

STRIKEOUT ORDINANCE

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

Article 1: Separately Regulated Use Regulations

Division 3: Residential Use Category--Separately Regulated Uses (Added 12-9-1997 by O-18451 N.S.)

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

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

- (a) The following regulations are applicable to both *ADUs* and *JADUs*:
 - (1) Use Regulations
 - (A) One *ADU* and one *JADU* are permitted on a *premises* located within a *single dwelling unit* zone.
 - (B) An *ADU* 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* and *JADUs*.
 - (2) *Development* Regulations
 - (A) A minimum *lot* size is not required for the construction of an *ADU* or *JADU*.
 - (B) *ADUs* and *JADUs* are not subject to the *density* limitations for the *premises*.

- (C) The *gross floor area* of an *ADU* and *JADU* shall be included in the *floor area ratio* for the *premises*.
- (D) The following *setback* allowances are applicable:
 - (i) Conversion of existing *structure* to an *ADU* or *JADU*. No *setback* is required for an existing *dwelling unit* or *accessory structure* that is converted to an *ADU* or *JADU*, or to a portion of an *ADU* or *JADU*. An *ADU* or *JADU* that is constructed in the same location and to the same dimensions as an existing *structure* may continue to observe the same *setbacks* as the *structure* it replaced.
 - (ii) New *ADU* and *JADU structures*. New *ADU* and *JADU structures* must comply with the front *yard* and *street side yard setbacks* of the zone. New *ADU* and *JADU structures* may encroach into the required interior *side yard* and rear *yard setbacks* up to the *property line* to accommodate construction of the *ADU* or *JADU*.
- (E) *ADUs* and *JADUs* shall not be required to provide fire sprinklers if they are not required for the primary *dwelling unit*. When located on a *premises* where the primary *dwelling unit* is protected with an automatic fire sprinkler system in accordance with Section R313 of the California Residential Code, an *ADU* or *JADU* shall be protected with an automatic fire sprinkler system.

(3) Parking Regulations

- (A) No on-street parking spaces or *off-street parking spaces* are required for *ADUs* and *JADUs*. If the *applicant* chooses to provide *off-street parking spaces* for *ADUs* and/or *JADUs* located on the *premises*, those spaces shall comply with the following:
 - (i) *Off-street parking spaces* may be located in any configuration, may be within the *setback* areas, and may include tandem spaces or mechanical lifts.
 - (ii) *Off-street parking spaces* shall be located within *hardscape* areas and shall comply with the minimum standards and guidelines to provide safe and efficient means of vehicular access to the *lot*.

- (B) When a garage, carport, or covered parking *structure* is demolished in conjunction with the construction of an *ADU* or *JADU*, or converted to an *ADU* or *JADU*, replacement of those *off-street parking spaces* is not required.
- (4) Development Impact Fees for *ADUs* and *JADUs* shall comply with Section 142.0640(b).
- (b) In addition to the requirements in Section 141.0302(a), the following additional regulations are applicable to *ADUs*:
 - (1) Use Regulations
 - (A) The *record owner* is not required to live on the same *premises* as the *ADU*.
 - (B) The *ADU* may not be sold or conveyed separately from the primary *dwelling unit* unless all of the following apply:
 - (i) The *ADU* was built or developed by a qualified nonprofit corporation. For the purposes of Section 141.0302(b)(1)(B)(i), a qualified nonprofit corporation means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the California Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.
 - (ii) There is an enforceable restriction on the use of the *premises* on which the *ADU* is located pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation. For the purposes of Section 141.0302(b)(1)(B)(ii), a qualified buyer means *very low income*, *low income*, *median income*, or *moderate income* households, as specified in Table 141-03A.

- (iii) The *lot* where the *ADU* is located is held pursuant to a recorded tenancy in common agreement that includes an allocation to each qualified buyer of an undivided, unequal interest in the *lot* based on the size of the *ADU* each qualified buyer occupies; a repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the property if the buyer desires to sell or convey the property; a requirement that the qualified buyer occupy the property as the qualified buyer's principal residence; and affordability restrictions on the sale and conveyance of the property that ensure the property will be preserved for *very low income, low income, median income* or *moderate income* households for 45 years for owner-occupied housing and will be sold or resold to a qualified buyer.
- (iv) A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded with the County. A Preliminary Change of Ownership Report shall be filed concurrently with this grant deed pursuant to Section 480.3 of the Revenue and Taxation Code.
- (v) If requested by a utility providing service to the primary residence, the *ADU* has a separate water, sewer, or electrical connection to that utility.

(2) *Development Regulations for ADUs*

- (A) *ADUs* shall be permitted in all zones allowing residential uses, consistent with the Use Table of the applicable base zone.
- (B) No more than one *ADU* shall be permitted on a *premises* with an existing or proposed *single dwelling unit*.
- (C) *ADUs* located on a *premises* with an existing or proposed *multiple dwelling unit* shall be permitted as follows:
 - (i) The number of *ADUs* permitted within the habitable area of an existing *multiple dwelling unit structure* is limited to 25 percent of the total number of existing *dwelling units* in the *structure*, but in no case shall be less than one *ADU*; and

- (ii) Two *ADUs* that are detached from an existing *multiple dwelling unit structure* are permitted; and
 - (iii) There is no limit on the number of *ADUs* permitted within the portions of existing *multiple dwelling unit structures* that are not used as livable space, including storage rooms, boiler rooms, passageways, attics, basements, or garages, if each *ADU* complies with state building standards for *dwelling units*.
- (D) An *ADU* with a *gross floor area* of 800 square feet shall be permitted on a *premises* with an existing or proposed *dwelling unit* regardless of maximum *lot coverage*, maximum *floor area ratio*, and minimum open space requirements.
- (E) An *ADU* may be attached to, located within, or detached from an existing or proposed primary *dwelling unit*, including garages and habitable or non-habitable *accessory structures*.
- (F) The minimum *gross floor area* of an *ADU* shall not be less than 150 square feet. The maximum *gross floor area* of an *ADU* shall not exceed 1,200 square feet. An *ADU* constructed within an existing *dwelling unit* or *accessory structure* may construct an additional 150 square feet for ingress and egress only.
- (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, ~~and moderate 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) There is no limit on the number of bonus *ADUs* within a *transit priority area*.
 - (ii) One bonus *ADU* is permitted outside a *transit priority area*.

- (iii) For ADUs to be counted as affordable and meet the requirements of this Section 141.0302(b)(2)(G), the qualifying criteria in Table 141-03A shall be met.

Table 141-03A
Qualifying Criteria for Affordable ADU Bonus

	Rental ADUs	For-Sale ADUs¹
	shall be affordable, including an allowance for utilities, at a rent that does not exceed:	shall be affordable at an affordable housing cost that does not exceed:
Very Low Income households	30 percent of 50 percent of the area median income, as adjusted for family size appropriate for the unit.	30 percent of 50 percent of the area median income, as adjusted for family size appropriate for the unit.
Low Income households	30 percent of 60 percent of the area median income, as adjusted for family size appropriate for the unit.	30 percent of 70 percent of the area median income, as adjusted for family size appropriate for the unit.
Moderate Income households	30 percent of 110 percent of the area median income, as adjusted for family size appropriate for the unit.	35 percent of 110 percent of the area median income, as adjusted for family size appropriate for the unit.

Footnotes for Table 141-03A

- (1) For-sale ADUs are subject to the requirements of Section 141.0302(b)(1)(B).
- (c) In addition to the requirements in Section 141.0302(a), *Junior Accessory Dwelling Units* are subject to the following additional regulations:
 - (1) Use Regulations
 - (A) The *record owner* is required to live on the same *premises* as the JADU.

- (B) The *JADU* may not be sold or conveyed separately from the primary *dwelling unit*.
 - (C) Before a Building Permit may be issued for a *JADU*, 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* 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*.
- (2) *Development Regulations*
- (A) One *JADU* 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*, an attached or detached garage, or an *ADU*. A *JADU* constructed within an existing *structure* may construct an additional 150 square feet for ingress and egress only.
 - (C) A *JADU* shall have a separate exterior entry from the primary *dwelling unit* and shall provide a *kitchen* or an *efficiency kitchen*.

(“*Accessory Dwelling Units and Junior Accessory Dwelling Units*” added 10-30-2020 by O-21254 N.S.; effective 11-29-2020. Former Section 141.0302 “*Companion Units, Junior Units, and Movable Tiny Houses*” repealed.)

[Editors Note: Amendments as adopted by O-21254 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-21254-SO.pdf]

§141.0303 Continuing Care Retirement Communities

Continuing Care Retirement Communities (CCRCs) are licensed by the state as both a Residential Care Facility for the Elderly and a Skilled Nursing Facility, regulated under the California Health and Safety Code, and overseen by the California Department of Social Services. They provide residents with multiple living environments based on the changing level of care required by the resident. The communities typically provide independent living *dwelling units*, assisted living *dwelling units*, and convalescent and memory care rooms. A CCRC is a distinct residential use and should not be considered a sum of separate, multiple uses when determining compliance with permitted land uses.

CCRCs 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), or as a limited use in zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), subject to the following regulations.

- (a) CCRCs are not permitted in agricultural zones in *Proposition A Lands*.
- (b) Convalescent and memory care rooms shall, at a minimum, comply with California Code of Regulations Title 22, Division 6, Chapter 8 (Residential Care Facilities for the Elderly).
- (c) Parking areas shall be lighted for the safety of tenants. Lighting shall be of a design that deters vandalism. The location, type, and size of the proposed lighting fixtures shall be specified on the *development permit* application.
- (d) CCRCs shall be subject to the landscape regulations for commercial *development* in Table 142-04A.
- (e) As a distinct, separately regulated residential use, CCRCs are not subject to the *density* limitations of the applicable community plan and underlying base zone.

(“Continuing Care Retirement Communities” added 8-4-2016 by O-20704 N.S.; effective 8-27-2016. Former Section 141.0303 “Employee Housing” renumbered to Section 141.0304.)

(Amended 1-8-2020 by O-21164 N.S.; effective 2-9-2020.)

§141.0304 Employee Housing

Employee housing is housing provided for agricultural workers in accordance with the California Health and Safety Code, Employee Housing Act. Employee housing does not include housing for persons engaged in household domestic service. Employee housing is permitted as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the regulations in Section 141.0304(a). Employee housing may be permitted with a Neighborhood Use Permit or a Conditional Use Permit in the zones indicated with an “N” or a “C,” respectively, in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the regulations in Section 141.0304(b).

(a) Limited Use Regulations

- (1) Employee housing for 6 or fewer persons is permitted subject to the following regulations.
 - (A) The employee housing shall be qualified for a permit to operate under Health and Safety Code Section 17030.
 - (B) Employee housing is permitted for no more than 6 persons including *family* members.
 - (C) Employees and their *families* shall be housed within the *single dwelling unit* on the *premises*, or in a separate *structure* on the *premises* that is not a *dwelling unit*.
 - (D) Off-street parking shall be provided at a rate of 1 space for every 2 employees.
- (2) Employee housing for 12 or fewer employees is permitted subject to the following regulations.
 - (A) The employee housing shall be qualified for a permit to operate under Health and Safety Code Section 17030.
 - (B) Employee housing is permitted for up to 12 employees, plus any *family* members.
 - (C) Agricultural employees may be employed off-site. All other employees must be employed on the *premises* containing the employee housing.

- (D) Only one *structure* for employee housing may be permitted on the *premises*.
 - (E) The employee housing is permitted in a separate *structure* on the *premises* that is not a *dwelling unit*.
 - (F) Off-street parking shall be provided at a rate of 1 space for every 2 employees.
- (b) Neighborhood Use Permit and Conditional Use Permit Regulations
- (1) Employee housing may be permitted for more than 12 employees, plus any *family* members.
 - (2) A minimum *lot* size of 10 acres is required for employee housing for more than 12 employees.
 - (3) Agricultural employees may be employed off-site. All other employees must be employed on the *premises* containing the employee housing.
 - (4) Only one *structure* for employee housing may be provided for every 10 acres of *lot* area.
 - (5) The *structure* for employee housing is permitted in addition to a *single dwelling unit* on the same *premises* and is subject to all development regulations of the base zone.
 - (6) Off-street parking shall be provided at a rate of 1 space for every 2 employees.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Amended 11-13-08 by O-19803 N.S; effective 12-13-2008.)

("Employee Housing" renumbered from former Section 141.0303 and amended 8-4-2016 by O-20704 N.S.; effective 8-27-2016.)

§141.0305 Fraternity Houses, Sorority Houses, and Student Dormitories

Fraternity houses, sorority houses, and student dormitories are facilities that are designed or 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.

- (a) Fraternity 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*.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Amended 8-4-2011 by O-20081 N.S.; effective 10-6-2011.)

(“Fraternity Houses, Sorority Houses, and Student Dormitories” renumbered from former Section 141.0304 on 8-4-2016 by O-20704 N.S.; effective 8-27-2016.)

§141.0306 Garage, Yard, and Estate Sales

Garage, yard, and estate sales are permitted as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) Garage, yard, and estate sales are permitted only as an *accessory use* to a permitted dwelling unit.
- (b) The number of sales per *premises* shall not exceed three per year.

- (c) Each sale shall not exceed two consecutive calendar days.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(“Garage, Yard, and Estate Sales” renumbered from former Section 141.0305 on 8-4-2016 by O-20704 N.S.; effective 8-27-2016.)

§141.0307 Guest Quarters or Habitable Accessory Buildings

Guest quarters or habitable *accessory buildings* are attached or detached accessory living quarters developed of habitable construction, and located on a *lot* with a *single dwelling unit* that do not provide complete, independent living facilities and do not have direct access to the primary *dwelling unit*. Guest quarters or habitable *accessory buildings* are solely for the use of the occupants of the primary *dwelling unit* or their guests or employees.

Guest quarters or habitable *accessory buildings* may be permitted accessory to a *single dwelling unit* as a limited use in accordance with Process One in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) A primary *dwelling unit* must exist on the *premises*. Concurrent construction of the primary *dwelling unit* and the guest quarters or habitable *accessory building* is permitted.
- (b) Guest quarters or habitable *accessory buildings* may occupy a maximum of 25 percent of the allowable *gross floor area* of the *premises*.
- (c) Guest quarters or habitable *accessory buildings* may be attached to or detached from the primary *dwelling unit* on the *premises*.
- (d) The *gross floor area* of the guest quarters or habitable *accessory buildings* shall be included in the *floor area ratio* calculation for the *premises*.
- (e) The guest quarters or habitable *accessory buildings* shall not contain a *kitchen* or facilities for the storage and preparation of food. A bar sink and miniature refrigerator may be permitted.
- (f) For guest quarters or habitable *accessory buildings* located above a garage or other *accessory building*, the maximum *structure height* for flat-roofed *structures* is 21 feet. For sloped-roofed *structures* with a roof pitch of at least 3:12 (3 vertical feet to 12 horizontal feet), the maximum *structure height* is 30 feet.

- (g) Decks and staircases of not more than 3 feet in height may encroach into required yards.
- (h) *Roof decks*, including railings, shall not exceed the height limits in Section 141.0307(f).
- (i) Occupancy of a *premises* containing guest quarters or habitable *accessory buildings* shall be subject to the following:
 - (1) Guest quarters or habitable *accessory buildings* shall not be rented, leased, or sold as a separate *dwelling unit*.
 - (2) Before a Building Permit is issued for a guest quarters or habitable *accessory building*, the *record owner* shall submit a signed agreement with the City that neither the primary *dwelling unit* nor the guest quarters or habitable *accessory building* shall be sold or conveyed separately. The City will provide the agreement to the County Recorder for recordation.
 - (3) Guest quarters or habitable *accessory buildings* shall be used solely by the occupants of the primary *dwelling unit*, their guests, or their employees.

(Amended 1-9-2001 by O-18910 N.S.; effective 8-8-2001.)

(Amended 11-13-08 by O-19803 N.S.; effective 12-13-2008.)

(Retitled from "Guest Quarters" to "Guest Quarters or Habitable Accessory Buildings" and amended 8-4-2011 by O-20081 N.S.; effective 10-6-2011.)

(Amended 6-18-2013 by O-20261 N.S.; effective 7-19-2013.)

("Guest Quarters or Habitable Accessory Buildings" renumbered from former Section 141.0306 and amended 8-4-2016 by O-20704 N.S.; effective 8-27-2016.)

(Amended 8-9-2019 by O-21114 N.S.; effective 9-8-2019.)

§141.0308 Home Occupations

Home occupations are businesses conducted by residents on the *premises* of their homes. Home occupations, including cottage food operations authorized pursuant to California Government Code section 51035, are permitted as a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations. An *applicant* may deviate from the requirements in Section 141.0308(k) through (n) by obtaining a Neighborhood Use Permit in accordance with Section 126.0203.

- (a) Home occupations are permitted only as *accessory uses* to a residential use.

- (b) Any products produced for sale must be manufactured by hand, grown on the *premises*, or prepared within a *kitchen* that meets the standards for cottage food operations in a *dwelling unit* in accordance with California Health and Safety Code section 114365.
- (c) The home occupation shall not result in the elimination or the reduction of required off-street parking.
- (d) *Signs* advertising the home occupation are not permitted. Other advertising shall not include the address of the *premises*.
- (e) Home occupations, except for horticultural uses permitted in Chapter 13, Article 1, Division 3 (Agricultural Base Zones) and Division 4 (Residential Base Zones), shall be conducted within an enclosed *structure* on the *premises*.
- (f) Materials or products associated with the home occupation on the *premises* must be stored within an enclosed *structure*.
- (g) Indoor storage of materials or products associated with the home occupation shall not exceed 1,000 cubic feet for the entire *premises* or any more restrictive limitations imposed by the Building and Housing Codes or the County Health Department.
- (h) The operation of the home occupation shall be consistent with permitted residential uses, shall not create any conditions that amount to a *public nuisance*, and shall not be detrimental to the residential neighborhood by causing increased noise, traffic, lighting, odor, or by violating any applicable ordinances or laws.
- (i) The resident of the *premises* shall not rent space to others in association with a home occupation.
- (j) Only a resident of the *premises* may engage in a home occupation on the *premises*.
- (k) Home occupations may have a maximum of one employee or partner on the *premises* between 7:00 a.m. and 7:00 p.m., Monday through Saturday. For the purpose of Section 141.0308(k) an employee does not include a resident of the home.

- (l) Home occupations may have a maximum of one customer on the *premises* at a time, by appointment only, between 7:00 a.m. and 7:00 p.m., Monday through Saturday. Home occupations shall not host customers on the *premises* more frequently than one customer within a 2-hour time period.
- (m) Home occupations may have a maximum of one vendor on the *premises* at a time between 7:00 a.m. and 7:00 p.m., Monday through Saturday. Home occupations shall not host vendors on the *premises* more frequently than one vendor within a 2-hour time period.
- (n) A maximum of one vehicle for business-related purposes is permitted on-street in the residentially zoned area and shall be parked in compliance with the regulations in Section 86.0139 if applicable.
 - (1) Business-related vehicles may not exceed a one-ton carrying capacity.
 - (2) Tow-trucks are not a permitted home occupation vehicle.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Amended 4-5-2016 by O-20634 N.S.; effective 5-5-2016.)

§141.0309 Interim Ground Floor Residential

Residential *development* within commercial zones is permitted only when a commercial *structure* exists on the *premises* or is a part of the proposed *development*. Residential use is restricted on the ground *floor* in accordance with Section 131.0540. Interim ground *floor residential* may be permitted within existing commercial space in accordance with Process Two in the zones indicated with an “N” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations:

- (a) The change of a *development* site from commercial to residential use shall be in compliance with the California Building Code and California Fire Code for the residential use at the time of the conversion.
- (b) The Neighborhood Use Permit shall expire no later than 10 years from the date of issuance.
- (c) No additional parking is required for interim ground *floor* residential use.

- (d) The decision maker shall make the findings in Section 126.0205(a) through (d).

(“Interim Ground Floor Residential” added 8-9-2019 by O-21114 N.S.; effective 9-8-2019.)

(Amended 2-1-2021 by O-21288 N.S.; effective 3-3-2021.)

[Editors Note: Amendments as adopted by O-21288 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-21288-SO.pdf]

§141.0311 Live/Work Quarters

Live/work quarters are studio spaces in buildings that were originally designed for industrial or commercial occupancy that have been converted to integrate living space into the work space. Live/work quarters are permitted as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) The minimum floor area of a live/work quarters shall be 500 square feet.
- (b) A maximum of 49 percent of the floor area of each live/work quarters may be used or arranged for residential purposes such as sleeping, *kitchen*, bathroom, and closet area.
- (c) Each live/work quarters shall be separated by walls from other live/work quarters or other uses in the building.
- (d) Access to the live/work quarters shall be provided only from common access areas, halls, or corridors and shall not be from other live/work quarters or other uses in the building.
- (e) Access to each live/work quarters shall be clearly identified in order to provide for emergency services.
- (f) The non-residential use shall be managed by the resident.
- (g) Live/work quarters shall not be used for classroom instructional use, storage of flammable liquids or hazardous materials, welding or any open-flame work.

- (h) The required parking spaces for the non-residential use shall be in compliance with Section 142.0560. The parking spaces shall not require designation for residential or non-residential uses.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Amended 9-18-2018 by O-20985 N.S.; effective 10-18-18.)

§141.0312 Residential Care Facilities

Residential care facilities provide in-house treatment or rehabilitation programs for residents on a 24-hour basis. Residential care facilities include drug and alcohol rehabilitation and recovery facilities and residential and community care facilities as defined by the state or county.

Residential care facilities for 7 to 12 persons may be permitted with a Conditional Use Permit decided in accordance with Process Three, and residential care facilities for 13 or more persons may be permitted with a Conditional Use Permit decided in accordance with Process Four, in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) Residential care facilities are not permitted in agricultural zones in *Proposition A Lands*
- (b) Only one residential care facility may be permitted per *lot* or *premises*.
- (c) Residential care facilities are not permitted within 1/4 mile of another residential care facility, measured from *property line* to *property line* in accordance with Section 113.0225.
- (d) The facility shall provide at least 70 square feet of sleeping space for each resident, not including closet or storage space, multipurpose rooms, bathrooms, dining rooms, and halls.
- (e) Sleeping areas shall not be used as a public or general passageway to another room, bath, or toilet.
- (f) The facility shall provide at least 5 square feet of living area per bed, not including sleeping space, dining, and *kitchen* areas.
- (g) The facility shall provide at least 8 square feet of storage area (closet or drawers) per bed.

- (h) The facility shall provide one full bathroom including sink, toilet, and shower or bathtub for every seven beds.
- (i) The center shall provide at least one *off-street parking space* for each employee and one *off-street parking space* for every seven beds. Additional parking may be required by the decision maker.
- (j) Conversion of an existing garage or reduction in the amount of *off-street* parking to provide a residential care facility is not permitted.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000; amended 6-19-2000 by O-18814 N.S.)

(Amended 4-8-2008 by O-19734 N.S; effective 5-8-2008.)

(Amended 2-1-2021 by O-21288 N.S.; effective 3-3-2021.)

[Editors Note: Amendments as adopted by O-21288 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

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§141.0313 Transitional Housing Facilities

Transitional housing facilities offer residential accommodations for a specified period of time, mental health support and counseling services, and other support services to prepare *families* and individuals for independent living. Transitional housing facilities do not include drug or alcohol in-house treatment or rehabilitation facilities, work furlough or probationary residential facilities, or emergency shelters.

Transitional housing facilities are permitted as a limited use in zones indicated with an “L” and may be permitted with a Conditional Use Permit decided in accordance with Process Five, in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the regulations below. Section 112.0509(b) requiring a Planning Commission recommendation for Process Five applications shall not be applicable to transitional housing facilities.

- (a) Transitional housing is not permitted in agricultural zones in *Proposition A Lands*.
- (b) Only one transitional housing facility may be permitted per *lot* or *premises*.

- (c) The facility shall provide at least 70 square feet of sleeping space for each resident, not including closet or storage space, multipurpose rooms, bathrooms, dining rooms, and halls.
- (d) Sleeping areas shall not be used as a public or general passageway to another room, bath, or toilet.
- (e) The facility shall provide at least 5 square feet of living area per bed, not including sleeping space, dining areas, and *kitchen* areas.
- (f) The facility shall provide at least 8 square feet of storage area (closet or drawers) per bed.
- (g) The facility shall provide one full bathroom including sink, toilet, and shower or bathtub for every seven beds.
- (h) The name and emergency contact phone number of an operator or manager shall be posted outside the facility in a location visible to the public from the *public right-of-way* in character size at least two inches in height.
- (i) On-site supervision of the *premises* shall be provided at all times. At least one staff member shall be located on the *premises* 24 hours per day.
- (j) The *applicant* shall provide the City with a Description of Services and Property Management Plan to the satisfaction of the City Manager. Should any change to the proposed Description of Services and Property Management Plan occur after project construction, the project owner or manager shall provide the City with an updated plan within 90 days of the change. The Description of Services and Property Management Plan shall include all of the following:
 - (1) Information regarding the supportive services that will be provided on-site or off-site to those residing on the *premises*, including:
 - (A) A description of the services to be provided;
 - (B) The location where the services will be provided;
 - (C) The name of the person or entity that will provide the services;
 - (D) The funding source for the services; and
 - (E) The number of employees.

- (2) Information regarding how the property will be managed, including:
 - (A) A plan to minimize loitering in the vicinity of the facility; and
 - (B) A litter control plan to provide for the removal of litter in the vicinity of the facility on a regular basis.

(Added 12-9-1997 by O-18451 N.S.; amended 9-29-1998 by O-18589 N.S.; effective 1-1-2000.)

(Amended 4-8-2008 by O-19734 N.S; effective 5-8-2008.)

(Amended 8-9-2019 by O-21114 N.S.; effective 9-8-2019.)

§141.0314 Watchkeeper’s Quarters

Watchkeeper’s quarters are permitted as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) Watchkeeper’s quarters are permitted only as an *accessory use* to a use allowed by the zone.
- (b) Watchkeeper’s quarters are permitted only within a permanent *structure*.
- (c) Watchkeeper’s quarters shall not exceed 1,200 square feet in *gross floor area* and shall be included in the *floor area ratio* calculation for the *premises*.
- (d) Watchkeeper’s quarters may include full living facilities, including a *kitchen*.
- (e) Except where associated with storage yards or mini-warehouses, watchkeeper’s quarters shall be attached to the rear of the primary *structure* or, if detached, shall be located between the rear *setback* and the primary *structure*.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§141.0315 Permanent Supportive Housing

Permanent supportive housing is permitted as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations:

- (a) *Permanent supportive housing* units within the *development* shall have a recorded affordability restriction for no less than 55 years.

- (b) The name and emergency contact phone number of an operator or property manager shall be posted on the *premises* in a location visible to the public from the *public right-of-way* in character size at least two inches in height.
- (c) On-site supervision of the *premises* shall be provided at all times. At least one staff member of the operator or project manager shall be located on the *premises* 24 hours per day.
- (d) The *applicant* shall provide the City with a Description of Services and Property Management Plan to the satisfaction of the City Manager. Should any change to the proposed Description of Services and Property Management Plan occur after project construction, the project owner or manager shall provide the City with an updated plan within 90 days of the change. The Description of Services and Property Management Plan shall include all of the following:
 - (1) Information regarding the supportive services that will be provided on-site or off-site to those residing on the *premises*, including:
 - (A) A description of the services to be provided;
 - (B) The location where the services will be provided;
 - (C) The name of the person or entity that will provide the services;
 - (D) The funding source for the services; and
 - (E) The number of employees.
 - (2) Information regarding how the property will be managed, including:
 - (A) A plan to minimize loitering in the vicinity of the facility; and
 - (B) A litter control plan to provide for the removal of litter in the vicinity of the facility on a regular basis.

(“Permanent Supportive Housing” added 8-9-2019 by O-21114 N.S.; effective 9-8-2019.)

§141.0317 Low Barrier Navigation Center

A low barrier navigation center means a Housing First, low-barrier, service enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. “Low barrier” refers to best practices to reduce barriers to entry, including the presence of partners if it is not a population-specific site, pets, storage of possessions, and privacy.

A low barrier navigation center is permitted as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following requirements:

- (a) The navigation center shall offer services to connect people to permanent housing through a services plan that identifies services staffing.
- (b) The navigation center shall be linked to the San Diego Coordinated Entry System administered by the San Diego Regional Task Force on the Homeless or a comparable coordinated entry system administered in accordance with Section 576.400(d) or Section 578.7(a)(8) of Title 24 of the Code of Federal Regulations, as applicable and in effect on January 1, 2020.
- (c) The navigation center shall comply with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
- (d) The navigation center shall have a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System, as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.

(“Low Barrier Navigation Center” added 10-30-2020 by O-21254 N.S.; effective 11-29-2020.)

[Editors Note: Amendments as adopted by O-21254 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

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§141.0318 Movable Tiny Houses

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

(a) *Development Regulations*

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

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

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

- (A) be larger than allowed by California state law for movement on public highways;
- (B) exceed one story;
- (C) be able to move under its own power; or
- (D) have a separate address from the primary *dwelling unit*.

(3) *A movable tiny house shall be located:*

- (A) on a *premises* adjacent to a *public right-of-way* that is at least 20 feet wide. Exterior portions of a *movable tiny house* shall not be located more than 150 feet from the *public right-of-way*. A *movable tiny house* shall be accessed from the *public right-of-way* by a path that is at least 5 feet wide;
- (B) behind or to the side of the primary *dwelling unit* and not in any front yard; and
- (C) at a fire separation distance of at least 5 feet from an adjacent *lot line* and at least 10 feet from any other structures on the *premises*.

- (4) A *movable tiny house* shall not be located within:
 - (A) a brush management zone established pursuant to Section 142.0412; or
 - (B) the *MHPA*.
- (5) When sited on a *premises*, the undercarriage, including wheels, axles, tongue, and hitch, shall be concealed from view. The wheels shall not be removed and shall sit with leveling or support jacks on a paving surface designed in accordance with Section 142.0560(h)(1).
- (6) All mechanical equipment, including heating, ventilation, and air conditioning, shall be incorporated into the structure and not located on the roof.
- (7) A *movable tiny house* shall be connected to water, sewer, and electric utilities. Connections to natural gas are prohibited.
- (8) A *movable tiny house* shall comply with the National Fire Protection Association 1192 Standard on Recreational Vehicles or the American National Standards Institute A119.5 Park Model Recreational Vehicle Standard. A *movable tiny house* shall be certified by a recognized national certification body as complying with one of these standards and a certified label shall be placed on the *movable tiny house* to demonstrate compliance.
- (9) When located on a *premises* where the primary *dwelling unit* is protected with an automatic fire sprinkler system in accordance with Section R313 of the California Residential Code, a *movable tiny house* shall be protected with an automatic fire sprinkler system.
- (10) When located within the Very High Fire Hazard Severity Zone, as established pursuant to Chapter 5, Article 5, Division 94, a *movable tiny house* shall satisfy the following additional requirements:
 - (A) A *movable tiny house* shall be protected with an automatic fire sprinkler system in compliance with Section R313 of the California Residential Code even if located on a *premises* where the primary *dwelling unit* is not protected with an automatic fire sprinkler system;

- (B) Exterior walls shall be constructed with ignition-resistant materials in compliance with Section R337 of the California Residential Code; and
 - (C) Glazed openings, including skylights, shall comply with Section R337 of the California Residential Code.
- (11) A *movable tiny house* shall be constructed to include the following design elements:
- (A) Cladding and Trim: Materials used on the exterior shall not be single piece composite, laminates, or interlocked metal sheathing;
 - (B) Windows and Doors: Windows shall be at least double pane glass, labeled for building use, and include exterior trim. Windows and doors shall not have radius corners;
 - (C) Roofs: Roofs shall be sloped to drain over the roof edge. At least 50 percent of the roof area shall have a roof slope of 2:12 or more. Roof coverings shall comply with the Residential Building Regulations in Chapter 14, Article 9, Division 9; and
 - (D) Living Area Extensions: The roof and all exterior walls shall not be fixed with slide-outs, tip-outs, or other forms of mechanically articulating room area extensions.
- (b) One *movable tiny house* may be permitted per *premises* in addition to *Accessory Dwelling Units* and *Junior Accessory Dwelling Units* permitted in accordance with Section 141.0302, guest quarters, and non-habitable *structures*.
- (c) A *movable tiny house* shall not be used for a rental term of less than 30 consecutive days.

(“Movable Tiny Houses” added 10-30-2020 by O-21254 N.S.; effective 11-29-2020.)

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