

#53
10/27/2020

(O-2021-43)
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ORDINANCE NUMBER O- 21254 (NEW SERIES)

DATE OF FINAL PASSAGE OCT. 30 2020

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 113.0103; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 4 BY AMENDING SECTIONS 126.0402 AND 126.0404; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 5 BY AMENDING SECTION 126.0502 AND RETITLING AND AMENDING SECTION 126.0503; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 6 BY AMENDING SECTION 126.0602 AND RETITLING AND AMENDING SECTION 126.0603; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 7 BY AMENDING SECTION 126.0704; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 131.0112 AND BY ADDING SECTION 131.0123; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2 BY AMENDING SECTIONS 131.0222 AND 131.0231; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3 BY AMENDING SECTIONS 131.0322 AND 131.0331; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTIONS 131.0422 AND 131.0431; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5 BY AMENDING SECTIONS 131.0522 AND 131.0531; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 BY AMENDING SECTION 131.0622 AND 131.0631; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 7 BY AMENDING SECTIONS 131.0707 AND 131.0709; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 14 BY AMENDING SECTION 132.1402; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 3 BY REPEALING SECTION 141.0302 AND BY ADDING NEW SECTIONS 141.0302, 141.0317, AND 141.0318; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 6 BY AMENDING SECTIONS 142.0640 AND 142.0680; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 3 BY AMENDING SECTION 143.0302; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 4 BY AMENDING SECTIONS 143.0402, 143.0410, AND 143.0455; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 7 BY AMENDING SECTIONS 143.0710, 143.0715, 143.0720, 143.0740, 143.0743, AND 143.0744; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 9 BY AMENDING SECTIONS 143.0915 AND 143.0920; AMENDING CHAPTER 14, ARTICLE 3 BY ADDING NEW DIVISION 12, SECTIONS

143.1201, 143.1203, 143.1205, 143.1207, 143.1210, AND 143.1212; AMENDING CHAPTER 15, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 151.0103; AMENDING CHAPTER 15, ARTICLE 6, DIVISION 3 BY AMENDING SECTION 156.0309; AND BY AMENDING CHAPTER 15, ARTICLE 10, DIVISION 3 BY AMENDING SECTION 1510.0303, ALL RELATING TO THE HOUSING LEGISLATION CODE UPDATE.

WHEREAS, the California State Legislature adopted a number of land use and housing laws in 2019 that became effective January 1, 2020; and

WHEREAS, this Ordinance, also known as the Housing Legislation Code Update, contains amendments to the Land Development Code of the San Diego Municipal Code that implement these recent changes in state law, conform the Land Development Code to the latest state law provisions, and include incentives to address local housing needs; and

WHEREAS, the amendments are grouped into four issue areas: housing for the homeless; affordable housing regulations; accessory dwelling units and junior accessory dwelling units; and miscellaneous housing items; and

WHEREAS, City staff conducted extensive public outreach and analysis on the Housing Legislative Code Update involving multiple stakeholder groups, City departments, and other governmental agencies; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 11, Article 3, Division 1 of the San Diego Municipal Code is amended by amending section 113.0103, to read as follows:

§113.0103 Definitions

Abutting property through Accessory building [No change in text.]

Accessory Dwelling Unit (ADU) means an attached or detached residential *dwelling unit* that is 1,200 square feet in size or less, provides complete

independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation, and is located on a lot with a proposed or existing *single dwelling unit* or *multiple dwelling unit*.

Accessory structure through *Coastal development* [No change in text.]

Condominium conversion through *Dwelling unit, single* [No change in text.]

Efficiency kitchen means a food storage and preparation area containing a kitchen sink, cooking appliance, and refrigeration facilities, each having a clear working space of not less than 30 inches in front.

Encroachment through *Internally illuminated sign* [No change in text.]

Junior Accessory Dwelling Unit (JADU) means a *dwelling unit* that is 500 square feet or less in size and is contained entirely within an existing or proposed *single dwelling unit* on a residential *single dwelling unit lot*. A *JADU* may include separate sanitation facilities or may share sanitation facilities with the *single dwelling unit*.

Kitchen through *Low Income* [No change in text.]

Lower income students means students who have a household income and asset level that does not exceed the level for Cal Grant A or Cal Grant B award recipients as set forth in Section 69432.7(k)(1) of the California Education Code.

Lowest Floor through *Yard* [No change in text.]

Section 2. That Chapter 12, Article 6, Division 4 of the San Diego Municipal Code is amended by amending sections 126.0402 and 126.0404, to read as follows:

§126.0402 When a Neighborhood Development Permit Is Required

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

(q) A Neighborhood Development Permit is required for *development* that provides affordable housing, in-fill projects, and/or sustainable buildings identified in Section 143.0915, where a Site Development Permit or Planned Development Permit would otherwise be required.

§126.0404 Findings for Neighborhood Development Permit Approval

A Neighborhood Development Permit may be approved or conditionally approved only if the decision maker makes all of the *findings* in Section 126.0404(a) and the supplemental *findings* in Section 126.0404(b) through (g) that are applicable to the proposed *development* as specified in this section.

These *findings* are not required for affordable housing that is provided pursuant to Chapter 14, Article 3, Division 7, unless the *development* will exceed the allowed incentives.

(a) [No change in text.]

(b) Supplemental Findings--Environmentally Sensitive Lands

A Neighborhood Development Permit required in accordance with Section 143.0110 because of potential impacts to *environmentally sensitive lands* may be approved or conditionally approved only if the

decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0404(a):

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

(4) The proposed *development* will be consistent with the City of San Diego's *MSCP Subarea Plan* and *VPHCP*.

(5) The nature and extent of mitigation required as a condition of the permit is reasonably calculated to alleviate negative impacts created by the proposed *development*.

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

(g) Supplemental Findings -- *Development Incentives for Preservation of Designated Historical Resources, Historical Districts, Traditional Cultural Properties and Important Archaeological Sites*
A Neighborhood Development Permit required because a historic preservation *development* incentive is included in accordance with Section 143.0240 may be approved or conditionally approved only if the decision maker makes the *findings* in Section 126.0404(a) and at least one of the following supplemental *findings*:

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

Section 3. That Chapter 12, Article 6, Division 5 of the San Diego Municipal Code is amended by amending section 126.0502 and retitling and amending section 126.0503, to read as follows:

§126.0502 When a Site Development Permit is Required

(a) A Site Development Permit decided in accordance with Process Three is required where *environmentally sensitive lands* are present for the following types of *development*, except that if the *development* is affordable housing, an in-fill project, and/or a sustainable building, as described in Section 143.0915, it shall be processed in accordance with Section 126.0503 and Section 143.0110, Table 143-01A:

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

(b) [No change in text.]

(c) A Site Development Permit decided in accordance with Process Three is required for the following types of *development*.

(1) In the Community Plan Implementation Overlay Zone, as described in Section 132.1402, *development* in the area designated “Type B” or *development* in the area designated “Type A” that does not comply with the *development* standards in the applicable community plan, except that if the *development* is affordable housing, an in-fill project, and/or a sustainable building, as described in Section 143.0915, it shall be processed in accordance with Section 126.0503 and Section 132.1402, Table 132-14B.

(2) through (8) [No change in text.]

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

§126.0503 Reduced Permit and Processing for Affordable Housing, In-Fill Projects, and Sustainable Buildings

Development of affordable housing, in-fill projects, and/or sustainable buildings described in Section 143.0915 that requires a Site Development Permit in accordance with Section 126.0502(a) or 126.0502(c)(1) may be permitted in accordance with a Neighborhood Development Permit decided in accordance with Process Two, provided the *findings* in Section 126.0404(a) are made.

Development of affordable housing, in-fill projects, and/or sustainable buildings impacting *environmentally sensitive lands* may be approved or conditionally approved only if the decision maker also makes the supplemental *findings* in Section 126.0404(b). In the event that a deviation is requested, the *development* may not be approved or conditionally approved unless the applicable supplemental *findings* in Section 126.0404(c) and 126.0404(f) are also made.

Section 4. That Chapter 12, Article 6, Division 6 of the San Diego Municipal Code is amended by amending section 126.0602 and retitling and amending section 126.0603, to read as follows:

§126.0602 When a Planned Development Permit May Be Requested

- (a) [No change in text.]
- (b) The following types of *development* may be requested with a Planned Development Permit decided in accordance with Process Four.
 - (1) through (3) [No change in text.]
 - (4) *Multiple dwelling unit development* requesting increased *density* where the *land use plan* expressly provides for increased *density*

with the approval of a Planned Development Permit, except that if the *development* is affordable housing, an in-fill project, and/or a sustainable building as described in Section 143.0915, it may be permitted with a Neighborhood Development Permit decided in accordance with Section 126.0603.

(c) [No change in text.]

§126.0603 Reduced Permit and Processing for Affordable Housing, In-Fill Projects, and Sustainable Buildings

Development consistent with the affordable housing, in-fill projects, and/or sustainable buildings regulations in Section 143.0915 that requires a Planned Development Permit in accordance with Sections 126.0602(b)(1) and 126.0602(b)(4) may be permitted with a Neighborhood Development Permit decided in accordance with Process Two, provided the *findings* in Section 126.0404(a) are made. In the event that a deviation is requested, the supplemental *findings* in Section 126.0404(f) shall also be made.

Section 5. That Chapter 12, Article 6, Division 7 of the San Diego Municipal Code is amended by amending section 126.0704, to read as follows:

§126.0704 Exemptions from a Coastal Development Permit

The following *coastal development* is exempt from the requirement to obtain a Coastal Development Permit:

- (a) Improvements to existing *structures*, including the construction of attached *Accessory Dwelling Units* and *Junior Accessory Dwelling Units* in accordance with Section 141.0302 are exempt, except if the improvements involve any of the following:

(1) through (8) [No change in text.]

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

Section 6. That Chapter 13, Article 1, Division 1 of the San Diego Municipal Code is amended by amending section 131.0112 and by adding section 131.0123, to read as follows:

§131.0112 Descriptions of Use Categories and Subcategories

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

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

(3) Residential Use Category

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

(A) [No change in text.]

(B) *Mobilehome Parks* — A premises with two or more mobilehomes used as dwelling units, other than an Accessory Dwelling Unit, Junior Accessory Dwelling Unit, movable tiny house or employee housing.

(C) *Multiple Dwelling Units* — Dwelling units where more than one dwelling unit, other than an Accessory Dwelling

Unit, Junior Accessory Dwelling Unit, movable tiny house
or employee housing, is located on a single *lot*.

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

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

(b) [No change in text.]

§131.0123 *Development That is Consistent with the Land Use Plan But Not the Base Zone*

Development that complies with the applicable *land use plan*, but contains uses and/or *density* that are not consistent with the underlying base zone, may be permitted as follows:

(a) Residential *development* and residential mixed-use *development* proposing residential uses and/or *density* may be permitted upon issuance of a *construction permit* decided in accordance with a Process One.

Development in accordance with this Section shall not preclude the use of the Affordable Housing Regulations in Chapter 14, Article 3, Division 7, where applicable.

(b) *Development* other than that specified in Section 131.0123(a) may be permitted with a Planned Development Permit in accordance with Section 126.0602(a)(2).

Section 7. That Chapter 13, Article 1, Division 2 of the San Diego Municipal Code is amended by amending sections 131.0222 and 131.0231 to read as follows:

§131.0222 Use Regulations Table for Open Space Zones

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

Legend for Table 131-02B

[No change in text.]

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

| Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses] | Zone Designator | Zones | | | | |
|---|----------------------|-------|----|-----|---------------------|---------------------|
| | 1st & 2nd >> | OP- | | OC- | OR ⁽¹⁾ - | OF ⁽¹⁾ - |
| | 3rd >> | 1- | 2- | 1- | 1- | 1- |
| | 4th >> | 1 | 1 | 1 | 1 | 2 |
| Open Space through Residential - <i>Single Dwelling Units</i> [No change in text.] | [No change in text.] | | | | | |
| Separately Regulated Residential Uses | | | | | | |
| <i>Accessory Dwelling Units</i> | - | - | - | L | - | |
| <i>Boarder & Lodger Accommodations</i> [No change in text.] | [No change in text.] | | | | | |
| Continuing Care Retirement Communities [No change in text.] | [No change in text.] | | | | | |
| Employee Housing: | | | | | | |
| 6 or Fewer Employees | - | - | - | L | - | |
| Residential – Separately Regulated Residential Uses – Employee Housing: 12 or Fewer Employees through Residential – Separately Regulated Residential Uses - Interim Ground <i>Floor Residential</i> [No change in text.] | [No change in text.] | | | | | |
| <i>Junior <u>Accessory Dwelling Units</u></i> | - | - | - | L | - | |
| Live/Work Quarters [No change in text.] | [No change in text.] | | | | | |
| Low Barrier Navigation Center | - | - | - | - | - | |
| Residential – Separately Regulated Residential Uses -<i>Movable Tiny Houses</i> through <i>Signs</i>, Separately Regulated <i>Signs</i> Uses – Theater <i>Marquees</i> [No change in text.] | [No change in text.] | | | | | |

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

§131.0231 Development Regulations Table for Open Space Zones

The following development regulations apply in the open space zones as shown in Table 131-02C.

**Table 131-02C
Development Regulations for Open Space Zones**

| Development Regulations [See Section 131.0230 for Development Regulations of Open Space Zones] | Zone Designator | Zones | | | | | |
|---|-----------------|----------------------|----|---------|---------|----|---------------------|
| | 1st & 2nd >> | OP- | | OC- | OR- | | OF ⁽¹⁾ - |
| | 3rd >> | 1- | 2- | 1- | 1- | 1- | 1- |
| | 4th >> | 1 | | 1 | 1 | 2 | 1 |
| Max Permitted Residential <i>Density</i> (DU Per Lot) through Visibility Area [No change in text.] | | [No change in text.] | | | | | |
| Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12] | | -- | -- | applies | applies | -- | |

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

Section 8. That Chapter 13, Article 1, Division 3 of the San Diego Municipal Code is amended by amending sections 131.0322 and 131.0331 to read as follows:

§131.0322 Use Regulations Table for Agricultural Zones

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

Legend for Table 131-03B

[No change in text.]

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

| Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses] | Zone Designator | Zones | | | |
|--|-----------------|----------------------|---|----|---|
| | 1st & 2nd >> | AG | | AR | |
| | 3rd >> | 1- | | 1- | |
| | 4th >> | 1 | 2 | 1 | 2 |
| Open Space through Residential - <i>Single Dwelling Units</i> [No change in text.] | | [No change in text.] | | | |
| Separately Regulated Residential Uses | | | | | |

| Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses] | Zone Designator | Zones | | | |
|--|-----------------|----------------------|---|----|---|
| | 1st & 2nd >> | AG | | AR | |
| | 3rd >> | 1- | | 1- | |
| | 4th >> | 1 | 2 | 1 | 2 |
| <i>Accessory Dwelling Units</i> | | - | | L | |
| <i>Boarder & Lodger Accommodations</i> [No change in text.] | | [No change in text.] | | | |
| Residential – Separately Regulated Residential Uses – Continuing Care Retirement Communities through Residential – Separately Regulated Residential Uses – Interim Ground Floor Residential [No change in text] | | [No change in text.] | | | |
| <i>Junior Accessory Dwelling Units</i> | | - | | L | |
| Live/Work Quarters [No change in text.] | | [No change in text.] | | | |
| Low Barrier Navigation Centers | | - | | - | |
| Residential – Separately Regulated Residential Uses – Movable Tiny Houses through Signs – Separately Regulated Signs Uses – Theater Marquees [No change in text.] | | [No change in text.] | | | |

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

§131.0331 Development Regulations Table for Agricultural Zones

The following development regulations apply in the agricultural zones as shown in Table 131-03C.

**Table 131-03C
Development Regulations for Agricultural Zones**

| Development Regulations [See Section 131.0330 for Development Regulations of Agricultural Zones] | Zone Designator | Zones | | | |
|---|--------------------|----------------------|---------|---------|---------|
| | 1st & 2nd >> | | AG | | AR |
| 3rd >> | | 1- | 1- | 1- | 1- |
| 4th >> | | 1 | 2 | 1 | 2 |
| Max Permitted Residential <i>Density</i> (DU Per <i>Lot</i>) through Visibility Area [No change in text.] | | [No change in text.] | | | |
| <i>Dwelling Unit Protection Regulations</i> [See Chapter 14, Article 3, Division 12] | | applies | applies | applies | applies |

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

Section 9. That Chapter 13, Article 1, Division 4 of the San Diego Municipal Code is amended by amending sections 131.0422 and 131.0431 to read as follows:

§131.0422 Use Regulations Table for Residential Zones

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

Legend for Table 131-04B

[No change in text.]

Table 131-04B
Use Regulations Table for Residential Zones

| Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses] | Zone Designator | Zones | | | | | | | | | | | | | | | | | | | | | | |
|--|----------------------|-------|---|---|-----|---|---|---|---|---|---|---|---|----|-----|----|-----|----|---|---|---|---|---|---|
| | 1st & 2nd >> | RE- | | | RS- | | | | | | | | | | RX- | | RT- | | | | | | | |
| | 3rd >> | 1- | | | 1- | | | | | | | | | | 1- | | 1- | | | | | | | |
| | 4th >> | 1 | 2 | 3 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 1 | 2 | 1 | 2 | 3 | 4 |
| Open Space through Residential - Single Dwelling Units [No change in text.] | [No change in text.] | | | | | | | | | | | | | | | | | | | | | | | |
| Separately Regulated Residential Uses | | | | | | | | | | | | | | | | | | | | | | | | |
| <i>Accessory Dwelling Units</i> | L | | | L | | | | | | | | | | L | | L | | | | | | | | |
| <i>Boarder & Lodger Accommodations</i> [No change in text.] | [No change in text.] | | | | | | | | | | | | | | | | | | | | | | | |
| <i>Continuing Care Retirement Communities</i> [No change in text.] | [No change in text.] | | | | | | | | | | | | | | | | | | | | | | | |
| Employee Housing: | | | | | | | | | | | | | | | | | | | | | | | | |
| 6 or Fewer Employees | L | | | L | | | | | | | | | | L | | L | | | | | | | | |
| Residential – Separately Regulated Residential Uses – Employee Housing: 12 or Fewer Employees through Residential – Separately Regulated Residential Uses – Interim Ground Floor Residential [No change in text.] | [No change in text.] | | | | | | | | | | | | | | | | | | | | | | | |
| <i>Junior Accessory Dwelling Units</i> | L | | | L | | | | | | | | | | L | | L | | | | | | | | |
| <i>Live/Work Quarters</i> [No change in text.] | [No change in text.] | | | | | | | | | | | | | | | | | | | | | | | |
| <i>Low Barrier Navigation Center</i> | - | | | - | | | | | | | | | | - | | - | | | | | | | | |
| Residential – Separately Regulated Residential Uses – Movable Tiny Houses through Signs - Separately Regulated Signs Uses - Theater Marquees [No change in text.] | [No change in text.] | | | | | | | | | | | | | | | | | | | | | | | |

| Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses] | Zone Designator | Zones | | | | | | | | | | | | |
|--|----------------------|-------|---|---|----|---|---|----|---|---|----|----|----|--|
| | 1st & 2nd >> | RM- | | | | | | | | | | | | |
| | 3rd >> | 1- | | | 2- | | | 3- | | | 4- | | 5- | |
| | 4th >> | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | |
| Open Space through Residential - Single Dwelling Units [No change in text.] | [No change in text.] | | | | | | | | | | | | | |
| Separately Regulated Residential Uses | | | | | | | | | | | | | | |
| <i>Accessory Dwelling Units</i> | L | | | L | | | L | | | L | | L | | |
| <i>Boarder & Lodger Accommodations</i> [No change in text.] | [No change in text.] | | | | | | | | | | | | | |
| Continuing Care Retirement Communities [No change in text.] | [No change in text.] | | | | | | | | | | | | | |
| Employee Housing: | | | | | | | | | | | | | | |
| 6 or Fewer Employees | L | | | L | | | L | | | L | | L | | |
| Residential – Separately Regulated Residential Uses – Employee Housing: 12 or Fewer Employees through Residential – Separately Regulated Residential Uses – Interim Ground Floor Residential [No change in text.] | [No change in text.] | | | | | | | | | | | | | |
| <i>Junior Accessory Dwelling Units</i> | - | | | - | | | - | | | - | | - | | |
| Live/Work Quarters [No change in text.] | [No change in text.] | | | | | | | | | | | | | |
| Low Barrier Navigation Center | - | | | - | | | - | | | - | | - | | |
| Residential – Separately Regulated Residential Uses - Movable Tiny Houses through Residential – Separately Regulated Residential Uses - Residential Care Facilities: 7 or more persons [No change in text.] | [No change in text.] | | | | | | | | | | | | | |
| Transitional Housing: | | | | | | | | | | | | | | |
| 6 or fewer persons | P | | | P | | | P | | | P | | P | | |
| 7 or more persons | L | | | L | | | L | | | L | | L | | |
| Residential – Separately Regulated Residential Uses - Watchkeeper Quarters through Signs - Separately | [No change in text.] | | | | | | | | | | | | | |

| | | | | | | | | | | | | | | |
|---|----------------------------|--------------|---|---|----|---|---|----|---|---|----|----|----|--|
| Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses] | Zone Designator | Zones | | | | | | | | | | | | |
| | 1st & 2nd >> | RM- | | | | | | | | | | | | |
| | 3rd >> | 1- | | | 2- | | | 3- | | | 4- | | 5- | |
| | 4th >> | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | |
| Regulated Signs Uses - Theatre Marquees [No change in text.] | | | | | | | | | | | | | | |

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

§131.0431 Development Regulations Table for Residential Zones

The following development regulations apply in the residential zones as shown in
Tables 131-04C, 131-04D, 131-04E, 131-04F, and 131-04G.

- (a) RE Zones

**Table 131-04C
Development Regulations for RE Zones**

| | | | | | | | |
|--|----------------------------|----------------------|--|---------|--|---------|--|
| Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones] | Zone designator | Zones | | | | | |
| | 1st & 2nd >> | RE- | | | | | |
| | 3rd >> | 1- | | 1- | | 1- | |
| | 4th >> | 1 | | 2 | | 3 | |
| Max permitted density (DU per lot) through Visibility Area [No change in text.] | | [No change in text.] | | | | | |
| Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12] | | applies | | applies | | applies | |

(b) RS Zones

Table 131-04D
Development Regulations for RS Zones

| | | | | | | | | |
|---|------------------------|----------------------|---------|---------|---------|---------|---------|---------|
| Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones] | Zone Designator | Zones | | | | | | |
| | 1st & 2nd >> | RS- | | | | | | |
| | 3rd >> | 1- | 1- | 1- | 1- | 1- | 1- | 1- |
| | 4th >> | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Max permitted density (DU per lot) through Visibility Area [No change in text.] | | [No change in text.] | | | | | | |
| Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12] | | applies | applies | applies | applies | applies | applies | applies |

| | | | | | | | | |
|--|----------------------------|----------------------|---------|---------|---------|---------|---------|---------|
| Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones] | Zone Designator | Zones | | | | | | |
| | 1st & 2nd >> | RS- | | | | | | |
| | 3rd >> | 1- | 1- | 1- | 1- | 1- | 1- | 1- |
| | 4th >> | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| Max permitted density (DU per lot) through Visibility Area [No change in text.] | | [No change in text.] | | | | | | |
| Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12] | | applies | applies | applies | applies | applies | applies | applies |

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

(c) RX Zones

Table 131-04E
Development Regulations for RX Zones

| Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones] | Zone Designator | Zones | |
|---|--------------------|----------------------|---------|
| | 1st & 2nd >> | RX- | |
| | 3rd >> | 1- | 1- |
| | 4th >> | 1 | 2 |
| Maximum Permitted <i>Density</i> (DU per <i>lot</i>) through Visibility Area [No change in text.] | | [No change in text.] | |
| Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12] | | applies | applies |

Footnote for Table 131-04E [No change in text.]

(d) RT Zones

Table 131-04F
Development Regulations for RT Zones

| Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones] | Zone Designator | Zones | | | | |
|--|--------------------|----------------------|---------|---------|---------|---------|
| | 1st & 2nd >> | RT- | | | | |
| | 3rd >> | 1- | 1- | 1- | 1- | 1- |
| | 4th >> | 1 | 2 | 3 | 4 | 5 |
| Maximum Permitted <i>Density</i> (DU per <i>lot</i>) through Visibility Area [No change in text.] | | [No change in text.] | | | | |
| Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12] | | applies | applies | applies | applies | applies |

(e) RM Zones

Table 131-04G
Development Regulations for RM Zones

| Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones] | Zone Designator | Zones | | | | | |
|--|-----------------|----------------------|---------|---------|---------|---------|---------|
| | 1st & 2nd >> | RM- | | | | | |
| | 3rd >> | 1- | 1- | 1- | 2- | 2- | 2- |
| | 4th >> | 1 | 2 | 3 | 4 | 5 | 6 |
| Maximum permitted density^{(1),(2)} (sf per DU) through Visibility Area [No change in text.] | | [No change in text.] | | | | | |
| Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12] | | applies | applies | applies | applies | applies | applies |

| Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones] | Zone Designator | Zones | | | | | |
|--|-----------------|----------------------|---------|---------|---------|---------|---------|
| | 1st & 2nd >> | RM | | | | | |
| | 3rd >> | 3- | 3- | 3- | 4- | 4- | 5- |
| | 4th >> | 7 | 8 | 9 | 10 | 11 | 12 |
| Maximum permitted density^{(1),(2)} (sf per DU) through Visibility Area [No change in text.] | | [No change in text.] | | | | | |
| Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12] | | applies | applies | applies | applies | applies | applies |

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

Section 10. That Chapter 13, Article 1, Division 5 of the San Diego Municipal Code is amended by amending sections 131.0522 and 131.0531 to read as follows:

§131.0522 Use Regulations Table for Commercial Zones

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

Legend for Table 131-05B

[No change in text.]

**Table 131-05B
Use Regulations Table for Commercial Zones**

| Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses] | Zone Designator | Zones | | | | | | | | | | | | | |
|---|----------------------|---------------------|---|---|-----|----|-----|----|----|-----|----|-----|---|---|---|
| | 1st & 2nd >> | CN ⁽¹⁾ - | | | CR- | | CO- | | | CV- | | CP- | | | |
| | 3rd >> | 1- | | | 1- | 2- | 1- | 2- | 3- | 1- | 1- | | | | |
| | 4th >> | 1 | 2 | 3 | 4 | 5 | 6 | 1 | 1 | 1 | 2 | 1 | 2 | 1 | 2 |
| Open Space through Residential - Single Dwelling Units [No change in text.] | [No change in text.] | | | | | | | | | | | | | | |
| Separately Regulated Residential Uses | | | | | | | | | | | | | | | |
| <i>Accessory Dwelling Units</i> | L | L | - | L | - | L | L | - | | | | | | | |
| <i>Boarder & Lodger Accommodations</i> [No change in text.] | [No change in text.] | | | | | | | | | | | | | | |
| Residential – Separately Regulated Residential Uses – Continuing Care Retirement Communities through Residential – Separately Regulated Residential Uses – Interim Ground Floor Residential [No change in text.] | [No change in text.] | | | | | | | | | | | | | | |
| <i>Junior Accessory Dwelling Units</i> | - | - | - | - | - | - | - | - | - | - | - | - | - | - | |
| <i>Live/Work Quarters</i> [No change in text.] | [No change in text.] | | | | | | | | | | | | | | |
| <i>Low Barrier Navigation Center</i> | L | L | - | L | - | L | L | - | | | | | | | |
| Residential – Separately Regulated Residential Uses – Movable Tiny Houses through Signs - Separately Regulated Signs Uses, Theater Marquees [No change in text.] | [No change in text.] | | | | | | | | | | | | | | |

§131.0531 Development Regulations Tables for Commercial Zones

The following development regulations apply in each of the commercial zones as shown in Tables 131-05C, 131-05D, and 131-05E.

(a) CN Zones

**Table 131-05C
Development Regulations for CN Zones**

| Development Regulations [See Section 131.0530 for Development Regulations of Commercial Zones] | Zone Designator | Zones | | | | | |
|---|----------------------|---------|---------|---------|---------|---------|----|
| | 1st & 2nd >> | CN- | | | | | |
| | 3rd >> | 1- | 1- | 1- | 1- | 1- | 1- |
| | 4th >> | 1 | 2 | 3 | 4 | 5 | 6 |
| Max Permitted Residential Density⁽¹⁾ through Visibility Area [No change in text.] | [No change in text.] | | | | | | |
| Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12] | applies | applies | applies | applies | applies | applies | |

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

(b) CR, CO, CV, and CP Zones

**Table 131-05D
Development Regulations for CR, CO, CV, CP Zones**

| Development Regulations [See Section 131.0530 for Development Regulations of Commercial Zones] | Zone Designator | Zones | | | | | | | | | | |
|---|----------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---|
| | 1st & 2nd >> | CR- | CO- | | | | | | CV- | CP- | | |
| | 3rd >> | 1- | 2- | 1- | 2- | 3- | 1- | 1- | | | | |
| | 4th >> | 1 | 1 | 2 | 1- | 2- | 1 | 2 | 3 | 1 | 2 | 1 |
| Max Permitted Residential Density⁽¹⁾ through Visibility Area [No change in text.] | [No change in text.] | | | | | | | | | | | |
| Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12] | applies | applies | applies | applies | applies | applies | applies | applies | applies | applies | applies | - |

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

(c) CC Zones

**Table 131-05E
Development Regulations for CC Zones**

| Development Regulation [See Section 131.0530 for Development Regulations of Commercial Zones] | Zone Designator | Zones | | | | | | | | | | | | | | | |
|--|-----------------|----------------------|----|----|---------|----|----|---------|----|----|---------|----|----|----|----|----|----|
| | 1st & 2nd >> | CC- | | | | | | | | | | | | | | | |
| | 3rd >> | 1- | 2- | 4- | 5- | 1- | 2- | 4- | 5- | 1- | 2- | 4- | 5- | 2- | 3- | 4- | 5- |
| | 4th >> | 1 | | | 2 | | | 3 | | | 4 | | | | | | |
| Max Permitted Residential <i>Density</i>⁽¹⁾ through Visibility Area [No change in text.] | | [No change in text.] | | | | | | | | | | | | | | | |
| <i>Dwelling Unit Protection Regulations</i> [See Chapter 14, Article 3, Division 12] | | applies | | | applies | | | applies | | | applies | | | | | | |

| Development Regulation [See Section 131.0530 for Development Regulations of Commercial Zones] | Zone Designator | Zones | | | | | | | | | |
|--|-----------------|----------------------|----|---------|----|---------|----|---------|----|---------|----|
| | 1st & 2nd >> | CC | | | | | | | | | |
| | 3rd >> | 2- | 3- | 4- | 5- | 3- | 4- | 5- | 3- | 3- | 3- |
| | 4th >> | 5 | | | 6 | | | 7 | | 8 | |
| Max permitted Residential <i>Density</i>⁽¹⁾ through Visibility Area [No change in text.] | | [No change in text.] | | | | | | | | | |
| <i>Dwelling Unit Protection Regulations</i> [See Chapter 14, Article 3, Division 12] | | applies | | applies | | applies | | applies | | applies | |

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

Section 11. That Chapter 13, Article 1, Division 6 of the San Diego Municipal Code is amended by amending sections 131.0622 and 131.0631 to read as follows:

§131.0622 Use Regulations Table for Industrial Zones

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

Legend for Table 131-06B

[No change in text.]

Table 131-06B
Use Regulations Table for Industrial Zones

| Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses] | Zone | Zones | | | | | | | | | |
|---|-------------|----------------------|----|-------------------|-----|----|----|-----|----|-----|------|
| | Designator | IP- | | | IL- | | | IH- | | IS- | IBT- |
| | 1st & 2nd>> | 1- | 2- | 3- | 1- | 2- | 3- | 1- | 2- | 1- | 1- |
| | 3rd >> | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Open Space through Residential - <i>Single Dwelling Units</i> [No change in text.] | | [No change in text.] | | | | | | | | | |
| Separately Regulated Residential Uses | | | | | | | | | | | |
| <i>Accessory Dwelling Units</i> | | - | - | L ⁽¹⁵⁾ | - | - | - | - | - | - | - |
| <i>Boarder & Lodger Accommodations</i> [No change in text.] | | [No change in text.] | | | | | | | | | |
| Residential – Separately Regulated Residential Uses – Continuing Care Retirement Communities through Residential – Separately Regulated Residential Uses – Interim Ground Floor Residential [No change in text.] | | [No change in text.] | | | | | | | | | |
| <i>Junior Accessory Dwelling Units</i> | | - | - | - | - | - | - | - | - | - | - |
| <i>Live/Work Quarters</i> [No change in text.] | | [No change in text.] | | | | | | | | | |
| <i>Low Barrier Navigation Center</i> | | - | - | - | - | - | - | - | - | - | - |
| <i>Permanent Supportive Housing</i> | | - | - | L ⁽¹⁵⁾ | - | - | - | - | - | - | - |
| Residential Care Facilities: | | | | | | | | | | | |
| 6 or Fewer Persons | | - | - | P ⁽¹⁵⁾ | - | - | - | - | - | - | - |
| 7 or More Persons | | - | - | L ⁽¹⁵⁾ | - | - | - | - | - | - | - |
| Transitional Housing | | | | | | | | | | | |
| 6 or Fewer Persons | | - | - | L ⁽¹⁵⁾ | - | - | - | - | - | - | - |
| 7 or More Persons | | - | - | L ⁽¹⁵⁾ | - | - | - | - | - | - | - |
| Residential – Separately Regulated Residential Uses - Watchkeeper Quarters through Signs - Separately Regulated Signs Uses - Theater Marquees [No change in text.] | | [No change in text.] | | | | | | | | | |

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

§131.0631 Development Regulations Table for Industrial Zones

The following development regulations apply in the industrial zones as shown in Table 131-06C.

**Table 131-06C
Development Regulations for Industrial Zones**

| Development Regulations [See Section 131.0630 for Development Regulations of Industrial Zones] | Zone Designator | Zones | | | | | | | | | |
|--|----------------------|-------|----|----|-----|----|----|-----|----|-----|------|
| | 1st & 2nd >> | IP- | | | IL- | | | IH- | | IS- | IBT- |
| | 3rd >> | 1- | 2- | 3- | 1- | 2- | 3- | 1- | 2- | 1- | 1- |
| | 4th >> | 1 | | | 1 | | | 1 | | 1 | 1 |
| Max permitted residential density⁽¹⁰⁾ through Visibility Area [No change in text.] | [No change in text.] | | | | | | | | | | |
| Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12] | applies | | - | | | - | | - | - | - | - |

Footnotes for Table 131-06C [No change in text.]

Section 12. That Chapter 13, Article 1, Division 7 of the San Diego Municipal Code is amended by amending sections 131.0707 and 131.0709 to read as follows:

§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 [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses] | Zone Designator | Zones | | | | | |
|---|-----------------|----------------------|---|---|------------------|------------------|------------------|
| | 1st >> | RMX | | | EMX | | |
| | 2nd >> | 1 | 2 | 3 | 1 | 2 | 3 |
| Open Space through Residential - <i>Single Dwelling Units</i> [No change in text.] | | [No change in text.] | | | | | |
| Separately Regulated Residential Uses | | | | | | | |
| <i>Accessory Dwelling Units</i> | | L | L | L | L ⁽¹⁾ | L ⁽¹⁾ | L ⁽¹⁾ |
| <i>Boarder & Lodger Accommodations</i> [No change in text.] | | [No change in text.] | | | | | |
| Residential – Separately Regulated Residential Uses - Continuing Care Retirement Communities through Residential – Separately Regulated Residential Uses - Home Occupations [No change in text.] | | [No change in text.] | | | | | |
| <i>Junior Accessory Dwelling Units</i> | | - | - | - | - | - | - |
| <i>Live/Work Quarters</i> [No change in text.] | | [No change in text.] | | | | | |
| <i>Low Barrier Navigation Centers</i> | | L | L | L | L | L | L |
| <i>Movable Tiny Houses</i> | | - | - | - | - | - | - |
| <i>Permanent Supportive Housing</i> | | L | L | L | L | L | L |
| Residential – Separately Regulated Residential Uses - Residential Care Facilities through Residential – Separately Regulated Residential Uses - Transitional Housing Facilities: 6 or Fewer Persons [No change in text.] | | [No change in text.] | | | | | |
| 7 or More Persons | | L | L | L | L | L | L |
| Residential – Separately Regulated Residential Uses – Watchkeeper Quarters 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.]

§131.0709 Development Regulations Table for Mixed-Use Zones

The following development regulations apply in the mixed-use zones as shown in Table 131-07B.

**Table 131-07B
Development Regulations for RMX and EMX Zones**

| Development Regulations | Zones | | | | | |
|--|----------------------|---|---|------|---|---|
| | RMX- | | | EMX- | | |
| | 1 | 2 | 3 | 1 | 2 | 3 |
| Minimum Lot Area (sf) through Storage Requirements for Residential Only [No change in text.] | [No change in text.] | | | | | |
| <i>Dwelling Unit Protection Regulations</i> [See Chapter 14, Article 3, Division 12] | applies | | | | | |

Footnotes for Table 131-07B [No change in text.]

§132.1402 Where the Community Plan Implementation Overlay Zone Applies

(a) [No change in text.]

**Table 132-14A
Community Plans with Property in the Community Plan Implementation Overlay Zone**

[No change in text.]

(b) [No change in text.]

Table 132-14B
Community Plan Implementation Overlay Zone Applicability

| Type of <i>Development</i> Proposal | Supplemental Development Regulations | Required Permit Type/ Decision Process |
|--|---|---|
| (1) [No change in text.] | [No change in text.] | [No change in text.] |
| (2) [No change in text.] | [No change in text.] | [No change in text.] |
| (3) Any <i>development</i> within the boundaries shown on a map identified in Section 132.1402, where the map shows “Type A” and the proposed <i>development</i> does not comply with the <i>development</i> standards or criteria in the applicable community plan ⁽¹⁾ | Refer to the applicable community plan | Site Development Permit/ Process Three |
| (4) Any <i>development</i> within the boundaries shown on a map identified in Section 132.1402, where the map shows “Type B” ⁽¹⁾ | Refer to the applicable community plan | Site Development Permit/ Process Three |

Footnotes for Table 132-14B

¹ A *development* that is affordable housing, an in-fill project, and/or a sustainable building as described in Section 143.0915 may be permitted with a Neighborhood Development Permit decided in accordance with Process Two subject to Section 143.0920(d).

Section 13. That Chapter 13, Article 2, Division 14 of the San Diego Municipal Code is amended by amending section 132.1402 to read as follows:

§132.1402 Where the Community Plan Implementation Overlay Zone Applies

(a) [No change in text.]

Table 132-14A
Community Plans with Property in the Community Plan Implementation Overlay Zone

[No change in text.]

(b) [No change in text.]

Table 132-14B
Community Plan Implementation Overlay Zone Applicability

| Type of <i>Development</i> Proposal | Supplemental Development Regulations | Required Permit Type/ Decision Process |
|--|---|---|
| (1) [No change in text.] | [No change in text.] | [No change in text.] |
| (2) [No change in text.] | [No change in text.] | [No change in text.] |
| (3) Any <i>development</i> within the boundaries shown on a map identified in Section 132.1402, where the map shows “Type A” and the proposed <i>development</i> does not comply with the <i>development</i> standards or criteria in the applicable community plan ⁽¹⁾ | Refer to the applicable community plan | Site Development Permit/ Process Three |
| (4) Any <i>development</i> within the boundaries shown on a map identified in Section 132.1402, where the map shows “Type B” ⁽¹⁾ | Refer to the applicable community plan | Site Development Permit/ Process Three |

Footnotes for Table 132-14B

² A *development* that is affordable housing, an in-fill project, and/or a sustainable building as described in Section 143.0915 may be permitted with a Neighborhood Development Permit decided in accordance with Process Two subject to Section 143.0920(d).

Section 14. That Chapter 14, Article 1, Division 3 of the San Diego Municipal Code is amended by repealing section 141.0302 and by adding new sections 141.0302, 141.0317, and 141.0318 to read as follows:

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

Section 141.0302 provides for the construction of *Accessory Dwelling Units (ADUs)* and *Junior Accessory Dwelling Units (JADUs)*, consistent with the requirements of state law, and is intended to encourage the construction of *ADUs*

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

- (a) The following regulations are applicable to both *ADUs* and *JADUs*:
 - (1) Use Regulations
 - (A) One *ADU* and one *JADU* are permitted on a *premises* located within a *single dwelling unit* zone.
 - (B) An *ADU* or *JADU* shall not be used for a rental term of less than 31 consecutive days.
 - (C) Guest quarters and non-habitable *accessory structures* shall be permitted in addition to *ADUs* and *JADUs*.
 - (2) *Development* Regulations
 - (A) A minimum *lot* size is not required for the construction of an *ADU* or *JADU*.
 - (B) *ADUs* and *JADUs* are not subject to the *density* limitations for the *premises*.

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

system in accordance with Section R313 of the California Residential Code, an *ADU* or *JADU* shall be protected with an automatic fire sprinkler system.

(3) Parking Regulations

- (A) No on-street parking spaces or *off-street parking spaces* are required for *ADUs* and *JADUs*. If the *applicant* chooses to provide *off-street parking spaces* for *ADUs* and/or *JADUs* located on the *premises*, those spaces shall comply with the following:
- (i) *Off-street parking spaces* may be located in any configuration, may be within the *setback* areas, and may include tandem spaces or mechanical lifts.
 - (ii) *Off-street parking spaces* shall be located within *hardscape* areas and shall comply with the minimum standards and guidelines to provide safe and efficient means of vehicular access to the *lot*.
- (B) When a garage, carport, or covered parking *structure* is demolished in conjunction with the construction of an *ADU* or *JADU*, or converted to an *ADU* or *JADU*, replacement of those *off-street parking spaces* is not required.
- (4) Development Impact Fees for *ADUs* and *JADUs* shall comply with Section 142.0640(b).

- (b) In addition to the requirements in Section 141.0302(a), the following additional regulations are applicable to *ADUs*:
- (1) Use Regulations
- (A) The *record owner* is not required to live on the same *premises* as the *ADU*.
- (B) The *ADU* may not be sold or conveyed separately from the primary *dwelling unit* unless all of the following apply:
- (i) The *ADU* was built or developed by a qualified nonprofit corporation. For the purposes of Section 141.0302(b)(1)(B)(i), a qualified nonprofit corporation means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the California Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.
- (ii) There is an enforceable restriction on the use of the *premises* on which the *ADU* is located pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation. For the purposes of Section 141.0302(b)(1)(B)(ii), a qualified buyer means *very low income, low*

income, median income, or moderate income

households, as specified in Table 141-03A.

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

concurrently with this grant deed pursuant to
Section 480.3 of the Revenue and Taxation Code.

- (v) If requested by a utility providing service to the primary residence, the *ADU* has a separate water, sewer, or electrical connection to that utility.

(2) *Development Regulations for ADUs*

- (A) *ADUs* shall be permitted in all zones allowing residential uses, consistent with the Use Table of the applicable base zone.
- (B) No more than one *ADU* shall be permitted on a *premises* with an existing or proposed *single dwelling unit*.
- (C) *ADUs* located on a *premises* with an existing or proposed *multiple dwelling unit* shall be permitted as follows:
 - (i) The number of *ADUs* permitted within the habitable area of an existing *multiple dwelling unit structure* is limited to 25 percent of the total number of existing *dwelling units* in the *structure*, but in no case shall be less than one *ADU*; and
 - (ii) Two *ADUs* that are detached from an existing *multiple dwelling unit structure* are permitted; and
 - (iii) There is no limit on the number of *ADUs* permitted within the portions of existing *multiple dwelling unit structures* that are not used as livable space,

including storage rooms, boiler rooms, passageways, attics, basements, or garages, if each *ADU* complies with state building standards for *dwelling units*.

- (D) An *ADU* with a *gross floor area* of 800 square feet shall be permitted on a *premises* with an existing or proposed *dwelling unit* regardless of maximum *lot coverage*, maximum *floor area ratio*, and minimum open space requirements.
- (E) An *ADU* may be attached to, located within, or detached from an existing or proposed primary *dwelling unit*, including garages and habitable or non-habitable *accessory structures*.
- (F) The minimum *gross floor area* of an *ADU* shall not be less than 150 square feet. The maximum *gross floor area* of an *ADU* shall not exceed 1,200 square feet. An *ADU* constructed within an existing *dwelling unit* or *accessory structure* may construct an additional 150 square feet for ingress and egress only.
- (G) *ADU Bonus for Affordable ADUs*. One additional *ADU* shall be permitted for every *ADU* on the *premises* that is set aside as affordable to *very low income*, *low income*, and *moderate income* households for a period of not less than 15 years

guaranteed through a written agreement, and a deed of trust securing the agreement, entered into by the *applicant* and the President and Chief Executive Officer of the San Diego Housing Commission.

- (i) There is no limit on the number of bonus *ADUs* within a *transit priority area*.
- (ii) One bonus *ADU* is permitted outside a *transit priority area*.
- (iii) For *ADUs* to be counted as affordable and meet the requirements of this Section 141.0302(b)(2)(G), the qualifying criteria in Table 141-03A shall be met.

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

| | Rental <i>ADUs</i> | For-Sale <i>ADUs</i>¹ |
|--|--|--|
| | shall be affordable, including an allowance for utilities, at a rent that does not exceed: | shall be affordable at an affordable housing cost that does not exceed: |
| <i>Very Low Income households</i> | 30 percent of 50 percent of the area median income, as adjusted for family size appropriate for the unit. | 30 percent of 50 percent of the area median income, as adjusted for family size appropriate for the unit. |
| <i>Low Income households</i> | 30 percent of 60 percent of the area median income, as adjusted for family size appropriate for the unit. | 30 percent of 70 percent of the area median income, as adjusted for family size appropriate for the unit. |
| <i>Moderate Income households</i> | 30 percent of 110 percent of the area median income, as adjusted for family size appropriate for the unit. | 35 percent of 110 percent of the area median income, as adjusted for family size appropriate for the unit. |

Footnotes for Table 141-03A

⁽¹⁾ For-sale *ADUs* are subject to the requirements of Section 141.0302(b)(1)(B).

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

(1) Use Regulations

(A) The *record owner* is required to live on the same *premises* as the *JADU*.

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

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

(2) *Development* Regulations

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

- (B) A *JADU* of not less than 150 square feet and not more than 500 square feet is permitted within an existing or proposed *single dwelling unit*, an attached or detached garage, or an *ADU*. A *JADU* constructed within an existing *structure* may construct an additional 150 square feet for ingress and egress only.
- (C) A *JADU* shall have a separate exterior entry from the *primary dwelling unit* and shall provide a *kitchen* or an *efficiency kitchen*.

§141.0317 Low Barrier Navigation Center

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

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

- (a) The navigation center shall offer services to connect people to permanent housing through a services plan that identifies services staffing.

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

§141.0318 Movable Tiny Houses

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

- (a) *Development* Regulations
 - (1) A *movable tiny house* shall be:
 - (A) licensed and registered with the California Department of Motor Vehicles; and
 - (B) exempt from parking regulations.

- (2) *A movable tiny house shall not:*
 - (A) be larger than allowed by California state law for movement on public highways;
 - (B) exceed one story;
 - (C) be able to move under its own power; or
 - (D) have a separate address from the primary *dwelling unit*.
- (3) *A movable tiny house shall be located:*
 - (A) on a *premises* adjacent to a *public right-of-way* that is at least 20 feet wide. Exterior portions of a *movable tiny house* shall not be located more than 150 feet from the *public right-of-way*. A *movable tiny house* shall be accessed from the *public right-of-way* by a path that is at least 5 feet wide;
 - (B) behind or to the side of the primary *dwelling unit* and not in any front yard; and
 - (C) at a fire separation distance of at least 5 feet from an adjacent *lot* line and at least 10 feet from any other structures on the *premises*.
- (4) *A movable tiny house shall not be located within:*
 - (A) a brush management zone established pursuant to Section 142.0412; or
 - (B) the *MHPA*.

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

- (10) When located within the Very High Fire Hazard Severity Zone, as established pursuant to Chapter 5, Article 5, Division 94, a *movable tiny house* shall satisfy the following additional requirements:
- (A) A *movable tiny house* shall be protected with an automatic fire sprinkler system in compliance with Section R313 of the California Residential Code even if located on a *premises* where the primary *dwelling unit* is not protected with an automatic fire sprinkler system;
 - (B) Exterior walls shall be constructed with ignition-resistant materials in compliance with Section R337 of the California Residential Code; and
 - (C) Glazed openings, including skylights, shall comply with Section R337 of the California Residential Code.
- (11) A *movable tiny house* shall be constructed to include the following design elements:
- (A) Cladding and Trim: Materials used on the exterior shall not be single piece composite, laminates, or interlocked metal sheathing;
 - (B) Windows and Doors: Windows shall be at least double pane glass, labeled for building use, and include exterior trim. Windows and doors shall not have radius corners;

- (C) Roofs: Roofs shall be sloped to drain over the roof edge. At least 50 percent of the roof area shall have a roof slope of 2:12 or more. Roof coverings shall comply with the Residential Building Regulations in Chapter 14, Article 9, Division 9; and
 - (D) Living Area Extensions: The roof and all exterior walls shall not be fixed with slide-outs, tip-outs, or other forms of mechanically articulating room area extensions.
- (b) *One movable tiny house* may be permitted per *premises* in addition to *Accessory Dwelling Units* and *Junior Accessory Dwelling Units* permitted in accordance with Section 141.0302, guest quarters, and non-habitable *structures*.
 - (c) *A movable tiny house* shall not be used for a rental term of less than 30 consecutive days.

Section 15. That Chapter 14, Article 2, Division 6 of the San Diego Municipal Code is amended by amending sections 142.0640 and 142.0680 to read as follows:

§142.0640 Impact Fees for Financing Public Facilities

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

The payment of Development Impact Fees (as defined in California Government Code Section 66000) shall be required prior to issuance of any Building Permit in areas where Development Impact Fees have been established by City Council resolution or ordinance. Notwithstanding the

above, the City Manager may also require the payment of Development Impact Fees prior to issuance of any *construction permit* issued or required for *development* that would increase demand for public facilities and/or result in the need for new public facilities. The Development Impact Fees due shall be determined in accordance with the fee schedule approved by the applicable City Council resolution in effect upon the issuance of a Building Permit, or *construction permit*, as applicable, and may include an automatic increase consistent with Section 142.0640(c).

Exemptions:

- (1) *Accessory Dwelling Units, Junior Accessory Dwelling Units, movable tiny houses*, and guest quarters are exempt from DIFs.
- (2) *Permanent Supportive Housing*, low barrier navigation centers, and transitional housing facilities are exempt from DIFs.
- (3) *Inclusionary dwelling units* provided pursuant to Chapter 14, Article 2, Division 13 are exempt from DIFs 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*.

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

§142.0680 Cost Reimbursement District Regulations

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

(f) Actions Necessary to Form a Cost Reimbursement District

- (1) [No change in text.]

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

NOTICE OF HEARING

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

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

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

- (a) [No change in text.]
- (b) For issuance of a building permit for the addition of accessory structures to an existing dwelling unit provided the accessory structure is not an

Accessory Dwelling Unit, Junior Accessory Dwelling Unit, or movable tiny house.

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

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

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

(C) [No change in text.]

(3) [No change in text.]

(g) [No change in text.]

(h) Lien on Property.

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

(7) If, during the period following the formation of the cost reimbursement district, any person records a *final map* (subdivision, parcel, or consolidation map) or applies for a building permit for construction on a lot for which a lien for *public improvements* has been established in accordance with section 142.0680, and such person or predecessor in interest has not paid the lien to the City, the established lien shall be paid prior to the earlier of the filing of the *final map* or the issuance of the building permit. Payment of the lien shall not be required in the following circumstances:

(A) [No change in text.]

(B) For issuance of a building permit for the addition of *accessory structures* to an existing *dwelling unit* provided the *accessory structure* is not an *Accessory Dwelling Unit*, *Junior Accessory Dwelling Unit*, or *movable tiny house*.

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

(i) [No change in text.]

Section 16. That Chapter 14, Article 3, Division 3 of the San Diego Municipal Code is amended by amending section 143.0302 to read as follows:

§143.0302 When Supplemental Neighborhood Development Permit and Site Development Permit Regulations Apply

This Division applies to any *development* proposal for which a Neighborhood Development Permit or Site Development Permit is required as described in Sections 126.0402 and 126.0502, in accordance with Table 143-03A.

Legend for Table 143-03A

[No change in text.]

**Table 143-03A
Supplemental Neighborhood Development Permit or Site Development Permit
Regulations Applicability**

| Type of <i>Development</i> Proposal | Applicable Sections | Required <i>Development</i> Permit/Decision Process |
|--|--|--|
| Affordable housing, in-fill projects, and sustainable buildings projects as described in Section 143.0915 where a Site Development Permit or Planned Development Permit would otherwise be required. | 126.0503, 126.0603, 143.0303, 143.0305, 143.0910, 143.0915, 143.0920 | NDP/Process Two |
| <i>Development of a large retail establishment of 50,000 or more square feet gross floor area in all commercial, industrial, and mixed-use zones, and in all planned districts, except the Centre City Planned District through Clairemont Mesa Height Limit Overlay Zone [No change in text.]</i> | [No change in text.] | |

Section 17. That Chapter 14, Article 3, Division 4 of the San Diego Municipal Code is amended by amending sections 143.0402, 143.0410, and 143.0455 to read as follows:

§143.0402 When Planned Development Permit Regulations Apply

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

Table 143-04A
Supplemental Planned Development Permit Regulations Applicability

| Type of <i>Development</i> Proposal | Applicable Sections | Required <i>Development</i> Permit/Decision Process⁽¹⁾ |
|--|------------------------------|--|
| Residential <i>development</i> requesting deviations from applicable zone regulations ⁽²⁾⁽³⁾ | 143.0403, 143.0410, 143.0420 | PDP/Process 4 |
| Commercial and Industrial <i>development</i> requesting deviations from applicable zone regulations ⁽³⁾ | 143.0403, 143.0410, 143.0460 | PDP/Process 4 |
| <i>Developments</i> within <i>land use plans</i> where a Planned Development Permit is recommended when other discretionary actions are requested [No change in text.] | [No change in text.] | |
| <i>Development</i> that complies with the applicable <i>land use plan</i> designation, but contains uses that are not permitted in the underlying base zone ⁽⁵⁾ | 143.0403 | PDP/Process 3 |
| <i>Multiple dwelling unit development</i> requesting increased <i>density</i> where the <i>land use plan</i> expressly allows for increased <i>density</i> with the approval of a Planned Development Permit ⁽³⁾ | 143.0403, 143.0410, 143.0455 | PDP/Process 4 |
| Rural cluster <i>development</i> with increased <i>density</i> in the AR-1-1 and OR-1-2 zones within <i>Proposition A Lands</i> ⁽⁴⁾ through Residential <i>development</i> in RS zones of <i>urbanized Communities</i> where a Planned Development Permit is requested [No change in text.] | [No change in text.] | |

Footnotes for Table 143-04A

¹ through ⁴ [No change in text.]

⁵ Residential *development* and residential mixed-use *development* that proposes residential uses and/or *density* that complies with the applicable *land use plan* but not the underlying base zone may be permitted with a *construction permit* decided in accordance with Process One subject to Section 131.0123.

§143.0410 General Development Regulations for Planned Development Permits

(a) Deviations

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

(3) A Planned Development Permit may not be used to request deviations from any of the following regulations:

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

(D) Residential *density* except as provided in Section 143.0402;

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

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

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

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

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

Section 18. That Chapter 14, Article 3, Division 7 of the San Diego Municipal Code is amended by amending sections 143.0710, 143.0715, 143.0720, 143.0740, 143.0743, and 143.0744 to read as follows:

§143.0710 Purpose of Affordable Housing Regulations

The purpose of these regulations is to provide incentives for *development* that provides housing for *very low income, low income, moderate income*, or senior households, or *lower income students*, transitional foster youth, disabled veterans, or homeless persons. Additionally, the purpose is to specify how compliance with California Government Code Section 65915 (State Density Bonus Law) will be implemented, as required by California Government Code Section 65915(a)(1). These regulations are intended to materially assist in providing adequate and affordable housing for all economic segments of the community and to provide a balance of housing opportunities throughout the City.

§143.0715 When Affordable Housing Density Bonus Regulations Apply

This Division applies to any *development* where current zoning allows for five or more *dwelling units*, not including *density* bonus units, in exchange for either of the following:

- (a) A portion of the total *dwelling units* in the *development* being reserved for *very low, low, or moderate income* or senior households; or for *lower income students*, transitional foster youth, disabled veterans, or homeless persons in accordance with this Division; or
- (b) [No change in text.]

§143.0720 Density Bonus in Exchange for Affordable Housing Units

- (a) through (b) [No change in text.]
- (c) A rental affordable housing *density* bonus agreement shall utilize the following qualifying criteria:

- (1) *Very low income* - At least 5 percent of the pre-density bonus dwelling units in the development shall be affordable, including an allowance for utilities, to *very low income* households at a rent that does not exceed 30 percent of 50 percent of the area median income, as adjusted for household size appropriate for the dwelling unit; or
 - (2) *Low income* - At least 10 percent of the pre-density bonus dwelling units in the development shall be affordable, including an allowance for utilities, to *low income* households at a rent that does not exceed 30 percent of 60 percent of the area median income, as adjusted for household size appropriate for the dwelling unit.
 - (3) through (5) [No change in text.]
- (d) A for-sale affordable housing density bonus agreement shall utilize the following qualifying criteria:
- (1) *Very low income* - At least 5 percent of the pre-density bonus dwelling units in the development shall be affordable to *very low income* households at an affordable housing cost that does not exceed 30 percent of 50 percent of the area median income, as adjusted for household size appropriate for the dwelling unit.
 - (2) *Low income* - At least 10 percent of the pre-density bonus dwelling units in the development shall be affordable to *low income* households at an affordable housing cost that does not exceed 30

percent of 70 percent of the area median income, as adjusted for household size appropriate for the *dwelling unit*.

- (3) *Moderate income* - At least 10 percent of the total *dwelling units* in a common interest development, as defined in California Civil Code Section 4100, shall be affordable to *moderate income* households at an affordable housing cost that is not less than 28 percent of the gross income of the household, nor exceeds 35 percent of 110 percent of the area median income, as adjusted for household size appropriate for the *dwelling unit*. To qualify, all *dwelling units* in the *development* shall be offered to the public for purchase.

(4) through (8) [No change in text.]

(e) 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 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) The eligibility of a student shall be verified by an affidavit, award letter, or letter of eligibility provided by the institution of higher education that the student is enrolled in, or by the California Student Aid Commission, stating

that the student receives or is eligible for financial aid, including an institutional grant or fee waiver, from the college or university, the California Student Aid Commission, or the federal government.

- (B) For the purposes of calculating a *density* bonus granted pursuant to Section 143.0720(g), the term “unit” means one rental bed and its pro rata share of associated common area facilities.
- (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) The *development* will provide *lower income students* experiencing homelessness priority for the applicable affordable units. A homeless service provider, as defined in Section 103577(e)(3) of

the California Health and Safety Code, or institution of higher education that has knowledge of a *lower income student's* homeless status may verify a *lower income student's* status as homeless.

- (4) 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) A *density* bonus agreement for a *development* providing 100 percent of the *pre-density* bonus *dwelling units* as affordable, shall utilize the following qualifying criteria:
 - (1) 100 percent of the *pre-density* bonus *dwelling units* in the *development*, exclusive of a manager's unit or units, shall be affordable to *very low income* or *low income* households, except that up to 20 percent of the *pre-density* bonus *dwelling units* may be affordable to *moderate income* households. The *post-density* bonus units shall be affordable to *very low income*, *low income*, or *moderate income* households, unless offered in accordance with the provisions of Section 143.0720(h)(2)(D).
 - (2) Rents for all *dwelling units* in the *development*, including *pre-density* bonus and *post-density* bonus *dwelling units*, shall be as follows:
 - (A) *Very low income* *dwelling units* in the *development* shall be affordable, including an allowance for utilities, to *very low*

income households at a rent that does not exceed 30 percent of 50 percent of the area median income, as adjusted for household size, appropriate for the *dwelling unit*.

(B) *Low income dwelling units* in the *development* shall be affordable, including an allowance for utilities, to *low income* households at a rent that does not exceed 30 percent of 60 percent of the area median income, as adjusted for household size, appropriate for the *dwelling unit*.

(C) *Moderate income dwelling units* in the *development* shall be affordable, including an allowance for utilities, to *moderate income* households at a rent that does not exceed 30 percent of 110 percent of the area median income, as adjusted for household size, appropriate for the *dwelling unit*.

(D) Notwithstanding Sections 143.0720(h)(2)(A)-(C), the rent for up to 80 percent of the *dwelling units* in the *development* may be set at an amount consistent with the maximum rent levels for a housing development that receives an allocation of state or federal low-income housing tax credits from the California Tax Credit Allocation Committee.

- (3) Rental affordable *dwelling units* shall remain available for a period of 55 years or longer, as may be required by other laws or covenants.
- (i) A *density* bonus agreement for a *development* within a *transit priority area* providing 100 percent of the total *pre-density* bonus and *post-density* bonus *dwelling units* as affordable to *very low income*, *low income*, and *moderate income* households shall utilize the following qualifying criteria:
 - (1) 100 percent of the total *pre-density* bonus and *post-density* bonus *dwelling units* in the *development*, exclusive of a manager's unit or units, shall be affordable to *very low income*, *low income*, or *moderate income* households in any combination of percentages.
 - (2) Rents for all *dwelling units* in the *development* shall be established as follows:
 - (A) *Very low income dwelling units* in the *development* shall be affordable, including an allowance for utilities, to *low income* households at a rent that does not exceed 30 percent of 50 percent of the area median income, as adjusted for household size, appropriate for the *dwelling unit*.
 - (B) *Low income dwelling units* in the *development* shall be affordable, including an allowance for utilities, to *low income* households at a rent that does not exceed 30 percent of 60 percent of the area median income, as adjusted for household size, appropriate for the *dwelling unit*.

- (C) *Moderate income dwelling units in the development shall be affordable, including an allowance for utilities, to moderate income households at a rent that does not exceed 30 percent of 110 percent of the area median income, as adjusted for household size, appropriate for the dwelling unit.*
- (3) A for-sale affordable housing *density* bonus agreement shall utilize the following qualifying criteria:
 - (A) *Very low income dwelling units in the development shall be affordable to very low income households at an affordable housing cost that does not exceed 30 percent of 50 percent of the area median income, as adjusted for household size, appropriate for the dwelling unit.*
 - (B) *Low income dwelling units in the development shall be affordable to low income households at an affordable housing cost that does not exceed 30 percent of 70 percent of the area median income, as adjusted for household size, appropriate for the dwelling unit.*
 - (C) *Moderate income dwelling units in the development shall be affordable to moderate income households at an affordable housing cost that is not less than 28 percent of the gross income of the household, nor exceeds 35 percent*

of 110 percent of the area median income, as adjusted for household size, appropriate for the *dwelling units*.

- (4) Rental and for-sale affordable *dwelling units* shall remain available for a period of 55 years or longer, as may be required by other laws or covenants.
- (j) The *density bonus dwelling units* shall have recorded against them a Declaration of Covenants, Conditions and Restrictions in favor of the San Diego Housing Commission that shall enjoy first lien position and shall be secured by a deed of trust that may be recorded against the project or unit, as applicable, prior to construction or permanent financing.
- (k) A *condominium conversion* that provides at least 33 percent of the total *dwelling units to low income and moderate income* households, or 15 percent of the total *dwelling units to low income* households, shall be entitled to a *density bonus* of 25 percent or other incentives of equivalent financial value in accordance with State Density Bonus Law and this Division, unless the *development* previously received a *density bonus* or other incentives.
- (l) A *development* proposal requesting an affordable housing *density bonus* is subject to the following:
 - (1) [No change in text.]
 - (2) For *development* meeting the criteria for *very low income* households in Section 143.0720(c)(1), the *density bonus* shall be calculated as set forth in Table 143-07A. The increased *density*

shall be in addition to any other increase in *density* allowed in this Division, up to a maximum combined *density* increase of 75 percent.

- (3) For *development* meeting the criteria for *low income* households in Section 143.0720(c)(2), the *density* bonus shall be calculated as set forth in Table 143-07B. The increased *density* shall be in addition to any other increase in *density* allowed in this Division, up to a maximum combined *density* increase of 75 percent.
- (4) For *development* meeting the criteria for *moderate income* households in Section 143.0720(c) and (d), the *density* bonus shall be calculated as set forth in Table 143-07C. The increased *density* shall be in addition to any other increase in *density* allowed in this Division, up to a maximum combined *density* increase of 50 percent.
- (5) For *development* meeting the criteria for transitional foster youth, disabled veterans, or homeless persons in Section 143.0720(f), the *density* bonus shall be 20 percent of the total pre-*density* bonus *dwelling units*. A *density* bonus for transitional foster youth, disabled veterans, or homeless persons for *very low income* shall be calculated as set forth in Table 143-07A.
- (6) For *development* meeting the criteria for *lower income students*, the *density* bonus shall be 35 percent of the total pre-*density* bonus units, calculated in accordance with Section 143.720(g)(1)(B).

- (7) For *development* providing at least 100 percent of the *pre-density* bonus *dwelling units* as affordable to *very low income*, *low income* and *moderate income* households in accordance with Section 143.0720(h); or *development* within a *transit priority area* providing at least 100 percent of the total *pre-density* and *post-density* bonus *dwelling units* as affordable to *very low income*, *low income*, and *moderate income* households in accordance with Section 143.0720(i), the *density* bonus shall be as follows:
- (A) For *development* located outside of a *transit priority area*, the *density* bonus shall be 80 percent of the number of *pre-density* bonus *dwelling units* provided for *low income* or *very low income* households. This bonus does not apply to *development* consistent with Section 143.0720(i).
- (B) For *development* located within a *transit priority area*, there shall be no limit on the number of *dwelling units* permitted.
- (8) For *development* meeting the criteria in Sections 143.0720(c)(1), 143.0720(c)(2), 143.0720(d)(1), 143.0720(d)(2), 143.0720(d)(3), 143.0720(e), 143.0720(f), 143.0720(g), 143.0720(h), or 143.0720(i), where an *applicant* has not requested an incentive or waiver to exceed the maximum *structure height* or *setbacks* of the base zone, an additional *density* bonus of 10 percent of the *pre-density* bonus *dwelling units* shall be granted, provided that

development of the additional *density* does not cause the need for an incentive, waiver, or deviation to exceed the maximum *structure height* or *setbacks* of the base zone.

- (9) For micro-unit *development* that provides five or more *dwelling units*; meets the criteria in Sections 143.0720(c)(1), 143.0720(c)(2), 143.0720(d)(1), 143.0720(d)(2), 143.0720(d)(3), 143.0720(e), or 143.0720(f); provides an average of no more than 600 square feet per *dwelling unit* with no *dwelling unit* exceeding 800 square feet; with a portion of the *lot* located within a *Transit Priority Area*; and where the *premises* can be serviced by all required utilities, a *density* bonus of up to 100 percent of the pre-*density* bonus *dwelling units* shall be granted. For *development* meeting the same criteria within the Centre City Planned District Ordinance, the *development* must comply with Section 156.0309(e)(1)(C).
- (10) If the *premises* is located in two or more zones, the number of *dwelling units* permitted in the *development* is the sum of the *dwelling units* permitted in each of the zones. Within the *development*, the permitted number of *dwelling units* may be distributed without regard to the zone boundaries.
- (11) Where the *development* consists of two or more specifically identified parcels, whether contiguous or noncontiguous, the

maximum number of *dwelling units* permitted on each parcel is calculated based on the area of that parcel.

- (12) Where the *development* consists of two or more noncontiguous parcels lying within two or more community planning areas, the *dwelling units* reserved at levels affordable to *very low income*, *low income*, or *moderate income* households shall be distributed among these community planning areas in the same proportion as the total number of *dwelling units* constructed within the *development*.
- (13) If the applicable *land use plan* map identifies an allowable *density* range in *dwelling units* per acre, the maximum allowable *density* in that range shall be used to calculate the *density* bonus as set forth in Table 143-07A, Table 143-07B or Table 143-07C. The allowed *density* bonus *dwelling units* shall not be counted towards the maximum allowed *floor area ratio* of the zone; and within the mixed-use base zones the allowed *density* bonus *dwelling units* shall not be counted towards the percentage of the required *primary use* or secondary use, as that term is defined in Section 131.0702.
- (14) Within the Centre City Planned District, the maximum *floor area ratio* shall be used to calculate the base *density* and *density bonus* as set forth in Table 143-07A, Table 143-07B, or Table 143-07C, and shall comply with Section 156.0309(e)(1).

- (m) For purposes of this Division, *density* bonus means an increase in *density* in accordance with Section 113.0222(c) beyond the otherwise maximum allowable *density*; or, if elected by the *applicant*, a lesser percentage of *density* or no increase in *density*.
- (n) All *density* calculations resulting in fractional units shall be rounded up to the next whole number.

§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) [No change in text.]
- (b) Items not considered incentives by the City of San Diego include, but are not limited to the following:
 - (1) through (3) [No change in text.]
 - (4) An increase in the maximum permitted *floor area ratio* in *land use plans* that use *floor area ratio* rather than *dwelling units* per acre or per square foot as the mechanism to control density.
- (c) through (d) [No change in text.]
- (e) For a *development* providing 100 percent of the pre-*density* bonus *dwelling units* as affordable to *very low income*, *low income* and *moderate income* households in accordance with Section 143.0720(h); or

development within a *transit priority area* providing 100 percent of the total *pre-density* and *post-density* bonus *dwelling units* as affordable to *very low income, low income, and moderate income* households in accordance with Section 143.0720(i), five incentives shall be available. If the *development* is located within a *transit priority area* the *applicant* shall also receive a *structure height* increase of up to 3 additional *stories* or 33 feet.

- (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
Very Low Income Density Bonus
Households

[No change in text.]

Table 143-07B
Low Income Density Bonus
Households

[No change in text.]

Table 143-07C
Moderate Income Density Bonus
Households

[No change in text.]

§143.0743 **Waivers in Exchange for Affordable Housing Units**

An *applicant* proposing *density* bonus shall be entitled to a waiver as described in this Division for any residential *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.

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

(f) A proposal for the waiver or reduction of *development* regulations pursuant to this Section 143.0743 shall neither reduce nor increase the number of incentives to which the *applicant* is entitled pursuant to Section 143.0740.

(g) A residential *development* that receives a waiver from any maximum controls on density pursuant to Section 143.0720(l)(7)(B) shall not be eligible for, and shall not receive, a waiver or reduction of *development* regulations pursuant to this Section 143.0743.

§143.0744 Parking Ratios for Affordable Housing

Upon the request of an *applicant* for a *development* meeting the criteria in Sections 143.0720(c), 143.0720(d), 143.0720(e), 143.0720(f), 143.0720(g), 143.0720(h), or 143.0720(j), the vehicular parking ratios in Table 143-07D, as may be applicable, or those set forth in Chapter 14, Article 2, Division 5, inclusive of disabled and guest parking, whichever is lower, shall apply. For purposes of this Division, a development may provide onsite parking through tandem parking or uncovered parking, but not through on-street parking or parking within a required front yard setback.

**Table 143-07D
Parking Reduction for Proximity to Transit**

| Type of <i>Development</i> | Percent Affordable | Transit Requirement³ | Parking Ratio for <i>Development</i>¹ |
|--|---------------------------|---|---|
| Rental or for-sale <i>development</i> containing market rate and <i>very low income, low income</i> and/or <i>moderate income dwelling units</i> <ul style="list-style-type: none"> • <i>Very low income</i> • <i>Low income</i> • <i>Moderate Income</i> | 11% 20% 10% | The <i>development</i> is located within a <i>transit priority area</i> | 0.5 spaces per <i>bedroom</i> |
| Rental housing <ul style="list-style-type: none"> • <i>Very low income, low income, and moderate income</i> | 100% ² | | 0.5 spaces per <i>dwelling unit</i> |
| Rental housing with an affordable housing cost to lower income senior citizens in accordance with California Civil Code Sections 51.3 and 51.12 | 100% ² | The <i>development</i> shall have either paratransit service, or be located within ½ mile of unobstructed access to a fixed bus route service that operates at least eight times per day. | 0.5 spaces per <i>dwelling unit</i> |
| Rental housing affordable to <i>very low income</i> and <i>low income</i> households that is either a special needs housing <i>development</i> as defined in California Health and Safety Code (CHSC) Section 51312 or a supportive housing <i>development</i> as defined in CHSC Section 50675.14 | 100% ² | The <i>development</i> shall have either paratransit service or be located within ½ mile of unobstructed access to a fixed bus route service that operates at least eight times per day. | 0 spaces per <i>dwelling unit</i> |

Footnotes for Table 143-07D [No change in text.]

Section 19. That Chapter 14, Article 3, Division 9 of the San Diego Municipal Code is amended by amending sections 143.0915 and 143.0920 to read as follows:

§143.0915 When Supplemental Neighborhood Development Permit Regulations Apply for Affordable Housing, In-Fill Projects, and Sustainable Buildings

These regulations apply to the following types of *development*:

- (a) [No change in text.]
- (b) In-fill projects, which is any of the following:
 - (1) through (2) [No change in text.]
- (c) [No change in text.]

§143.0920 Affordable Housing, In-Fill Projects, and Sustainable Buildings Deviations

Development identified in Section 143.0915 may be permitted with a Neighborhood Development Permit decided in accordance with Process Two, except as provided in Section 143.0920(e), for the following:

- (a) *Development* that proposes deviations from applicable Land Development Code regulations in accordance with Section 126.0602(b)(1), provided that the *findings* in Section 126.0404(a) are made. In the event that a deviation is requested, the supplemental *findings* in Section 126.0404(f) shall also be made.
- (b) [No change in text.]
- (c) *Multiple dwelling unit development* requesting increased *density* where the *land use plan* expressly provides for increased *density* with the approval of a Planned Development Permit, provided that the *findings* in Section 126.0404(a) are made. In the event that a deviation is requested, the supplemental *findings* in Section 126.0404(f) shall also be made.
- (d) Residential *development* in the Community Plan Implementation Overlay Zone designated “Type A” that does not comply with the *development*

standards and residential *development* in the Community Plan Implementation Overlay Zone designated “Type B,” as described in Section 132.1402, provided that the *findings* in Section 126.0404(a) are made. In the event that a deviation is requested, the supplemental *findings* in Section 126.0404(f) shall also be made.

- (e) A deviation pursuant to Section 143.0920 may not be requested for the following:
 - (1) through (4) [No change in text.]

Section 20. That Chapter 14, Article 3 of the San Diego Municipal Code is amended by adding new Division 12, sections 143.1201, 143.1203, 143.1205, 143.1207, 143.1210, and 143.1212, to read as follows:

Chapter 14: General Regulations

Article 3: Supplemental Development Regulations

Division 12: Dwelling Unit Protection Regulations

§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) 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 January 1, 2020 and December 31, 2024:

- (a) *Single dwelling unit development*;
- (b) *Multiple dwelling unit development*;
- (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*.

§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* 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* that are or were occupied by *very low income* or *low income* households during the five -year period preceding the application.
- (3) *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.

§143.1210 Replacement of *Dwelling Units*

Development subject to this Division shall include at least as many *dwelling units* as the most recent permitted *development* on the *premises*.

§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 of the following:

- (a) The *development* shall include at least as many *dwelling units* as the greatest number of permitted *dwelling units* that existed on the *premises* within the five -year period preceding the application.
- (b) The *development* shall replace all existing or demolished *protected dwelling units* on the *premises*.
- (c) The *protected dwelling units* shall be replaced as follows:
 - (1) For a *development* containing any occupied *protected dwelling units*, the *development* must contain at least the same number of replacement *protected dwelling units*, of equivalent size and

bedrooms, and must be made affordable to and occupied by persons and families in the same or a lower income category as the occupied *protected dwelling units*. For unoccupied *protected dwelling units* in the *development*, the replacement *protected dwelling units* shall be made affordable to and occupied by persons and families in the same or lower income category as the last household in occupancy. If the income category of the last household is unknown, it is rebuttably presumed that the *protected dwelling units* were occupied by *very low income* and *low income* renter households in the same proportion of *very low income* and *low income* renter households to all renter households within the City of San Diego, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database, and replacement *protected dwelling units* shall be provided in that same percentage.

- (2) If all of the *protected dwelling units* are vacant or have been demolished within the five years preceding the application, the *development* must contain at least the same number of replacement *protected dwelling units*, of equivalent size and *bedrooms*, as existed at the highpoint of those units in the five-year period preceding the application, and must be made affordable to and occupied by persons and families in the same or a lower income

category as those in occupancy at that same time. If the income categories are unknown for the highpoint, it is rebuttably presumed that the *protected dwelling units* were occupied by *very low income* and *low income* renter households in the same proportion of *very low income* and *low income* renter households to all renter households within the City of San Diego, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database, and replacement *protected dwelling units* shall be provided in that same percentage.

- (3) All replacement *protected dwelling unit* calculations resulting in fractional units shall be rounded up to the next whole number.
- (4) All rental replacement *protected dwelling units* shall be affordable for at least 55 years through a recorded affordability restriction documented by 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.
- (5) All for-sale replacement *protected dwelling units* shall be subject to the following provisions:
 - (A) The initial occupant of all for-sale affordable *protected dwelling units* shall be a *very low income* or *low income* household.

- (B) Prior to, or concurrent with, the sale of each *protected dwelling unit*, the *applicant* shall require the buyer to execute and deliver a promissory note in favor of the San Diego Housing Commission so that the repayment of any initial subsidy is ensured.
 - (C) Each for-sale *protected dwelling unit* shall be occupied by the initial owner at all times until the resale of the *protected dwelling unit*.
 - (D) Upon the first resale of a *protected dwelling unit*, the seller shall comply with all conditions regarding the sale of a *dwelling unit*, as applied by the San Diego Housing Commission, and as set forth in California Government Code Section 65915(c)(2).
- (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.
 - (2) To those households that remain in a *protected dwelling unit*, the *applicant* shall provide:
 - (A) Relocation benefits pursuant to California Government Code Sections 7260 through 7277.

- (B) A right of first refusal for a comparable *dwelling unit* available in the new *development* affordable to the household at an affordable rent or affordable housing cost based on household income in accordance with Table 143-12A.

Table 143-12A
Affordability Levels for Replacement *Protected Dwelling Units*

| | Rental <i>Dwelling Units</i> | For-Sale <i>Dwelling Units</i> |
|--|--|--|
| | | shall be affordable, including an allowance for utilities, at a rent that does not exceed: |
| <i>Very Low Income households</i> | 30 percent of 50 percent of the area median income, as adjusted for household size appropriate for the unit. | 30 percent of 50 percent of the area median income, as adjusted for household size appropriate for the unit. |
| <i>Low Income households</i> | 30 percent of 60 percent of the area median income, as adjusted for household size appropriate for the unit. | 30 percent of 70 percent of the area median income, as adjusted for household size appropriate for the unit. |

- (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.

Section 21. That Chapter 15, Article 1, Division 1 of the San Diego Municipal Code is amended by amending section 151.0103, to read as follows:

§151.0103 Applicable Regulations

- (a) [No change in text.]
- (b) The following regulations apply in all planned districts:

(1) through (12) [No change in text.]

(13) Land Development Code, Chapter 14, Article 3, Division 12
(Dwelling Unit Protection Regulations).

Section 22. That Chapter 15, Article 6, Division 3 of the San Diego Municipal Code is amended by amending section 156.0309, to read as follows:

§156.0309 FAR Regulations and TDRs

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

(e) *FAR Bonuses*

Development may exceed the maximum *base FAR* for the site established by Figure H if the *applicant* provides certain public benefits or *development* amenities. Table 156-0309-A shows the maximum amount of *FAR bonus* that may be earned by providing benefits or amenities, and Figure J shows the maximum *FAR bonus* that may be purchased for a site through the *FAR* Payment Bonus Program (exclusive of bonuses for affordable housing as described in Section 156.0309(e)(1)). *Applicants* utilizing the *FAR bonus* program shall have *CC&Rs* recorded on the property, ensuring that the benefits or amenities provided to earn the bonus are maintained in perpetuity, or in the case of affordable housing, for the duration specified in Section 156.0309(e)(1)(B)(iv).

The public benefits and *development* amenities that may earn a *FAR bonus* are the following:

TABLE 156-0309-A: FAR BONUS

[No change in text.]

- (1) **Affordable Housing.** An *applicant* proposing a residential *development* that is entitled to a *density* bonus pursuant to Chapter 14, Article 3, Division 7 of the Land Development Code may increase the permitted *FAR* as specified below.

In compliance with the State Density Bonus Law (California Government Code Section 65915), *applicants* may earn *FAR bonus* subject to the following:

- (A) [No change in text.]
- (B) *Development* may provide either rental or for-sale affordable *dwelling units*, regardless of whether the market rate *dwelling units* within the *development* are for rent or sale. *Development* under these provisions shall be subject to the following requirements in addition to those in Chapter 14, Article 3, Division 7:

- (i) The permitted *FAR* for a *development* containing affordable housing shall be calculated as follows:
Permitted *FAR* equals Pre-AHR bonus *FAR* minus the non-residential *FAR*, then multiplied by the AHR bonus percentage, then that total is added to the Pre-AHR bonus *FAR*.

For the purposes of the above calculation:

Pre-AHR bonus *FAR* means the Maximum *Base FAR* found in Figure H plus any additional *bonus*

FAR permitted in Figure K earned through
Section 156.0309(e) and Section 156.0309(g).

AHR bonus percentage means the percentage bonus
for affordable housing found in Tables 143-07A,
143-07B, and 143-07C in the Affordable Housing
Regulations (AHR).

- (ii) The number of required affordable *dwelling units* in
a *development* utilizing the Affordable Housing
Regulations in Chapter 14, Article 3, Division 7 is
calculated as follows:

Number of required affordable *dwelling units* equals
Pre-AHR bonus *FAR* minus the non-residential
FAR, then divided by the *development's* proposed
residential *FAR*, then multiplied by the number of
proposed *dwelling units* in the *development*, then
multiplied by the AHR bonus percentage.

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

- (C) For *development* proposing to utilize
Section 143.0720(i)(9) providing for a 100% *density* bonus
for micro-unit *development*, the *development* must first
utilize other *FAR* bonus programs as listed in
Section 156.0309(e) to achieve a minimum *FAR* bonus of

3.0. If the *bonus FAR* permitted in Figure K is less than 3.0,
then the *bonus FAR* in Figure K shall be required.

(2) through (8) [No change in text.]

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

Section 23. That Chapter 15, Article 10, Division 3 of the San Diego Municipal Code is amended by amending section 1510.0303, to read as follows:

§1510.0303 Single-Family Zone - Permitted Uses

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

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

(c) Boarder and lodger accommodations; Accessory Dwelling Units, Junior Accessory Dwelling Units and movable tiny houses; family day care homes; garage, *yard* and estate sales; guest quarters and habitable accessory buildings; home occupations; community gardens; and temporary real estate sales offices and model homes as a limited use in accordance with the applicable regulations in Chapter 14, Article 1 (Separately Regulated Use Regulations).

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

Section 24. This Ordinance contains a notice that a full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 25. This Ordinance shall take effect and be in force on the thirtieth day from and after its final passage, except that the provisions of this Ordinance applicable inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

Section 26. Prior to becoming effective, this Ordinance shall be submitted to the San Diego County Regional Airport Authority (SDCRAA) for a consistency determination.

Section 27. If the SDCRAA finds this Ordinance consistent with the Airport Land Use Compatibility Plans (ALUCP) for San Diego International Airport, Marine Corps Air Station Miramar, Gillespie Field, Montgomery Field, and Brown Field Airports (collectively, Airports), this Ordinance shall take effect and be in force on the thirtieth day from and after the finding of consistency, or on the thirtieth day from and after its final passage, whichever is later, except that the provisions of this Ordinance inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

Section 28. If the SDCRAA determines that this Ordinance is inconsistent or conditionally consistent, subject to proposed modifications, with the ALUCPs for the Airports, the Ordinance shall be submitted to the Council for reconsideration.

Section 29. If the SDCRAA determines that this Ordinance is conditionally consistent with the ALUCPs for the Airports, but that consistency is subject to proposed modifications, the Council may amend this Ordinance to accept the proposed modifications, and this Ordinance as

amended shall take effect and be in force on the thirtieth day from and after its final passage, except that the provisions of this Ordinance as amended inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

Section 30. A proposed decision by the Council to overrule a determination of inconsistency or to reject the proposed modifications for a finding of conditional consistency shall include the findings required pursuant to Public Utilities Code section 21670 and require a two-thirds vote. The proposed decision and findings shall be forwarded to the SDCRAA, the California Department of Transportation, Division of Aeronautics, and the airport operators for the Airports. The Council shall hold a second hearing not less than 45 days from the date the proposed decision and findings were provided, at which hearing any comments submitted by the public agencies shall be considered and a final decision to overrule a determination of inconsistency shall require a two-thirds vote.

Section 31. If the Council makes a final decision to overrule a determination of inconsistency, this Ordinance shall take effect and be in force on the thirtieth day from and after that final decision, except that the provisions of this Ordinance inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

Section 32. That no permits shall be issued for development that is inconsistent with the provisions of this Ordinance unless complete applications for such permits are submitted to the City prior to the date on which the applicable provisions of this Ordinance become effective.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Heather M. Ferbert
Heather M. Ferbert
Deputy City Attorney

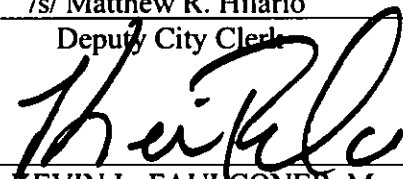
HMF:soc:cm
10/05/2020
10/09/2020 Cor. Copy
Or.Dept: Planning
Doc. No.: 2496743_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of 10/27/2020.

ELIZABETH S. MALAND
City Clerk

By /s/ Matthew R. Hilario
Deputy City Clerk

Approved: 10/29/2020
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

(Note: The date of final passage is October 30, 2020, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.)

Passed by the Council of The City of San Diego on OCT 27 2020, by the following vote:

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

Date of final passage OCT 30 2020.

AUTHENTICATED BY:

KEVIN L. FAULCONER

Mayor of The City of San Diego, California.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

(Seal)

By Connie Patterson, Deputy
for Matthew Hilario

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

OCT 13 2020

and on OCT 30 2020.

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

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

(Seal)

By Connie Patterson, Deputy
for Matthew Hilario

Office of the City Clerk, San Diego, California

Ordinance Number O- 21254