d). Bicycle parking is required in accordance with Section 142.0530(e).
- <sup>2</sup> *Transit Area*. The *transit area* minimum parking ratios apply in the *Transit Area* Overlay Zone (Chapter 13, Article 2, Division 10) and in the Urban Village Overlay Zone (Chapter 13, Article 2, Division 11).
- <sup>3</sup> through <sup>5</sup> [No change in text.]

<sup>6</sup> The ~~parking standards transit priority area~~ parking ratio applies to *development where all or a portion of the premises is located* within a ~~parking standards transit priority area~~ as described in Section 142.0531 and supersedes any other applicable parking

- (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**

<b>Zone</b>	<b>Parking Spaces Required per 1,000 Square Feet of Eating and Drinking Establishment<sup>(1)</sup> Floor Area Unless Otherwise Noted</b> (Floor Area Includes Gross Floor Area plus Below Grade Floor Area and Excludes Floor Area Devoted to Parking)			
	<b>Required Automobile Parking Spaces<sup>(2)</sup></b>			
	<b>Minimum Required Outside a Transit Area or Parking Standards Transit Priority Area</b>	<b>Minimum Required Within a Parking Standards Transit Priority Area<sup>(6)</sup></b>	<b>Minimum Required Within a Transit Area<sup>(3)</sup></b>	<b>Maximum Permitted</b>
<b>Commercial Zones</b>				
CC-1-1 CC-2-1 CC-4-1 CC-5-1	2.5	0	2.1	25.0
CC-1-2 CC-2-2 CC-4-2	2.5	0	2.1	25.0
CC-5-2	2.5	0	2.1	25.0
CC-4-2/Coastal Overlay Zone <sup>(4)</sup>	5.0	0	4.3	25.0
CC-1-3 CC-2-3 CC-4-3 CC-5-3	15.0	0	12.8	25.0
CC-2-4 CC-3-4 CC-4-4	2.5	0	2.1	25.0

Zone	<b>Parking Spaces Required per 1,000 Square Feet of Eating and Drinking Establishment<sup>(1)</sup> Floor Area Unless Otherwise Noted</b> (Floor Area Includes Gross Floor Area plus Below Grade Floor Area and Excludes Floor Area Devoted to Parking)			
	<b>Required Automobile Parking Spaces<sup>(2)</sup></b>			
	<b>Minimum Required Outside a Transit Area or Parking Standards Transit Priority Area</b>	<b>Minimum Required Within a Parking Standards Transit Priority Area<sup>(6)</sup></b>	<b>Minimum Required Within a Transit Area<sup>(3)</sup></b>	<b>Maximum Permitted</b>
CC-4-4/Coastal Overlay Zone <sup>(4)</sup>	5.0	0	4.3	25.0
CC-5-4	2.5	0	2.1	25.0
CC-2-5 CC-3-5	1.0 <sup>(5)</sup>	0	1.0 <sup>(5)</sup>	20.0
CC-3-5/Coastal Overlay Zone <sup>(4)</sup>	5.0	0	4.3	25.0
CC-4-5	1.0 <sup>(5)</sup>	0	1.0 <sup>(5)</sup>	20.0
CC-5-5	1.25	0	1.25	20.0
CC-3-6 CC-4-6 CC-5-6	2.5	0	2.1	25.0
CC-3-7	2.5	0	2.1	25.0
CC-3-8	2.5	0	2.1	25.0
CC-3-9	2.5	0	2.1	25.0
CN-1-1	0	0	0	20.0
CN-1-2	0	0	0	25.0

Zone	<b>Parking Spaces Required per 1,000 Square Feet of Eating and Drinking Establishment<sup>(1)</sup> Floor Area Unless Otherwise Noted</b> (Floor Area Includes Gross Floor Area plus Below Grade Floor Area and Excludes Floor Area Devoted to Parking)			
	<b>Required Automobile Parking Spaces<sup>(2)</sup></b>			
	<b>Minimum Required Outside a Transit Area or Parking Standards Transit Priority Area</b>	<b>Minimum Required Within a Parking Standards Transit Priority Area<sup>(6)</sup></b>	<b>Minimum Required Within a Transit Area<sup>(3)</sup></b>	<b>Maximum Permitted</b>
CN-1-3	0	0	0	25.0
CN-1-4	0	0	0	25.0
CN-1-5	0	0	0	25.0
CN-1-6	0	0	0	25.0
CR-1-1	15.0	0	12.8	25.0
CR-2-1				
CO-1-1	15.0	0	12.8	25.0
CO-1-2				
CO-2-1				
CO-2-2				
CO-3-1				
CO-3-2				
CO-3-3				
CV-1-1	15.0	0	2.1	25.0
CV-1-2	5.0	0	4.3	25.0
<b>Mixed-Use Zones</b>				
RMX-1	1.5	0	1.0	5.5
RMX-2	1.5	0	1.0	5.5
RMX-3	1.5	0	1.0	5.5
EMX-1	1.5	0	1.0	5.5
EMX-2	1.5	0	1.0	5.5



Zone	<b>Parking Spaces Required per 1,000 Square Feet of Eating and Drinking Establishment<sup>(1)</sup> Floor Area Unless Otherwise Noted</b> (Floor Area Includes Gross Floor Area plus Below Grade Floor Area and Excludes Floor Area Devoted to Parking)			
	<b>Required Automobile Parking Spaces<sup>(2)</sup></b>			
	<b>Minimum Required Outside a Transit Area or Parking Standards Transit Priority Area</b>	<b>Minimum Required Within a Parking Standards Transit Priority Area<sup>(6)</sup></b>	<b>Minimum Required Within a Transit Area<sup>(3)</sup></b>	<b>Maximum Permitted</b>
EMX-3	1.5	0	1.0	5.5
<b>Industrial Zones</b>				
IH-1-1 IH-2-1	15.0	12.8 <u>0</u>	12.8	25.0
IL-1-1 IL-2-1	15.0	12.8 <u>0</u>	12.8	25.0
IL-3-1	15.0	0	12.8	25.0
IP-1-1 IP-2-1	15.0	0	12.8	25.0
IS-1-1	1.0 <sup>(5)</sup>	0	1.0 <sup>(5)</sup>	20.0
IBT-1-1	15.0	0	12.8	25.0
<b>Planned Districts</b>				
Barrio Logan: Subdistrict B	1.0 <sup>(5)</sup>	0	1.0 <sup>(5)</sup>	20.0
Barrio Logan: Except Subdistrict B	2.5	0	2.1	20.0

Zone	<b>Parking Spaces Required per 1,000 Square Feet of Eating and Drinking Establishment<sup>(1)</sup> Floor Area Unless Otherwise Noted</b> (Floor Area Includes Gross Floor Area plus Below Grade Floor Area and Excludes Floor Area Devoted to Parking)			
	<b>Required Automobile Parking Spaces<sup>(2)</sup></b>			
	<b>Minimum Required Outside a Transit Area or Parking Standards Transit Priority Area</b>	<b>Minimum Required Within a Parking Standards Transit Priority Area<sup>(6)</sup></b>	<b>Minimum Required Within a Transit Area<sup>(3)</sup></b>	<b>Maximum Permitted</b>
Carmel Valley	15.0	0	12.8	25.0
Cass Street	5.0	0	4.3	25.0
Central Urbanized	2.5	0	2.1	6.5
La Jolla	5.0	0	4.3	20.0
La Jolla Shores	1.0	0	1.0 <sup>(5)</sup>	20.0
Mid-City: CN-3 and CV-3	1.25	0	1.25	20.0
Mid-City: Except CN-3, CV-3	2.5	0	2.1	25.0
Mount Hope	3.3	0	2.8	25.0
Mission Valley: CV	5.0	0	4.3	25.0
Mission Valley: Except CV	15.0	0	12.8	25.0
Old Town	4.0	0	3.4	25.0

Zone	<b>Parking Spaces Required per 1,000 Square Feet of Eating and Drinking Establishment<sup>(1)</sup> Floor Area Unless Otherwise Noted</b> (Floor Area Includes Gross Floor Area plus Below Grade Floor Area and Excludes Floor Area Devoted to Parking)			
	<b>Required Automobile Parking Spaces<sup>(2)</sup></b>			
	<b>Minimum Required Outside a Transit Area or Parking Standards Transit Priority Area</b>	<b>Minimum Required Within a Parking Standards Transit Priority Area<sup>(6)</sup></b>	<b>Minimum Required Within a Transit Area<sup>(3)</sup></b>	<b>Maximum Permitted</b>
West Lewis Street	1.0 (5)	0	1.0 (5)	20.0

**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 Transit Priority Areas a transit priority area,~~ minimum required parking can be replaced by a *placemaking* project if a Temporary Use Permit is obtained in accordance with Section 123.0402. 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 ~~parking standards transit priority area~~ parking ratio applies to *development where all or a portion of the premises is located* within a ~~parking standards transit priority area~~ *as described in Section 142.0531* 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 Section 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 Area</i> or <i>Parking Standards Transit Priority Area</i>	Minimum Required Within a <i>Parking Standards 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	3.3	0	2.8	N/A
Educational facilities:				
Kindergarten through grade 9	2.0 per classroom if no assembly area or 30 per 1,000 square feet assembly area	85% of Minimum <u>0</u>	85% of Minimum	N/A
Grade 10 through grade 12	1 per 5 students at maximum occupancy	85% of Minimum <u>0</u>	85% of Minimum	N/A

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 Area</i> or <i>Parking Standards Transit Priority Area</i>	Minimum Required Within a <i>Parking Standards Transit Priority Area</i> <sup>(8)</sup>	Minimum Required Within a <i>Transit Area</i> <sup>(2)</sup>	Maximum Permitted
Vocational/ trade schools	1 per student at maximum occupancy	85% of Minimum <u>0</u>	85% of Minimum	N/A
Exhibit Halls & Convention Facilities	1 per 3 seats; 30.0 if no fixed seats	85% of Minimum <u>0</u>	85% of Minimum	N/A
Hospitals	2 per bed	85% of Minimum <u>0</u>	85% of Minimum	N/A
Intermediate care facilities and nursing facilities	1 per 3 beds	85% of Minimum <u>0</u>	85% of Minimum	N/A
Interpretive Centers	3.3	2.8 <u>0</u>	2.8	N/A
Museums	3.3	2.8 <u>0</u>	2.8	N/A
Radio & Television Broadcasting	3.3	2.9 <u>0</u>	2.9	5.0
<b>Retail Sales:</b>	<b>See Table 142-05E</b>			
<b>Commercial Services</b>				
<b>Eating &amp; Drinking Establishments</b>	See Table 142-05F			
<b>Public assembly &amp; entertainment</b>				

Use	<b>Parking Spaces Required per 1,000 Square Feet of Floor Area Unless Otherwise Noted</b> ( <i>Floor Area Includes Gross Floor Area plus below Grade Floor Area, and Excludes Floor Area Devoted to Parking</i> )			
	<b>Required Automobile Parking Spaces<sup>(1)</sup></b>			
	<b>Minimum Required Outside a <i>Transit Area</i> or <i>Parking Standards Transit Priority Area</i></b>	<b>Minimum Required Within a <i>Parking Standards Transit Priority Area</i><sup>(8)</sup></b>	<b>Minimum Required Within a <i>Transit Area</i><sup>(2)</sup></b>	<b>Maximum Permitted</b>
Theaters	1-3 screens: 1 per 3 seats  4+ screens: 1 per 3.3 seats  Per assembly area if not fixed seats: 50.0	0	85% of Minimum	N/A
Health clubs	5.0  Clubs with Courts: 1 additional space per the maximum number of authorized players (Amateur Athletic Union) per court	0	85% of Minimum	N/A
Swimming pools	Commercial: 1 per 100 sq. ft. of pool surface area  Community: 1 per 175 sq. ft. of pool surface area	0	85% of Minimum	N/A
All other assembly and entertainment	1 per 3 seats or 1 per 60 inches of bench or pew seating,	85% of Minimum <u>0</u>	85% of Minimum <sup>(7)</sup>	N/A

Use	<b>Parking Spaces Required per 1,000 Square Feet of Floor Area Unless Otherwise Noted</b> ( <i>Floor Area Includes Gross Floor Area plus below Grade Floor Area, and Excludes Floor Area Devoted to Parking</i> )			
	<b>Required Automobile Parking Spaces<sup>(1)</sup></b>			
	<b>Minimum Required Outside a <i>Transit Area</i> or <i>Parking Standards Transit Priority Area</i></b>	<b>Minimum Required Within a <i>Parking Standards Transit Priority Area</i> <sup>(8)</sup></b>	<b>Minimum Required Within a <i>Transit Area</i> <sup>(2)</sup></b>	<b>Maximum Permitted</b>
	whichever is greater; or 30 per 1,000 square feet of assembly area if seating is not fixed			
<b>Visitor accommodations</b>	1 per <i>guest room</i> Conference Area: 10.0	0	1 per <i>guest room</i> Conference Area: 10.0	N/A
<b>Separately Regulated Uses</b>				
Child Care Centers	1 per staff	85% of Minimum <u>0</u>	85% of Minimum	N/A
Funeral parlors & Mortuaries	1 per 3 seats; 30.0 for assembly area if no fixed seats	85% of Minimum <u>0</u>	85% of minimum	N/A
Private clubs, lodges, fraternal organizations (except fraternities and sororities)	1 per <i>guest room</i> , or 2.5, whichever is greater <sup>(3)</sup>	0	85% of Minimum	N/A
Single room occupancy hotels (For <i>SRO Hotels</i> that meet the criteria)	1 per room	0	0.5 per room	N/A

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 Area</i> or <i>Parking Standards Transit Priority Area</i>	Minimum Required Within a <i>Parking Standards Transit Priority Area</i> <sup>(8)</sup>	Minimum Required Within a <i>Transit Area</i> <sup>(2)</sup>	Maximum Permitted
for affordable housing <i>dwelling units</i> stated in Section 142.0527, see Section 142.0527 for parking requirements)				
Veterinary clinics & hospitals	2.5	2.1 <u>0</u>	2.1	N/A
<b>Offices<sup>(4)</sup></b>				
<b>Business &amp; professional/ Government/ Regional &amp; corporate headquarters</b> (except in IS Zone)	3.3	0	2.9	5.0
<b>Medical, dental, &amp; health practitioners</b> (except in IS Zone)	4.0	0	3.5	6.0
<b>All office uses</b> in the IS Zone	1.0 <sup>(5)</sup>	0	1.0 <sup>(5)</sup>	5.0
<b>Vehicle &amp; Vehicular Equipment Sales &amp; Service</b>				



Use	<b>Parking Spaces Required per 1,000 Square Feet of Floor Area Unless Otherwise Noted</b> ( <i>Floor Area Includes Gross Floor Area plus below Grade Floor Area, and Excludes Floor Area Devoted to Parking</i> )			
	<b>Required Automobile Parking Spaces<sup>(1)</sup></b>			
	<b>Minimum Required Outside a <i>Transit Area</i> or <i>Parking Standards Transit Priority Area</i></b>	<b>Minimum Required Within a <i>Parking Standards Transit Priority Area</i><sup>(8)</sup></b>	<b>Minimum Required Within a <i>Transit Area</i><sup>(2)</sup></b>	<b>Maximum Permitted</b>
<b>Automobile service stations</b>	2 per Station; with Maintenance Facility, 3 per Station Plus 1 per Service Bay  Retail Sales: 3.0	<del>85% of Minimum</del> <u>0</u>	85% of Minimum	N/A
<b>Vehicle repair &amp; maintenance</b>	5.0	<del>4.3</del> <u>0</u>	4.3	N/A
<b>Vehicle sales &amp; rentals</b>	1 per each 10 display cars	<del>85% of Minimum</del> <u>0</u>	85% of Minimum	N/A

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 Area</i> or <i>Parking Standards Transit Priority Area</i>	Minimum Required Within a <i>Parking Standards Transit Priority Area</i> <sup>(8)</sup>	Minimum Required Within a <i>Transit Area</i> <sup>(2)</sup>	Maximum Permitted
<b>Distribution and Storage<sup>(4)</sup></b>				
<b>All distribution and storage uses</b>	1.0 <sup>(5)</sup>	0	1.0 <sup>(5)</sup>	4.0
<b>Self Storage Facilities</b>	1.0 space/10,000 sq ft plus 3.3 space per 1,000 square foot of accessory office space	0	N/A	N/A
<b>Industrial</b>				
<b>Heavy Manufacturing</b> (except in IS Zone)	1.5 <sup>(6)</sup>	1.5 <sup>(6)</sup>	1.5 <sup>(6)</sup>	4.0
<b>Light manufacturing</b> (except in IS Zone)	2.5 <sup>(6)</sup>	2.1 <sup>(6)</sup>	2.1 <sup>(6)</sup>	4.0
<b>Research &amp; development</b> (except in IS Zone)	2.5	0	2.1	4.0
<b>All industrial uses in the IS Zone</b>	1.0 <sup>(5)</sup>	0	1.0 <sup>(5)</sup>	4.0

**Footnotes for Table 142-05G**

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

- <sup>8</sup> The ~~parking standards transit priority area~~ parking ratio applies to *development* within a ~~parking standards transit priority area~~ as described in Section 142.0531 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 ~~Parking Standards 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 ~~parking standards 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 ~~parking standards transit priority area~~:
- (1) The non-residential *development* shall provide a passenger drop-off and loading zone within 200 feet from the *development's* main accessible entrance. The passenger drop-off and loading zone shall comply with The City of San Diego Standard Drawings Public Works Construction. In addition, the non-residential *development* shall also provide an accessible route within the boundaries of the site, from the accessible main entrance of the non-residential *development* to the drop-

off and passenger loading zone, pursuant to the California Building Standards Code.

- (2) The non-residential *development* shall provide an on-street accessible space along the *street frontage*, unless existing accessible on-street parking spaces within the block perimeter are within a ratio of 1 accessible space for every 25 standard spaces. The accessible on-street parking spaces shall comply with the City of San Diego Standard Drawings for Public Works Construction. In addition, the non-residential *development* shall provide an accessible route within the boundaries of the site, from the main accessible entrance of the non-residential *development* to the designated accessible on-street parking space, pursuant to the California Building Standards Code.

- (d) Where *off-street parking spaces* are provided on a *premises* in a ~~parking standards~~ 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.

## JUNIOR ACCESSORY DWELLING UNIT (JADU) REVISIONS

### §113.0103 Definitions

*Abutting property through Minor-oriented facility* [No change in text.]

*Minor Accessory Dwelling Unit (MADU)* means a dwelling unit that is 500 square feet or less in size and is contained entirely within an existing or proposed detached garage or Accessory Dwelling Unit on a residential single dwelling unit lot. A MADU must include separate sanitation facilities if constructed within a detached garage and may share sanitation facilities if constructed withing an Accessory Dwelling Unit.

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

### §141.0302 Accessory Dwelling Units, Minor Accessory Dwelling Units, and Junior Accessory Dwelling Units

Section 141.0302 provides for the construction of *Accessory Dwelling Units (ADUs)*, *Minor Accessory Dwelling Units (MADUs)* and *Junior Accessory Dwelling Units (JADUs)*, consistent with the requirements of state law, and is intended to encourage the construction of *ADUs*, *MADUs*, and *JADUs* through several local regulatory provisions, including eliminating parking requirements for *ADUs*, *MADUs*, 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 *MADUs* 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*, *MADUs*, and *JADUs*:

(1) Use Regulations

(A) One *ADU* and one *MADU* or *JADU* are permitted on a *premises* located within a Single Dwelling Unit Zone with an existing or proposed *single dwelling unit*.

(B) An *ADU*, *MADU*, or *JADU* shall not be used for a rental term of less than 31 consecutive days.

(C) Guest quarters and non-habitable *accessory structures* shall be permitted in addition to *ADUs*, *MADUs* and *JADUs*.

(D) An *Accessory Dwelling Unit*, *Minor Accessory Dwelling Unit*, or *Junior Accessory Dwelling Unit* shall not be permitted to be constructed on any *premises* that has utilized the provisions of Chapter 14, Article 3, Division 13, Multi-Dwelling Unit and Urban Lot Split Regulations for Single Family Zones, except as provided in Section 143.1305(c)(1).

(2) *Development Regulations*

(A) A minimum *lot size* is not required for the construction of an *ADU*, *MADU*, or *JADU*.

(B) *ADUs*, *MADUs* and *JADUs* are not subject to the *density* limitations for the *premises*.

(C) The *gross floor area* of an *ADU*, *MADU*, and *JADU* shall be included in the *floor area ratio* for the *premises*.

(D) An *ADU*, *MADU*, or *JADU* that is converted from an existing *dwelling unit* or *accessory structure* or is constructed in the same location and within the same *building envelope* as an existing *dwelling unit* or *accessory*

*structure* may continue to observe the same *setbacks* as the existing *dwelling unit* or *accessory structure*.

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

- (i) One-story ADUs or MADUs ~~JADUs~~ 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 ADUs or MADUs ~~JADUs~~ with a *structure height* that exceeds 16 feet and multi-story ADU or MADU 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.

(F) The following landscape regulations shall apply to the construction of an ADU, MADU or JADU:



(i) If construction of an *ADU*, *MADU*, or *JADU* that would bring the number of *ADUs*, *MADUs*, or *JADUs* on the *premises* to a total of two or more is proposed, two trees shall be provided on the *premises* for every 5,000 square feet of *lot* area, with a minimum of one tree per *premises*. If planting of a new tree is required to comply with this section, the tree shall be selected in accordance with the Landscape Standards of the Land Development Manual and the City's Street Tree Selection Guide.

(ii) [No change in text]

(G) *ADUs*, *MADUs* 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, a *ADU*, *MADU*, or *JADU* shall be protected with an automatic fire sprinkler system.

- (H) Construction of an *ADU, MADU, or JADU* shall not require the correction of *previously conforming* conditions on the *premises*.
- (I) *ADUs, MADUs and JADUs* constructed within Areas of Future Sea Level Rise must comply with the regulations in Section 132.0404.
- (3) Parking Regulations
- (A) No on-street parking spaces or *off-street parking spaces* are required for *ADUs, MADUs, and JADUs*. If the *applicant* chooses to provide *off-street parking spaces* for *ADUs, MADUs, and/or JADUs* located on the *premises*, those spaces shall comply with the following:
- (i) through (ii) [No change in text]
- (B) When a garage, carport, or covered parking *structure* is demolished in conjunction with the construction of an *ADU, MADU, or JADU*, or converted to an *ADU, MADU, or JADU*, replacement of those *off-street parking spaces* is not required.

- (C) Notwithstanding 141.0302(b)(2)(H), if the construction of an *ADU*, *MADU*, or *JADU* causes an existing driveway curb cut to no longer comply with the dimensions required in Table 142-05K of Section 142.0560 for an *off-street parking space*, the driveway shall be closed to the satisfaction of the City Engineer.
- (4) Development Impact Fees for *ADUs*, *MADUs*, and *JADUs* shall comply with Section 142.0640(b).
- (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 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.]

(iv) Very low income, low income and moderate income households located within a Low or Lowest Resource California Tax Credit Allocation Committee Opportunity Area according to the most recent California State Treasurer TCAC/HCD Opportunity Area Maps shall receive priority preference for new covenant-restricted dwelling units created under this Section.

**Table 141-03A**

**Qualifying Criteria for Affordable ADU Bonus**

[No change in text]

**Footnotes for Table 141-03A**

[No change in text]

(H) For development utilizing the ADU Bonus for Affordable ADUs in §141.0302(c)(2)(G) and providing no less than two ADUs on the premises set aside as affordable to very low income, low income, or moderate income households as prescribed, one additional ADU shall be permitted for one ADU on the premises that meets the accessibility requirements of the California Building Code (Chapter 11A) and includes at least one accessible bathroom; at least one accessible kitchen; at least one accessible bedroom; and at least one accessible living room on an accessible route.

(d) In addition to the requirements in Section 141.0302(a), *Junior Accessory Dwelling Units and Minor Accessory Dwelling Units* are subject to the following additional regulations:

(1) Use Regulations

(A) One *JADU* or *MADU* is permitted on a premises located within a Single Dwelling Unit Zone with an existing or proposed primary single dwelling unit.

(B) The *JADU* or *MADU* may not be sold or conveyed separately from the primary dwelling unit.

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(C) Before a Building Permit may be issued for a *JADU* or *MADU*, the record owner shall enter into an agreement with the City in a form that is approved by the City Attorney. The agreement shall include the following provisions: the *JADU* or *MADU* may not be sold or conveyed separately from the primary dwelling unit; the agreement may be enforced against future purchasers; and the record owner shall reside on the premises. The City shall submit the agreement to the County Recorder for recordation. The agreement shall run with the land for the life of the *JADU* or *MADU*.

(2) Development Regulations

(A) One *JADU* or *MADU* is permitted on a premises located within a Single Dwelling Unit Zone with an existing or proposed primary single dwelling unit.

(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 ~~or~~ detached garage, ~~or an ADU.~~

(C) A MADU of not less than 150 square feet and not more than 500 square feet is permitted within an existing or proposed detached garage or an ADU.

~~(CD)~~ A JADU or MADU constructed within an existing structure may construct an additional 150 square feet for ingress and egress only.

~~(DE)~~ A JADU or MADU shall have a separate exterior entry from the primary dwelling unit and shall provide a kitchen or an efficiency kitchen.

## ADA ACCESSIBLE ACCESSORY DWELLING UNIT (ADU) HOME INCENTIVE

§141.0302 Accessory Dwelling Units, Minor Accessory Dwelling Units, and Junior Accessory Dwelling Units

(G) 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.]

(iv) Very low income, low income and moderate income

households located within a Low or Lowest

Resource California Tax Credit Allocation

Committee Opportunity Area according to the



most recent California State Treasurer

TCAC/HCD Opportunity Area Maps shall receive  
priority preference for new covenant-restricted  
dwelling units created under this Section.

(H) For development utilizing the ADU Bonus for Affordable  
ADUs in §141.0302(c)(2)(G) and providing no less than  
two ADUs on the premises set aside as affordable to very  
low income, low income, or moderate income households  
as prescribed, one additional ADU shall be permitted  
for one ADU on the premises that meets the  
accessibility requirements of the California Building  
Code (Chapter 11A) and includes at least one accessible  
bathroom; at least one accessible kitchen; at least one  
accessible bedroom; and at least one accessible living  
room on an accessible route.

## Housing on Publicly Owned Land

### §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; ~~or~~

(D) An Emergency Shelter; or

(E) A single room occupancy hotel

- (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 according to the most recent

California State Treasurer TCAC/HCD Opportunity Area

Maps at the time of the application submittal;

(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) [The application for the *premises* is submitted by a person that has the authority to fill out an application in accordance with Section 112.0102 and is a public agency or a qualified nonprofit corporation qualified under Section 501(c)(3) of the Internal Revenue Code.

(2) The *development* includes one of the following:

(A) [No change in text]

(B) Multiple dwelling unit development for use by public agency employees and their families that is to be constructed by a public agency or through a contract with a public agency;

(C) Multiple dwelling unit development for use by active or retired military personnel and their families that is to be constructed by the federal government or through a contract with the federal government;

(D) Multiple dwelling unit development for use by lower income students that is to be constructed by a community college district or a state operated university or through a contract with a community college district or a state operated university;

~~(C)(E)~~ Permanent supportive housing;

~~(D)(F)~~ Transitional housing; or

~~(E)(G)~~ An emergency shelter.

(3) The premises is located:

(A) Within Mobility Zone 1, 2, or 3 as defined in Section 143.1103(a); and

~~(B) Outside of~~Within an area not designated for identified as Industrial, Park or Open Space uses in a *land use plan*.

(C) Within a zone other than an Industrial, Park or Open Space zone.

(4) The residential *density maximums for developments* shall not apply, be determined for the applicable portion of the *premises* as follows:

(A) Within Mobility Zone 1, (the Downtown Community Planning Area), the *density and floor area ratio* shall be unlimited.

(B) Within an area as defined in Section 143.1103(a)(2) as Mobility Zone 2, *density* shall be limited by a maximum *floor area ratio* of 6.5.

(C) Within an area as defined in Section 143.1103(a)(3) as Mobility Zone 3, *density* shall be limited by a maximum *floor area ratio* of 4.0.

(5) The maximum *floor area ratio* shall be determined for the applicable portion of the *premises* within a mobility zone by the percent of affordable dwelling units, as shown in Table 143-07E:

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

<u>Mobility Zone</u>	<u>Affordable Income Level</u>	<u>Percent Affordable</u>		
		<u>25-34%</u>	<u>35-49%</u>	<u>50-100%</u>
<u>1</u>	<u>Very Low, Low and Moderate</u>	=	=	=
<u>2</u>	<u>Very Low, Low<sup>2</sup></u>	<u>6.0</u>	<u>7.0</u>	<u>8.0</u>

	<u>Moderate<sup>3</sup></u>	<u>5.0</u>	<u>6.0</u>	<u>7.0</u>
<u>3</u>	<u>Very Low, Low<sup>2</sup></u>	<u>4.0</u>	<u>5.0</u>	<u>6.0</u>
	<u>Moderate<sup>3</sup></u>	<u>3.0</u>	<u>4.0</u>	<u>5.0</u>
<u>4</u>	<u>Very Low, Low<sup>2</sup></u>	<u>2.0</u>	<u>3.0</u>	<u>4.0</u>
	<u>Moderate<sup>3</sup></u>	<u>1.5</u>	<u>2.0</u>	<u>3.0</u>

**Footnotes for Table 143-07E**

<sup>1</sup> Within Mobility Zone 1, development shall not be limited by floor area ratio.

<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, development shall receive a floor area ratio bonus of 3.0 for very low and low affordable income level.

<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, development shall receive a floor area ratio bonus of 1.5 for moderate affordable income level.

~~(5)(6)~~ Residential development shall comply with the development regulations of the as follows:

~~(A)~~ Within Mobility Zone 1, the underlying zone with the expectation of the floor area ratio.

~~(B)~~ Within Mobility Zones 2, 3 and 4

~~(i)~~ For an underlying zone that does not allow multiple dwelling unit development, the RM-2-5 zone with the exception of density, and floor area ratio maximums, and lot area, and lot dimensions.

(ii) For an underlying residential zone that allows *multiple dwelling unit development*, the underlying zone of the *premises* with the exception of the *density and floor area ratio maximums*.

(7) Development in Mobility Zone 4 shall be required to provide 10 points of VMT Reduction Measures in accordance with the Land Development Manual, Appendix T or the applicant may the Active Transportation In Lieu Fee referenced in Section 143.1103(c) in lieu of providing the VMT Reduction Measures for the development.

~~(6)~~(8) *Development* consistent with the criteria in this section shall be entitled to incentives and waivers in accordance with Sections 143.0740 through 143.0743.

~~(7)~~(9) *Development* shall comply with the regulations of the Airport Land Use Compatibility Overlay Zone (Chapter 13, Article 2, Division 15).

~~(8)~~(10) Affordable *Dwelling-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.

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## HOUSING ON UNDERUTILIZED COMMERCIAL SITES

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

(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 programs and incentives in this section if the

development is located on a premise that is:

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

(2) Has a base commercial zone that allows for residential

or mixed use development; and

(3) Has an existing land use that is not residential

(p) Very low income, low income and moderate income households

located within a Low or Lowest Resource California Tax Credit

Allocation Committee Opportunity Area according to the most recent

California State Treasurer TCAC/HCD Opportunity Area Maps shall

receive priority preference for new covenant-restricted dwelling units

created under this Division.

## OFF CAMPUS STUDENT HOUSING

### §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 ~~20~~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 or the Accrediting Commission for Community and Junior Colleges. ~~The applicant shall, as a condition of receiving a certificate of occupancy, provide evidence to the satisfaction of the City Manager that the applicant has entered into an operating agreement or~~

~~master lease with one or more institutions of higher education for the institution or institutions to occupy all units of the student housing *development* with students from that institution or institutions.~~

(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*.

~~(4)~~(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 (j) [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 shall be ~~35 percent of the total pre-*density* bonus units, calculated in accordance with Section 143.0720(g)(1)(B)~~ as set forth in Table 143-07B.

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

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

### §141.0305 Fraternity Houses, Sorority Houses, and Student Dormitories Student Housing

Student housing ~~Fraternity houses, sorority houses, and student dormitories~~ are facilities that are specifically designed ~~or and~~ used as a residence for students enrolled at an institution of higher learning. ~~Fraternity houses, sorority houses, and student dormitories 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. This includes the following types of student housing: fraternity houses, sorority houses, student dormitories, or 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:

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*.
  - (2) When 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 college or university campus, in any zone that permits *multiple dwelling unit developments*, or
  - (3) Within a sustainable development area in any zone that permits *multiple dwelling unit developments*.
- (a) Parking regulations
- (1) The required parking spaces shall be in compliance with Section 142.0525 for a rooming house use;
  - (2) If such facility is located within a *sustainable development area*, the facility shall be exempt from the automobile parking requirements; or

- (3) If the student housing facility is located on a college or university campus, the facility can meet the parking requirement through a parking agreement between the college or university with which such facility is affiliated and the applicant, which will allow the applicant to use college or university parking facilities; and
- (4) Bicycle parking at a rate of 0.5 spaces per bed located in enclosed and secure areas.
- (b) Occupancy regulations
  - (1) Student dormitories shall be occupied 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 or the Accrediting Commission for Community and Junior Colleges; and
  - (2) The enrollment of a student shall be verified by documentation provided by an institution of higher education.
- (c) On-site management regulations
  - (1) A resident manager is required to live on the premises.
  - (2) At least one staff member shall be located on the premises 24 hours per day.
- (d) Student 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. This requirement can be met by including one or more of the following gyms, or community rooms, shared resources, and facilities such as study rooms or co-study spaces.
  - (2) On site laundry facilities.
- (e) Outdoor activities regulations

- (1) Outdoor activities shall not occur between the following:
  - (A) 12:00 midnight and 8:00 a.m. from Friday to Sunday and
  - (B) 10:00 p.m. and 8:00 a.m. from Monday to Thursday.
- (2) Live entertainment is not permitted outdoors in RM Zones.
- (3) Deviations from the outdoor activities requirements may be permitted with a Conditional Use Permit decided in accordance with Process Three. Issuance of the permit will be based on the following:
  - (C) Hours of operation shall be limited as appropriate for the location.
  - (D) Noise reduction techniques shall be incorporated, including measures to ensure that speaker systems are not audible beyond the property line.
  - (E) A lighting control plan shall be provided to minimize potential off-site impacts.
- (f) Fraternity houses or sorority houses shall be officially recognized by the college or university.
- ~~(a) Fraternal houses, sorority houses, and student dormitories 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) When 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 college or university campus, in any of the following zones: RM-3-7, RM-3-8, RM-3-9, RM-4-10, and RM-4-11.~~
- ~~(b) If the facility 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, or~~

~~(2) Through a parking agreement between the college or university with which the facility is affiliated and the applicant, which will allow the applicant to use college or university parking facilities to meet the parking requirement.~~

~~(c) A resident manager is required to live on the premises.~~

~~(d) The facility must be officially recognized by the college or university.~~

~~(e) The frequency and duration of organized outdoor activities and social events shall be limited as needed to minimize adverse impacts on neighboring development.~~

§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	Zone Designator	Zones																
		[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	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

<b>Open Space</b> through <b>Separately Regulated Residential Uses</b> , Employee Housing, Greater than 12 Employees [No change in text]	[No change in text]							
<del>Fraternities, Sororities and Student Dormitories</del> <u>Student Housing</u>	€ <u>  </u> (2)	€ <u>  </u>	-	€ <u>  </u>	-	-	€ <u>  </u> (2)	-
<b>Separately Regulated Residential Uses</b> , Garage, Yard, & Estate Sales through <b>Signs</b> , <b>Separately Regulated Signs Uses</b> , Theater <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
<b>Open Space</b> through <b>Separately Regulated Residential Uses</b> , Employee Housing, Greater than 12 Employees [No change in text]	[No change in text]																									
<del>Fraternities, Sororities and Student Dormitories</del> <u>Student Housing</u>	€ <u>  </u>	-			€ <u>  </u>	€ <u>  </u>			€ <u>  </u>			€ <u>  </u>														
<b>Separately Regulated Residential Uses</b> , Garage, Yard, & Estate Sales through <b>Signs</b> , <b>Separately Regulated Signs Uses</b> , Theater <i>Marquees</i> [No change in text.]	[No change in text]																									

**Footnotes for Table 131-05B**

[No change in text]

§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	Zone Designator	Zones					
		RMX			EMX		
[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	1st >>						
	2nd >>	1	2	3	1	2	3
<b>Open Space</b> through <b>Separately Regulated Residential Uses</b> , Employee Housing, Greater than 12 Employees [No change in text]		[No change in text]					
<del>Fraternities, Sororities and Student Dormitories</del> Student Housing		€	€	€	€ (1)	€ (1)	€ (1)
<b>Separately Regulated Residential Uses</b> , Garage, Yard, & Estate Sales through <b>Signs</b> , <b>Separately Regulated Signs Uses</b> , Theater <b>Marquees</b> [No change in text.]		[No change in text]					

**Footnotes for Table 131-07A**

[No change in text]

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

An *applicant* proposing *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]

(f) — ~~For *development* meeting the criteria for *lower income students* in accordance with Section 143.0720(g), two incentives shall be available.~~

**Table 143-07A**

[No change in text]

**Footnotes for Table 143-07A**

[No change in text]

**Table 143-07B**

[No change in text]

**Footnotes for Table 143-07B**

[No change in text]

**Table 143-07C**

[No change in text]

## SINGLE ROOM OCCUPANCY (SRO) INCENTIVE

### §143.0746 Affordable Housing in All Communities

(b) 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; ~~or~~

(D) An Emergency Shelter; or

(E) A single room occupancy hotel

(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 according to the most recent

California State Treasurer TCAC/HCD Opportunity Area

Maps at the time of the application submittal;

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## COMPLETE COMMUNITIES: HOUSING SOLUTIONS (CCHS) AMENDMENTS

### §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~~ 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 and/or result in the need for new public facilities. DIFs 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 submitted, 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) *Accessory Dwelling Units, Junior Accessory Dwelling Units, movable tiny houses, and guest quarters* are exempt from DIF, except as follows:

(A) [No change in text]

(B) *Accessory Dwelling Units* that are 750 or more square feet in *gross floor area* and are in excess of the first two *Accessory Dwelling Units* on a *premises* or are constructed in accordance with Section 143.1305(c)(1) shall be required to pay DIF at the *multiple dwelling unit* rate, which shall be scaled in accordance with Resolution No. R-313688, adopting the Citywide Park Development Impact Fee and with ~~Table 142-06A~~ based upon the *Accessory Dwelling Unit* size, or shall be proportionate in relation to the square footage of the primary *dwelling unit* on the *premises* at the *multiple dwelling unit* rate, whichever results in the lower DIF. The DIF for the

*Accessory Dwelling Unit* shall not exceed the DIF for the primary *dwelling unit*.

(C) [No change in text]

(2) 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 do not exceed 500 square feet are exempt from DIFs.

(5) For *development* utilizing the Complete Communities: Housing Solutions Regulations in Chapter 14, Article 3, Division 10, the DIF for the residential *development* shall be scaled in accordance with Table 142-06A based upon the ~~*dwelling unit*~~ size.

(6) through (7) [No change in text]

(8) 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**

Unit Size (SF)	Scaled Fee Rate
1,254 ≥	Full Fee
1,201 - 1,250	99%
1,151 - 1,200	97%
1,101 - 1,150	95%
1,051 - 1,100	92%
1,001 - 1,050	90%
951 - 1,000	87%
901 - 950	85%
851 - 900	83%
801 - 850	80%
751 - 800	78%
701 - 750	76%
651 - 700	73%
601 - 650	71%
551 - 600	68%
501 - 550	66%

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

(11) For development utilizing the Missing Middle Housing Regulations in Chapter 14, Article 3, Division 15, all dwelling



units are subject to the payment of DIF at the rate for multiple dwelling units

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

### §143.1002 Application of Complete Communities Housing Solutions Regulations

- (a) At the request of the *applicant*, except as otherwise provided in Section 143.1030, the regulations in this Division shall apply to any *development* within a *Transit Priority Area* where any portion of the *premises* contains zoning that is commercial, residential, or mixed-use and the *premises* is zoned 20 *dwelling units* per acre or greater or has a ~~land use plan~~ land use plan designation that allows for 20 *dwelling units* per acre or greater and is within one quarter mile of a rail station, not including additional ~~units~~ dwelling units permitted under this Division, if all of the following requirements are met:
- (1) through (3) [No change in text.]

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

### §143.1010 Incentives in Exchange for Transit Priority 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) through (4) [No change in text]

(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 30 percent of the total *dwelling units* in the *development* are at least two bedroom *dwelling units* and at least 10 percent of the total *dwelling units* in the *development* are at least three bedroom *dwelling units*;  
and

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(B) 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) Scaling of Development Impact Fees based on square footage, rather than number of *dwelling units* in the proposed *development*, in accordance with Section 142.0640(b)(4).~~

~~(gf) Waiver of Development Impact Fees for all covenant-restricted affordable *dwelling units* and all *dwelling units* that do not exceed 500 square feet, 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.~~

~~(hg) 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(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. The City shall process an incentive requested by an *applicant* in accordance with Section 143.1010(i).

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

- (~~j~~) 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(j) 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.]

- (~~k~~) 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 provide:
- (A) At 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 *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) At least 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 at least 50 percent 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) to provide the required rental dwelling units onsite, the required rental dwelling units may be provided on different premises from the development subject to all of the following requirements:

- (A) The required rental dwelling units shall be located on a receiver site that is located within:

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- (i) A Sustainable Development Area; and
- (ii) An area identified as a Moderate, High, or Highest Resource California Tax Credit Allocation Committee (CTCAC) Opportunity Area at the time of project application; and
- (iii) A community planning area that has less than five percent of its existing *dwelling units* as covenant-restricted *very low income, low income, or moderate income dwelling units*, within the same community planning area, or within one mile of the *premises of the development*, as measured in a straight line from the *property lines of the development premises* to the *property lines of the proposed premises* where the offsite affordable *dwelling units* will be constructed.

(B) The applicant shall pay a fee to the Neighborhood Enhancement Fund as established by City Council Resolution R-313282 that is 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.

(C) The required rental *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.

(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(s)* if the affordable *dwelling units* have not received a certificate of occupancy within 36



months of the issuance of the first Building

Permit.

(b) through (c) [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(h) 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) Gated entryways and street yard fencing is prohibited.~~

~~(5)~~ 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 balconies, patios, parks, plazas, and other common spaces ~~occupied~~ used by residents, customers or members of the public shall be oriented away from the freeway.

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

DRAFT

## ANTI-DISPLACEMENT MEASURES

### §141.0302 Accessory Dwelling Units, Minor Accessory Dwelling Units, and Junior Accessory Dwelling Units

(c) In addition to the requirements in Section 141.0302(a), the following

additional regulations are applicable to *ADUs*:

(1) [No change in text]

(3) *Development* Regulations for *ADUs*

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

(G) *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.]

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(iv) Very low income, low income and moderate income households located within a Low or Lowest Resource California Tax Credit Allocation Committee Opportunity Area according to the most recent California State Treasurer TCAC/HCD Opportunity Area Maps shall receive priority preference for new covenant-restricted dwelling units created under this Section.

#### §141.0302 Accessory Dwelling Units, Minor Accessory Dwelling Units, and Junior Accessory Dwelling Units

Section 141.0302 provides for the construction of *Accessory Dwelling Units (ADUs)*, *Minor Accessory Dwelling Units (MADUs)* and *Junior Accessory Dwelling Units (JADUs)*, consistent with the requirements of state law, and is intended to encourage the construction of *ADUs*, *MADUs*, and *JADUs* through several local regulatory provisions, including eliminating parking requirements for *ADUs*, *MADUs*, 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 *MADUs* 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.

(G) *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.]

(iv) *Very low income, low income and moderate income households located within a Low or Lowest Resource California Tax Credit Allocation Committee Opportunity Area according to the most recent California State Treasurer*

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TCAC/HCD Opportunity Area Maps shall receive priority preference for new covenant-restricted dwelling units created under this Section.

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**Table 141-03A**  
**Qualifying Criteria for Affordable ADU Bonus**

[No change in text]

**Footnotes for Table 141-03A**

[No change in text]

§143.0720 Density Bonus in Exchange for Affordable Housing Units

(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 programs and incentives in this section if the

development is located on a premise that is:

(1) Located in a Sustainable Development Area; and

(2) Has a base commercial zone that allows for residential  
or mixed use development; and

(3) Has an existing land use that is not residential

(p) Very low income, low income and moderate income households

located within a Low or Lowest Resource California Tax Credit

Allocation Committee Opportunity Area according to the most recent

California State Treasurer TCAC/HCD Opportunity Area Maps shall

receive priority preference for new covenant-restricted dwelling units

created under this Division.

#### §142.1304 Inclusionary Affordable Housing Requirements

From July 1, 2020 through June 30, 2024, the requirements of Subsections (a) and (b) of this Section 142.1304 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) through (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 within a Low or Lowest Resource California Tax Credit Allocation Committee Opportunity Area according to the most recent California State Treasurer TCAC/HCD Opportunity Area Maps shall receive priority preference for*

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new covenant-restricted *dwelling units* created under this

Division.

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

(f) through (h) [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(s)*, 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(f)(2)(B) and complies with current 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 Government Code Section 7260 or the Residential Tenant Protection Regulations located in Chapter 9, Article 8, Division 7, whichever is greater.

(g) [No change in text.]

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

The purpose of these regulations is to preserve existing ~~dwelling units~~dwelling units within the Coastal Overlay Zone that are occupied by very low income, low income or moderate income families as defined by Government Code Section 65590(b). These regulations are intended to implement Government Code Section 65590 and the City of San Diego's own pro-housing 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 ~~dwelling units~~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~~ dwelling units or demolition of at least ~~eleven~~ units 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~~ dwelling units; and
- (d) The conversion or demolition of ~~104~~ 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~~ 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~~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~~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~~dwelling units affordable to, and occupied by, very low income, low income or *moderate income persons or families*;
  - (3) Development of new ~~dwelling units~~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~~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~~ 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~~ 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 and shall be issued. The agreement shall include the following provisions:
- (1) A description of the *coastal development* project, including its location and the number of ~~dwelling units~~ *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~~ *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 for-sale 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~~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~~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~~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~~dwelling units shall provide housing opportunities similar to those provided by the ~~dwelling units~~dwelling units converted or demolished. Replacement ~~dwelling units~~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~~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~~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; or
- (4) ~~If location on the site or elsewhere within the Coastal Overlay Zone is not feasible, the replacement dwelling units~~dwelling units shall be located within three miles of the Coastal Overlay Zone. ~~However, in no case shall the replacement dwelling units~~dwelling units be



~~located outside the Coastal Overlay Zone within any census tract impacted by an over-concentration of persons and families of low income, as defined by the Progress Guide and General Plan Housing Element.~~

(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 a Low or Lowest Resource California Tax Credit Allocation Committee Opportunity Area according to the most recent California State Treasurer TCAC/HCD Opportunity Area Maps.

(2) If the converted or demolished affordable dwelling units were located on a premises within an area identified as a High or Highest Resource California Tax Credit Allocation Committee Opportunity Area according to the most recent California State Treasurer TCAC/HCD Opportunity Area Maps, the replacement dwelling units shall also be constructed within a High or Highest Resource TCAC Area.

(~~e~~) Replacement ~~dwelling units~~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 within a Low or Lowest Resource California Tax Credit Allocation Committee Opportunity Area according to the most recent California State Treasurer TCAC/HCD Opportunity Area Maps shall receive priority preference for new affordable dwelling units created under this Division.

#### §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 a Low or Lowest Resource California Tax Credit Allocation Committee

Opportunity Area according to the most recent California State Treasurer TCAC/HCD Opportunity Area Maps 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* or *low income* households.
  - (A) [No change in text.]
  - (B) For any *very low, low, 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 is greater.
- (7) [No change in text.]

### §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* and/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 own 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 ~~between~~ January 1, 2020 and December 31, 2024:

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

(c) Mixed-use *developments* consisting of residential and non-residential uses ~~where at least two-thirds of the square footage is designated for residential use; and~~

(d) Transitional housing facilities and *permanent supportive housing*; and

(e) Commercial *development* in zones that permit residential *development*.

### ~~§143.1205 Expiration of the *Dwelling Unit Protection Regulations*~~

~~Consistent with California Government Code Section 66301, the regulations of this Division shall remain in effect until January 1,~~

~~2025, and as of that date are repealed unless a later enacted ordinance deletes or extends that date.~~

#### §143.1207 Definitions

The following definitions apply to this Division in addition to the definitions found 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 application.

(2) *Dwelling units* located outside of the Barrio Logan Plan Area that are or were ~~occupied~~ rented by *very low income* or *low income* households during the five -year period preceding the 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 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 application.

(35) *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 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 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~~ 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 ~~record owner~~ 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 return at their prior rental rate if the demolition does not proceed and the property is returned to the rental market.

(23) 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 or the Residential Tenant Protection Regulations located in Chapter 9, Article 8, Division 7, whichever is greater for public agencies. The applicant ~~applicant or the applicant's agent~~ 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~~ development at the time of application shall receive priority for 75 percent of the affordable ~~dwelling units~~ dwelling units in the ~~development~~ development that are reserved for ~~very low income~~ very low income, ~~low income~~ low income, or ~~moderate income~~ moderate income households.

(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 a Low or Lowest Resource California Tax Credit Allocation Committee Opportunity Area according to the most recent California State Treasurer TCAC/HCD Opportunity Area Maps shall receive priority preference for new covenant-restricted dwelling units created under this Division.

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

~~(a)~~—The *subdivider* of a *condominium conversion* project shall provide all of the following benefits specified in section 144.0505(b) to any person whose tenancy in the project the *subdivider* terminates due to the *condominium conversion*:

(a) The right of first refusal to purchase their dwelling unit or another dwelling unit in the condominium conversion project.

~~(b) The applicant shall provide a relocation assistance payment to all tenants of the project. The relocation payment shall be three months' rent based on the current San Diego "fair market rent" for apartment size, as established by the U.S. Department of Housing and Urban Development. The relocation~~

~~payment shall be paid no later than the day on which the applicant gives notice to the tenant to vacate the premises and shall be based upon the fair market rent at the time of the notice.~~ Relocation Assistance in accordance with the Residential Tenant Protection Regulations in Chapter 9, Article 8, Division 7.

In the Barrio Logan Community Plan Area, the *applicant* shall provide relocation benefits to all tenants of the project pursuant to California Government Code Sections 7260 through 7277 or the Residential Tenant Protection Regulations located in Chapter 9, Article 8, Division 7, whichever is greater.

- (c) [No change in text.]

## DISCONTINUED HARMFUL USES

### §127.0112 Replacing Harmful Uses

- (a) The following *previously conforming uses*, when located near residential areas, are considered harmful uses:; Junk Yards, Dumps, Wrecking and Dismantling of Motor Vehicles, and Very Heavy Industrial Uses
- (b) The following requirements apply to *previously conforming uses* considered harmful uses located within the *San Diego Promise Zone*:
- (1) If a *previously conforming use* is discontinued for any period of time, the 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
- (2) The *previously conforming use* will cease to be permitted to operate after XX years.
- (A) All property owners and tenants will be notified through certified mail of the date when the *previously conforming use* ceases to be permitted to operate.
- (B) The date when the *previously conforming use* will cease to be permitted will be XX years after the notification is

sent to the property owners and tenants pursuant to section 127.0112 (b)(2)(A).

(c) Development of a conforming use on the premises of a previously conforming use considered to be a harmful use located within the San Diego Promise Zone will be eligible for the following development incentive:

- (1) If the development application is submitted to the City within XX years of date the notification pursuant to section 127.0112 (b)(2)(A) was sent, the development may increase its maximum floor area ratio allowed in the zone by 0.5.
- (2) If the development on the premises includes 50 percent of its pre-density bonus 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 is submitted to the City within XX years of date the notification pursuant to section 127.0112 (b)(2)(A) was sent, the

development may increase its maximum floor area ratio allowed in the zone by 1.0.

- (3) This incentive may be used in addition to other housing programs.
- (4) If the *development* on the *premises* is a conforming use, the *development* would be considered an in-fill project described in section 143.0915(b) and would be eligible for expedited permit processes for in-fill projects.

## SENATE BILL 10 (SB 10)

### §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) Section 131.0423 (Additional Use Regulations of Residential Zones);
  - (2) Use limitations applicable to the Airport Land Use Compatibility Overlay Zone (Chapter 13, Article 2, Division 15);
  - (3) The presence of *environmentally sensitive lands*, pursuant to Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations); or
  - (4) Chapter 14, Article 3, Division 13 (Multi-Dwelling Unit and Urban Lot Split Regulations for Single Family Zones)
  - (5) Chapter 14, Article 3, Division 15 (Missing Middle Housing Regulations)
  - (4)(6) Any other applicable provision of the San Diego Municipal Code.

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(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 the Table 131-04B.

**Legend for Table 131-04B**

[No change to legend.]

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

Use Categories/ Subcategories	Zone Designator	Zones																						
	[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	1st & 2nd >>	RE-	RS-										RX-		RT-								
3rd >>		1-	1-										1-		1-									
4th >>		1	2	3	1	2	3	4	5	6	7	8	9	1	1	1	1	14	1	2	1	2	3	4
<b>Open Space</b> through <b>Residential, Mobilehome Parks</b> [No change in text.]	[No change in text]																							
<b>Multiple Dwelling Units</b>	<u>.11</u>		<u>.11</u>										<u>.11</u>		<u>.11</u>									
<b>Residential, Rooming House</b> [See Section 131.0112(a)(3)(A)] through <b>Signs, Separately Regulated Signs Uses, Theater Marquees</b> [No change in text.]	[No change in text]																							

<b>Use Categories/ Subcategories</b> [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</b> through <b>Separately Regulated Residential Uses</b> , Employee Housing, Greater than 12 Employees [No change in text]	[No change in text]													
Fraternities, Sororities and Student Dormitories <u>Student Housing</u>	€ <u>  </u>	€ <u>  </u>	€ <u>  </u>	€ <u>  </u>	€ <u>  </u>	€ <u>  </u>	€ <u>  </u>	€ <u>  </u>	€ <u>  </u>	€ <u>  </u>	€ <u>  </u>	€ <u>  </u>		
<b>Separately Regulated Residential Uses</b> , Garage, Yard, & Estate Sales through <b>Signs</b> , <b>Separately Regulated Signs Uses</b> , Theater <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 Chapter 14, Article 3, Divisions 14 and 15.



## Article 15: Missing Middle Housing Regulations

### §143.1501 Missing Middle Housing Regulations

These regulations are intended to implement California Senate Bill 10 (2021-2022) and California Government Code Sections 65913.5 by allowing the construction of additional *dwelling units* on residentially-zoned *lots*, as specified in this Division. These regulations specify when and how additional *dwelling units* may be permitted in a base zone that allows residential uses, and includes supplemental development regulations applicable to *development* proposed under this Division. These regulations shall not apply if any other density bonuses are being utilized.

### §143.1505 Application of Missing Middle Housing Regulations

(a) This Division applies to *premises* that do not otherwise allow for up to 10 *dwelling units*, and that are located within all of the following:

- (1) *Sustainable Development Area;*
- (2) A RS, RX, RT, RM or Planned District zone that permits *single dwelling unit development* or *multiple dwelling unit development*.

(b) This Division is not applicable in the following circumstances:

- (1) When the *premises* is located within any of the following:
  - (A) *Wetlands;*
  - (B) The Very High Fire Hazard Severity Zone, unless the *development* complies with Chapter 7A of the California

Building Code, which mitigates wildfire exposure risk through materials and construction methods;

(C) A hazardous waste site that is listed pursuant to California Government Code Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the California Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses;

(D) A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the California State Geologist, unless the *development* complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by the Development Services Department;

- (E) Special Flood Hazard Areas, unless:
- (i) The premises has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction; or
  - (ii) The premises meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.
- (F) A regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If an applicant is able to satisfy all applicable federal

qualifying criteria in order to provide that the *premises* satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, an application shall not be denied on the basis that the *applicant* did not comply with any additional City permit requirement, standard, or action that is applicable to that *premises*:

(G) The MHPA of the MSCP Subarea Plan;

(H) Environmentally Sensitive Lands conserved by dedication in fee title, covenant of easement, or conservation easement; or

(I) A historical district that is a designated historical resource, or on a *premises* that contains a designated historical resource.

(J) Land designated in a *land use plan* as open space or park.

(K) On parcels adjacent to streets that do not meet the requirements for street improvements, including sidewalks, as described in Section 142.0670(a).

(2) If the *development* requires demolition or alteration of a *dwelling unit* that is subject to a recorded covenant, ordinance,

or law that restricts rents to levels affordable to persons and families of moderate income, low income, or very low income.

(3) If the premises contains 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 15-year period preceding the application.

(4) If the development is located on a premises located more than 0.5 miles from a major transit stop in which less than 75 percent of the perimeter of the premises adjoins parcels that are developed with urban uses as defined as any residential, commercial, industrial, public institutional, transit, transportation passenger facility, or retail use, or any combination of those uses or as otherwise specified in California Health and Safety Code 53545.12(h) as amended.

§143.1510 **Missing Middle Housing Supplemental Development Regulations**  
An applicant seeking to utilize the provisions of this Division shall comply with all of the regulations in this Section.

(a) The development regulations of the RM 1-1 base zone shall apply, except as specified in this section.

(b) Density Regulations. The maximum number of *dwelling units* on the *premises* shall not exceed the following:

(1) Development on a premises within a RM and Planned District Zone that permits *multiple dwelling unit development*, no more than 10 total *dwelling units* shall be permitted unless the *development* includes *ADUs* or *JADUs* allowed under Section 143.1510 (n), in which case the *dwelling unit* limit in 143.1510 (n)(1)(c) would apply.

(2) Development on a premises within a RS, RX, RT and Planned District Zones that permits *single dwelling unit development*, no more than one *dwelling unit* for every 1,000 square feet of *lot* area or 10 *dwelling units*, whichever is less, shall be permitted, unless the *development* includes *ADUs* or *JADUs* allowed under Section 143.1510 (n), in which case the *dwelling unit* limit in 143.1510 (n)(1)(c) would apply.

(c) Lot Regulations.

(1) Lot Area. The minimum *lot* area shall not be less than 1,000 square feet.

(2) Lot Dimensions. The minimum *lot* dimensions shall not be less than the following:

(A) Lot Width: 18 feet

(B) Lot Width (corner): 20 feet

(C) Lot Depth: 50 feet

(d) Setback Regulations.

(1) For development on a premises within a RS Zone, the following setback regulations shall apply.

(A) Min Front Setback 5 feet [See Section 131.0443(c)(1)]

(B) Max Front Setback 15 feet [See Section 131.0443(c)(1)]

(C) Max Side Setback 4 feet

(D) Min Side Street Setback 4 feet

(E) Min Rear Setback 4 feet

(2) For development on a premises within a RX, RT, RM or Planned District Zone, the setback regulations of 143.1510(d)(1) shall apply unless the setback regulations for the base zone are less.

(e) Structure Height Regulations.

(1) The maximum structure height shall be 35 feet or the maximum structure height of the base zone, whichever is greater.

(2) Within the Coastal Height Limit Overlay Zone, the maximum structure height shall be 30 feet, which shall be determined in accordance with Section 113.0270(a)(4)(D).

- (f) Lot Coverage Regulations. Maximum lot coverage shall not apply to development construction in accordance with this Division.
- (g) Floor Area Ratio Regulations. The maximum floor area ratio shall not exceed 3.0 or the maximum floor area ratio of the base zone, whichever is greater.
- (h) Private Exterior Open Space Regulations. Private exterior open space regulations shall not apply on a premises less than 10,000 square feet for development on a premises within the RM and Plan District Zones.
- (i) Common Open Space Regulations. Common open spaces regulations shall not apply on a premises less than 10,000 square feet for development on a premises within the RM or Planned District Zones.
- (j) Bedroom Regulations. Development exceeding a total of four dwelling units shall provide:
- (1) At least two dwelling units that contain three or more bedrooms,
  - and
  - (2) At least one additional dwelling unit that contain two or more bedrooms.
- (l) Parking Regulations.
- (1) Within a transit priority area, off-street parking spaces shall not be required.



(2) Outside of a transit priority area, off-street parking spaces shall be provided as follows:

(A) Off-street parking spaces are not required for the first two dwelling units. For any dwelling units constructed after the first two, one parking space per dwelling unit is required.

(B) Within the Beach Impact Area of the Parking Impact Overlay Zone, one off-street parking space shall be required per dwelling unit unless the applicant can demonstrate to the satisfaction of the City Manager that there is access to a car share or other shared vehicle within one block of the premises.

(m) Homeownership Opportunity Regulations. The development shall ensure that the dwelling units can be subdivided into individual ownership through a Subdivision Map Act action without requiring additional improvements. Any Accessory Dwelling Units or Junior Accessory Dwelling Units must be located on the premises in a manner that would facilitate individual ownership of a dwelling unit with any Accessory Dwelling Units or Junior Accessory Dwelling Units.

(n) Accessory Dwelling Unit and Junior Accessory Dwelling Unit Regulations.

This Division may be utilized in conjunction with Accessory Dwelling Unit and Junior Accessory Dwelling Unit development consistent with the following regulations:

(1) An applicant may construct no more than two attached or detached Accessory Dwelling Units and no more than two attached or detached Junior Accessory Dwelling Units in addition to the dwelling units permitted in accordance with this Division.

(A) The Accessory Dwelling Units shall comply with the regulations in Section 141.0302, except that no more than two Accessory Dwelling Units shall be permitted on the premises in a Multiple Dwelling Unit Zone, and no more than one Accessory Dwelling Unit shall be permitted on a premises in a Single Dwelling Unit Zone.

(B) The Junior Accessory Dwelling Units shall comply with the regulations in Section 141.0302(d), except that no more than two Junior Dwelling Units shall be permitted on the premises in a Multiple Dwelling Unit Zone, and no more than one Junior Accessory Dwelling Unit shall be permitted on a premises in a Single Dwelling Unit Zone.

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- (C) Under no circumstances shall the total number of dwelling units on the premises, inclusive of Accessory Dwelling Units and Junior Accessory Dwelling Units, exceed 10 dwelling units.
- (D) Development constructed pursuant to this Division may not include Bonus ADUs allowed in Section 141.0302(c)(2)(G).(E) Any Accessory Dwelling Units or Junior Accessory Dwelling Units constructed under this section shall be deed-restricted for very low income or low income households for a period of at least 55 years.
- (o) Any mixed-use development proposed under this Division is limited to no more than 30 percent of the square footage of the development for non-residential uses.
- (q) Development proposed under this Division shall comply with the regulations of the Airport Land Use Compatibility Overlay Zone (Chapter 13, Article 2, Division 15).

§143.1515 Rental of Dwelling Units Constructed in Accordance with this Division

A dwelling unit constructed in accordance with this Division shall not be rented for fewer than 31 days.

§143.1520 Affordable Housing Regulations in Accordance with this Division

(a) Developments exceeding a total of four dwelling units shall provide at least one dwelling unit that is 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.

(b) Developments located in a High or Highest Resource Area as defined by the California Tax Credit Allocation Committee at the time of the application submittal, exceeding a total of four dwelling units, at least one additional dwelling unit shall be affordable to low income or very low-income households for a period of at least 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.

§143.1525 Payment of Fees in Accordance with this Division

(a) Development Impact Fees for development constructed in accordance with this Division shall comply with Section 142.0640(b).

- (b) Development constructed in accordance with this Division shall pay fees to the Neighborhood Enhancement Fund in accordance with Resolution No. R-313282.

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