



Housing Action Package

On July 19, 2021, the City of San Diego announced a new citywide initiative called Homes for All of Us. The initiative includes three components: a new community plan update framework called [Blueprint San Diego](#) to help meet the City’s housing and climate action goals, the creation of a [Middle-Income Housing Working Group](#), and the [Housing Action Package](#).

The Housing Action Package aims to implement new state law related to housing development, align the state law with existing city housing programs, and incentivize and promote new housing opportunities throughout the city that San Diegans of all income levels can afford. The proposed components are described below with links to each of the Municipal Code amendment language.

PROPOSED ACTIONS

Program	Details
Senate Bill 9 Implementation	<p>Senate Bill 9 was passed by the state legislature in 2021 and will take effect on January 1, 2022. It requires a city to approve the following:</p> <ul style="list-style-type: none"> • Up to two new homes on a single-family zoned lot and/or: • Splitting a single-family zoned lot into two lots about the same size. <p>Senate Bill 9 also allows for the city to tailor some decisions regarding setbacks, parking, landscaping, and development impact fee (DIF) requirements.</p> <p>The City’s Municipal code will be amended with an additional section that focuses on multi-dwelling units and lot splitting in Single Family Zones.</p>
Accessory Dwelling Units	<p>Amendments to the City’s ADU regulations provide consistency with SB9 related to setbacks, parking, landscaping and DIF fees.</p> <ul style="list-style-type: none"> • Require 4’ setback for multi-story ADUs next to residential lots. • Tree regulations for all ADU’s and specific requirements on sites with three or more ADUs. • Increasing DIF for each third and fourth ADU larger than 750 sf.
Affordable Housing in All Communities	<p>Affordable housing is not available in all communities in San Diego. In fact, many communities have little to no housing reserved for low income residents.</p> <p>The Housing Action Package encourages more affordable housing construction throughout the City by allowing affordable units built through the City’s density bonus program and 100 percent affordable housing developments to be built in these communities. To meet the city’s climate and equity goals, the homes must be built near transit and in areas deemed “high resource” by the State of California. “High resource” communities generally have access to high paying jobs, high performing schools, and better air quality. This proposal is a key component to the City’s efforts to further fair housing and make all communities in San Diego more accessible to live in.</p>
Employee Housing Incentive Program	<p>Currently, new office buildings, retail stores, industrial facilities, and other non-residential projects do not have an opportunity to provide housing for the new employees the development brings to the City.</p> <p>The Housing Action Package allows non-residential development in Transit Priority Areas to pay into the Affordable Housing Trust fund or build affordable housing in exchange for incentives. This proposal is intended to assist in the promotion of job growth in the City while also addressing the housing crisis.</p>

<p>Live/Work Flexibility</p>	<p>Currently, the City allows for the development of Live/Work units that function as both a home and place of business. Over the past several years, the workforce needs have changed, and more Live/Work units are needed to accommodate people who work from home.</p> <p>The Housing Action Package amends the requirements for Live/Work units to allow for more working from home and telework opportunities.</p>
<p>Housing at City Facilities</p>	<p>In addition to the opportunities for new housing mentioned above, the City of San Diego recognizes it has its own role to play in meeting the needs of residents.</p> <p>The Housing Action Package allows by-right affordable and middle-income housing developments on existing and new publicly owned sites. For example, when the City constructs a library or other public facility, it could include housing units in the development. The City could also build housing on parking lots or other City-owned existing built spaces.</p>
<p>Housing Accessibility Program</p>	<p>Residents with disabilities need more opportunities to live in accessible homes with adequate space in kitchens and bathrooms and accessible routes throughout the building. As San Diego’s population ages, creating accessible homes is an important way to ensure more residents can remain in San Diego.</p> <p>The Housing Action Package provides incentives for housing developments to include more accessible housing than required by the California Building Code.</p>
<p>Housing for Families</p>	<p>Housing for families can be difficult to find. Residents with multiple children or intergenerational families may not be able to find opportunities to live in places within walking distance of transit, schools, and parks.</p> <p>The Housing Action Package will incentivize the construction of housing units with three or more bedrooms.</p>
<p>Minor Revisions</p>	<p>The Housing Action Package also makes minor revisions to existing policy that facilitates the production of new housing. These minor revisions include:</p> <ul style="list-style-type: none"> • Timeline adjustment: This amendment would extend the building permit expiration to streamline phased development of residential master planned housing projects. • Affordable Housing Permit Requirements: These amendments would remove the requirement for additional discretionary permits for increases in density for development that complies with the affordable housing regulations.

FUTURE PACKAGE AND OTHER ITEMS

The City of San Diego will consider additional measures to increase housing development in the future. To provide your ideas and comments and feedback on these proposals, please visit the Homes for All of Us [survey](#).



DRAFT

HOUSING ACTION PACKAGE

Amendments to the Municipal Code

December 2021



The Draft Housing Action Package presents the amendments in three sections for clarity and ease of navigation:

Section 1: Local Housing Programs and Incentives

Section 2: Implementing Regulations for SB 9

Section 3: Amendments to the City's Accessory Dwelling Unit and Junior Accessory Dwelling Unit Regulations.

The City welcomes review and comment from the public on the Draft Housing Action Package. Questions and comments can be submitted via email to: rmezo@sandiego.gov

DRAFT

Section 1: Local Housing Programs and Incentives

Employee Housing Incentive Program

§98.0502 Establishment of the San Diego Affordable Housing Fund

- (a) There is established a fund to be known as the San Diego Affordable Housing Fund. The Affordable Housing Fund shall consist of funds received from the commercial development linkage fees paid to the City pursuant to Chapter 9, Article 8, Division 6 of the San Diego Municipal Code; revenues from the Transient Occupancy Tax as provided in Section 35.0128 of the San Diego Municipal Code; funds received from the Employee Housing Incentive Program Fee paid to the City pursuant to Section 143.0742 of the San Diego Municipal Code; funds received from in lieu fees paid to the City and revenues received from promissory note repayments, shared equity payments, or other payments collected pursuant to Chapter 14, Article 2, Division 13 of the San Diego Municipal Code; and any other appropriations as determined from time to time by legislative action of the City Council. The Affordable Housing Fund shall be administered by the San Diego Housing Commission pursuant to the provisions of this Division, the appropriation ordinances and applicable Council policies.
- (b) There is also established within the Affordable Housing Fund, a San Diego Housing Trust Fund account. Except for funds received from the

Employee Housing Incentive Program Fee paid to the City pursuant to Section 143.0742 of the San Diego Municipal Code and funds received from in lieu fees paid to the City and revenues received from promissory note repayments, shared equity payments, or other payments collected pursuant to Chapter 14, Article 2, Division 13 of the San Diego Municipal Code; all funds received by the Affordable Housing Fund, either from special funds or general fund appropriations, shall be deposited in the Housing Trust Fund account. The administration and use of monies from the San Diego Housing Trust Fund shall be subject to all provisions under this Division related to the Affordable Housing Fund.

- (c) There is also established within the Affordable Housing Fund, an Inclusionary Housing Fund account. Funds received from the Employee Housing Incentive Program Fee paid to the City pursuant to Section 143.0742 of the San Diego Municipal Code, funds received from in lieu fees paid to the City, and revenues received from promissory note repayments, shared equity payments, or other payments collected pursuant to Chapter 14, Article 2, Division 13 of the San Diego Municipal Code shall be deposited in the Inclusionary Housing Fund account. The administration and use of monies from the Inclusionary Housing Fund shall be subject to all provisions under this Division related to the Affordable Housing Fund.

§143.0742 ~~Incentives for Commercial~~ Non-Residential Development

~~An applicant for a commercial development that has entered into an agreement with an applicant for a residential development that provides at least 15 percent of the dwelling units as affordable to very low income households or at least 30 percent of the dwelling units as affordable to low income households in accordance with Section 143.0720 shall be entitled to a development bonus in accordance with Government Code Section 65915.7(b) provided that:~~

~~(a) — The agreement shall be approved by the City Manager and identify how the applicant for the commercial development will contribute to affordable housing in one of the following ways:~~

~~(1) — Directly constructing the affordable dwelling units;~~

~~(2) — Donating a portion of the commercial site or another site that meets the criteria in Section 143.0742(b) for development of the affordable dwelling units; or~~

~~(3) — Financially contributing to the development of the affordable dwelling units.~~

~~(b) — The residential development shall be located within the City of San Diego, in close proximity to public amenities, and within a Transit Priority Area.~~

The Employee Housing Incentive Program shall be implemented in accordance with this Section. An applicant for non-residential development as defined in this

Section that contributes to the construction of affordable housing through the payment of the Employee Housing Incentive Program Fee, as adopted by City Council Resolution, shall be entitled to receive incentives, as set forth below.

(a) Eligible Non-residential *Development*.

(1) The non-residential *development* shall be located in a *Transit Priority Area*.

(2) For purposes of this Section, non-residential *development* includes all subcategories within the Retail Sales, Commercial Services, and Office use categories, and the Light Manufacturing and Research & Development subcategories within the Industrial use category in accordance with Section 131.0522, but does not include Separately Regulated Uses within these use categories.

(c) Incentives shall be consistent with Sections 143.0740(a)(1), 143.0740(b)(1)-(3), and 143.0740(c), with the following exceptions:

(1) Incentives may not be used to deviate from minimum *floor area ratio* requirements for the residential uses.

(2) *Floor area ratio* may not be increased by more than 1.5.

Live/Work Flexibility

§131.0622 Use Regulations Table for Industrial Zones

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

Legend for Table 131-06B [No change in text]

Table 131-06B

Use Regulations Table for Industrial Zones

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones									
	1st & 2nd >>		IP-			IL-			IH-		IS-	IBT-
	3rd >>>		1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
	4th >>>		1	1	1	1	1	1	1	1	1	1
Open Space through Rooming House [No change in text]												
<i>Shopkeeper Units</i>		[No change in text]	-P ⁽¹⁵⁾	[No change in text]								
<i>Single Dwelling Units through Separately Regulated Residential Uses Junior Accessory Dwelling Units [No change in text]</i>		[No change in text]										
Live/Work Quarters		[No change in text]	-P ⁽¹⁵⁾	[No change in text]								
Low Barrier Navigation Center through Separately Regulated Signs Uses Theater Marquees [No change in text]		[No change in text]										

§131.0623 Additional Use Regulations of Industrial Zones

The additional use regulations identified in this Section are applicable to uses where indicated in Table 131-06B. In addition to the use-specific regulations below, the combined *gross floor area* for the uses identified in Sections 131.0623(a), (b), (d), (h), (k), (m), and (n) shall not exceed 35 percent of the

allowable *gross floor area* of the *premises*.

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

(j) To encourage and facilitate living in closer proximity to employment opportunities, Residential-uses in the IP-3-1 zone are permitted subject to the following regulations:

(1) Residential *development* is permitted in accordance with the Business Park - Residential Permitted CPIOZ of the applicable community plan; subject to the following:

(2A) Residential *development* ~~comprises no more than~~ shall not exceed a maximum of 49 percent of the total *lot* area within the Business Park - Residential Permitted CPIOZ or a maximum of 49 percent of the gross floor area of the premises; and

(3B) Residential *development* ~~complies~~ shall comply with the *development* regulations of the residential zone identified in the Business Park - Residential Permitted CPIOZ of the applicable community plan, except that the *lot* area, *lot* dimensions, *floor area ratio*, and *setback* requirements of the IP-3-1 zone shall apply.

(2) Residential *development* is permitted outside of the Business Park - Residential Permitted CPIOZ as follows:

- (A) Live/work quarters in accordance with Section 141.0311;
- (B) Shopkeeper units may include space for uses in accordance with Section 131.0623(j)(2)(C); and shall comply with the requirements in Section 141.0311.
- (C) A maximum of 49 percent of the gross floor area on the premises may be used for residential uses. At least 51 percent of the gross floor area shall be used for Retail Sales, Commercial Services, Artisan Food and Beverage Producer, Offices, Research and Development, or Light Manufacturing.
- (D) The residential area and the business area must be occupied by the same tenant and no portion of the residential area shall be rented or sold separately; and
- (E) The residential area is permitted above the business area, adjacent to, or behind the business area, provided that there is internal access between the residential area and business area;

141.0311 Live/Work Quarters

Live/work quarters are studio spaces designed to integrate living space into the workspace in buildings that were originally and are primarily 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) [No change in text.]
- (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.~~ The minimum floor area used or arranged for non-residential purposes shall be 100 square feet.
- (c) through (h) [No change in text.]

Affordable Housing in All Communities

§142.1305 Methods of Compliance

- (a) The requirement to provide inclusionary *dwelling units* may be met in any of the following ways:
 - (1) through (3) [No change in text]
 - (4) On different *premises* from the *development* that does not meet the locational criteria in Section 142.1305(a)(2) but within the City of San Diego, if the receiver site is within a *transit priority area*, in 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, and less than five percent of the existing *dwelling units* in that community planning area are covenant-restricted to very low income, low income, or moderate income households.

(45) By payment of an Inclusionary In Lieu Fee in accordance with Section 142.1306 in lieu of constructing all or a portion of the inclusionary *dwelling units* required in Section 142.1304(a) or Section 142.1304(b);

(5-6) By rehabilitation of existing *dwelling units* or SRO *hotel* rooms or conversion of *guest rooms* in a *motel* or *hotel* to inclusionary *dwelling units* in accordance with Section 142.1307; or

(67) By land donation in accordance with Section 142.1308.

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

(b) Off-site affordable *dwelling units* that do not meet the locational criteria in Section 143.0745(a) may be located in an area where the receiver site is within a *Transit Priority Area*, an area identified as a High or Highest

Resource California Tax Credit Allocation Committee(CTCAC)

Opportunity Area, and less than five percent of the existing *dwelling units* in that community planning area are covenant-restricted to *very low income, low income, or moderate income* households.

- (bc) Off-site affordable *dwelling units* that do not meet the locational criteria in Section 143.0745(a) may be approved with a Process Four Planned Development Permit in accordance with Section 126.0604.
- (ed) At a minimum, the same number of affordable *dwelling units* required of the *development* must be provided, at the same affordability levels and the same total *bedroom* count as the *development*. The *applicant* may provide different *bedroom* mixes to meet the total *dwelling unit* and *bedroom* count minimums.
- (de) The *applicant*, prior to the issuance of the first building permit for the *development*, shall secure the required number of off-site affordable *dwelling units* and enter into an agreement(s) with the President and Chief Executive Officer of the San Diego Housing Commission establishing the same terms and conditions set forth in Section 143.0720 for similar affordable *density bonus dwelling units*.
- (ef) 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.

(~~f~~g) Prior to the issuance of the first building permit, the *applicant* shall record a deed restriction against the off-site *development* that:

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

Housing for Families

§143.0720 Density Bonus in Exchange for Affordable Housing Units

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

(i) A *density* bonus agreement for a *development* within a *transit priority area* providing 100 percent of the total pre-*density* bonus and post-*density* bonus *dwelling units* as affordable to *very low income, low income, and moderate income* households shall utilize the following qualifying criteria:

(1) [No change in text.]

(2) Rents for all *dwelling units* in the *development* shall be established as follows:

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

(C) *Moderate income dwelling units* in the *development* shall be affordable, including an allowance for utilities, to *moderate income* households at a rent that does not exceed 30 percent of 110 percent of the area median income, as adjusted for household size, appropriate for ~~the *dwelling unit*~~, except that; 20 percent of the *dwelling units* may be affordable up to 30 percent of 150 percent of the area median income, if those units contain at least three *bedrooms*.

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

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

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

(1) [No change in text.]

(2) For *development* meeting the criteria for *very low income* households in Section 143.0720(c)(1), the *density* bonus shall be calculated as set forth in Table 143-07A. The increased *density* shall be in addition to any other increase in *density* allowed in this Division, ~~up to a maximum combined *density* increase of 75 percent.~~

(3) For *development* meeting the criteria for *low income*

households in Section 143.0720(c)(2), the *density* bonus shall be calculated as set forth in Table 143-07B. The increased *density* shall be in addition to any other increase in *density* allowed in this Division, ~~up to a maximum combined *density* increase of 75 percent.~~

(4) For *development* meeting the criteria for *moderate income* households in Section 143.0720(c) and (d), the *density* bonus shall be calculated as set forth in Table 143-07C. The increased *density* shall be in addition to any other increase in *density* allowed in this Division, ~~up to a maximum combined *density* increase of 50 percent.~~

(5) through (14) [No change in text.]

(15) For *development* that meets the criteria in Sections 143.0720(c)(1), 143.0720(c)(2), 143.0720(d)(1), 143.0720(d)(2), 143.0720(d)(3), 143.0720(e), 143.0720(f), 143.0720(g), 143.0720(h), or 143.0720(i), where at least 20 percent of the total *dwelling units* are three *bedrooms* or greater, an additional *density* bonus of 20 percent shall be granted and an additional *density* bonus of 10 percent of the pre-*density* bonus *dwelling units* shall be granted if the *density* bonus *dwelling units* provided contain at least three *bedrooms*.

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

Affordable Housing in All Communities and Housing at City Facilities

§143.0746 Affordable Housing in High or Highest Resource California Tax Credit

Allocation Committee Areas

(a) Affordable housing may be permitted in High or Highest Resource California Tax Credit Allocation Committee Areas in accordance with Process One on a premises located within a 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) A multiple dwelling unit development in which at least 100 percent of the total dwelling units, exclusive of a manager's unit or units, are covenant-restricted as affordable to very low income, low income, or moderate income households;

(B) Permanent supportive housing;

(C) Transitional housing; or

(D) An emergency shelter.

(2) The premises is located:

(A) Within a Transit Priority Area;

(B) Within 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;

(C) Within a community planning area in which less than 5 percent of the existing *dwelling units* are covenant-restricted to *very low income, low income, or moderate income* households; and

(B) Outside of an area identified as Industrial or Open Space in a *land use plan*.

(3) The residential *density* shall be determined by the Mobility Zone (as defined in Section 143.1103(a)) in which any portion of the *premises* is located, as follows:

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

(B) Within Mobility Zone 3, *density* shall be limited by a maximum *floor area ratio* of 6.5.

(C) Within Mobility Zone 4, *density* shall be limited by a maximum *floor area ratio* of 4.0.

(4) Development consistent with the criteria in this Section shall be entitled to incentives waivers in accordance with Sections 143.0740 through 143.0743.

(5) The development shall comply with the regulations of the Airport Land Use Compatibility Zone.

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

(b) Affordable housing may be permitted on a premises owned by a public agency or a qualified nonprofit corporation 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 premises is owned by a public agency or a qualified nonprofit corporation.

(2) The development proposes to construct one of the following:

(A) A multiple dwelling unit development in which at least 25 percent of the total dwelling units, exclusive of a manager's unit or units, are covenant-restricted as affordable to very low income, low income, or moderate income households;

(B) Permanent supportive housing;

(C) Transitional housing; or

(D) 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 an area identified as Industrial or Open Space in a land use plan.

(4) The residential density shall be determined by the Mobility Zone (as defined in Section 143.1103(a)) in which any portion of the premises is located, as follows:

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

(B) Within Mobility Zone 3, density shall be limited by a maximum floor area ratio of 6.5.

(C) Within Mobility Zone 4, density shall be limited by a maximum floor area ratio of 4.0.

(5) Development consistent with the criteria in this Section shall be entitled to incentives and waivers in accordance with Sections 143.0740 through 143.0743.

(6) The development shall comply with the regulations of the Airport

Land Use Compatibility Zone.

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

Housing Accessibility Program

Article 5: Building Regulations

Division 40: ~~Voluntary~~ Housing Accessibility Program

~~§145.4001~~ Purpose

~~The purpose of the Voluntary Accessibility Program is to encourage residential development that incorporates accessible design features including accessible routes of travel, accessible entrances, and accessible common use rooms to meet the needs of as many users as possible. The intent is to increase opportunities for persons with temporary, developing, or permanent disabilities to “age in place” and thereby reduce the potential for occupants to be displaced from their homes due to a disability, to allow those persons to visit neighboring dwelling units, and to increase the number of accessible dwelling units in the local housing supply that meet long term housing needs by offering incentives that facilitate this type of accessible design.~~

~~§145.4002~~ When Voluntary Accessibility Program Applies

~~(a) The following proposed residential development is eligible for the Voluntary Accessibility Program:~~

- (1) — ~~Development that is exempt from the accessibility requirements of the California Building Code (Chapter 11A),~~
- (2) — ~~Development where only a portion of the residential development is subject to the accessibility requirements of the California Building Code (Chapter 11A), or~~
- (3) — ~~Development where the required accessibility is in accordance with the California Building Code (Chapter 11A) and would be less accessible than would be achieved through the Voluntary Accessibility Program.~~

(b) — ~~Development with dwelling units that are voluntarily designed to be accessible may be granted incentives in accordance with Section 145.4003.~~

(e) — ~~Development receiving deviations for reasonable accommodations in accordance with Section 131.0466 are not eligible for the Voluntary Accessibility Program.~~

§145.4003 — Voluntary Accessibility Program Regulations and Development Incentives

(a) — ~~Incentives granted solely under the Voluntary Accessibility Program in accordance with Section 145.4003(c) and (d) shall not require a deviation from the underlying base zone.~~

~~(b) — The decision process for a *development* requesting an incentive shall be the same decision process that would be required if the incentive were not a part of the *development* proposal.~~

~~(c) — The incentives available to a *development* shall be determined by the number and type of *dwelling units* that would be voluntarily designed for accessibility.~~

~~(1) — Each *dwelling unit* voluntarily designed in accordance with Section 145.4004 (Tier I Accessible Dwelling Unit) shall be eligible for the following incentives:~~

~~(A) — A *floor area ratio* bonus up to a maximum of 5 percent,~~

~~and~~

~~(B) — A choice of one development incentive listed in Section 145.4003(d).~~

~~(2) — Each *dwelling unit* voluntarily designed in accordance with Section 145.4005 (Tier II Visitable Unit) shall be eligible for one of the following incentives:~~

~~(A) — A *floor area ratio* bonus up to a maximum of 5 percent, or~~

~~(B) — A choice of one development incentive listed in Section 145.4003(d).~~

~~(3) — Development with at least 50 percent of the eligible dwelling units voluntarily designed in accordance with either Section 145.4004 (Tier I Accessible Dwelling Unit) or Section 145.4005 (Tier II Visitable Unit) shall be eligible for the following incentives:~~

~~(A) — Incentives for each Tier I Accessible Dwelling Unit in accordance with Section 145.4003(c)(1);~~

~~(B) — An incentive for each Tier II Visitable Unit in accordance with Section 145.4003(c)(2), and~~

~~(C) — Expedite processing consistent with Council Policy.~~

~~(4) — Development with 100 percent of the eligible dwelling units voluntarily designed in accordance with Section 145.4004 (Tier I Accessible Dwelling Unit) shall be eligible for:~~

~~(A) — Incentives for each Tier I Accessible Dwelling Unit in accordance with Section 145.4003(c)(1);~~

~~(B) — Expedite processing consistent with Council Policy, and~~

~~(C) — A *density* bonus up to 5 percent based on the pre-bonus number of *dwelling units* in the project voluntarily designed in accordance with Section 145.4004 (Tier I Accessible Dwelling Unit).~~

~~(D) — *Development* providing a minimum of 10 Tier I Accessible Dwelling Units shall be eligible for a choice of 1 additional incentive listed in Section 145.4003(d).~~

~~(d) — Incentives~~

~~An *applicant* for *development* eligible for one or more incentives pursuant to Section 145.4003, may select from the following incentives:~~

~~(1) — An *applicant* may request one of the following modifications of the applicable parking regulations in Section 142.0560 for Tier I Accessible Dwelling Units.~~

~~(A) — A reduction of the drive aisle width to a minimum of 22 feet if using standard parking space dimensions,~~

~~(B) — A reduction of the required motorcycle facilities up to 50 percent,~~

(C) — A reduction of the driveway width consistent with the minimum dimensions specified in Table 142-05N,

(D) — Encroachment of required *off-street parking spaces* into the required *setback* area of a private driveway (where parking spaces would not conflict with a required visibility area), or

(E) — Calculation of tandem parking spaces (designed in accordance with Section 142.0560) as two spaces to meet the applicable parking requirement.

(2) — The applicable *setback* regulations may be reduced up to 10 percent for proposed structures where necessary to fulfill the accessible design requirements.

(3) — The applicable *lot coverage* regulations may be exceeded up to 10 percent where necessary to fulfill the accessible design requirements.

(4) — The applicable maximum *structure height* regulations may be exceeded by up to 10 percent to accommodate an elevator or special access (wheelchair) lift system. The maximum *structure height* may not exceed height limits required within the Coastal Height Limit Overlay Zone or conflict with

Federal Aviation Regulations Part 77 airspace protection surfaces within designated airport influence areas.

(5) — The applicable landscape requirements may be modified or reduced to the minimum extent necessary to accommodate an accessible route of travel.

(e) — The *floor area ratio* bonus and incentives applicable to a *development* in accordance with Section 145.4003(c) are limited to *dwelling units* that are voluntarily designed in accordance with the Voluntary Accessibility Program and may not be redistributed across the *development* as a whole.

(f) — A bonus or incentive shall not be granted where it would allow *development* that is inconsistent with the policies in the certified *Local Coastal Program land use plan* or the allowed uses and development regulations of the Environmentally Sensitive Lands regulations.

§145.4004 — Tier I Accessible Dwelling Unit Design Standards

(a) — In order to meet the Tier I Accessible Dwelling Unit Design Standards, *dwelling units* shall comply with the California Building Code requirements for accessibility (Chapter 11A), except as otherwise indicated in Section 145.4004(b), (c), and (d).

~~(b) — For the purpose of this section, *dwelling units* developed with multiple *stories* shall provide a *kitchen* on the primary entry level in accordance with the California Building Code requirements for accessibility (Chapter 11A) in addition to other accessible design requirements required in accordance with Section 145.4004(a).~~

~~(c) — Accessible entrances designed for Tier I Accessible Dwelling Units shall be permitted up to a maximum of three quarters of an inch in height differential between the exterior and interior landings.~~

~~(1) — The change in elevation shall be beveled with a slope no greater than 50 percent (1 unit vertical in 2 units horizontal).~~

~~(2) — The threshold shall be no higher than 0.5 inches (12.7 mm).~~

~~(d) — Required accessible *off street parking spaces*~~

~~(1) — *Single dwelling units* and duplexes~~

~~(A) — *Single dwelling units* shall provide *off street parking spaces* per *dwelling unit* in accordance with Sections 142.0520 and 142.0560.~~

~~(B) — Duplexes shall provide *off street parking spaces* per *dwelling unit* in accordance with Sections 142.0525 and 142.0560.~~

~~(C) — In addition to the required parking in Section 145.4004(d)(1)(A) or (B), an accessible off-street loading and unloading area shall be provided.~~

~~(i) — The minimum dimensions shall be 14 feet in width by 18 feet in depth with a maximum slope of one quarter inch per foot in any direction,~~

~~(ii) — The off-street loading area may be located within the private driveway and may encroach into the required setback area, and~~

~~(iii) — The loading area shall be connected to the dwelling unit via an accessible route of travel to an accessible entrance.~~

~~(2) — Multiple dwelling unit development with three or more dwelling units shall provide off-street parking spaces in accordance with Sections 142.0525 and 142.0560 including required accessible off-street parking spaces in accordance with California Building Code Section 1109A as may be amended.~~

~~§145.4005 — Tier II Visitable Unit Design Standards~~

~~(a) — The Tier II Visitable Unit Design Standards are intended to create *dwelling units* that facilitate access to, and access within, the primary entry level of a *dwelling unit* for persons with temporary, developing, or permanent disabilities. The primary entry level of a Tier II Visitable Unit shall include accessible routes of travel, an accessible entrance, and accessible common usespaces including a *kitchen*, a bathroom or half bathroom, and at least one common use room.~~

~~(b) — At least one exterior accessible route of travel shall connect an accessibleentrance to either the sidewalk or driveway.~~

~~(1) — A minimum width shall be provided in compliance with CaliforniaBuilding Code Section 1113A.1.1 as may be amended.~~

~~(2) — A maximum slope less than 1 unit vertical and 12 units horizontalshall be provided with a maximum 2 percent cross slope.~~

~~(3) — A level landing area of 5 feet in length shall be provided for every 30 inches of rise in circumstances where the accessible route of travelwould have a slope exceeding 5 percent.~~

~~(4) — Handrails are not required.~~

~~(c) — At least one accessible entrance to the primary entry level shall be provided that does not exceed three quarters of an inch in height differential between the exterior and interior landings.~~

~~(1) — The change in elevation shall be beveled with a slope no greater than 50 percent (1 unit vertical in 2 units horizontal).~~

~~(2) — The threshold shall be no higher than 0.5 inches (12.7 mm).~~

~~(d) — In lieu of the requirements of Section 145.4005(c), the entrance for up to 50 percent of the eligible *dwelling units* may be designed to be adaptable for accessibility.~~

~~(1) — A maximum of 4 inches in step height shall be provided between the exterior and interior landings.~~

~~(2) — A minimum clear space of 12 inches in length for every 1 inch in step height shall be provided on the exterior side of the door to accommodate a future ramp.~~

~~(3) — The ramp clear space shall not overlap the exterior landing.~~

~~(4) — Interior and exterior landings shall provide a minimum length of 48 inches to the accessible route of travel.~~

~~(5) — The entry door shall provide a minimum net clear opening width of 32 inches.~~

~~(e) — At least one interior accessible route of travel shall be provided in compliance with California Building Code Section 1119A as may be amended. The interior route of travel shall connect an accessible entrance to the following rooms located on the primary entry level:~~

~~(1) — At least one bathroom or half bathroom,~~

~~(2) — The *kitchen*, and~~

~~(3) — Any common use rooms such as a living room or family room.~~

~~(f) — A *kitchen* shall be provided on the primary entry level.~~

~~(1) — The *kitchen* shall be accessible from the interior accessible route of travel.~~

~~(2) — A clear floor space at least 30 inches by 48 inches shall be provided to allow a parallel approach by a person in a wheelchair at a range or cook top, the *kitchen* sink, oven, dishwasher, and refrigerator/freezer.~~

~~(3) — In lieu of the requirements of Section 145.4005, a *kitchen* with a pass through design may provide a 39 inch wide or greater accessible route of travel to a range or cook top, *kitchen* sink, oven, dishwasher and refrigerator/freezer.~~

~~(4) — *Kitchen* sink faucet controls shall use lever hardware or other similar hardware.~~

~~(5) — A minimum linear length of 30 inches of countertop space shall be provided adjacent to the *kitchen* sink.~~

~~(g) — At least one accessible bathroom or half bathroom, located along the interior accessible route of travel on the primary entry level, shall be provided.~~

~~(1) — The bathroom entrance shall provide sufficient maneuvering space in accordance with California Building Code Sections 1132A.5 and 1134A.4 as may be amended.~~

~~(2) — Structural reinforcements for future grab bar installation shall be provided in the walls adjacent to showers and bathtubs, and in the walls or floor adjacent to toilets, in accordance with California Building Code Chapter 11A.~~

~~(3) — A minimum clear space of 30 inches by 48 inches shall be provided for parallel approach at the lavatory. Maneuvering spaces may include any knee space or toe space available below bathroom fixtures.~~

~~(4) — A minimum clear space of 30 inches by 48 inches shall be provided for forward approach at the toilet.~~

~~(5) — When provided, a minimum clear space of 30 inches by 48 inches shall be provided for parallel approach at the shower or bathtub.~~

~~(6) — Faucet controls shall use lever hardware.~~

~~(7) — Clear spaces at the sink, toilet and shower or bathtub may overlap or coincide to meet the minimum requirements.~~

~~(h) — The accessible primary entry level shall include at least one common useroom such as a living room or family room.~~

~~(i) — Accessible rooms located along the interior accessible route of travel and the accessible entrance to the primary entry level shall comply with the following requirements:~~

~~(1) — Doors~~

~~(A) — Doors shall have a minimum net clear opening width of 32 inches.~~

~~(B) — Lever hardware, or other similar hardware, centered between 30 inches and 44 inches above the floor is required for all doors, except for pocket doors or sliding doors.~~

~~(C) — Maximum effort to operate doors shall not exceed 8.5 pounds (38 N) for exterior doors and 5 pounds (22 N) for interior doors where applied at right angles to hinged doors, and at the center plane of sliding or~~

~~folding doors. Compensating devices or automatic door operators may be utilized to meet these standards.~~

~~(D) Pocket doors and sliding doors providing access to rooms required along the interior accessible route of travel shall be easily operated by persons with limited dexterity.~~

~~(2) Electrical Outlets and Fixtures~~

~~(A) Electrical switches and outlets shall be located no more than 48 inches measured from the top of the outlet box nor less than 15 inches measured from the bottom of the outlet box to the level of the finished floor.~~

~~(B) Electrical outlets providing power to appliances such as ovens, refrigerators, microwave ovens, dishwashers, washing machines, dryers and other similar fixed appliances are exempt.~~

§145.4001 Purpose

The purpose of the Housing Accessibility Program is to encourage accessible residential *development* above what is required pursuant to the California Building Code and to increase the number of accessible *dwelling units* in the local housing supply that meet long term housing needs by offering incentives that

facilitate this type of accessible design for people of all abilities. The intent is to increase opportunities for persons with temporary, developing, or permanent disabilities to “age in place” and thereby reduce the potential for occupants to be displaced from their homes due to a disability, as well as allowing those persons to visit neighboring *dwelling units*.

§145.4002 When the Housing Accessibility Program Applies

(a) The following residential *development* is eligible for the Housing Accessibility Program:

(1) *Development of a multiple dwelling unit structure up to five stories that provides an elevator to all stories.*

(2) *Development of multi-story townhomes or duplexes that exceeds the requirements for compliance with the accessibility requirements of the California Building Code (Chapter 11A) and includes a primary entrance; 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.*

(3) *Development that is exempt from the accessibility requirements of the California Building Code (Chapter 11A).*

(b) *Development receiving deviations for reasonable accommodations in accordance with Section 131.0466 is not eligible for the Housing Accessibility Program.*

§145.4003 Housing Accessibility Program Regulations and Development Incentives

- (a) The decision process for a *development* requesting an incentive shall be the same decision process that would be required if the incentive were not a part of the *development* proposal.
- (b) Incentives granted solely under the Housing Accessibility Program in accordance with Section 145.4003(e) shall not require approval of a deviation from the underlying base zone.
- (c) An incentive shall not be granted where it would allow *development* that is inconsistent with the policies in the certified *Local Coastal Program* and development regulations of the Environmentally Sensitive Lands Regulations.
- (d) An incentive shall not be granted where it conflicts with State laws and regulations.
- (e) Development types of *development* may be granted incentives in accordance with this Section and Section 145.4003(f):
- (1) A *multiple dwelling unit development* that provides an elevator to all floors in a *multiple dwelling unit structure* shall be entitled to three incentives.
 - (2) An accessible multi-story *dwelling unit* that exceeds the housing accessibility requirements of the California Building Code

(Chapter 11A) and Section 145.4002 (a)(2) by at least 25 percent of the total number of *dwelling units* shall be eligible for two incentives listed in Section 145.4003(f)(1)-(5)).

(3) A *development* that exceeds the requirements for the number of accessible *dwelling units* under the California Building Code (Chapter 11A) by two accessible *dwelling units* shall be eligible for three incentives listed in Section 145.4003(f)(1)-(5).

(4) A *development* that exceeds the requirements for the number of accessible *dwelling units* under the California Building Code (Chapter 11A) and Section 145.4002 (a)(2) by three or more accessible *dwelling units* shall be eligible for four incentives listed in Section 145.4003(f)(1-6).

(f) Incentives

An *applicant for development* eligible for incentives pursuant to Section 145.4003(e) may select from the following incentives:

(1) *Setback* regulations may be reduced by up to 15 percent only for the building where the elevator is constructed.

(2) *Lot coverage* regulations may be exceeded by up to 15 percent.

(3) Expedited processing for the entire *development*, consistent with Council Policy.

(4) A floor area ratio bonus up to a maximum of 25 percent for the building where the elevator is constructed.

(5) The applicable maximum structure height regulations may be exceeded by up to 15 feet only for the building where an elevator is constructed. The maximum structure height may not exceed height limits required within the Coastal Height Limit Overlay Zone or conflict with Federal Aviation Regulations Part 77 airspace protection surfaces within designated airport influence areas.

(6) A density bonus up to 10 percent based on the pre-density bonus dwelling units for the entire development. This density bonus is in addition to any other density bonuses for which the development is eligible.

Minor Revisions

Amendment related to timelines for master planned housing projects

§129.0211 Closing of Building Permit Application

- (a) [No change in text]
- (b) The application file for City projects and for Residential Master Planned projects shall be closed after two years have elapsed since the date the Building Permit application is deemed complete. For the purposes of this section, Residential Master Planned projects are residential developments submitted with one or more building types that will be constructed in phases on one or multiple lots.
- (c) through (e) [No change in text]

Planned Development Permit not required if utilizing the Affordable Housing regulations

§143.0402 When Planned Development Permit Regulations Apply

This Division applies to all *development* proposals for which a Planned Development Permit is requested, in accordance with Table 143-04A.

**Table 143-04A
Supplemental Planned Development Permit Regulations Applicability**

Type of <i>Development Proposal</i>	Applicable Sections	Required <i>Development Permit/Decision Process</i>⁽¹⁾
Residential <i>development</i> requesting deviations from applicable zone regulations ⁽²⁾⁽³⁾ [No change in text]	[No change in text]	[No change in text]
Commercial and Industrial <i>development</i> requesting deviations from applicable zone regulations ⁽³⁾ [No change in text]	[No change in text]	[No change in text]
<i>Developments</i> within <i>land use plans</i> where a Planned Development Permit is recommended when other discretionary actions are requested ⁽⁶⁾	[No change in text]	[No change in text]
<i>Development</i> that complies with the applicable <i>land use plan</i> designation, but contains uses that are not permitted in the underlying base zone ⁽⁵⁾ [No change in text]	[No change in text]	[No change in text]
<i>Multiple dwelling unit development</i> requesting increased <i>density</i> where the <i>land use plan</i> expressly allows for increased <i>density</i> with the approval of a Planned Development Permit ⁽³⁾⁽⁶⁾	[No change in text]	[No change in text]
Rural cluster <i>development</i> in the AR and OR zones Through Residential <i>development</i> in RS zones of <i>urbanized Communities</i> where a Planned Development Permit is Requested [No change in text]	[No change in text]	[No change in text]

Footnotes for Table 143-04A

¹ through ⁵ [No change in text]

⁶ Development utilizing the increased *density* alternative in conjunction with Chapter 14, Article 3, Division 7, does not require a Planned Development Permit for the increased *density* alternative per the adopted *land use plan*.

§143.0455 Supplemental Planned Development Permit Regulations for Multiple Dwelling Unit Residential Development with Increased Density per the Adopted Land Use Plan

In addition to the general regulations for all Planned Development Permits in Section 143.0410(j)(5) through (11), the following regulations apply to *multiple dwelling unit development* that requests approval of increased *density* where the *land use plan* expressly allows for increased *density* with approval of a Planned Development Permit. It is the intent of these regulations to provide increased *density* in pedestrian friendly *development* that is consistent with the planned character of the neighborhood as specified in the *land use plan*.

(a) Density

(1) The minimum and maximum *density* for utilization of the increased *density* provision in Section 143.0455 shall be as specified in the adopted *land use plan* and shall not require processing of a deviation.

(2) Utilization of this increased density alternative per the adopted land use plan shall not preclude the use of the state density bonus program where applicable. Development utilizing the increased *density* alternative in conjunction with Chapter 14, Article 3,

Division 7, does not require a Planned Development Permit for the increased *density* alternative per the adopted *land use plan*.

(b) [No change in text.]

Section 2: Implementing Regulations for SB 9

Chapter 14: General Regulations

Article 3: Supplemental Development Regulations

Division 13: Multi-Dwelling Unit and Urban Lot Split Regulations for Single Family Zones

143.1301 Purpose of the Multi-Dwelling Unit and Urban Lot Split Regulations for Single Family Zones

These regulations are intended to implement California Senate Bill 9 (2021-2022) and California Government Code Sections 65852.21, 66411.7 and 66452.6 by allowing the construction of *multiple dwelling units* in single-family zones and/or an urban *lot split*, as specified in this Division. Therefore, these regulations specify when and how *multiple dwelling unit development* may be constructed in a base zone that permits *single dwelling unit development*, but not *multiple dwelling unit development*. These regulations also specify when and how a single *premises* may be split into two *premises* that can be developed and conveyed separately when located within a base zone that permits *single dwelling unit development*, but not *multiple dwelling unit development*.

143.1303 When the Multi-Dwelling Unit and Urban Lot Split Regulations for Single Family Zones Apply

- (a) This Division applies to *premises* located within a base zone that permits *single dwelling unit development*, but not *multiple dwelling unit development*, except as prohibited in Section 143.1303(b).

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

(1) When the *premises* is located within any of the following:

(A) Prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction;

(B) *Wetlands*;

(C) The Very High Fire Hazard Severity Zone;

(D) 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;

(E) 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;

(F) *Special Flood Hazard Areas*, unless:

(i) The site 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 site 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.

(G) 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 site 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 site;

(H) The MHPA of the MSCP Subarea Plan;

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

(J) A historical district that is a designated historical resource;

(2) If the development requires demolition or alteration of any of the following:

(A) 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.

(B) A dwelling unit that has been occupied by a tenant in the last three years.

(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 requires the demolition of more than 25 percent of the existing exterior structural walls, unless the premises has not been occupied by a tenant in the last three years.

(5) If the premises contains an Accessory Dwelling Unit or Junior Accessory Dwelling Unit, an applicant must choose whether to use the provisions of this Division or the provisions of the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Regulations in Section 141.0302, but may not use both. However, an applicant with an existing Accessory Dwelling Unit or Junior Accessory Dwelling Unit may utilize the provisions of this Division to convert the existing ADUs or JADUs to dwelling units in compliance with this Division.

143.1305 Utilizing the Provisions of this Division

(a) An applicant seeking to utilize the provisions of this Division may use the multiple dwelling unit provisions of Section 143.1310, the urban lot split provisions of Section 143.1315, or a combination of both in compliance with the applicable regulations.

(b) An application to utilize the provisions of this Division may be denied if the City makes a written finding based upon a preponderance of the evidence that the development would have a specific, adverse impact upon public health and safety or the physical environment and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. As used in this paragraph, a “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. The following shall not constitute a specific, adverse impact upon the public health or safety:

(1) Inconsistency with the zoning ordinance or general plan land use designation.

(2) The eligibility to claim a welfare exemption under subdivision (g) of Section 214 of the California Revenue and Taxation Code.

143.1307 Rental of Dwelling Units Constructed in Accordance with this Division

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

143.1310 Construction of Multiple Dwelling Units in a Single Dwelling Unit Zone

Up to two dwelling units may be permitted on a premises in a zone that allows single dwelling unit development, but not multiple dwelling unit development, in accordance with the following regulations:

(a) The development regulations of the base zone in which the premises is located shall apply, except as specified in this Section.

(1) Density Regulations. The maximum permitted density shall be two dwelling units per lot. The dwelling units may be attached to or detached from one another, provided that the structure(s) meet building code safety standards and are constructed sufficiently to allow separate conveyance.

(2) Setback Regulations:

(A) No setback is required for an existing structure that is converted to a dwelling unit. In addition, a dwelling unit that is constructed in the same location and within the same building envelope as an existing structure may continue to observe the same setbacks as the structure it replaced.

(B) Dwelling units must comply with the front yard and street side yard setbacks of the base zone. Interior side yard and rear yard setbacks for dwelling unit shall be provided as follows:

(i) One-story dwelling units with a structure height of 16 feet or less have zero setbacks in the interior side yards and rear yards.

(ii) One-story dwelling units with a structure height that exceeds 16 feet and multi-story dwelling units have zero setbacks in the interior side yards and rear yards, unless the side or rear property line abuts another premises that is that is residentially zoned or developed with exclusively residential uses, in which case a 4-foot setback shall apply.

(3) Parking Regulations

(A) Within a transit priority area, no off-street parking spaces are required.

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

(i) One off-street parking space per dwelling unit shall be required for the third and fourth dwelling units

constructed on one premises. Off-street parking spaces are not required for the first two dwelling units.

(ii) Within the Beach Impact Area of the Parking Impact Overlay Zone, one off-street parking space shall be required per dwelling unit unless there is a car share or other shared vehicle within one block of the premises.

(4) Landscape Regulations

(A) One tree shall be provided on the premises for every 5,000 square feet of lot area, with a minimum of one tree per premises. The tree shall be selected in accordance with the Landscape Standards of the Land Development Manual and the City's Street Tree Selection Guide.

(B) If the development would result in more than two dwelling units across two premises permitted by this Division, then compliance with the street tree regulations pursuant to Section 142.0409 is required.

(5) Supplemental Regulations within Areas of Future Sea Level Rise

(A) Within the Coastal Overlay Zone, the following regulations apply to dwelling units constructed outside of Special

Flood Hazard Areas and within an area of future sea level rise (within a 75-year horizon) as determined by the City Manager based on the most current sea level rise vulnerability maps:

(i) The *dwelling units* shall comply with the regulations in Section 143.0146(c) and if applicable, Section 143.0146(g). The *base flood elevation* utilized, and the applicability of Section 143.0146(g), shall be based on the *FIRM Zone of the Special Flood Hazard Area* in closest proximity to the *premises* on which the *dwelling unit* is proposed. The permit requirements of 143.0110(b) and other regulations of Chapter 14, Article 3, Division 1 do not apply.

(ii) Hard shoreline armoring shall not be constructed to protect *dwelling units* from the effects of sea level rise.

(iii) The *record owner* of the *dwelling unit* shall, in a form that is approved by the City Attorney, acknowledge the following: 1) that the *dwelling unit* is located in an area of future sea level rise that may become hazardous in the future; 2) that sea level

rise could render it difficult or impossible to provide services to the premises; 3) that the boundary between public land (tidelands) and private land may shift with rising seas and the development approval does not permit encroachment onto public trust land; 4) that additional adaptation strategies may be required in the future to address sea level rise consistent with the Coastal Act and certified Local Coastal Program; and 5) that the dwelling unit may be required to be removed or relocated and the site restored if it becomes unsafe; and further the record owner shall waive any rights under Coastal Act Section 30235 and related Local Coastal Program policies to any hard shoreline armoring to protect the dwelling unit.

(iv) The record owner of the dwelling unit shall provide notice to all occupants of the dwelling unit of the provisions in Section 143.1310(a)(5)(A)(iii).

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

(b) Notwithstanding Section 143.1310(a), a second *dwelling unit* with a *maximum gross floor area* of 800 square feet shall be permitted on a *premises* with an existing or proposed *dwelling unit*, regardless of non-compliance with one or more *development* regulations.

143.1315 Urban Lot Splits in a Single Dwelling Unit Zone

An urban *lot split* is a *lot split* that divides an existing *premises* into no more than two separately conveyable *premises* in a *zone* that allows *single dwelling unit development*, but not *multiple dwelling unit development*, and may be permitted, subject to the following regulations:

(a) An urban *lot split* shall be permitted in accordance with a Process One *parcel map* and shall comply with all applicable objective requirements of the Subdivision Map Act, except as provided by California Government Code Section 66411.7. *parcel map* for an urban *lot split*, The City Engineer may require the following be provided on a *parcel map* approving an urban *lot split*:

(1) Easements for the provision of public services and facilities.

(2) Access to the *public right-of-way* for both parcels.

(b) The expiration of the subdivision shall be in accordance with Government Code Section 66452.6.

(c) The urban *lot* split provisions of this Section may not be used if any of the following apply:

(1) The *parcel* was established through a prior urban *lot* split in accordance with this Section. A *parcel* may only be split once in accordance with this Section.

(2) The *record owner* or any person acting in concert with the *record owner* has previously subdivided an adjacent parcel using an urban *lot* split in accordance with this Section.

(d) Only residential uses are permitted on a *lot* that was created by the urban *lot* split provisions of this Section.

(e) Prior to the recordation of the *parcel map*, the *record owner* shall sign an affidavit, stating that the *record owner* intends to reside in one of the *dwelling units* as their primary residence for a minimum of three years from the date of the approval of the urban *lot* split. The affidavit shall be in a form that is approved by the City Attorney and recorded in the Office of the County Recorder. This requirement shall not apply to an applicant that is a “community land trust,” as defined in California Revenue and Taxation Code Section 402.1(a)(11)(C)(ii), or is a “qualified nonprofit corporation” as described in California Revenue and Taxation Code Section 214.15.

(f) The *development* regulations of the base zone in which the parcels located shall apply, except as specified in Section 143.1310(a) and this Section.

(1) The minimum *lot* area and minimum *lot* dimensions regulations of the base zone shall not apply, and replaced with the following regulations:

(A) The two parcels shall be approximately equal in size, provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel.

(B) The two parcels shall each be no smaller than 1,200 square feet.

(g) Notwithstanding Section 143.1315(e), an urban *lot* split and construction of a second *dwelling unit* with a maximum *gross floor area* of 800 square feet shall be permitted on each of the parcels created by an urban *lot* split, regardless of non-compliance with one or more *development* regulations, with the exception of the *lot* size requirements in Section 143.1315(f)(1), which shall apply.

Section 3: Amendments to ADU & JADU Regulations

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

Section 141.0302 provides for the construction of *ADUs* and *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 that provides 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~~ Single Dwelling Unit Zones by-right as a limited use in accordance with a 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 definitions apply to this Section.

(1) Single Dwelling Unit Zone means a zone that permits *single dwelling units*, but does not permit *multiple dwelling units*.

(2) Multiple Dwelling Unit Zone means a zone that permits *multiple dwelling units*.

(ab) The following regulations are applicable to *ADUs* and *JADUs*:

(1) Use Regulations

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

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

~~(D) An Accessory Dwelling Unit or Junior Accessory Dwelling Unit shall not be permitted to be constructed on any premises that has utilized any of the provisions of Chapter 14, Article 3, Division 13.~~

(2) *Development Regulations*

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

~~(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.~~

(D) 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 within the same building envelope as an existing structure may continue to observe the same setbacks as the structure it replaced.

(E) ADU and 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 JADU structures shall be provided as follows:

(i) One-story ADUs or JADUs with a structure height t16 feet or less have zero setbacks into the interior side yard and rear yard.

(ii) One-story ADUs or JADUs with a structure height that exceed 16 feet in height and multi-story ADU or JADU structures have zero setbacks into the interior side yard and rear yard, 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 or JADU:

(i) If a premises contains three or more existing or proposed ADUs, one tree 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) ADUs constructed in accordance with Section 141.0302(c)(2)(C) shall comply with the street tree requirements in Section 142.0409(a).

~~(E)G~~ *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, a *ADU* or *JADU* shall be protected with an automatic fire sprinkler system.

(H) The construction of an *ADU* or *JADU* shall not require the correction of *previously conforming conditions* on the *premises*.

(3) Parking Regulations

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

(C) Notwithstanding 141.0302(b)(2)(F), if, as a result of creating an *ADU* or *JADU*, an existing driveway curb cut will no longer lead to an *off-street parking space* that complies with the dimensions required in Table 142-05K of Section 142.0560, the driveway curb cut shall be closed to the satisfaction of the City Engineer.

(4) [No change in text.]

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

(1) Use Regulations

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

(2) *Development* Regulations

(A) [No change in text.]

(B) ~~No more than one~~ One ADU shall be permitted in a Single Dwelling Unit Zone on a *premises* with an existing or proposed *single dwelling unit*.

(C) ~~ADUs located on a premises~~ located in a Single Dwelling Unit Zone with an existing *multiple dwelling unit*, or a premises located in a Multiple Dwelling Unit Zone with an existing or proposed ~~*multiple dwelling unit*~~, ADUs 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 1 ADU; and~~

(ii) ~~Two ADUs that are detached from an existing *structure* are permitted; and~~

(i) Two ADUs that are attached to and/or detached from an existing or proposed structure are permitted; and

(ii) The number of ADUs permitted within the habitable area of an existing 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

(iii) There is no limit on the number of ADUs permitted within the portions of existing *multiple-dwelling unit structures* and *accessory 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) through (G) [No change in text.]

(ed) 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) though (C) [No change in text.]

(2) *Development Regulations*

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

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

§142.0640 Impact Fees for Financing Public Facilities

(a) [No change in text.]

(b) Payment of Fees

Development Impact Fees (as defined in California Government Code Section 66000) for applicable *development* shall be paid at the time required building permit fees are paid and no later than the first inspection of the *development* performed by the City in areas where Development Impact Fees have been established by City Council resolution or ordinance. Notwithstanding the above, the City Manager may also require the payment of Development Impact Fees for *development* that would increase demand for public facilities and/or result in the need for new public facilities. Development Impact Fees 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 Development Impact Fee required by the City

Manager shall be paid at the time required building permit fees are paid and no later than the first inspection of the *development* performed by the City.

Exemptions:

(1) *Accessory Dwelling Units, Junior Accessory Dwelling Units, movable tiny houses, and guest quarters are exempt from DIFs, except as follows:*

(A) The first two *Accessory Dwelling Units* on a *premises* are exempt from the requirement to pay DIF, regardless of the gross floor area of the *Accessory Dwelling Unit*. *Accessory Dwelling Units* in excess of two *Accessory Dwelling Units* are also exempt from the requirement to pay DIF if the gross floor area of the excess *Accessory Dwelling Unit* is 750 square feet or less. All other *Accessory Dwelling Units* on a *premises* that exceed 750 square feet in gross floor area 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. In no case shall the DIF for the Accessory Dwelling Unit exceed the DIF for the primary dwelling unit.

(2) – (5) [No change in text.]

(6) 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 second and third 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 Resolution No. R-313688 adopting the Citywide Park Development Impact Fee and Table 142-06A, based upon the dwelling unit size.

**Table 142-06A
Scaled Development Impact Fee Rate for Specified Residential Development
Utilizing the Housing Solutions Program**

1,251	>	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%

(c) – (g) [No change in text.]

§151.0401 Uses Permitted in the Planned Districts

(a) [No change in text.]

(b) The permit process for a separately regulated use shall be determined in accordance with applicable planned district use regulations, with the exception of ~~transitional housing facilities and permanent supportive housing, which shall be permitted in accordance with Section 141.0313 and Section 141.0315 in all planned district zones that permit transitional housing facilities as a conditional use.~~ the following uses, which shall be permitted as a Process One construction permit in all planned district zones that permit the use as either a limited or conditional use:

(1) Accessory Dwelling Units and Junior Accessory Dwelling Units shall be permitted in accordance with the regulations in Section 141.0302.

(2) Transitional housing facilities shall be permitted in accordance with the regulations in Section 141.0313.

(3) Permanent supportive housing shall be permitted in accordance with the regulations in Section 141.0315.

(c) [No change in text.]

(d) In case of conflict between Section 151.0401 and regulations for a planned district, the planned district regulations shall apply, with the exception of Accessory Dwelling Units, Junior Accessory Dwelling Units, transitional housing facilities and *permanent supportive housing*, which shall be permitted in accordance with Section 151.0401.

§155.0238 Use Regulations Table of CU Zones

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

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

Use Categories/Subcategories [See Land Development Code Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones							
	1st & 2nd >>	CU-							
	3rd >>	1-(1)		2-			3-		
	4th >>	1	2	3	4	5	3(2)(1 2)	6	7
Open Space through Residential – Single		[No change in text.]							

<i>Dwelling Units</i>			
Separately Regulated Residential Uses			
<u><i>Accessory Dwelling Units</i></u>	<u>L</u>	<u>L</u>	<u>L</u>
<i>Boarder & Lodger Accommodations</i> [No change in text.]	[No change in text.]		
<i>Companion Units</i>	⊥	-	-
Continuing Care Retirement Communities through Home Occupations	[No change in text.]		
<u><i>Junior Accessory Dwelling Units</i></u>	<u>L</u>	-	-
Residential – Separately Regulated Uses – Live/Work Quarters through Signs - Separately Regulated Signs Uses – Theater Marquee	[No change in text.]		

Footnotes for Table 155-02C

(1) through (13) [No change in text.]

§1516.0107 Administration and Permits

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

**Table 1516-01A
Type of Development Proposal and Applicable Regulations**

	Type of Development Proposal	Applicable Sections	Required Permit /Decision Process
1.	<ul style="list-style-type: none"> Interior building modifications or interior repairs Interior alterations that do not require any building permit 	Exempt from this Division	No permit required by this Division

	Type of Development Proposal	Applicable Sections	Required Permit /Decision Process
2.	<ul style="list-style-type: none"> • Renewal of roof coverings of any building permitted by the California Building Code and the California Residential Code, where the existing roofing material, roof structure, or roof diaphragm is not altered • Repair, renewal, or replacement of any exterior wall finish or material where the existing material type or color is not altered • Repair, renewal, or replacement of any building windows where the existing window type, material, or color is not altered 	Exempt from this Division	No permit required by this Division
3.	<ul style="list-style-type: none"> • Re-roofing (where the existing roofing material, roof structure, or roof diaphragm is altered) • Repainting or recoloring of exterior surfaces where the existing exterior building color is altered • Any addition to or alteration of any non-historical structure which is <i>minor in scope</i>. • New construction of any non-habitable accessory structure that does not exceed 100 square feet in gross floor area and that would not be visible from the public right-of-way. • <u>Conversion of existing habitable or non-habitable areas to an <i>Accessory Dwelling Unit</i> or <i>Junior Accessory Dwelling Unit</i>, or the construction of an attached or detached <i>Accessory Dwelling Unit</i> or <i>Junior Accessory Dwelling Unit</i>, in accordance with Section 141.0302 and the applicable Sections of this Division.</u> 	1516.0124, 1516.0125, 1516.0126, 1516.0131, 1516.0132, Appendix A, Appendix B, Appendix C, Appendix D, and Appendix F	Ministerial Permit/Process One

	Type of Development Proposal	Applicable Sections	Required Permit /Decision Process
4.	<ul style="list-style-type: none"> • New construction of any building or primary structure • New construction of any habitable accessory structure • New construction of any non-habitable accessory structure that exceeds 100 square feet in gross floor area • New construction of any non-habitable accessory structure that would be visible from the public right-of-way • Signs • Walls or fences • Any addition to or alteration of any non-historical structure which is <i>major in scope</i>. 	1516.0124, 1516.0125, 1516.0126, 1516.0127, 1516.0128, 1516.0130-1516.0140, Appendix A, Appendix B, Appendix C, Appendix D, Appendix E, and Appendix F	Neighborhood Development Permit (NDP)/Process Two
5.	<ul style="list-style-type: none"> • Development projects on locations wherean archaeological site has been identified 	1516.0108	Site Development Permit (SDP)/Process Three
6.	<ul style="list-style-type: none"> • Grading or any improvement which could directly affect an archaeological resource, tribal cultural resource, or early San Diego descendant resource. 	143.0201-143.0280, 1516.0108	Varies

§1516.0112 Use Regulations for Old Town San Diego Residential Zones

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

**Table 1516-01B
Use Regulations for Old Town Residential Zones**

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
		1st & 2nd >> 3rd >> 4th >>	OTRS-	OTRM-	
		1-	1-	2-	
		1	1	1	2
Open Space through Residential – Single Dwelling Units		[No change in text]			
Separately Regulated Residential Uses					
<i>Accessory Dwelling Units</i>		<u>L</u>	<u>L</u>	<u>L</u>	
Boarder & Lodger Accommodations		[No change in text]			
<i>Companion Units</i>		-	-	-	
Continuing Care Retirement Communities through Home Occupations		[No change in text]			
<i>Junior Accessory Dwelling Units</i>		- <u>L</u>	-	-	
Residential – Separately Regulated Uses – Live/Work Quarters through Signs - Separately Regulated Signs Uses – Theater Marquee		[No change in text]			

Footnotes for Table 1516-01B

⁽¹⁾ through ⁽⁷⁾ [No change in text.]

§1516.0117 Use Regulations for Old Town San Diego Commercial Zones

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

**Table 1516-01D
Use Regulations for Old Town Commercial Zones**

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of	Zone Designator	Zones	
		1st & 2nd >>	OTCC-

the Use Categories, Subcategories, and Separately Regulated Uses]	3rd >>	1-	2-			3-		1		
	4th >>	1	1	2	3	1	2	1	2	3
Open Space through Residential – Single Dwelling Units		[No change in text]								
Separately Regulated Residential Uses										
<u>Accessory Dwelling Units</u>		=	<u>L</u>			<u>L</u>		<u>L</u>		
Boarder & Lodger Accommodations										
Companion Units		-	-			-		-		
Employee Housing through Housing for Senior Citizens		[No change in text.]								
Junior Units <u>Junior Accessory Dwelling Units</u>		-	-			-		-		
Residential – Separately Regulated Uses – Live/Work Quarters through Signs - Separately Regulated Signs Uses – Theater Marquee		[No change in text.]								

Footnotes for Table 1516-01D

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

§1516.0122 Use Regulations for Old Town San Diego Open Space-Park Zones

The uses allowed in the Old Town San Diego Open Space-Park zones are shown in Table 1516-01F:

**Table 1516-01F
Use Regulations for Old Town Open Space-Park Zones**

Use Categories/ Subcategories [See Section 131.0112 for Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones	
	1st & 2nd >>		
	3rd >>	1-	2-
	4th >>	1	1
Open Space through Residential – Single Dwelling Units		[No change in text]	
Separately Regulated Residential Uses			
<u>Accessory Dwelling Units</u>		=	=
Boarder & Lodger Accommodations		[No change in text]	

Companion Units	-	-
Employee Housing through Housing for Senior Citizens	[No change in text]	
Junior Units <i>Junior Accessory Dwelling Units</i>	-	-
Residential – Separately Regulated Uses – Live/Work Quarters through Signs - Separately Regulated Signs Uses – Theater Marquee	[No change in text]	

Footnotes for Table 1516-01F

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

§ 1516.0131 Accessory Buildings for Old Town San Diego Residential Zones

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

(e) Habitable accessory buildings may be permitted:

(1) to a single dwelling unit in accordance with Sections ~~141.0302~~ or 141.0307, or

(2) [No change in text.]