



THE CITY OF SAN DIEGO

MEMORANDUM

DATE: July 27, 2023

TO: Members of the Planning Commission

FROM: Tait Galloway, Deputy Director, City Planning Department

SUBJECT: August 3, 2023, Planning Commission Meeting – Agenda Item #2:
Housing Action Package 2.0 – Missing Middle Housing Regulations
(Continued from June 1, 2023 Planning Commission hearing)

REFERENCE: [Report to the Planning Commission: Report No. 23-009](#)

Introduction

On June 1, 2023, the Planning Commission voted to continue the Housing Action Package 2.0 (HAP 2.0) hearing until August 3, 2023. The Planning Commission requested that the City Planning Department provide additional implementation options for the Missing Middle Housing Regulations item included as part of HAP 2.0. The Commissioners generally discussed options that could include reduced distances from Major Transit Stops, a focus on high frequency transit corridors, revised development regulations addressing the number of homes and scale allowed, as well as an implementation approach that did not use the State of California's Senate Bill (SB) 10 requirements.

Although staff is not recommending any revisions to the draft Land Development Code language in the original staff report, in response to the Planning Commission request, the City Planning Department has provided additional implementation options in this memorandum for consideration and discussion. The City Planning Department has however made minor clarifying amendments to the proposed Land Development Code language for the other items addressed in the Planning Commission Report for the HAP 2.0 item, which are included as Attachment 1 to this memorandum.

Background

The City is experiencing an ongoing home affordability and supply issue, as well as increasing threats from climate change. The City Planning Department has included the Missing Middle Homes item in HAP 2.0 as an implementation measure for the General Plan Housing Element and the Climate Action Plan to address housing supply and availability as well as climate change. The Missing Middle Homes item is intended to increase opportunities for more homes in transit-rich neighborhoods for all San Diegans and increase walking/rolling, biking, and transit ridership to reduce vehicle miles traveled and greenhouse gas emissions. The Missing Middle Homes item also addresses the need to affirmatively further fair housing citywide.

Why Missing Middle Homes?

Missing Middle Housing refers to single home-scale buildings that contain more than one home such as: townhomes, rowhomes, triplexes, fourplexes, and small-scale multiple-home buildings that are built to the same scale as surrounding traditional single homes. These house-scale buildings are “middle” in form and scale, between single-home and multiple home buildings on or near commercial corridors with transit service. They also can deliver homes at a price point that can be more attainable for “middle”-income households, including both rental and entry-level home ownership opportunities. These types of homes are “missing” primarily due to regulatory barriers such as zoning that only allows for the development of a single home, rather than multiple homes. As a result, these home types have not been built for many decades. Historically, these types of housing were once common in early twentieth century cities across the country, including San Diego.



Approximately, 80 percent of the City’s residentially zoned land allows only single homes, which can significantly limit housing supply and increase housing costs. The lack of missing middle homes in all communities has caused a severe shortage of homes, significantly increased housing costs, kept home ownership opportunities out of reach for many San Diegans, and this overall lack of housing supply contributes to more homelessness in our City. Increasing the supply of homes and types of homes are an important need in providing homes affordable to all San Diegans. Generally, the cost of owning or renting a single home has become more expensive than the cost of owning or renting in a multiple-home development.

The Missing Middle Housing Regulations reintroduce missing middle home types, including townhomes, bungalow courts, duplexes, triplexes, and small home complexes. These types of homes were historically common in San Diego but were not allowed in areas zoned only for single-home development. The proposed Missing Middle Housing Regulations would allow for these homes in areas with existing infrastructure, allowing for the efficient delivery of additional infrastructure investments. Missing middle homes allow for the addition of new homes that blend well with existing single home development. Two to three story type of missing middle homes can provide additional density in a similar context to existing single home neighborhoods.



Providing the ability to build missing middle homes in transit-rich areas supports the implementation of the Climate Action Plan. Missing middle homes located near transit, job locations, and amenities like parks, shopping centers, and schools provides opportunities for people to live, work, and play while reducing the need to use a car for all their daily trips. The location of these homes can also increase walking/rolling, and biking, in existing neighborhoods and reduce the vehicle miles traveled by car, resulting in cleaner air, and a reduction of greenhouse gas emissions.

Discussion

The following is a summary of the proposed Missing Middle Housing Regulations item (refer to the [Planning Commission Report No. 23-009](#) for a more detailed summary):

- *Within Sustainable Development Areas:* In areas zoned to allow only residential use and located within a Sustainable Development Area (SDA). The SDA is a geographic area located within 0.75 miles or 1 mile walking distance of a Major Transit Stop, depending on the location of the Major Transit Stop.
 - *Major Transit Stops* are defined in the Municipal Code as a site that contains either an existing rail or bus rapid transit station, a ferry terminal served by either a bus or a rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.
- *Excludes Areas:* The proposal excludes areas with fire and flood risk and hazardous waste sites unless mitigation measures are included to address the impact of these hazards. The proposal also excludes environmentally sensitive lands, open space, parks, Multi-Habitat Planning Areas (MHPA), and areas on existing historic districts or designated historic resources. Sites with existing affordable deed-restricted homes or Single Room Occupancy homes are also proposed to be excluded.
- *Development Criteria:* For areas zoned to allow only single home or townhome development, the proposal allows for one home per 1,000 square feet of lot size with a maximum of 10 homes. Areas zoned to allow multi-home development may build up to 10 homes. In the City's urban areas, lot sizes can vary. Generally, most lots would not allow for the maximum of 10 homes since they tend to be less than 10,000 square feet. For example, on a 5,000 square foot lot, a maximum of 5 homes would be allowed, and only if the site can be configured to meet the additional applicable development regulations, including, in most instances a height limit that would allow a maximum of three stories.
- *Affordability:* Any development proposing five or more homes would be required to deed-restrict one affordable home, and developments in a High or Highest Resource area as identified on the [California Tax Credit Allocation Committee Opportunity Map](#) would be required to deed-restrict one additional affordable home.
- *Bedrooms:* Any development proposing five or more homes would be required to provide at least two homes with three or more bedrooms and one home with two or more bedrooms.
- *Accessory Dwelling Units:* Accessory Dwelling Units would be allowed based on the zone of the parcel. In single-home zones, 1 ADU and 1 JADU would be allowed total.

- *Fair Housing:* The Missing Middle Housing Regulations would be applicable for over 129,000 parcels estimated citywide, which accounts for about 49 percent of all residential parcels within the city. Almost 50 percent of the 129,000 parcels are in the Highest or High resource Areas and over 22 percent are in a Moderate Resource Area as identified on the California Tax Credit Allocation Committee Opportunity Area map as shown on Table A. While this certainly does not mean that all these parcels will develop under these regulations, it is another tool available to increase housing supply, in a manner that specifically addresses fair housing and housing for all incomes in all communities across the City.
- *Map:* Refer to Attachment 2.

Table A. Proposed Missing Middle Housing Regulations

Option	Proximity to Transit	Cumulative Total Potential Applicable Parcels	Percent of City Residential Parcels	Low Resource or High Segregation and Poverty Areas	Moderate Resource Areas	High or Highest Resource Areas
Missing Middle Homes Proposal	Within SDA	129,679	48.9%	28.1%	22.3%	49.6%

Missing Middle Housing Regulations - Distance Options

In response to the Planning Commission’s request to provide implementation options for the draft Missing Middle Housing Regulations, the City Planning Department has identified three additional options for consideration and discussion based on distances from:

- Existing Major Transit Stops;
- Existing Major Transit Stops and High-Quality Bus Corridor Stops; and
- Existing and Planned Major Transit Stops.

The options only include qualifying parcels within the specified distance from a transit stop (i.e. zoned for residential use) and excludes parcels described in the City Planning Department Missing Middle Homes Proposal above (environmentally sensitive lands, designated historic districts, sites with existing affordable homes, etc). The Department has also identified additional options that address development regulations and options other than using SB 10 based on the suggestions provided by the Planning Commission.



Option 1. Existing Major Transit Stops

- *Major Transit Stop*: Uses only **existing** Major Transit Stops.
- *Walking Distance Options*:
 - 1/8-mile of an existing Major Transit Stop
 - 1/4-mile of an existing Major Transit Stop
 - 1/2-mile of an existing Major Transit Stop
- *Difference from proposal*:
 - This option would not include areas around *planned* Major Transit Stops included in SANDAG’s Regional Transportation Plan network for 2035.
 - Uses shorter walking distances than the SDA.
- *Fair Housing*: Option 1 would be applicable for approximately 22,000 parcels citywide, which accounts for over 8 percent of all residential parcels within the city. Approximately, 23 percent of the 22,000 parcels are in the Highest or High Resource Area and approximately 28 percent are in a Moderate Resource Area as identified on the California Tax Credit Allocation Committee (CTCAC) Opportunity Area map as shown on Table B. While this option is generally located within the City’s urban areas served by higher frequency transit, it does not provide as many opportunities for additional homes in High and Highest Resource Areas as the proposed Missing Middle Housing Regulations.
- *Map*: Refer to Attachment 3.

Table B. Option 1 - Existing Major Transit Stops

Option	Proximity to Transit (walking distance)	Cumulative Total Potential Applicable Parcels	Percent of City Residential Parcels	Percent of Parcels in:		
				Low Resource & High Segregation & Poverty Areas	Moderate Resource Areas	High and Highest Resource Areas
Existing Major Transit Stops	1/8 Mile	1,279	0.5%	73.5%	17.0%	9.5%
	1/4 Mile	6,033	2.3%	60.6%	23.5%	15.9%
	1/2 Mile	22,110	8.3%	48.7%	27.9%	23.4%

Option 2. Existing Major Transit Stops and High-Quality Bus Corridor Stops

- *Major Transit Stop*: Uses only existing Major Transit Stops.
- *High-Quality Bus Corridor Stops*: High-Quality Bus Corridors are defined in the California Government Code section 65913.5 as a corridor with fixed bus route service that meets all the following criteria:
 - Average service intervals of no more than 15 minutes during the three peak hours between 6 a.m. to 10 a.m., inclusive, and the three peak hours between 3 p.m. and 7 p.m., inclusive, on Monday through Friday.
 - Average service intervals of no more than 20 minutes during the hours of 6 a.m. to 10 p.m., inclusive, on Monday through Friday.
 - Average intervals of no more than 30 minutes during the hours of 8 a.m. to 10 p.m., inclusive, on Saturday and Sunday.
- *Walking Distance Options*:
 - 1/8-mile of an existing Major Transit Stop & High-Quality Bus Corridor Stop
 - 1/4-mile of an existing Major Transit Stop
 - 1/2-mile of an existing Major Transit Stop
- *Difference from proposal*:
 - Does not include areas around *planned* Major Transit Stops.
 - Uses shorter walking distances than the SDA
 - Includes areas within 1/8 mile walk of a High-Quality Bus Corridor Stop.
- *Fair Housing*: Option 2 would be applicable for approximately 32,000 parcels citywide, which accounts for over 12 percent of all residential parcels within the city. Over 27 percent of the 32,000 parcels are in the Highest or High Resource Area and over 26 percent are in a Moderate Resource Area as identified on the CTCAC Opportunity Area map as shown on Table C. While this option expands the areas shown in Option 2, it does not provide as many opportunities for additional homes in High and Highest Resource Areas.
- *Map*: Refer to Attachment 4.

Table C. Option 2 - Existing Major Transit Stops and High-Quality Bus Corridor Stops

Option	Proximity to Transit (walking distance)	Cumulative Total Potential Applicable Parcels	Percent of City Residential Parcels	Percent of Parcels in:		
				Low Resource & High Segregation & Poverty Areas	Moderate Resource Areas	in High and Highest Resource Areas
Existing Major Transit Stops & High-Quality Bus Corridor Stops (1/8 mile)	1/8 Mile	16,352	6.2%	45.7%	24.4%	30.0%
	1/4 Mile	19,252	7.3%	48.3%	24.0%	27.7%
	1/2 Mile	32,062	12.1%	45.9%	26.5%	27.6%

Option 3. Planned and Existing Major Transit Stops

- *Major Transit Stop*: Uses both planned and existing Major Transit Stops.
- *Walking Distance Options*:
 - 1/8-mile of a Major Transit Stop
 - 1/4-mile of a Major Transit Stop
 - 1/2-mile of a Major Transit Stop
- *Difference from proposal*: Uses shorter walking distances than the SDA.
- *Fair Housing*: Option 3 would be applicable for approximately 67,500 parcels citywide, which accounts for over 25 percent of all residential parcels within the city. Over 41 percent of the 67,500 parcels are in the Highest or High Resource Area and almost 26 percent are in a Moderate Resource Area as identified on the CTCAC Opportunity Area map as shown on Table D. This option provides a greater opportunity for homes in High and Higher Resource Areas than the other two options.
- *Map*: Refer to Attachment 5.

Table D. Option 3 - Existing and Planned Major Transit Stops

Option	Proximity to Transit (walking distance)	Cumulative Total Potential Applicable Parcels	Percent of City Residential Parcels	Percent of Parcels in		
				Low Resource & High Segregation and Poverty Areas	Percent of Parcels in Moderate Resource Areas	Percent of Parcels in High & Highest Resource
Existing and Planned Major Transit Stops	1/8 Mile	6,872	2.6%	33.6%	25.8%	40.7%
	1/4 Mile	24,415	9.2%	35.3%	24.1%	40.6%
	1/2 Mile	67,529	25.4%	32.6%	26.0%	41.4%

Fair Housing Comparison

The state enabling legislation (SB 10) for the Missing Middle Housing Regulations requires the City Council be able to make a finding that the proposal is consistent with the City's obligation to affirmatively further fair housing. To make this finding, the Missing Middle Housing Regulations would need to provide opportunities for homes throughout the City, especially Highest, High, and Moderate Resource Areas that have fewer environmental issues and greater access to employment and education opportunities. More homes, especially affordable homes, will provide opportunities for all San Diegans to live in all communities.

The proposed Missing Middle Housing Regulations use the Sustainable Development Area as its geographic boundary and has a high impact on affirmatively furthering fair housing, with a combined 72 percent of all potential qualifying parcels being located within a Highest, High, or Moderate Resource Area. Option 3 could also provide a high impact on affirmatively furthering fair housing, with almost 67 percent of the potential qualifying parcels being located within a Highest, High, or Moderate Resource Area. Option 1 at $\frac{1}{8}$ -mile distance does the least to affirmatively further fair housing as only 27 percent of potential qualifying parcels would be located Highest, High, and Moderate Resource Areas.

A combination of Missing Middle options or modified options could also be considered to further fair housing for one of the three options. For example, Option 2 could be modified to include areas $\frac{1}{8}$ of a mile from High-Quality Bus Corridor Stops only in Highest, High, and Moderate Resource Areas. This would allow for more homes in these areas and would provide a better balance of resource areas than Option 2 currently provides. On the other hand, excluding homeowners in Low and Very Low Resource Areas from the opportunity to build wealth through additional home development opportunities should also be considered.

$\frac{1}{2}$ Mile Distance from a Major Transit Stop

Table E compares the number of parcels, the percent of parcels compared to all residential parcels, and the percent of parcels as identified in CTCAC Resource Areas map for the proposed Missing Middle Housing Regulations and the $\frac{1}{2}$ mile distance from a major transit stop for all three options. The summary below compares each option separate from the proposal:

- ***Low Resource & High Segregation and Poverty Areas:*** Option 3 would have the lowest percentage within the Low Resource and High Segregation and Poverty Resource Areas as identified in CTCAC Resource Areas map.
- ***Moderate Resource Areas:*** Option 2 would have the highest percentage within the Moderate Resource Areas as identified in CTCAC Resource Areas map.
- ***High & Highest Resource Areas:*** Option 3 would have the highest percentage within the High and Highest Resource Areas as identified in CTCAC Resource Areas map.

Table E. Comparison of Options at 1/2 Mile Distance¹

Option	Cumulative Total Potential Parcels	Percent of City Residential Parcels	Percent of Parcels in		
			Low Resource & High Segregation and Poverty Areas	Moderate Resource Areas	High & Highest Resource Areas
Proposed Regulations	129,679	48.9%	28.1%	22.3%	49.6%
Option 1	22,110	8.3%	48.7%	27.9%	23.4%
Option 2²	32,062	12.1%	45.9%	26.5%	27.6%
Option 3	67,529	25.4%	32.6%	26.0%	41.4%

1. Uses 1/2 mile distance from a major transit stop for all three options.
2. Option 2 includes areas within 1/8 mile of a High-Quality Bus Corridor Stop.

1/4 Mile Distance from a Major Transit Stop

Table F compares the number of parcels, the percent of parcels compared to all residential parcels, and the percent of parcels as identified in CTCAC Resource Areas map for the Missing Middle Housing Regulations and the 1/4 mile distance from a major transit stop for all three options. The summary below compares each option separate from the proposal:

- **Low Resource & High Segregation and Poverty Areas:** The proposal followed by Option 3 would have the lowest percentage within the Low Resource and High Segregation and Poverty Resource Areas as identified in CTCAC Resource Areas map.
- **Moderate Resource Areas:** Option 3 would have the highest percentage within the Moderate Resource Areas as identified in CTCAC Resource Areas map.
- **High & Highest Resource Areas:** The proposal followed by Option 3 would have the highest percentage within the High and Highest Resource Areas as identified in CTCAC Resource Areas map.

Table F. Comparison of Options at 1/4 Mile Distance¹

Option	Cumulative Total Potential Parcels	Percent of City Residential Parcels	Percent of Parcels in		
			Low Resource & High Segregation and Poverty Areas	Moderate Resource Areas	High & Highest Resource Areas
Proposal	129,679	48.9%	28.1%	22.3%	49.6%
Option 1	6,033	2.3%	60.6%	23.5%	15.9%
Option 2²	19,252	7.3%	48.3%	24.0%	27.7%
Option 3	24,415	9.2%	35.3%	24.1%	40.7%

1. Uses 1/4-mile distance from a major transit stop for all three options.
2. Option 2 includes areas within 1/8-mile of a High-Quality Bus Corridor Stop

1/8 Mile Distance from a Major Transit Stop

Table G compares the number of parcels, the percent of parcels compared to all residential parcels, and the percent of parcels as identified in CTCAC Resource Areas map for the Missing Middle Housing Regulations and the 1/8 mile distance from a major transit stop for all three options. The summary below compares each option separate from the proposal:

- **Low Resource & High Segregation and Poverty Areas:** The proposal followed by Option 3 would have the lowest percentage within the Low Resource and High Segregation And Poverty Resource Areas as identified in CTCAC Resource Areas map.
- **Moderate Resource Areas:** Option 3 would have the highest percentage within the Moderate Resource Areas as identified in CTCAC Resource Areas map.
- **High & Highest Resource Areas:** The proposal followed by Option 3 would have the highest percentage within the High and Highest Resource Areas as identified in CTCAC Resource Areas map.

Table G. Comparison of Options at 1/8 Mile Distance¹

Option	Cumulative Total Potential Parcels	Percent of City Residential Parcels	Percent of Parcels in		
			Low Resource & High Segregation and Poverty Areas	Moderate Resource Areas	High & Highest Resource Areas
Proposal	129,679	48.1%	28.1%	22.3%	49.6%
Option 1	1,279	0.5%	73.5%	17.0%	9.5%
Option 2²	16,352	6.2%	45.7%	24.4%	30.0%
Option 3	6,872	2.6%	33.6%	25.8%	40.7%

1. Uses 1/8 mile distance from a major transit stop for all three options.
2. Option 2 includes areas within 1/8 mile of a High-Quality Bus Corridor Stop.

Comparison of Options by Distance and Resource Areas

As shown in Tables E, F, and G, the proposed Missing Middle Housing Regulations has the highest percentage of eligible parcels in in Highest, High, and Moderate Resource areas, as identified in CTCAC Resource Areas map. This means the proposal provides the greatest opportunity to further fair housing, compared to Options 1, 2, and 3.

When evaluating the three options only, Option 3 has the highest percentage of eligible parcels in Moderate, High and Highest Resource Areas. Table H compares the proposed Missing Middle Housing Regulations and Options 1, 2, and 3 by 1/8, 1/4, and 1/2 mile distances within each resource area.

Table H. Comparison of Options by Mile Distance within Resource Areas¹

Options: Distance from Major Transit Stop (walking distance)	Lowest Percentage in Low Resource and High Segregation & Poverty Areas:		Highest Percentage in Moderate Resource Areas:		Highest Percentage in High & Highest Resource Areas:	
	Overall	Option 1, 2, 3 only	Overall	Option 1, 2, 3 only	Overall	Option 1, 2, 3 only
1/8 Mile	Proposal	Option 3	Proposal	Option 3	Proposal	Option 3
1/4 Mile	Proposal	Option 3	Proposal	Option 3	Proposal	Option 3
1/2 Mile	Proposal	Option 3	Proposal	Option 2	Proposal	Option 3

1. Option 2 includes areas within 1/8 mile of a High-Quality Bus Corridor Stop.

Comparison of Applicable Area

The proposed Missing Middle Housing Regulations have the largest area where the regulations would be applied to potentially 129,679 parcels. Option 1 at 1/2 mile from existing Major Transit stops represents the smallest area where the regulation would be applied to potentially 22,110 parcels. While the larger the applicable area could have on providing missing middle homes near transit which helps to address the City’s housing and climate goals, SB 10 does not allow a local jurisdiction to subsequently reduce the density of a parcel once it is subject to the SB 10 legislation. Table I shows the comparison of the three options by total cumulative parcels.

Table I. Comparison of Options by Mile Distance by Total Cumulative Parcels¹

Options: Distance from Major Transit Stop (walking distance)	Cumulative Total Potential Parcels
1/8 Mile	Option 2
1/4 Mile	Option 3
1/2 Mile	Option 3

1. Option 2 includes areas within 1/8 mile of a High-Quality Bus Corridor Stop.

Combination of Options

The Planning Commission could also consider other combinations of Options 1, 2, and 3, however this would require additional fair housing analysis. For example, the 1/2-mile distance could be used around existing Major Transit Stops (Option 1) and a 1/4-mile distance could be used around planned Major Transit Stops (Option 3). This could allow for an area that incorporates more potential parcels than Option 1, but fewer than Option 3.

Missing Middle Development Regulation Options

The Planning Commission also asked the City Planning Department to identify development regulations options for the Missing Middle Housing Regulations. The City Planning Department identified four potential options for consideration based on the Planning Commission discussion: Maximum Allowed Homes, Maximum Building Height Allowed, Maximum Floor Area Ratio and Minimum Home Size Allowed. These options would reduce either or both building scale and density further away from a transit stop. Each of these options could be applied together or separate using 1/8, 1/4, and 1/2 mile distances from Major Transit

Stops and/or 1/8 mile from a High-Quality Bus Corridor Stops. Table J provides examples of development regulations that could be considered by the Planning Commission.

Maximum Homes Allowed

This option would transition the maximum allowed number of homes from 10 homes closest to transit, and fewer homes further away from transit stops.

Maximum Building Height Allowed

This option would transition the maximum allowed build heights from higher near transit stops and lower the further away from transit stops.

Maximum Floor Area Ratio Allowed

This option would transition the maximum allowed build floor area ratios from higher near transit stops and lower the further away from transit stops.

Minimum Home Size Allowed

This would use minimum allowed home size to transition from smaller homes near transit stops to larger homes further away from transit. This could provide a variety of home types to meet the needs of individuals with smaller homes and families with larger homes.

Table J. Development Regulation Options

Distance to Major Transit Stop <i>(walking distance)</i>	Maximum Homes Allowed	Maximum Height Allowed	Maximum Floor Area Ratio	Minimum Home Size Allowed
1/8 Mile	10	40 ft	2.8	Not Applicable
1/4 Mile	8	35 ft	2.0	800 sq ft
1/2 Mile	6	30 ft	1.8	1,200 sq ft

Alternative to SB 10 Options

The Planning Commission requested an alternative to using the requirements of SB 10 for the Missing Middle Housing Regulations. Proposing rezones or development regulations that do not follow the SB 10 implementation requirements would require environmental review. The State determined that an ordinance adopted to implement SB 10 is not a project for the purposes of the California Environmental Quality Act (CEQA) and provided an exemption for local jurisdictions to implement SB 10. Rezones and development regulations that do not follow the implementation requirements of SB 10 would require environmental analysis under CEQA, which would require additional time to provide additional opportunities for new homes, at a time where San Diegans are suffering from a severe lack of affordable housing.

Summary

The proposed Missing Middle Housing Regulations included in the overall HAP 2.0 proposal provides a step towards addressing the City’s goals for providing opportunities for homes and reducing greenhouse gas emissions. A majority of San Diego’s residential land is zoned to allow for only single homes, which can contribute towards increasing housing costs and reduce the ability to provide additional missing middle housing in transit rich areas.

At the request of the Planning Commission, the City Planning Department has provided additional options for the Planning Commission to consider. While the City Planning Department has provided minor code revisions to the other proposals in HAP 2.0 (refer to Attachment 1), the City Planning Department has prepared the options described in this memorandum for the Planning Commission to consider as potential revisions to the proposed Missing Middle Housing regulations.

Sincerely,


Tait Galloway
Deputy Director

Attachments:

1. Revised Draft HAP 2.0 Code Amendments
2. Draft Missing Middle Homes Proposal Applicable Areas Map
3. Draft Option 1 Existing Major Transit Stops Applicable Areas Map
4. Draft Option 2 Existing Major Transit Stops and HQBC Stops Applicable Areas Map
5. Draft Option 3 Existing and Planned Major Transit Stops Applicable Areas Map

cc: Casey Smith, Deputy Chief Operating Officer, Office of the Chief Operating Officer
Chris Avila-Ackerman, Policy Advisor, Office of the Mayor
Heidi Vonblum, Director, City Planning Department
Elyse Lowe, Director, Development Services Department
Keely Halsey, Assistant Director, Development Services Department
Seth Litchney, Program Manager, City Planning Department
Jeffrey Ryan, Development Project Manager, City Planning Department
Corrine Neuffer, Chief Deputy City Attorney, Office of the City Attorney
Lauren Hendrickson, Deputy City Attorney, Office of the City Attorney

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 113.0103; AMENDING CHAPTER 12, ARTICLE 7, DIVISION 1 BY AMENDING SECTION 127.0108, ADDING SECTION 127.0112; AMENDING CHAPTER 12, ARTICLE 2, DIVISION 2 BY AMENDING SECTION 129.0211; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTIONS 131.0420, 131.0422, AND 131.0449; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5 BY AMENDING SECTION 131.0522; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 7 BY AMENDING SECTION 131.0707; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 4 BY RETITLING AND AMENDING SECTIONS 141.0302 AND 141.0305 AND ADDING 141.0319; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 5 BY AMENDING SECTIONS 142.0501, 142.0505, 142.0520, 142.0525, AND 142.0528; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 5 BY RETITLING AND AMENDING SECTIONS 142.0530 AND 142.0531; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 6 BY AMENDING SECTION 142.0640; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 13 BY AMENDING SECTION 142.1304; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 7 BY AMENDING SECTIONS 143.1720, 143.0740, 143.0745, 143.0746, AND 143.0747; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 8 BY AMENDING SECTIONS 143.0810, 143.0815, 143.0820, 143.0830, 143.0840, 143.0850, AND 143.0860; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 10 BY AMENDING SECTIONS 143.1005, 143.1010, 143.1015, AND 143.1025; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 12 BY AMENDING SECTIONS 143.1201 AND 143.1203, REPEALING SECTION 143.1205, AND AMENDING SECTIONS 143.1207, AND 143.1212; AMENDING CHAPTER 14 BY ADDING ARTICLE 3,

DIVISION 15 AND ADDING SECTIONS 143.1501, 143. 1505, 143.1510, 143.1515, 143.1520, AND 143.1525; AND AMENDING CHAPTER 14, ARTICLE 4, DIVISION 5 BY AMENDING SECTION 144.0505, ALL RELATING TO THE HOMES FOR ALL OF US: HOUSING ACTION PACKAGE 2.0 CODE UPDATE.

§113.0103 Definitions

Abutting property through Net building area through Parking space, off-street

(See off-street parking space)

[No change in text.]

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

Parkway through Yard [No change in text.]

§127.0108 Abandonment of Previously Conforming Uses

- (a) If a *previously conforming* use is discontinued for a period of less than two consecutive years, excepting uses and premises subject to Section 127.0112, operations may be resumed, or changed to another use in the same category in accordance with Section 127.0107.
- (b) If a *previously conforming* use has been discontinued for a period of two or more consecutive years, excepting uses and premises subject to Section

127.0112, resumption of the use requires a Neighborhood Use Permit.

Discontinuance of the use for a period of two or more consecutive years creates a presumption in favor of abandonment, against which the owner or person asserting the *previously conforming* status may offer evidence sufficient to satisfy the City Manager that one or more of the following has occurred:

- (1) The discontinuance is in accordance with Section 127.0108(d); or
- (2) An active Neighborhood Use Permit approves or conditionally approves resumption of the *previously conforming* use.

(c) A *previously conforming* use that is brought into conformance is no longer *previously conforming* and shall not resume operations or revert to a *previously conforming* status. A *previously conforming* use can maintain *previously conforming* status, excepting uses and premises subject to Section 127.0112, during construction in accordance with Section 127.0108(d) without being considered to have been abandoned.

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

§127.0112 **Replacing Harmful Previously Conforming Uses**

The purpose of this section is to address discontinued harmful land uses near residential uses. Certain existing *previously conforming* uses, such as wrecking and dismantling of motor vehicles, and storage and material scrap yards, are in areas that have been rezoned to allow for residential and mixed-use *development*. These uses can cause adverse impacts and reduce the quality of life in neighborhoods with residential uses. The intent of this section is to disallow harmful uses to continue near residential uses and to encourage land uses that are complies with the applicable *land use plan*.

- (a) The following *previously conforming* uses, when located within 50 feet to residential areas **as of January 1, 2024**, are considered harmful uses: Junk Yards, Wrecking and Dismantling of Motor Vehicles, Very Heavy Industrial Uses, and the following types of Recycling Facilities: Large Collection Facilities, Large Construction and Demolition Debris Recycling Facility, Large Processing Facility Accepting at least 98% of Total Annual Weight of Recyclables from Commercial and Industrial Traffic, Large Processing Facility Accepting All Types of Traffic, and Tire Processing Facilities.
- (b) The following requirements apply to *previously conforming* uses that are considered harmful uses and are located within the *San Diego Promise Zone*:

- (1) If a *previously conforming* use has been discontinued for 30 or more consecutive days, the use is no longer permitted to operate on the *premises*, and operations may not be resumed or changed to another use in the same category, except when temporarily discontinued due to repairs.
- (2) The *previously conforming* use will cease to be permitted to operate 15 years after notice by certified mail to the *record owner* and tenant(s) by the City of San Diego.

§129.0211 Closing of Building Permit Application

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

(d) If an extension of time for the Building Permit application has been previously approved in accordance with Section 129.0211(c), the Building Official may extend the time for the Building Permit application one additional time, for a period not exceeding 180 days if the Building Officials finds the following:

- (1) There has not been a significant change in the regulations applicable to the site since the Building Permit was issued;
- (2) The additional extension is in the public interest; and
- (3) Circumstances beyond the control of the *applicant* prevented the authorized work from proceeding.

§131.0420 Use Regulations of Residential Zones

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

(a) The uses permitted in any residential zone may be further limited or expanded by the following:

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

(4) Chapter 14, Article 3, Division 13 (Multi-Dwelling Unit and Urban Lot Split Regulations for Single Family Zones);

(5) Chapter 14, Article 3, Division 15 (Missing Middle Housing Regulations);

(4-6) Any other applicable provision of the San Diego Municipal Code.

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

§131.0422 Use Regulations Table for Residential Zones

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

Legend for Table 131-04B

[No change in text.]

Table 131-04B

Use Regulations Table for Residential Zones

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones												
	1st & 2nd >>	RM-												
	3rd >>	1-			2-			3-			4-		5-	
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12	
Open Space through Separately Regulated Residential Uses, Employee Housing: Greater than 12 Employees [No change in text.]	[No change in text.]													
Fraternalities, <u>and</u> Sororities <u>and</u> Student Dormitories Student Housing	C ⁽¹¹⁾	C ⁽¹¹⁾	C ⁽¹¹⁾	C ⁽¹¹⁾	C ⁽¹¹⁾	C ⁽¹¹⁾	C ⁽¹¹⁾	C ⁽¹¹⁾	C ⁽¹¹⁾	C ⁽¹¹⁾	C ⁽¹¹⁾	C ⁽¹¹⁾		
Student Housing	L ⁽¹¹⁾	L ⁽¹¹⁾	L ⁽¹¹⁾	L ⁽¹¹⁾	L ⁽¹¹⁾	L ⁽¹¹⁾	L ⁽¹¹⁾	L ⁽¹¹⁾	L ⁽¹¹⁾	L ⁽¹¹⁾	L ⁽¹¹⁾	L ⁽¹¹⁾		
Separately Regulated Residential Uses, Garage, Yard, & Estate Sales through Separately Regulated Residential Uses, Low Barrier Navigation Center [No change in text.]	[No change in text.]													

Footnotes for Table 131-04B

¹ through ¹⁰ [No change in text.]

¹¹ Development of multiple dwelling units permitted in accordance with Sections 141.0305 and 141.0319

§131.0449 Garage Regulations in Residential Zones

(a) [No change in text.]

(b) Garages in RT Zones

- (1) Two *off-street parking spaces* are required, except for residential or commercial development in a transit priority area where all or a portion of the premises is located within a transit priority area. Off-street parking spaces that are provided in a transit priority area are

exempt from the unbundled parking requirement in Section 142.0528(b)(1). An enclosed and detached one-car garage is required except as otherwise provided in this section. The second *off-street parking* may be provided in an enclosed and detached garage or an unenclosed space located consistent with the garage location requirements in Section 131.0449(b)(5).

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

§131.0522 Use Regulations Table for Commercial Zones

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

Legend for Table 131-05B

[No change in text.]

Table 131-05B

Use Regulations Table for Commercial Zones

Use Categories/Subcategories	Zone Designator	Zones																	
		[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	1st & 2nd >>	CN ⁽¹⁾ -					CR-		CO-			CV-		CP-			
	3rd >>	1-					1-	2-	1-	2-	3-	1-	1-						
	4th >>	1	2	3	4	5	6	1	1	1	2	1	2	1	2	3	1	2	1
Open Space through Separately Regulated Residential Uses, Greater than 12 Employees [No change in text.]		[No change in text.]																	
Fraternities and Sororities and Student Dormitories		<u>CL</u> ⁽²⁾					<u>CL</u>	-	<u>CL</u>	-	-	<u>CL</u> ⁽²⁾	-						
<u>Student Housing</u>																			

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

Footnotes for Table 131-05B

[No change in text.]

§131.0707 Use Regulations Table for Mixed-Use Zones

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

Legend for Table 131-07A

[No change in text.]

Table 131-07A

Use Regulations Table for Mixed-Use Zones

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

Footnotes for Table 131-07A

[No change in text.]

§141.0302 Accessory Dwelling Units and Junior Accessory Dwelling Units

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

Process One, indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) [No change in text.]

(b) The following regulations are applicable to both *ADUs* and *JADUs*

(1) [No change in text.]

(2) *Development Regulations*

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

~~(E) — *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 16 feet or less may observe a zero-foot setback at the interior side yard and rear yard.*~~

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

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

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

~~(GH)~~ *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.

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

~~(IJ)~~ *ADUs* and *JADUs* constructed within Areas of Future Sea Level Rise must comply with the regulations in Section 132.0402.

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

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

(1) [No change in text.]

(2) *Development* Regulations for *ADUs*

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

(G) *ADU Bonus for Affordable ADUs.* One additional *ADU* shall be permitted for every *ADU* on the *premises* that is set aside as affordable to *very low income* and *low income* households for a period of not less than 10 years, or as affordable to *moderate income* households for a period of not less than 15 years, guaranteed through a written agreement and a deed of trust securing the agreement, entered into by the *applicant* and the President and Chief Executive Officer of the San Diego Housing Commission.

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

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

Table 141-03A
Qualifying Criteria for Affordable *ADU* Bonus
[No change in text.]

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

(I) ADU 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 structures shall be provided as follows:

(i) One-story ADUs with a structure height 16 feet or less may observe a zero-foot setback at the interior side yard and rear yard.

(ii) One-story ADUs with a structure height that exceeds 16 feet and multi-story ADU structures may observe zero-foot interior side yard and rear

yard setbacks, unless the side or rear property line abuts another premises that is residentially zoned or developed with exclusively residential uses, in which case a 4-foot setback shall apply.

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

(1) [No change in text.]

(2) *Development Regulations*

(A) [No change in text.]

(B) A *JADU* of not less than 150 square feet and not more than 500 square feet is permitted within an existing or proposed *single dwelling unit*, or an attached 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) [No change in text.]

§141.0305 Fraternity Houses and Sorority Houses, ~~and Student Dormitories~~

(a) Fraternity houses, and sorority houses, ~~and student dormitories~~ are facilities that are designed or used as a residence for students that are members of an organized university or college fraternity or sorority and enrolled at an institution of higher learning. Fraternity houses, and 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. Fraternity houses, and sorority houses, ~~and student dormitories~~ may be permitted only in the following locations:

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

(b) If the ~~facility~~ fraternity house or sorority house is not located on a college or university campus, off-street parking shall be provided as follows:

(1) At a rate of 1 parking space for each resident if the fraternity house or sorority house is located outside of a transit priority area, or

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

(c) [No change in text.]

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

(e) [No change in text.]

§141.0319 Student Housing

Student housing are facilities that are specifically designed and used as a

residence for students enrolled at an institution of higher learning, including student dormitories or student apartments. Student housing is permitted as a limited use in the zones indicated with a “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations:

(a) Student housing may be permitted only in the following locations:

(1) Within an area specifically designated for these facilities by the applicable *land use plan*,

(2) When the applicable *land use plan* does not contain a designated area, such facilities may be located within a 1-mile radius of the boundary of a college or university campus, in any zone that permits *multiple dwelling unit development*, or

(3) Within a *sustainable development area*, in any zone that permits *multiple dwelling unit development*.

(b) Automobile and Bicycle Parking regulations

(1) The required automobile *parking spaces* shall be in compliance with Section 142.0525 for a *rooming house* use, unless the *development* is located in a *transit priority area*, in which case, automobile parking shall be provided in accordance with Section 142.0528.

(2) If the student housing facility is located within a 1-mile radius of the boundary of a college or university campus,

the facility can meet the parking requirement through a parking agreement between the college or university with the student housing facility , which allows the student housing facility to use college or university parking facilities; and

- (3) Within a transit priority area, bicycle parking at a rate of 0.5 spaces per bed that are located in enclosed and secure areas.

(c) Occupancy regulations

- (1) Student dormitories, subject to this division, shall be occupied exclusively by undergraduate, graduate, or professional students enrolled full time at an institution of higher education accredited by the Western Association of Schools and Colleges or the Accrediting Commission for Community and Junior Colleges; and

- (2) The enrollment of a student shall be verified by documentation provided by an institution of higher education, as determined by the San Diego Housing Commission.

(d) Onsite management regulations

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

(2) At least one staff member shall be located on the premises 24 hours per day.

(e) Student amenity regulations

(1) A minimum of 10 percent of the structures' ground floor gross floor area shall be dedicated to student amenities, excluding leasing or manager offices, including one or more of the following: gyms, community rooms, shared resources, and facilities such as study rooms or co-study spaces.

(2) Student housing shall include onsite laundry facilities.

§ 142.0501 Purpose of the Parking Regulations

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

bicyclists, and transit users, ~~and~~ by the preservation and enhancement of community character, and to further the City’s housing and climate goals.

§142.0505 When Parking Regulations Apply

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

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

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

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

§142.0520 Single Dwelling Unit Residential Uses — Required Parking Ratios

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

Table 142-05B

**Minimum Required Parking Spaces for
Single Dwelling Units and Related Uses**

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

Footnotes for Table 142-05B [No change in text.]

§142.0525 Multiple Dwelling Unit Residential Uses — Required Parking Ratios

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

Table 142-05C

**Minimum Required Parking Spaces for
Multiple Dwelling Units and Related Accessory Uses**

<i>Multiple Dwelling Unit Type and Related and Accessory Uses</i>	Automobile Spaces Required Per Dwelling Unit (Unless Otherwise Indicated)				Motorcycle Spaces Required Per Dwelling Unit⁽⁹⁾	Bicycle Spaces Required Per Dwelling Unit⁽⁵⁾
	Basic ⁽¹⁾	Transit Area ⁽²⁾	Parking Standards Transit Priority Area Transit Priority Area ⁽⁹⁾	Parking Impact⁽⁴⁾		
Studio up to 400 square feet through <i>Condominium conversion</i>⁽⁸⁾ 1 bedroom or studio over 400 Square feet, 2 bedrooms, 3 + bedrooms [No change in text.]	[No change in text.]					
Rooming house	[No change in text.]		0.75 per tenant <u>0</u>	1.75	N/A	N/A ¹⁰
Residential care facility (6 or fewer persons)	[No change in text.]		1 per 4 beds or per permit <u>0</u>		[No change in text.]	
Small lot subdivision in accordance with Section 143.0365	[No change in text.]					
Studio up to 400 square feet	[No change in text.]		1.0 <u>0</u>		[No change in text.]	
1 bedroom or studio over 400 square feet	[No change in text.]		1.25 <u>0</u>		[No change in text.]	
2+ bedrooms	[No change in text.]		1.75 <u>0</u>		[No change in text.]	
Transitional Housing Facilities (6 or fewer persons) through <i>Permanent Supportive Housing</i> [No change in text.]	[No change in text.]					
Continuing Care Retirement Communities						
<i>Dwelling units</i>	[No change in text.]		0.75 <u>0</u>		[No change in text.]	
Convalescent and memory care rooms	[No change in text.]		1.0 per 3 beds <u>0</u>		[No change in text.]	
Employees	[No change in text.]		0.75 per peak Shift <u>0</u>		[No change in text.]	
Accessory uses (spaces per square feet⁽⁷⁾)	[No change in text.]		Retail Sales: 2.5 per 1,000 <u>0</u> Eating and Drinking Estb.: 5 per 1,000 <u>0</u>		[No change in text.]	

Footnotes for Table 142-05C

¹ Basic. The basic parking ratio applies to *development* that does not qualify for a reduced parking requirement (in accordance with the *transit area* or ~~Parking Standards Transit Priority Area~~ *transit priority area* parking ratio or the *very low income* parking ratio), or for an increased parking requirement in accordance with the Parking Impact Area as described in Chapter 13, Article 2, Division 8 (Parking Impact Overlay Zone). *Development* qualifying for both a reduced parking ratio (*transit area* or *very low-income* parking ratio) and an increased parking ratio (Parking Impact Area) shall also use the basic parking ratio.

² through ³ [No change in text.]

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

⁵ Bicycle. -Bicycle racks are not required for a ~~dwelling unit~~ *dwelling unit* with a garage accessible only by residents of the *dwelling unit*.

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

⁷ through ⁸ [No change in text.]

⁹ ~~Parking Standards Transit Priority Area~~. The ~~Parking Standards Transit Priority Area~~ *transit priority area* parking ratio applies to *development* where all or a portion of the *premises* is located within a ~~Parking Standards Transit Priority Area~~ *transit priority area* as described in Section 142.0528 and supersedes any other applicable parking ratio.

¹⁰ Student Housing facilities located within a *transit priority area* are required to provide bicycle parking rate at a rate of 0.5 spaces per bed that are located in enclosed and secure areas.

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

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

The ~~Parking Standards Transit Priority Area~~ Transit Priority Area Regulations establish the parking requirements for *multiple dwelling unit* residential *development* where all or a portion of the *premises* is located within a ~~Parking Standards Transit Priority Area~~ *transit priority area*. For purposes of this section, ~~Parking Standards Transit Priority Area~~ means the area defined in California Public Resources Code Section 21099, as may be amended, or an area within one-

half mile of a *major transit stop* that is existing or planned, if the planned *major transit stop* is scheduled to be completed within the San Diego Association of Governments (SANDAG) Regional Transportation Improvement Program (RTIP). The RTIP covers five fiscal years and incrementally implements the long-range Regional Transportation Plan for the San Diego region. *Multiple dwelling unit residential development* that involves four or fewer *dwelling units*, or that includes at least 20 percent on-site housing that is affordable to persons with a household income equal to or less than 50 percent of the area median income as determined in accordance with California Health and Safety Code section 50093 and is subject to an affordability restriction for a minimum of 55 years, or *multiple dwelling unit residential development where the off-street parking spaces are provided in garages that are attached to and directly accessible from the dwelling unit*, is exempt from the *unbundled parking* requirement in subsection 142.0528(b)(1). Reasonable accommodations to parking requirements shall be granted if necessary to afford people with disabilities equal housing opportunities under state or federal law, in accordance with Section 131.0466. *Multiple dwelling unit residential development* in the Centre City and Gaslamp Planned Districts is exempt from the transportation amenity requirement in subsection 142.0528(c).

(a) Parking Requirements. ~~*Off-street parking spaces are not required.*~~

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

(b) [No change in text.]

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

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

§142.0530 Nonresidential Uses — Parking Ratios

- (a) Retail Sales, Commercial Services, and Mixed-Use Development. Table 142-05E establishes the ratio of required parking spaces to building *floor* area in the commercial zones, industrial zones, mixed-use zones, and planned districts shown, for retail sales uses and for those commercial service uses that are not covered by Table 142-05F or 142-05G. Table 142-05E also establishes the required parking ratios for mixed-use developments in a single *structure* that include an allowed use from at least two of the following use categories: (1) retail sales, (2) commercial services, and (3) offices.

Table 142-05E

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

Zone	Parking Spaces Required per 1,000 Square Feet of <i>Floor Area</i> Unless Otherwise Noted (<i>Floor Area</i> Includes <i>Gross Floor Area</i> plus <i>Below Grade Floor Area</i> and Excludes <i>Floor Area</i> Devoted to Parking)			
	Required Automobile Parking Spaces⁽¹⁾			
	Minimum Required Outside a <i>Transit Area</i> -or <i>Parking Standards-Transit Priority Area</i>	Minimum Required Within a <i>Parking Standards-Transit Priority Area</i>⁽⁶⁾	Minimum Required Within a <i>Transit Area</i>⁽²⁾	Maximum Permitted
Commercial Zones				
Commercial Zones, CC-1-2, CC-2-2, CC-4-2, CC-5-2 through Mixed-Use Zones, EMX-3 [No change in text.]	[No change in text.]			
Planned Districts				
Barrie Logan: Subdistrict B	1.0 ⁽⁴⁾	0	1.0 ⁽⁴⁾	5.5

Zone	Parking Spaces Required per 1,000 Square Feet of <i>Floor Area</i> Unless Otherwise Noted (<i>Floor Area</i> Includes <i>Gross Floor Area</i> plus <i>Below Grade Floor Area</i> and Excludes <i>Floor Area</i> Devoted to Parking)			
	Required Automobile Parking Spaces ⁽¹⁾			
	Minimum Required Outside a <i>Transit Area</i> -or <i>Parking Standards-Transit Priority Area</i>	Minimum Required Within a <i>Parking Standards-Transit Priority Area</i> ⁽⁶⁾	Minimum Required Within a <i>Transit Area</i> ⁽²⁾	Maximum Permitted
Barrio Logan: Except Subdistrict B	2.5	0	2.1	6.5
Planned Districts, Carmel Valley through Planned Districts, La Jolla Shores [No change in text.]	5.0	0	4.3	6.5
Mid-City: CN 3 and CV 3	1.25	0	1.25	5.5
Mid-City: Except CN 3, CV 3	2.5	0	2.1	6.5
Mount Hope	3.3	0	2.8	6.5
Mission Valley: CV	2.5	0	2.1	6.5
Mission Valley: Except CV	5.0	0	4.3	6.5

Zone	Parking Spaces Required per 1,000 Square Feet of <i>Floor Area</i> Unless Otherwise Noted (<i>Floor Area</i> Includes <i>Gross Floor Area</i> plus Below <i>Grade Floor Area</i> and Excludes <i>Floor Area</i> Devoted to Parking)			
	Required Automobile Parking Spaces ⁽¹⁾			
	Minimum Required Outside a <i>Transit Area</i> -or- <i>Parking Standards-Transit Priority Area</i>	Minimum Required Within a <i>Parking Standards-Transit Priority Area</i> ⁽⁶⁾	Minimum Required Within a <i>Transit Area</i> ⁽²⁾	Maximum Permitted
Planned Districts, Old Town [No change in text.]	[No change in text.]			
West Lewis Street	1.0 ⁽⁴⁾	0	1.0 ⁽⁴⁾	5.5

Footnotes for Table 142-05E

¹ through ⁵ [No change in text.]

⁶ The ~~*parking standards transit priority area*~~ parking ratio ~~apply~~ applies to *development* where all or a portion of the premises is located within a ~~*parking standards transit priority area*~~ as ~~described in Section 142.0534~~ and supersedes any other applicable parking ratio. Vehicle Miles Travelled Reduction Measures are applicable as described in Section 143.1103(b)(1).

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

Table 142-05F
Parking Ratios for Eating and Drinking Establishments

Zone	Parking Spaces Required per 1,000 Square Feet of Eating and Drinking Establishment ⁽¹⁾ <i>Floor Area Unless Otherwise Noted (Floor Area Includes Gross Floor Area plus Below Grade Floor Area and Excludes Floor Area Devoted to Parking)</i>			
	Required Automobile Parking Spaces ⁽²⁾			
	Minimum Required Outside a Transit Area or Parking Standards-Transit Priority Area	Minimum Required Within a Parking Standards-Transit Priority Area ⁽⁶⁾	Minimum Required Within a Transit Area ⁽³⁾	Maximum Permitted
Commercial Zones, CC-1-1, CC-2-1, CC-4-1, CC-5-1 through Mixed-Use Zones, EMX-3 [No change in text.]				
Industrial Zones				
IH-1-1 IH-2-1	15.0	12.8 0	12.8	25.0
IL-1-1 IL-2-1	15.0	12.8 0	12.8	25.0
Industrial Zones, IL-3-1 through Industrial Zones, IBT-1-1	[No change in text.]			
Planned Districts				
Barrio Logan: Subdistrict B	1.0 ⁽⁵⁾	0	1.0 ⁽⁵⁾	20.0
Barrio Logan: Except Subdistrict B	2.5	0	2.1	20.0
Planned Districts, Carmel Valley through Planned Districts, La Jolla Shores [No change in text.]	[No change in text.]			

Zone	Parking Spaces Required per 1,000 Square Feet of Eating and Drinking Establishment ⁽¹⁾ <i>Floor Area Unless Otherwise Noted (Floor Area Includes Gross Floor Area plus Below Grade Floor Area and Excludes Floor Area Devoted to Parking)</i>			
	Required Automobile Parking Spaces ⁽²⁾			
	Minimum Required Outside a <i>Transit Area</i> or <i>Parking Standards-Transit Priority Area</i>	Minimum Required Within a <i>Parking Standards-Transit Priority Area</i> ⁽⁶⁾	Minimum Required Within a <i>Transit Area</i> ⁽³⁾	Maximum Permitted
Mid-City: CN 3 and CV 3	1.25	0	1.25	20.0
Mid-City: Except CN 3, CV 3	2.5	0	2.1	25.0
Mount Hope	3.3	0	2.8	25.0
Mission Valley: CV	5.0	0	4.3	25.0
Mission Valley: Except CV	15.0	0	12.8	25.0
Planned Districts, Old Town [No change in text.]	[No change in text.]			
West Lewis Street	1.0 ⁽⁵⁾	0	1.0 ⁽⁵⁾	20.0

Footnotes for Table 142-05F

- ¹ Eating and Drinking Establishments. The minimum parking ratios apply to eating and drinking establishments that do not have a common parking area with any other uses. There is no minimum parking requirement or maximum permitted parking for outdoor dining. ~~Within Transit Priority Areas, minimum required parking can be replaced by a placemaking project if a Temporary Use Permit is obtained in accordance with Section 123.0402.~~ Within the CN, CO and CV Zones, minimum parking required can also be replaced with bicycle parking at a ratio of 2 bicycle parking spaces provided for every required vehicle parking space. Within the Coastal Overlay Zone, outdoor dining areas such as decks, patios, terraces, etc., are considered part of the eating and drinking establishment's *gross floor area* and are included in calculating parking requirements.

² through ⁵ [No change in text.]

⁶ The ~~parking standards-transit priority area~~ parking ratio ~~apply~~ applies to development where all or a portion of the premises is located within a ~~parking standards-transit priority area~~ as described in Section 142.0531 and supersedes any other applicable parking ratio. Vehicle Miles Travelled Reduction Measures are applicable as described in Section 143.1103(b)(1).

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

Table 142-05G

Parking Ratios for Specified Non-Residential Uses

Use	Parking Spaces Required per 1,000 Square Feet of <i>Floor Area</i> Unless Otherwise Noted (<i>Floor Area</i> Includes <i>Gross Floor Area</i> plus below <i>Grade Floor Area</i> , and Excludes <i>Floor Area</i> Devoted to Parking)			
	Required Automobile Parking Spaces ⁽¹⁾			
	Minimum Required Outside a Transit Area or Parking Standards-Transit Priority Area	Minimum Required Within a Parking Standards-Transit Priority Area ⁽⁸⁾	Minimum Required Within a <i>Transit Area</i> ⁽²⁾	Maximum Permitted
Institutional				
Separately Regulated Uses				
Botanical Gardens and Arboretums	[No change in text.]			
Educational facilities:				
Kindergarten through grade 9	2.0 per classroom if no assembly area or 30 per 1,000 square feet assembly area	85% of Minimum 0	85% of Minimum	N/A
Grade 10 through grade 12	1 per 5 students at maximum occupancy	85% of Minimum 0	85% of Minimum	N/A

Use	Parking Spaces Required per 1,000 Square Feet of <i>Floor Area</i> Unless Otherwise Noted (<i>Floor Area</i> Includes <i>Gross Floor Area</i> plus below <i>Grade Floor Area</i> , and Excludes <i>Floor Area</i> Devoted to Parking)			
	Required Automobile Parking Spaces ⁽¹⁾			
	Minimum Required Outside a <i>Transit Area</i> or <i>Parking Standards-Transit Priority Area</i>	Minimum Required Within a <i>Parking Standards-Transit Priority Area</i> ⁽⁸⁾	Minimum Required Within a <i>Transit Area</i> ⁽²⁾	Maximum Permitted
Vocational/trade schools	1 per student at maximum occupancy	85% of Minimum <u>0</u>	85% of Minimum	N/A
Exhibit Halls & Convention Facilities	1 per 3 seats; 30.0 if no fixed seats	85% of Minimum <u>0</u>	85% of Minimum	N/A
Hospitals	2 per bed	85% of Minimum <u>0</u>	85% of Minimum	N/A
Intermediate care facilities and nursing facilities	1 per 3 beds	85% of Minimum <u>0</u>	85% of Minimum	N/A
Interpretive Centers	3.3	2.8 <u>0</u>	2.8	N/A
Museums	3.3	2.8 <u>0</u>	2.8	N/A
Radio & Television Broadcasting	3.3	2.9 <u>0</u>	2.9	5.0
Retail Sales: See Table 142-05E [No change in text.]				
Commercial Services				
Eating & Drinking Establishments	[No change in text.]			
Public assembly & entertainment , Theaters through Swimming pools [No change in text.]				
All other assembly and entertainment	1 per 3 seats or 1 per 60 inches of bench or pew seating, whichever is greater; or 30 per 1,000 square feet of assembly area if seating is not fixed	85% of Minimum <u>0</u>	85% of Minimum ⁽⁷⁾	N/A
Visitor accommodations	[No change in text.]			
Separately Regulated Uses				

Use	Parking Spaces Required per 1,000 Square Feet of <i>Floor Area</i> Unless Otherwise Noted (<i>Floor Area</i> Includes <i>Gross Floor Area</i> plus below <i>Grade Floor Area</i> , and Excludes <i>Floor Area</i> Devoted to Parking)			
	Required Automobile Parking Spaces ⁽¹⁾			
	Minimum Required Outside a <i>Transit Area</i> or <i>Parking Standards-Transit Priority Area</i>	Minimum Required Within a <i>Parking Standards-Transit Priority Area</i> ⁽⁸⁾	Minimum Required Within a <i>Transit Area</i> ⁽²⁾	Maximum Permitted
Child Care Centers	1 per staff	85% of Minimum <u>0</u>	85% of Minimum	N/A
Funeral parlors & Mortuaries	1 per 3 seats; 30.0 for assembly area if no fixed seats	85% of Minimum <u>0</u>	85% of minimum	N/A
Private clubs, lodges, fraternal organizations (except fraternities and sororities) through Single room occupancy hotels (For <i>SRO Hotels</i> that meet the criteria for affordable housing <i>dwelling units</i> stated in Section 142.0527, see Section 142.0527 for parking requirements) [No change in text.]	[No change in text.]			
Veterinary clinics & hospitals	2.5	2.1 <u>0</u>	2.1	N/A
Offices⁽⁴⁾				
Business & professional/ Government/ Regional & corporate headquarters (except in IS Zone) through All office uses in the IS Zone [No change in text.]	[No change in text.]			
Vehicle & Vehicular Equipment Sales & Service				
Automobile service stations	2 per Station; with Maintenance Facility, 3 per Station Plus 1 per Service Bay	85% of Minimum <u>0</u>	85% of Minimum	N/A

Use	Parking Spaces Required per 1,000 Square Feet of Floor Area Unless Otherwise Noted (Floor Area Includes Gross Floor Area plus below Grade Floor Area, and Excludes Floor Area Devoted to Parking)			
	Required Automobile Parking Spaces ⁽¹⁾			
	Minimum Required Outside a Transit Area or Parking Standards Transit Priority Area	Minimum Required Within a Parking Standards Transit Priority Area ⁽⁸⁾	Minimum Required Within a Transit Area ⁽²⁾	Maximum Permitted
	Retail Sales: 3.0			
Vehicle repair & maintenance	5.0	4.3 <u>0</u>	4.3	N/A
Vehicle sales & rentals	1 per each 10 display cars	85% of Minimum <u>0</u>	85% of Minimum	N/A
Distribution and Storage⁽⁴⁾				
All distribution and storage uses through Self Storage Facilities [No change in text.]	[No change in text.]			
Industrial				
Heavy Manufacturing (except in IS Zone)	1.5 ⁽⁶⁾	1.5 <u>0</u> ⁽⁶⁾	1.5 ⁽⁶⁾	4.0
Light manufacturing (except in IS Zone)	2.5 ⁽⁶⁾	2.1 <u>0</u> ⁽⁶⁾	2.1 ⁽⁶⁾	4.0
Research & development (except in IS Zone) through All industrial uses in the IS Zone [No change in text.]	[No change in text.]			

Footnotes for Table 142-05G

¹ through ⁷ [No change in text.]

⁸ The ~~parking standards transit priority area~~ parking ratio ~~apply~~ applies to development where all or a portion of the premises is located within a ~~parking standards transit priority area as described in Section 142.0531~~ and supersedes any other applicable parking ratio. Vehicle Miles Travelled Reduction Measures are applicable as described in Section 143.1103(b)(1).

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

§142.0531 ~~Parking Standards Transit Priority Area Regulations for Non-Residential Uses~~

- (a) Table 142-05E establishes the ratio of required parking spaces to building *floor* area within a ~~*parking standards transit priority area*~~ in the commercial zones, industrial zones, mixed-use zones, and planned districts shown.
- (b) [No change in text.]
- (c) Where no *off-street parking spaces* are provided on a *premises* in a ~~*parking standards transit priority area*~~:
 - (1) through (2) [No change in text.]
- (d) Where *off-street parking spaces* are provided on a *premises* in a ~~*parking standards transit priority area*~~, a *premises* with 11 to 25 *off-street parking spaces* must provide at least 2 accessible *off-street parking spaces*. A *premises* with greater than 25 *off-street parking spaces* shall be subject to the requirements in the California Building Standards Code.

§142.0640 Development Impact Fees for Public Facilities and Spaces

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

Development Impact Fees (as defined in California Government Code Section 66000) for applicable *development* shall be paid prior to requesting a final inspection. A final inspection shall not occur until the applicable DIFs are paid in areas where DIFs have been established by City Council resolution or ordinance. Notwithstanding the above, the City

Manager may also require the payment of DIFs for development that would increase demand for public facilities and/or result in the need for new public facilities. DIFs shall not be required for inclusionary dwelling units provided pursuant to Chapter 14, Article 2, Division 13 if the applicant has satisfied all the requirements of Division 13 for inclusionary dwelling units on the same premises as the market-rate dwelling units. The DIF amount due shall be based upon the DIF schedule in effect when the *development* application was submitted, or the DIF schedule in effect when the fees are paid, whichever amount is lower, plus an automatic increase consistent with Section 142.0640(c), if applicable.

Exemptions:

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

(4) For *development* utilizing the Complete Communities: Housing Solutions Regulations in Chapter 14, Article 3, Division 10, all covenant-restricted affordable *dwelling units* and *dwelling units* that contain at least three bedrooms ~~do not exceed 500 square feet~~ are exempt from DIFs.

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

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

**Table 142-06A
Scaled Development Impact Fee Rate for Specific Residential Development**

[No change in text.]

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

development's parks standards shall be subject to a proportionate share credit of the DIF for the Citywide Park DIF where the requirements set forth in San Diego Resolution R-313688 have been satisfied. To be eligible for any exemption under this subsection, the following additional requirements shall apply:

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

~~(409)~~ Interim residential *development* that obtains a Building Permit in accordance with Section 141.0309 shall be required to pay one-third of the applicable residential DIF. At the end of 10 years from issuance of the Neighborhood Use Permit, if the interim residential use and associated Neighborhood Use Permit is extended beyond the initial term, the remaining two-thirds of the applicable residential DIF in effect at the time of the granting of the initial Building Permit shall be paid.

(10) For *development* utilizing the Missing Middle Housing Regulations in Chapter 14, Article 3, Division 15, all *dwelling units* are subject to the payment of DIF at the rate for *multiple dwelling units*.

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

§142.1304 Inclusionary Affordable Housing Requirements

From July 1, 2020 through June 30, 2024, the requirements of Subsections (a) and (b) of this Section 142.1304 shall be implemented incrementally as set forth in the

Inclusionary Affordable Housing Implementation and Monitoring Procedures Manual on file with the San Diego Housing Commission (Procedures Manual). Effective July 1, 2024, all residential *development* subject to this Division shall include inclusionary *dwelling units* as follows:

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

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

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

(3) Sale or lease of the inclusionary *dwelling units* shall follow the marketing requirements and procedures in the Procedures Manual.

Very low income, low income and moderate income households

located in an area identified as a Low Resource or High

Segregation and Poverty Resource California Tax Credit

Allocation Committee (CTCAC) Opportunity Area when the

development application is deemed complete, shall receive priority

preference for new covenant-restricted dwelling units created

under this Section.

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

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

§143.0720 Density Bonus in Exchange for Affordable Housing Units

(b) If the facility is not located on a college or university, off-street parking

shall be provided as follows:

- (1) At a rate of one 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*.

§143.0720 Density Bonus in Exchange for Affordable Housing Units

- (a) through (f) [No change in text.]
- (g) A *lower income student's* housing *density* bonus agreement shall utilize the following qualifying criteria:
 - (1) At least ~~20~~ 10 percent of the pre-*density* bonus units in the *development* shall be affordable to *lower income students* at a rent that does not exceed 30 percent of 65 percent of the area median income for a single-room occupancy unit type.
 - (A) through (B) [No change in text]
 - (2) All units in the student housing *development* shall be used exclusively for undergraduate, graduate, or professional students enrolled full time at an institution of higher education

accredited by the Western Association of Schools and Colleges or the Accrediting Commission for Community and Junior Colleges. ~~The applicant shall, as a condition of receiving a certificate of occupancy, provide evidence to the satisfaction of the City Manager that the applicant has entered into an operating agreement or master lease with one or more institutions of higher education for the institution or institutions to occupy all units of the student housing development with students from that institution or institutions.~~

(3) [No change in text]

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

~~(4)~~(5) Rental units shall remain available as affordable units for a period of 55 years or longer, as may be required by other laws or covenants.

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

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

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

(6) For development meeting the criteria for lower income students, the density bonus and incentives shall be 35 percent of the total pre-

~~density bonus units, calculated in accordance with Section 143.0720(g)(1)(B) in accordance with Table 143-07B.~~

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

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

(o) A residential or mixed-use development consistent with all base zone requirements may receive a 0.5 floor area ratio bonus that may be combined with programs and incentives in this Section if the development is located on a premise that is:

(1) Located in a sustainable development area; and

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

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

(p) Very low income, low income and moderate income households located in an area identified as a Low Resource or High Segregation and Poverty Resource California Tax Credit Allocation Committee (CTCAC) Opportunity Area when the development application is deemed complete shall receive priority preference for new covenant-restricted dwelling units created under this Section.

§143.0740 Incentives in Exchange for Affordable Housing Dwelling Units

An applicant proposing density bonus shall be entitled to incentives as described in this Division for any development for which a written agreement and a deed of trust securing the agreement is entered into by the applicant and the President and

Chief Executive Officer of the San Diego Housing Commission. The City shall process an incentive requested by an *applicant* as set forth in this section.

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

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

Table 143-07A

[No change in text.]

Table 143-07B

[No change in text.]

Table 143-07C

[No change in text.]

§143.0745 Locating Required Affordable Dwelling Units Off-site

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

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

(f) Off-site affordable *dwelling units* may be located in an existing *structure(s)*, provided the *applicant* provides evidence that the existing *structure* has a remaining useful life of at least 55 years from the issuance of a Certificate of Occupancy pursuant to Section 143.0745(f)(2)(B) and complies with current Building Code standards, to the satisfaction of the City Manager. Off-site affordable *dwelling units* that are occupied at the time the application is *deemed complete* shall comply with the State

Relocation Act pursuant to Government Code Section 7260 or the Residential Tenant Protection Regulations in accordance with Chapter 9, Article 8, Division 7, whichever is greater.

(g) [No change in text.]

§143.0746 Affordable Housing in All Communities

(a) Affordable housing uses not otherwise allowed in High or Highest Resource California Tax Credit Allocation Committee (CTCAC) Areas. Affordable housing may be permitted in High or Highest Resource CTCAC Areas in accordance with Process One on a *premises* located within a non-residential base zone that does not otherwise allow *multiple dwelling unit development*, subject to all of the following:

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

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

(C) Transitional housing; ~~or~~

(D) An emergency shelter; or

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

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

(A) [No change in text.]

(B) An area identified as a High or Highest Resource CTCAC

Opportunity Area when the *development* application is

deemed complete;

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

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

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

(1) [No change in text.]

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

(A) [No change in text.]

(B) *Multiple dwelling unit development for use by public agency employees to be constructed by or through a contract with a public agency;*

(C) *Multiple dwelling unit development for use by active or retired military personnel or veterans, to be constructed by or through a contract with the federal government;*

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

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

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

- (DG) An emergency shelter.
- (3) The *premises* is located:
- (A) [No change in text.]
- (B) Outside of an area ~~identified as~~ designated for Industrial, Park, or Open Space in a *land use plan*.
- (4) The residential *density* maximums for development shall be determined for the applicable portion of the *premises* as follows: not apply.
- (A) ~~Within Mobility Zone 1, (the Downtown Community Planning Area), the *density* and *floor area ratio* shall be unlimited.~~
- (B) ~~Within an area as defined in Section 143.1103(a)(2) as Mobility Zone 2, *density* shall be limited by a maximum *floor area ratio* of 6.5.~~
- (C) ~~Within an area as defined in Section 143.1103(a)(3) as Mobility Zone 3, *density* shall be limited by a maximum *floor area ratio* of 4.0.~~
- ~~(5) Residential *development* shall comply with the *development* regulations of the RM-2-5 zone with the exception of *density*, *floor area ratio*, *lot area*, and *lot* dimensions which shall comply with the base zone.~~

(5) The residential maximum *floor area ratio* shall be determined by the Mobility Zone as defined in Section 143.1103 and the percentage of *very low income, low income and moderate income dwelling units* provided as identified in Table 143-07E.

(A) Where a *premises* is located in two or more Mobility Zones, the entire *premises* shall be subject to the regulations applicable to the Mobility Zone with the greatest *floor area ratio* bonus.

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

Table 143-07E

Maximum Floor Area Ratios by Mobility Zone

<u>Mobility Zone¹</u>	<u>Affordability Level</u>	<u>Percent Affordable <i>Dwelling Units</i> After Applied Bonus</u>		
		<u>25-34%</u>	<u>35-49%</u>	<u>50-100%</u>
<u>1²</u>	<u><i>Very Low Income, Low Income, and Moderate Income</i></u>	<u>Unlimited</u>	<u>Unlimited</u>	<u>Unlimited</u>
<u>2</u>	<u><i>Very Low Income or Low Income</i>³</u>	<u>6.0</u>	<u>7.0 FAR</u>	<u>8.0 FAR</u>

	<u>Moderate Income⁴</u>	<u>5.0 FAR</u>	<u>6.0 FAR</u>	<u>7.0 FAR</u>
<u>3</u>	<u>Very Low Income or Low Income³</u>	<u>4.0 FAR</u>	<u>5.0 FAR</u>	<u>6.0 FAR</u>
	<u>Moderate Income⁴</u>	<u>3.0 FAR</u>	<u>4.0 FAR</u>	<u>5.0 FAR</u>

Footnotes for Table 143-07E

¹ Mobility Zones as defined in Section 143.1103.

² Within Mobility Zone 1, there shall be no maximum floor area ratio.

³ For base zones that have a maximum floor area ratio equal or greater than the floor area ratio specified in Table 143-07E, the development shall receive an additional floor area ratio bonus of 3.0 for very low income and low income dwelling units.

⁴ For base zones that have a maximum floor area ratio equal or greater than the floor area ratio specified in Table 143-07E, the development shall receive an additional floor area ratio bonus of 1.5 for moderate income dwelling units.

(6) Residential development shall comply with the following

development regulations:

(A) Within Mobility Zone 1, residential development shall comply with the underlying base zone, with the exception of the floor area ratio.

(B) Within Mobility Zones 2 and 3 and 4 residential development shall comply with the development regulations of the RM-2-5 zone with the exception of density, floor area ratio maximums, lot area, and lot dimensions.

(7) Development in Mobility Zone 4 shall be required to provide 10 points of VMT Reduction Measures in accordance with the Land Development Manual, Appendix T or the applicant may the Active

Transportation In Lieu Fee referenced in Section 143.1103(e) in lieu of providing the VMT Reduction Measures for the *development*.

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

(8) Development shall comply with the regulations of the Airport Land Use Compatibility Overlay Zone in accordance with Chapter 13, Article 2, Division 15.

(9) Affordable dwelling units within a multiple dwelling unit development shall remain available and affordable for a period of 55 years or longer, as may be required by other laws or covenants

§143.0747 Incentives for Development of a Previously Conforming Use Identified as a Harmful Use

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

(1) If a development application is submitted within 15 years of the date of notification in accordance with Section 127.0112 (b)(2)(A), the development may increase its maximum floor area ratio allowed in the base zone by 0.5. (2) If a development application is deemed complete within 15 years of the date of notification in accordance with Section 127.0112 (b)(2) and includes 50 percent

of its pre-density bonus dwelling units set aside as affordable to very low income, low income, or moderate income households for a period of not less than 55 years guaranteed through a written agreement and a deed of trust securing the agreement, entered into by the applicant and the President and Chief Executive Officer of the San Diego Housing Commission, the development may increase its maximum floor area ratio allowed by the base zone by 1.5. The increased density shall be in addition to any other increase in density allowed in this Division.

§143.0810 Purpose of Coastal Zone Affordable Housing Replacement Regulations

The purpose of these regulations is to preserve existing ~~dwelling units~~ dwelling units within the Coastal Overlay Zone that are occupied by very low income, low income, or moderate income families as defined by Government Code Section 65590(b). These regulations are intended to implement Government Code Section 65590 and the City of San Diego's own pro-housing policies, by providing for replacement housing within the Coastal Overlay Zone.

§143.0815 When Coastal Overlay Zone Affordable Housing Replacement Regulations Apply

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

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

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

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

(c) [No change in text.]

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

This division is not applicable to the following:

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

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

(d) The conversion or demolition of ~~10-4~~ or fewer dwelling units on a *premises* with more than one residential *structure*.

§143.0830 Coastal Overlay Zone Affordable Housing Replacement Requirements

(a) Within the Coastal Overlay Zone, the conversion or demolition of ~~dwelling units~~ dwelling units occupied by households of very low income, low income, or moderate income is prohibited unless provision is made for the replacement of the units on a one-to-one basis.

- (b) The replacement requirements to provide ~~dwelling units~~ dwelling units affordable to, and occupied by, very low income, low income, or *moderate income families* can be met in any of the following ways:
- (1) Conversion of existing market-rate ~~dwelling units~~ dwelling units to units affordable to, and occupied by, very low income, low income, or *moderate income* persons or *families*;
 - (2) Conversion of existing nonresidential *development* to ~~dwelling units~~ dwelling units affordable to, and occupied by, *very low income*, *low income* or *moderate income* persons or *families*;
 - (3) *Development* of new ~~dwelling units~~ dwelling units affordable to, and occupied by, very low income, low income, or *moderate income* persons or *families* to replace those housing units converted or demolished;
 - (4) Substantial rehabilitation of deteriorated or dilapidated ~~dwelling units~~ dwelling units to units affordable to, and occupied by, very low income, low income, or *moderate income* persons or *families*;
or
 - (5) [No change in text.]

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

(a) The Executive Director of the San Diego Housing Commission shall be responsible for determining very low income, low income, and *moderate income* affordability standards and residents' qualifications.

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

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

(a) [No change in text.]

(b) Within 45 calendar days of receipt of the application for *development*, the Executive Director of the San Diego Housing Commission shall determine whether the ~~dwelling units~~ dwelling units to be converted or demolished are occupied by persons or *families* of very low income, low income, or *moderate income*. -This determination shall be based upon a survey of the residents. -Information on tenant income shall be provided under penalty of perjury and shall include income from all sources, including reasonable return on tenant assets. -A ~~dwelling units~~ dwelling unit need not be replaced if, based upon a tenant income survey of the residents, the Executive Director determines that the unit is not occupied by persons or *families* of very low income, low income, or *moderate income*.

(c) Where a proposed *development* is required to provide replacement units that are affordable to very low income, low income, or *moderate income* persons or *families*, the *applicant* shall enter into a Coastal Affordable Housing Compliance Agreement with the San Diego Housing

Commission and shall be issued. -The agreement shall include the following provisions:

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

(1) In the case of conversions, the fee shall be due upon commencement of sales of ~~dwelling units~~dwelling units converted to residential ownership status or upon approval of the final permits for change of use to nonresidential use;

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

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

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

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

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

(1) [No change in text.]

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

(3) Elsewhere in the Coastal Overlay Zone; ~~or.~~

(4) ~~If location on the site or elsewhere within the Coastal Overlay Zone is not feasible, the replacement dwelling units shall be located within three miles of the Coastal Overlay Zone. However, in no case shall the replacement dwelling units be located outside the Coastal Overlay Zone within any census tract impacted by an over-concentration of persons and families of low income, as defined by the Progress Guide and General Plan Housing Element.~~

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

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

(2) If the converted or demolished affordable dwelling units were located on a premises within an area identified as a High or Highest Resource CTCAC Opportunity Area when the development application is deemed complete, the replacement dwelling units shall also be constructed within a High or Highest Resource CTCAC Opportunity Area, and in no case shall be constructed in a lower Opportunity Area

than the Opportunity Area in which the subject premises is located.

(ed) Replacement ~~dwelling units~~ dwelling units shall be provided and available for occupancy within three years of the date that a converted unit is offered for sale to the public or that the physical demolition of a demolished unit is substantially complete.

(e) Very low income, low income and moderate income households located in an area identified as a Low Resource or High Segregation and Poverty California Tax Credit Allocation Committee (CTCAC) Opportunity Area when the development application is deemed complete, shall receive priority preference for new affordable dwelling units created under this Division.

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

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

§143.1005 Required Replacement of Existing Affordable Units

(a) [No change in text.]

(b) The number and type of required replacement affordable *dwelling units* shall be determined as follows:

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

(4) All rental replacement affordable *dwelling units* shall be affordable for at least 55 years. Very low income, low income and moderate income households located within an area identified as a Low

Resource or High Segregation and Poverty California Tax Credit Allocation Committee (CTCAC) Opportunity Area when the development application is deemed complete, shall receive priority preference for new covenant-restricted dwelling units created under this Division.

- (5) [No change in text.]
- (6) The *applicant* agrees to provide relocation benefits to the occupants of those affordable residential *dwelling units*, and the right of first refusal for a comparable *dwelling unit* available in the new housing *development* at a rent affordable to *very low* or *low income* households.
 - (A) [No change in text.]
 - (B) For any *very low*, *low*, or *moderate income* household displaced by conversion, the *applicant* shall pay to such household an amount in accordance with Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 of the California Government Code or the Residential Tenant Protection Regulations located in Chapter 9, Article 8, Division 7, whichever is greater.
- (7) [No change in text.]

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

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

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

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

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

(5) An additional *floor area ratio* bonus of 1.5 shall be added to the maximum *floor area ratio* identified in Section 143.1010(a)(2)-(4)

if:

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

(B) Each *dwelling unit* is under only one lease agreement per

dwelling unit.

- (b) through (d) [No change in text.]
- (e) Waiver of the private exterior open space requirement in Section 131.0455 for all *dwelling units* in the *development* if at least 10 percent of the total *dwelling units* in the *development* are at least three *bedroom dwelling units*, and each *dwelling unit* in the *development* is under only one lease agreement per *dwelling unit*.
- (f) ~~Scaling of Development Impact Fees based on square footage, rather than number of *dwelling units* in the proposed *development*, in accordance with Section 142.0640(b)(4).~~
- (g) Waiver of Development Impact Fees for all covenant-restricted affordable *dwelling units* and all *dwelling units* that ~~do not exceed 500 square feet~~ contain at least three *bedrooms*, if the *development* provides a residential *density* that is at least 120 percent of the maximum permitted *density* of the applicable base zone or Planned District.
- (h) Waiver of the Neighborhood Enhancement Fee for *development* that meets the affordable housing requirements set forth by this Division and restricts 100 percent of the *dwelling units*, not including any managers units, to households earning no more than 50 percent of the area *median income*.
- (i) Use of up to five Affordable Housing Incentives. An *applicant* utilizing the regulations in this Division shall be entitled to incentives as described in Section 143.1010(h) for any *development* for which a written agreement

and a deed of trust securing the agreement is entered into by the *applicant* and the President and Chief Executive Officer of the San Diego Housing Commission. The City shall process an incentive requested by an *applicant* in accordance with Section 143.1010(h).

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

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

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

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

§143.1015 Required Provision of Affordable Dwelling Units

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

Housing Commission and secured by a deed of trust, that meets the following requirements:

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

(4) As an alternative to the requirements in Sections 143.1015(a) (1)-(3) ~~or 1431.1015(a)(4)~~, an *applicant* may meet one of the following requirements: ~~at least 40 percent of rental dwelling units in the development, excluding any additional dwelling units allowed under a floor area ratio bonus, for rent by low income households at a cost, including an allowance for utilities, that does not exceed 30 percent of 50 percent of the area median income, as adjusted for household size.;~~

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

(B) Provides 100 percent of the total *dwelling units*, not including any managers units, in the *development* for rent by *low income* households, including an allowance for utilities, that does not exceed 30 percent of 60 percent of the area *median income*, as adjusted for household size; or

(C) Provides 100 percent of the rental *dwelling units* in the *development*, excluding any additional *dwelling units* allowed under a *floor area ratio* bonus, for rent by *moderate income* households at a cost, including an allowance for utilities, that does not exceed:

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

(ii) 30 percent of 120 percent of the area *median income*, as adjusted for household size for the remainder of the required rental *dwelling units*.

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

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

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

(i) A *Sustainable Development Area*; and

(ii) An area identified as a Moderate, High, or Highest Resource California Tax Credit Allocation

Committee (CTCAC) Opportunity Area when the

development application is deemed complete;

(B) The applicant shall pay a fee to the “Neighborhood Enhancement Fund,” as established by City Council Resolution R-313282, that is calculated based on the square feet of lot area for the development premises and the premises for the receiver site for the required rental dwelling units.

i) The fee to the “Neighborhood Enhancement Fund,” for the receiver site shall not exceed the amount of the fee for the development premises.

(C) A final inspection shall not occur for the development until a deed of trust for the affordable dwelling units located at the receiver site has been entered by the applicant and the President and the Chief Executive Officer of the San Diego Housing Commission.

(D) The applicant shall record a deed restriction prior to the issuance of the first Building Permit for the development that:

(i) Documents the required number of affordable dwelling units to be provided; and

(ii) Assigns foreclosure rights of the development

premises to the San Diego Housing Commission as

follows: For new *development*, if the affordable *dwelling units* have not received a certificate of occupancy within 54 months of the issuance of the first Building Permit. For an existing *structure*, if the affordable *dwelling units* have not received a certificate of occupancy within 36 months of the issuance of the first Building Permit.

(b) [No change in text.]

(c) ~~Notwithstanding Section 143.1015(a), as an alternative to the requirements in Section 143.1015(a)(1) (3), an *applicant* may provide 100 percent of the total dwelling units, not including any managers units, in the *development* for rent by *low income* households, including an allowance for utilities, that does not exceed 30 percent of 60 percent of the area *median income*, as adjusted for household size.~~

§143.1025 Supplemental Development Regulations

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

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

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

(4) ~~Gated entryways and street yard fencing is prohibited.~~

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

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

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

(1) [No change in text.]

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

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

§143.1201 Purpose of the Dwelling Unit Protection Regulations

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

§143.1203 When the Dwelling Unit Protection Regulations Apply

This Division applies to the following *developments* with a complete *development* application ~~between~~ submitted on or after January 1, 2020 and December 31, 2024:

- (a) through (b) [No change in text.]
- (c) Mixed-use *developments* consisting of residential and non-residential uses where at least two-thirds of the square footage is designated for residential use; ~~and~~
- (d) Transitional housing facilities and *permanent supportive housing*; ~~and~~
- (e) Commercial *development* in zones that permit residential *development*.

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

~~Consistent with California Government Code Section 66301, the regulations of this Division shall remain in effect until January 1, 2025, and as of that date are repealed unless a later enacted ordinance deletes or extends that date.~~

§143.1207 ~~Definitions~~

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

- (a) *Protected dwelling unit* means any of the following:
 - (1) *Dwelling units* located outside of the Barrio Logan Plan Area that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to *very low income* or *low*

income households during the five--year period preceding the application.

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

(3) *Dwelling units located within the Barrio Logan Plan Area* that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to *very low income* or *low income* households during the seven-year period preceding the application.

(4) *Dwelling units located within the Barrio Logan Plan Area* that are or were rented by *very low income* or *low income* households during the seven -year period preceding the application.

(35) *SRO hotel rooms* or other *dwelling units* that were withdrawn from rent or lease in accordance with California Government Code Sections 7060 through 7060.7 during the 10--year period preceding the application.

§143.1212 Replacement of Protected Dwelling Units

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

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

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

(1) The ability to occupy their units until six months before the start of construction activities with proper notice, pursuant to California Government Code Sections 7260 through 7277. In the Barrio Logan Community Plan Area, any existing residents shall be allowed to occupy their ~~dwelling units~~ dwelling units until six months before the start of construction activities with proper notice, which shall occur at least 12 months prior to the anticipated termination of residency. The ~~record owner~~ ~~record owner~~ applicant shall deliver a notice of intent to terminate residency to the San Diego Housing Commission and to each resident household.

(2) The ability to return at their prior rental rate if the demolition does not proceed and the property is returned to the rental market.

(3) To those households that remain in a *protected dwelling unit*, the *applicant* shall provide:

(A) Relocation benefits consistent with the requirements of California Government Code Sections 7260 through 7277 ~~for public agencies or the Residential Tenant Protection Regulations located in Chapter 9, Article 8, Division 7, whichever is greater.~~ The ~~applicant or the applicant's agent~~ applicant for development in the Barrio Logan Community

Plan Area shall engage a qualified third-party contractor or consultant to oversee the provision of the required relocation benefits. The third-party contractor or consultant shall provide a letter to the San Diego Housing Commission certifying compliance with the relocation benefits requirements after completion of the relocation process.

(B) [No change in text.]

(C) For development located within the Barrio Logan Community Plan Area, residents living within one mile of the ~~development~~ development at the time of application shall receive priority for 75 percent of the affordable ~~dwelling units~~ dwelling units in the ~~development~~ development that are reserved for ~~very low income~~ very low income, ~~low income~~ low income, or ~~moderate income~~ moderate income households.

Table 143-12A

[No change in text.]

(e) Any *protected dwelling units* replaced in accordance with this Division may be counted toward compliance with the Inclusionary Affordable Housing Regulations in Chapter 14, Article 2, Division 13, ~~and the~~ Affordable Housing Regulations in Chapter 14, Article 3, Division 7, and

the Coastal Overlay Zone Affordable Housing Replacement Regulations in Chapter 14, Article 3, Division 8.

- (f) Very low income, low income, and moderate income households located within an area identified as a Low Resource or High Segregation and Poverty California Tax Credit Allocation Committee (CTCAC) Opportunity Area when the development application is deemed complete, shall receive priority preference for new covenant-restricted dwelling units created under this Division.

Article 3: Supplemental Development Regulations

Division 15: Missing Middle Housing Regulations

§143.1501 Missing Middle Housing Regulations

These regulations are intended to implement California Senate Bill 10 (2021-2022) and California Government Code Sections 65913.5 by allowing the construction of additional dwelling units on residentially-zoned lots, as specified in this Division. These regulations specify when and how additional dwelling units may be permitted in a base zone that allows residential uses and includes supplemental development regulations applicable to development proposed under this Division. These regulations shall not apply if any other density bonuses from Chapter 14, Article 3, Division 7 are being utilized.

§143.1505 Applicability of Missing Middle Housing Regulations

- (a) This Division applies to *premises* that do not otherwise allow for at least 10 *dwelling units* per base zone *density*, and that are located within or partially within all of the following:
- (1) *Sustainable Development Area*; and
 - (2) A RS, RX, RT, RM zone, or a Planned District zone that permits only *single dwelling unit* or *multiple dwelling unit development*.
- (b) This Division is not applicable in the following circumstances:
- (1) When the *premises* is located within any of the following:
 - (A) *Wetlands*;
 - (B) The Very High Fire Hazard Severity Zone, unless the *development* complies with Chapter 7A of the California Building Code, which mitigates wildfire exposure risk through materials and construction methods;
 - (C) A hazardous waste site that is listed pursuant to California Government Code Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the California Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses;

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

(E) Special Flood Hazard Areas, unless:

(i) The premises has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction; or

(ii) The premises meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

(F) A regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the *development* has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If an *applicant* is able to satisfy all applicable federal qualifying criteria in order to provide that the *premises* satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, an application shall not be denied on the basis that the *applicant* did not comply with any additional City permit requirement, standard, or action that is applicable to that *premises*;

(G) The *MHPA* of the *MSCP Subarea Plan*;

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

(I) A *historical district* that is a *designated historical resource*, or on a *premises* that contains a *designated historical resource* as of January 1, 2023.

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

- (K) On premises adjacent to streets that do not meet the requirements for street improvements, including sidewalks, as described in Section 142.0670(a).
- (2) If the development requires demolition or alteration of a dwelling unit that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate income, low income, or very low income.
- (3) If the premises contains SRO hotel rooms or other dwelling units that were withdrawn from rent or lease in accordance with California Government Code Sections 7060 through 7060.7 during the 15-year period preceding the application.
- (4) If the development is located on a premises located more than 0.5 miles from a major transit stop in which less than 75 percent of the perimeter of the premises are developed with urban uses as defined as any residential, commercial, industrial, public institutional, transit, transportation passenger facility, or retail use, or any combination of those uses or as otherwise specified in California Health and Safety Code 53545.12(h) as amended.

§143.1510 Supplemental Development Regulations

An applicant seeking to utilize the provisions of this Division shall comply with all of the regulations in this Section.

- (a) The *development* regulations of the RM-1-1 base zone shall apply, except for the following regulations specified in this section.
- (b) Density Regulations. The maximum number of *dwelling units* on the *premises* shall not exceed the following:
- (1) Development on a *premises* within a RM and Planned District Zone that permits *multiple dwelling unit development*, no more than 10 total *dwelling units* shall be permitted.
- (2) Development on a *premises* within a RS, RX, RT and Planned District Zones that permits *single dwelling unit development*, no more than one *dwelling unit* for every 1,000 square feet of *lot area* or 10 *dwelling units*, whichever is less, shall be permitted.
- (c) Lot Regulations.
- (1) Lot Area. The minimum *lot area* shall not be less than 1,000 square feet.
- (2) Lot Dimensions. The minimum *lot dimensions* shall not be less than the following:
- (A) Lot Width: 18 feet
- (B) Lot Width (corner): 20 feet
- (C) Lot Depth: 50 feet
- (d) Setback Regulations.
- (1) For *development* on a *premises* within a RS Zone, the following *setback* regulations shall apply.

- (A) Minimum front setback: 5 feet [See section 131.0443(c)(1)]
 - (B) Maximum front setback: 15 feet [See section 131.0443(c)(1)]
 - (C) Minimum side setback: 4 feet
 - (D) Minimum sides Street setback: 4 feet
 - (E) Minimum rears Setback: 4 feet
- (2) For development on a premises within a RX, RT, RM or Planned District Zone, the setback regulations of section 143.1510(d)(1) shall apply unless the setback regulations for the base zone are less.
- (e) Structure Height Regulations.
- (1) The maximum structure height shall be 35 feet or the maximum structure height of the base zone, whichever is greater.
 - (2) Within the Coastal Height Limit Overlay Zone, the maximum structure height shall be 30 feet, which shall be determined in accordance with section 113.0270(a)(4)(D).
- (f) Lot Coverage Regulations. Maximum lot coverage shall not apply to development constructed in accordance with this Division.
- (g) Floor Area Ratio Regulations. The maximum floor area ratio shall not exceed 3.0 or the maximum floor area ratio of the base zone, whichever is greater.

- (i) Private Exterior Open Space Regulations. Private exterior open space regulations shall not apply on a *premises* less than 10,000 square feet for *development* within the RM and Planned District Zones.
- (j) Common Open Space Regulations. Common open spaces regulations shall not apply on a *premises* less than 10,000 square feet for *development* on a *premises* within the RM or Planned District Zones.
- (k) Bedroom Regulations. *Development* with a total of five or more *dwelling units* shall provide:
 - (1) At least two *dwelling units* that contain three or more *bedrooms*,
and
 - (2) At least one additional *dwelling unit* that contains two or more *bedrooms*.
- (l) Parking Regulations.
 - (1) Within a *transit priority area*, *off-street parking spaces* shall not be required, except if the *premises* is located within the Beach Impact Area of the Parking Impact Overlay Zone.
 - (2) For *premises* located within the Beach Impact Area of the Parking Impact Overlay Zone, one *off-street parking space* shall be required per *dwelling unit*.
 - (C) For *development* providing *off-street parking spaces*, the following regulations shall apply:

- (1) The required front yard shall be limited to a maximum of 40 percent paving and hardscape.
- (2) Within the required street yard, paving and hardscape shall be limited to:
- (a) A drive aisle consistent with the requirements in §142.0521 with direct vehicular access to off-street parking spaces; and
- (b) A walkway to facilitate pedestrian access to dwelling units; and
- (c) Any decorative paving or hardscape that is not designed for vehicular access.
- (m) Pedestrian Access Regulations. The development shall include at least one pedestrian walkway from a street frontage other than an alley to provide access to all dwelling units.
- (n) Homeownership Opportunity Regulations. The development shall ensure that the dwelling units can be subdivided into individual ownership through a Subdivision Map Act action without requiring additional improvements to the structure. Any Accessory Dwelling Units or Junior Accessory Dwelling Units must be located on the premises in a manner that would facilitate individual ownership of a dwelling unit with any Accessory Dwelling Units or Junior Accessory Dwelling Units.

(o) Accessory Dwelling Unit and Junior Accessory Dwelling Unit

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

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

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

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

(C) Development constructed pursuant to this Division may not include bonus *Accessory Dwelling Units* allowed in section 141.0302(c)(2)(G).

~~(E) Any *Accessory Dwelling Units* or *Junior Accessory Dwelling Units* constructed under this section shall be deed restricted for *very low income* or *low income households* for a period of at least 55 years.~~

(p) The gross floor area occupied by non-residential uses shall not exceed 30 percent of the gross floor area for a mixed-use *development* proposed under this division.

(r) *Dwelling Units* constructed within Areas of Future Sea Level Rise must comply with the regulations in Section 132.0404.

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

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

§143.1520 Required Provision of Affordable Dwelling Units

(a) In accordance with Section 143.1505, an *applicant* requesting application of the regulations in this Division shall provide a written agreement to provide affordable *dwelling units*, entered into by the *applicant* and the President and Chief Executive Officer of the San Diego Housing Commission and secured by a deed of trust, that meets the following requirements:

(1) *Development* exceeding a total of four *dwelling units* shall provide at least one primary *dwelling unit* that is set aside as affordable to *very low income, low income, or moderate income* households for a period of not less than 55 years, guaranteed through a written agreement and a deed of trust securing the agreement.

(2) *Developments* located in an area identified as a High or Highest Resource California Tax Credit Allocation Committee (CTCAC) Opportunity Area when the *development* application is *deemed complete*, exceeding a total of four *dwelling units*, at least one primary *dwelling unit* shall be affordable to *low income or very low-income* households for a period of at least 55 years, guaranteed through a written agreement and a deed of trust securing the agreement, entered into by the applicant and the President and Chief Executive Officer of the San Diego Housing Commission.
This affordable *dwelling unit* is in addition to the primary *dwelling unit* required in 143.1520(a)(1).

(b) An applicant may pay the Inclusionary In Lieu Fee in accordance with Section 142.1306 as an alternative method of compliance with section 143.1520(a). The fee amount shall be increased as follows:

(1) *Development* located in an area identified as a High or Highest Resource California Tax Credit Allocation Committee (CTCAC) Opportunity Area when the *development* application is *deemed*

complete shall pay 150% of the amount of the Inclusionary In Lieu Fee in accordance with section 142.1306.

(2) Development located in an area identified as a Moderate Resource California Tax Credit Allocation Committee (CTCAC) Opportunity Area when the development application is deemed complete shall pay 125% of the amount of the Inclusionary In Lieu Fee in accordance with Section 142.1306.

(c) An applicant providing affordable dwelling units on site in accordance with section 143.1520(a) is eligible for one of the following:

- (1) A waiver of the payment of a fee for the “Neighborhood Enhancement Fund” requirement in Section 143.1525(a); or
- (2) A waiver of the requirement to provide a three or more bedroom dwelling unit in accordance with section 143.1510(j)(1). This requirement shall be replaced with the requirement to provide one additional two or more bedroom dwelling unit in accordance with Section 143.1510(j)(2); or
- (3) An incentive consistent with Sections 143.0740(a)(1), 143.0740(b)(1)-(3), and 143.0740(c).

§143.1525 Required Provision of Infrastructure Amenities

In accordance with section 143.1505, an applicant requesting application of the regulations in this Division shall pay a fee to the “Neighborhood Enhancement

Fund.” as established by City Council Resolution R-313282, unless the *applicant* utilizes the waiver established in section 143.1520(c)(1).

§144.0505 Tenant Benefits, Rights and Obligations

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

(a) Any tenant who lawfully resides in a condominium project, community apartment project, or stock cooperative project pursuant to this section shall be given a right of first refusal by the subdivider or subsequent owner of the project for the purchase of his or her rental unit upon the same terms and conditions that the unit will be initially offered to the general public or terms and conditions more favorable to the tenant. This right to purchase shall run for a period of 90 days from the date of the notice, unless the tenant gives written notice within the 90-day period of his or her intention not to exercise that right(b) The *applicant* shall

provide a relocation assistance payment to all tenants of the project. The relocation payment shall be three months’ rent based on the current San Diego “fair market rent” for apartment size, as established by the U.S. Department of Housing and Urban Development. The relocation payment shall be paid no later than the day on which the *applicant* gives notice to the tenant to vacate the premises and shall be based upon the fairmarket

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

(c) [No change in text.]

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