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**HOUSING LEGISLATION CODE UPDATE PACKAGE
Draft San Diego Municipal Code Amendments**

The following proposed amendments to the San Diego Municipal Code address recent State housing legislation and ensure compliance with State law.

ITEM	PURPOSE	KEY ACTIONS	CODE SECTIONS
Homeless Housing			
Low Barrier Navigation Centers (LBNC)	State Law (AB 101, 2019)	<ul style="list-style-type: none"> Amend Separately Regulated Residential Use division to define LBNC as a new use (similar to Transitional Housing Facilities.) Amend base zone use tables to permit by-right as a Limited Use in mixed-use and commercial zones that permit multi-family. 	141.0317 131.0222 131.0322 131.0422 131.0522 131.0622 131.0707
Emergency Shelters	State Law (SB 2, 2007)	<ul style="list-style-type: none"> Amend CC base zone use table to permit Emergency Shelters by-right as a Limited Use in all CC zones. 	131.0522
Transitional Housing	Correction	<ul style="list-style-type: none"> Amend the RM Base Zone Use Table to permit by-right as a Limited Use in RM-5-12 base zone. 	131.0422
Affordable Housing Regulations (AHR)			
Density Bonus for 100% Affordable Projects (Pre-Density Bonus)	State Law (AB 1763, 2019)	<ul style="list-style-type: none"> Amend AHR to provide an unlimited density bonus within TPAs and 80% outside TPAs to projects that construct 100% of the pre-density bonus units as affordable to very low and low income; or 80% very low & low and 20% moderate income. Amend AHR to provide 4 incentives and within TPAs, 3 additional stories or 33 feet. 	143.0720(h) 143.0720(l)(7) 143.0740(e)
Density Bonus for 100% Affordable Projects (Total Project)	Reg Relief	<ul style="list-style-type: none"> Amend AHR to provide an unlimited density bonus within TPAs and 80% outside TPAs to projects that construct 100% of the total pre-density bonus and post-density bonus units as affordable 	143.0720(i) 143.0720(l)(7) 143.0740(e)

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ITEM	PURPOSE	KEY ACTIONS	CODE SECTIONS
		to very low, low, and/or moderate income in any combination. <ul style="list-style-type: none"> Amend AHR to provide 4 incentives and within TPAs, 3 additional stories or 33 feet. 	
Density Bonus for Lower Income Student Housing	State Law (SB 1227, 2017)	<ul style="list-style-type: none"> Amend AHR to provide a density bonus of 35% to projects that provide 20% of the pre-density bonus units as affordable to lower income students. Amend AHR to provide 2 incentives (not provided in SB 1227.) 	143.0710 143.0715 143.0716 143.0720(g) 143.0720(l)(6) 143.0740(f)
Micro Unit Density Bonus	Reg Relief	<ul style="list-style-type: none"> Amend AHR to eliminate requirement that micro unit density bonus projects not use incentives or waivers for height or setbacks. 	143.0720(l)(9) 156.0309(e)(1)(C)
Density Bonus on FAR-Based Density Sites	Correction	<ul style="list-style-type: none"> Amend AHR to clarify how density bonuses are calculated for sites with FAR-based density. Amend AHR to clarify that incentives cannot be used to increase FAR, which would result in an additional density bonus. 	143.0720(l)(13) 143.0740(b)(4) 156.0309(e)(1)
Misc Clean-Up Items	Correction	<ul style="list-style-type: none"> Amend AHR to ensure compliance with State Density Bonus Law. Amend AHR to update parking table. Amend AHR to clarify affordable unit calculation for studio units when constructing affordable units off-site. 	143.0720(c) 143.0720(d) 143.0720(l) 143.0720(n) 143.0740(b) 143.0743 143.0744 143.07445
Accessory Dwelling Units			
Replacement of Companion Unit and Junior Unit Regulations with New Accessory Dwelling Unit Regulations	Clarifying	<ul style="list-style-type: none"> Amend Separately Regulated Residential Use division to strike the existing Companion Unit and Junior Unit regulations in their entirety. Amend Separately Regulated Residential Use division to establish new Accessory Dwelling Unit (ADU) 	113.0103 141.0302 (old) 141.0302 (new) 131.0222 131.0322 131.0422 131.0522

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ITEM	PURPOSE	KEY ACTIONS	CODE SECTIONS
		<p>regulations as an umbrella land use category that includes Companion Units and Junior Units. (New ADU regulations will be fully in compliance with State ADU and JADU laws.)</p> <ul style="list-style-type: none"> • Amend all base zone use tables to reflect new structure of ADU as umbrella land use category for Companion Units and Junior Units. 	<p>131.0622 131.0707</p>
Implementation of State ADU Legislation	<p>State Law (AB 68, 2019) (AB 587, 2019) (AB 881, 2019) (SB 13, 2019)</p>	<ul style="list-style-type: none"> • Amended ADU regulations will be fully in compliance with State ADU and JADU laws. Highlighted changes include: <ul style="list-style-type: none"> ○ Exemption from Coastal Permit. ○ At least 1 ADU 800 square feet in size must be permitted regardless of maximum lot coverage, maximum floor area ratio, and minimum open space requirements. ○ No replacement parking required for garages or carports converted or demolished to construct ADU. ○ Multiple ADUs possible in multi-family development. ○ Deed-restricted Companion Units may be sold/conveyed separately. 	<p>113.0103 126.0704 141.0302 (old) 141.0302 (new) 131.0222 131.0322 131.0422 131.0522 131.0622 131.0707</p>
Affordable ADU Incentives	State Law (AB 671)	<ul style="list-style-type: none"> • Amended ADU regulations will provide an ADU bonus that allows for 1 additional ADU for every affordable ADU deed-restricted for 15 years. 	<p>141.0302 (new)</p>
ADU Parking	Reg Relief	<ul style="list-style-type: none"> • Amended ADU regulations do not require parking for ADUs. 	<p>141.0302 (new)</p>
Misc Housing Items			
Employee Housing (6 or Fewer)	State Law	<ul style="list-style-type: none"> • Amend base zone use tables to permit by-right as a Limited Use in all zones that permit single dwelling unit development. 	<p>131.0222 131.0422</p>

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ITEM	PURPOSE	KEY ACTIONS	CODE SECTIONS
Efficiency Units	State Law (AB 352, 2017)	<ul style="list-style-type: none"> Amend Separately Regulated Residential Use division to define Efficiency Dwelling Units as a new use (tied to building code definition.) No limit on density, setbacks, lot coverage, height, etc within TPAs or within 1 mile of UCSD or SDSU. Amend base zone use tables to permit by-right as a Limited Use in mixed-use and commercial zones that permit multi-family. 	113.0103 141.0318 131.0222 131.0322 131.0422 131.0522 131.0622 131.0707
Development Incentives for Small Lot Developments	Reg Relief	<ul style="list-style-type: none"> Amend the LDC to encourage the construction of multi-family housing on small in-fill lots by providing the use of one incentive to deviate from a development regulation if the project is located within a TPA and proposes to construct at least 90% of the max density permitted. (Incentive cannot be used to deviate from density or FAR, & height deviation is limited to 30%.) 	131.0467 131.0540(d) 152.0304 152.0307 152.0310 152.0319 159.0307
Allow Residential Development in Accordance with the Land Use Plan By-Right	Reg Relief	<ul style="list-style-type: none"> Amend LDC to allow ministerial, by-right processing of projects with residential density that exceeds the base zone but is consistent with the adopted land use plan. Clean-up/consistency items. (Pending) 	131.0123 (new)
Housing Crisis Act of 2019	State Law (SB 330, 2019)	<ul style="list-style-type: none"> Amend LDC to include new Chapter 14, Article 3, Division 12 (Residential Dwelling Unit Protection Regulations) to address when and how a development that proposes demolition of existing residential dwelling units must replace those units in order to ensure that the number of residential dwelling units is not reduced through redevelopment of a property. Also amend base zone development 	131.0231 131.0331 131.0431 131.0531 131.0631 131.0709 Chapter 14, Article 3, Division 12

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ITEM	PURPOSE	KEY ACTIONS	CODE SECTIONS
		regulations tables to state when the new Protection Regulations apply.	

§113.0103 Definitions

Abutting Property through Accessory building [no change in text]

Accessory Dwelling Units (ADUs) means attached or detached residential *dwelling units* that provide 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 dwelling units* can include *companion units, junior units, efficiency units, and manufactured homes.*

Accessory structure through Coastal development [no change in text]

Companion unit means an ~~Accessory structure~~ Dwelling Unit that is 1,200 square feet in size or less, includes a kitchen or efficiency kitchen and a bathroom, and is either attached to or detached from an existing or proposed primary *dwelling unit* on a residential *lot* that provides independent living facilities for one or more persons, independent of the primary *dwelling unit*, which includes permanent provisions for living, sleeping, eating, cooking, and sanitation.

Condominium conversion through Dwelling unit, single [no change in text]

Efficiency dwelling units, as established by Section 145.1207(b), means a habitable unit with a maximum *gross floor area* of 600 square feet that provides a living room of not less than 150 square feet of *gross floor area*, with an additional 100 square feet of *gross floor area* for each occupant of the *efficiency dwelling unit* in excess of two; a separate closet; a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches in front; and a separate bathroom containing a water closet, lavatory and bathtub or shower. An *efficiency dwelling unit* may be permitted and constructed as visitor accommodations, *multiple dwelling unit development*, or *accessory dwelling units* in accordance with the use regulations of the base zone.

Encroachment through Internally illuminated sign [no change in text]

Junior unit means an ~~Accessory structure~~ Dwelling Unit that is 500 square feet or less in size, includes a kitchen or efficiency kitchen and a bathroom, and is contained entirely within an existing or proposed, ~~habitable~~ *single dwelling unit* on a residential *single dwelling unit lot*.

Kitchen through Yard [no change in text]

§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 in accordance with Section 141.0302 are exempt, except if the improvements involve any of the following:
 - (1) through (8) [no change in text]
 - (9) ~~— A companion unit as described in Section 141.0302.~~
- (b) through (i) [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 density that are not permitted in the underlying base zone may be permitted as follows:

- (a) Residential development and mixed-use development that contains residential uses and density that comply with the applicable land use plan may be permitted in accordance with a Process One construction permit. Utilization of this Section allowing residential density in accordance with the land use plan shall not preclude the use of the state density bonus program, where applicable.
- (b) Development other than that specified in Section 131.123(a) may be permitted with a Planned Development Permit in accordance with 126.0602(a)(2).

§131.0222 Use Regulations Table for Open Space Zones

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

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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 ⁽¹¹⁾ -
	3rd >>	1-	2-	1-	1-	1-
	4th >>	1	1	1	1	2
Open Space through Residential - Single Dwelling Units [no change in text]	[no change in text]					
Separately Regulated Residential Uses						
<u>Accessory Dwelling Units:</u>						
<u>Companion Units</u>	=	=	=	<u>L</u>	=	
<u>Junior Units</u>	=	=	=	<u>L</u>	=	
<i>Boarder & Lodger Accommodations</i> [no change in text]	[no change in text]					
<i>Companion Units</i>	-	-	-	<u>L</u>	-	
Continuing Care Retirement Communities [no change in text]	[no change in text]					
<u>Efficiency Dwelling Units</u>	=	=	=	=	=	
Employee Housing:						
6 or Fewer Employees	-	-	-	<u>-L</u>	-	
Residential – Separately Regulated Uses - Employee Housing: 12 or Fewer Employees through Residential – Separately Regulated Uses – Interim Ground Floor Residential [no change in text]	[no change in text]					
<i>Junior Units</i>	-	-	-	<u>L</u>	-	
Live/work Quarters [no change in text]	[no change in text]					
<u>Low Barrier Navigation Center</u>	=	=	=	=	=	
Residential – Separately Regulated Uses - Permanent Supportive Housing through Signs – Separately Regulated Signs Uses – Theater Marquees [No change in text.]	[no change in text]					

Footnotes for Table 131-02B

1 through 11 [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.

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**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				
	1 st & 2nd >>	OP-	OC-	OR-		OF ⁽¹⁾ -
	3rd >>	1-	2-	1-	1-	1-
	4th >>	1	1	1	2	1
Max Permitted Residential Density (DU Per Lot) through Visibility Area [no change in text]		[no change in text]				
<u>Residential Dwelling Unit Protection Regulations</u> [See Chapter 14, Article 3, Division 12]		==	==	<u>applies</u>	<u>applies</u>	==

Footnotes for Table 131-02C

1 through 8 [no change in text]

§131.0322 Use Regulations Table for Agricultural Zones

**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 - Single Dwelling Units [no change in text]		[no change in text]			
Separately Regulated Residential Uses					
<u>Accessory Dwelling Units:</u>					
<u>Companion Units</u>		=		<u>L</u>	
<u>Junior Units</u>		=		<u>L</u>	
Boarder & Lodger Accommodations [no change in text]		[no change in text]			

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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>Companion Units</i>		-		£	
Continuing Care Retirement Communities [no change in text]		[no change in text]			
<u>Efficiency Dwelling Units</u>		≡		≡	
Residential – Separately Regulated Uses - Employee Housing through Residential – Separately Regulated Uses – Interim Ground Floor Residential [no change in text]		[no change in text]			
<i>Junior Units</i>		-		£	
Live/Work Quarters [no change in text]		[no change in text]			
<u>Low Barrier Navigation Centers</u>		≡		≡	
Residential – Separately Regulated Uses - Permanent Supportive Housing through Signs – Separately Regulated Signs Uses – Theater Marquees [No change in text.]		[no change in text]			

Footnotes for Table 131-03B

1 through 12 [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**

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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 Density (DU Per Lot) through Visibility Area [no change in text]		[no change in text]			
Residential Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12]		<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>

Footnotes for Table 131-03C

1 through 7 [no change in text]

§131.0422 Use Regulations Table for Residential Zones

**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																								
<u>Accessory Dwelling Units:</u>																								
<u>Companion Units</u>		<u>L</u>	<u>L</u>						<u>L</u>		<u>L</u>													
<u>Junior Units</u>		<u>L</u>	<u>L</u>						<u>L</u>		<u>L</u>													
Boarder & Lodger Accommodations [no change in text]		[no change in text]																						
<u>Companion Units</u>		<u>L</u>	<u>L</u>						<u>L</u>		<u>L</u>													

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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
Continuing Care Retirement Communities [no change in text]	[no change in text]																							
<u>Efficiency Dwelling Units</u>	=	=												=	=									
Employee Housing:																								
6 or Fewer Employees	<u>-L</u>	<u>-L</u>												<u>-L</u>	<u>-L</u>									
Residential – Separately Regulated Uses - Employee Housing: 12 or Fewer Employees through Residential – Separately Regulated Uses – Interim Ground <i>Floor Residential</i> [no change in text]	[no change in text]																							
<i>Junior Units</i>	L	L												L	L									
Live/Work Quarters [no change in text]	[no change in text]																							
<u>Low Barrier Navigation Center</u>	=	=												=	=									
Residential – Separately Regulated Uses - <i>Permanent Supportive Housing</i> 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														
<u>Accessory Dwelling Units:</u>														

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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	
<u>Companion Units</u>		<u>L</u>			<u>L</u>			<u>L</u>			<u>L</u>		<u>L</u>	
<u>Junior Units</u>		<u>L</u>			<u>L</u>			<u>L</u>			<u>L</u>		<u>L</u>	
<i>Boarder & Lodger Accommodations</i> [no change in text]		[no change in text]												
Companion Units		L			L			L			L		L	
Continuing Care Retirement Communities [no change in text]		[no change in text]												
<u>Efficiency Dwelling Units</u>		<u>L</u>			<u>L</u>			<u>L</u>			<u>L</u>		<u>L</u>	
Employee Housing:														
6 or Fewer Employees		<u>-L</u>			<u>-L</u>			<u>-L</u>			<u>-L</u>		<u>-L</u>	
Residential – Separately Regulated Uses - Employee Housing: 12 or Fewer Employees through Residential – Separately Regulated Uses – Interim Ground Floor Residential [no change in text]		[no change in text]												
<i>Junior Units</i>		L			L			L			L		L	
Live/Work Quarters [no change in text]		[no change in text]												
<u>Low Barrier Navigation Center</u>		<u>=</u>			<u>=</u>			<u>=</u>			<u>=</u>		<u>=</u>	
Residential – Separately Regulated Uses – Permanent Supportive Housing through Residential – Separately Regulated 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		<u>-P</u>	

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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	
7 or more persons		L			L			L			L		- <u>L</u>	
Residential – Separately Regulated Uses – Watchkeeper Quarters through Signs – Separately Regulated Signs Uses – Theater Marquees [No change in text.]		[no change in text]												

Footnotes for Table 131-04B

1 through 11 [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]					
<u>Residential Dwelling Unit Protection Regulations</u> [See Chapter 14, Article 3, Division 12]		<u>applies</u>		<u>applies</u>		<u>applies</u>	

(b) RS Zones

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**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]							
<u>Residential Dwelling Unit Protection Regulations</u> [See Chapter 14, Article 3, Division 12]	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	

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]							
<u>Residential Dwelling Unit Protection Regulations</u> [See Chapter 14, Article 3, Division 12]	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	

Footnotes for Table 131-04D

1 through 8 [no change in text]

(c) RX Zones

**Table 131-04E
Development Regulations for RX Zones**

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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 Density (DU per lot) through Visibility Area [no change in text]		[no change in text]	
<u>Residential Dwelling Unit Protection Regulations</u> [See Chapter 14, Article 3, Division 12]		<u>applies</u>	<u>applies</u>

Footnote for Table 131-04E

1 [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 Density (DU per lot) through Visibility Area [no change in text]		[no change in text]				
<u>Residential Dwelling Unit Protection Regulations</u> [See Chapter 14, Article 3, Division 12]		<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>

(e) RM Zones

**Table 131-04G
Development Regulations for RM Zones**

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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 (DU per lot) through Visibility Area [no change in text]	[no change in text]						
<u>Residential Dwelling Unit Protection Regulations</u> [See Chapter 14, Article 3, Division 12]	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	

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 (DU per lot) through Visibility Area [no change in text]		[no change in text]					
Residential Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12]		<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>

Footnotes for Table 131-04G

1 through 37 [no change in text]

§131.0467 *Development Incentives for Multiple Dwelling Units on Smaller Premises*

For multiple dwelling unit developments on a premises smaller than 0.5 acres and located within a Transit priority area that construct at least 90 percent of the maximum number of dwelling units permitted by the base zone, the following development incentive is provided:

- (a) A deviation from one of the base zone development regulations, excluding density and floor area ratio, may be granted with the approval of a construction permit.
 - (1) For the purpose of this subsection, a deviation from one of the base zone development regulations shall refer to the entire development regulation category identified in bold in the development regulation table of the applicable base zone. For example, a deviation from both side and rear yard setback requirements would be a deviation from one base zone development regulation (setback requirements).
 - (2) Deviation from the maximum structure height is limited to 30% of the maximum structure height of the base zone, except in the Coastal Height Limit Overlay Zone, where deviation from maximum structure height is not permitted.

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- (b) A deviation from allowed uses or the requirements of Overlay Zones, environmentally sensitive lands regulations, historical resources regulations, building regulations, or similar regulations shall not be permitted as part of this development incentive.
- (c) A deviation incentive processed in accordance with Section 131.0467(a) may be denied if the City makes a written finding of denial based upon substantial evidence of any of the following:
 - (1) The incentive would have a specific adverse impact upon public health and safety as defined in California Government Code Section 65589.5.
 - (2) The incentive would be contrary to state or federal law. Requested incentives shall be analyzed in compliance with the California Environmental Quality Act as set forth in Chapter 12, Article 8, and no incentive shall be granted without such compliance; or
 - (3) Within the Coastal Overlay Zone, the incentive would be inconsistent with the resource protection standards of the City's Local Coastal Program or the environmentally sensitive lands regulations.

§131.0522 Use Regulations Table for Commercial Zones

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

Use Categories/Subcategories	Zone Designator	Zones														
		CN ⁽¹⁾ -						CR-		CO-			CV-		CP-	
[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	1st & 2nd >>	1-						1-	2-	1-	2-	3-	1-	1-		
	3rd >>	1	2	3	4	5	6	1	1	1	2	1	2	1	2	1
	4th >>	1	2	3	4	5	6	1	1	1	2	1	2	1	2	1
Open Space through Residential - Single Dwelling Units [no change in text]		[no change in text]														
Separately Regulated Residential Uses																
<i>Accessory Dwelling Units:</i>																
<i>Companion Units</i>		<u>L</u>	<u>L</u>	=	<u>L</u>	=	<u>L</u>	=	<u>L</u>	<u>L</u>	=					
<i>Junior Units</i>		=	=	=	=	=	=	=	=	=	=	=	=	=	=	=
<i>Boarder & Lodger Accommodations</i> [no change in text]		[no change in text]														
<i>Companion Units</i>		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Continuing Care Retirement Communities [no change in text]		[no change in text]														

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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	3	1	2
<u>Efficiency Dwelling Unit</u>		<u>L</u>			<u>L</u>	=	<u>L</u>			=	<u>L</u>		<u>L</u>	=				
Residential – Separately Regulated Uses - Employee Housing through Residential – Separately Regulated Uses – Interim Ground Floor Residential [no change in text]		[no change in text]																
<i>Junior Units</i>		-	-	-	-	-	-	-	-	-	-	-	-	-				
Live/Work Quarters [no change in text]		[no change in text]																
<u>Low Barrier Navigation Center</u>		<u>L</u>			<u>L</u>	=	<u>L</u>			=	<u>L</u>		<u>L</u>	=				
Residential – Separately Regulated Uses - Permanent Supportive Housing 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 >>	CC-																								
	3rd >>	1-			2-			3-			4-			5-												
	4th >>	1	2	3	1	2	3	4	5	4	5	6	7	8	9	1	2	3	4	5	6	1	2	3	4	5
Open Space through Residential - Single Dwelling Units [no change in text]		[no change in text]																								
Separately Regulated Residential Uses																										
<u>Accessory Dwelling Units:</u>																										
<u>Companion Units</u>		<u>L</u>	=	<u>L</u>			<u>L</u>			<u>L</u>																
<u>Junior Units</u>		=	=	=			=			=																
Boarder & Lodger Accommodations [no change in text]		[no change in text]																								
<i>Companion Units</i>		-	-	-			-			-																
Continuing Care Retirement Communities [no change in text]		[no change in text]																								
<u>Efficiency Dwelling Units</u>		<u>L</u>	=	<u>L</u>			<u>L</u>			<u>L</u>																
Residential – Separately Regulated Uses - Employee Housing through Residential – Separately Regulated Uses – Interim Ground Floor Residential [no change in text]		[no change in text]																								
<i>Junior Units</i>		-	-	-			-			-																

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Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																								
	1st & 2nd >>	CC-																								
	3rd >>	1-				2-				3-				4-				5-								
	4th >>	1	2	3	1	2	3	4	5	4	5	6	7	8	9	1	2	3	4	5	6	1	2	3	4	5
Live/Work Quarters [no change in text]	[no change in text]																									
Low Barrier Navigation Center	<u>L</u>		-		<u>L</u>				<u>L</u>				<u>L</u>					<u>L</u>								
Residential – Separately Regulated Uses – Permanent Supportive Housing through Institutional – Separately Regulated Uses – Homeless Facilities: Congregate Meal Facilities [no change in text]	[no change in text]																									
Emergency Shelters	<u>€L</u>		-		<u>€L</u>				<u>€L</u>				<u>€L</u>					<u>€L</u>								
Institutional – Separately Regulated Uses – Homeless Facilities: Homeless Day Centers through Signs – Separately Regulated Signs Uses – Theater Marquees [No change in text.]	[no change in text]																									

Footnotes for Table 131-05B

1 through 19 [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 Supplemental Residential Regulations [no change in text]	[no change in text]						
Residential Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12]	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	

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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
Lot Area through Visibility Area [no change in text]		[no change in text]					

Footnotes for Table 131-05C

1 through 5 [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-	2-	1-	2-		
	4th >>	1	1	2	1-	2-	1	2	3	1	2	1
Max Permitted Residential Density⁽¹⁾ through Supplemental Residential Regulations [no change in text]		[no change in text]										
Residential Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12]		<u>applies</u>	<u>applies</u>	<u>applies</u>	=	=	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	=
Supplemental Commercial Regulations through Visibility Area [no change in text]		[no change in text]										

Footnotes for Table 131-05D

1 through 6 [no change in text]

(c) CC Zones

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**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 Supplemental Residential Regulations [no change in text]	[no change in text]																
<u>Residential Dwelling Unit Protection Regulations</u> [See Chapter 14, Article 3, Division 12]	<u>applies</u>			<u>applies</u>			<u>applies</u>			<u>applies</u>							
Lot Area through Visibility Area	[no change in text]																

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	9					
Max Permitted Residential <i>Density</i>⁽¹⁾ through Supplemental Residential Regulations [no change in text]	[no change in text]														
<u>Residential Dwelling Unit Protection Regulations</u> [See Chapter 14, Article 3, Division 12]	<u>applies</u>			<u>applies</u>			<u>applies</u>			<u>applies</u>			<u>applies</u>		
Lot Area through Visibility Area	[no change in text]														

Footnotes for Table 131-05E

1 through 6 [no change in text]

§131.0540 Maximum Permitted Residential Density and Other Residential Regulations

The following regulations apply to residential *development* within commercial zones where indicated in Table 131-05B:

- (a) through (c) [No change in text.]
- (d) **Residential Development.** Where residential *development* is permitted, the *development* regulations of the RM-1-1, RM-2-5, RM-3-7, RM-3-8, RM-3-9, and RM-4-10 zones apply as appropriate according to the maximum permitted residential *density*, except that the *lot* area, *lot* dimensions, *setback*, *floor area*

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ratio, and structure height requirements of the applicable commercial zone apply. The floor area ratio bonus for providing underground parking as set forth in Sections 131.0446(e) and 131.0446(f) shall apply. Development on a premises smaller than 0.5 acres located within a Transit priority area that constructs at least 90 percent of the maximum number of dwelling units permitted by the base zone may utilize the development incentives provided in Section 131.0467.

(e) [No change in text.]

§131.0622 Use Regulations Table for Industrial Zones

**Table 131-06B
Use Regulations Table for Industrial Zones**

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones									
	1st & 2nd >>		IP-			IL-			IH-		IS-	IBT-
	3rd >>		1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
	4th >>		1	1	1	1	1	1	1	1	1	1
Open Space through Residential - Single Dwelling Units [no change in text]	[no change in text]											
Separately Regulated Residential Uses	[no change in text]											
<u>Accessory Dwelling Units:</u>												
<u>Companion Units</u>	=	=	L ⁽¹⁵⁾	=	=	=	=	=	=	=	=	
<u>Junior Units</u>	=	=	=	=	=	=	=	=	=	=	=	
<u>Boarder & Lodger Accommodations</u> [no change in text]	[no change in text]											
<u>Companion Units</u>	-	-	-	-	-	-	-	-	-	-	-	
Continuing Care Retirement Communities [no change in text]	[no change in text]											
<u>Efficiency Dwelling Unit</u>	=	=	L ⁽¹⁵⁾	=	=	=	=	=	=	=	=	
Residential – Separately Regulated Uses - Employee Housing through Residential – Separately Regulated Uses – Interim Ground Floor Residential [no change in text]	[no change in text]											
<u>Junior Units</u>	-	-	-	-	-	-	-	-	-	-	-	
Live/Work Quarters [no change in text]	[no change in text]											
<u>Low Barrier Navigation Center</u>	=	=	=	=	=	=	=	=	=	=	=	
Residential – Separately Regulated Uses - Permanent Supportive Housing through Signs – Separately Regulated Signs Uses – Theater Marquees [No change in text.]	[no change in text]											

Footnotes for Table 131-06B

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1 through 20 [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 >> 3rd >> 4th >>	IP-			IL-			IH-		IS-	IBT-
		1	2	3	1-	2-	3-	1-	2-	1-	1-
		-	-	-							
		1			1			1		1	
Max permitted residential density⁽¹⁰⁾ through Supplemental residential regulations [no change in text]		[no change in text]									
<u>Residential Dwelling Unit Protection Regulations</u> [See Chapter 14, Article 3, Division 12]		applies			=			=		=	
Lot Area through Visibility Area [no change in text]		[no change in text]									

Footnotes for Table 131-06C

1 through 11 [no change in text]

§131.0707 Use Regulations Table for Mixed-Use Zones

**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 >> 2nd >>	RMX			EMX		
		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							
<u>Accessory Dwelling Units:</u>							

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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
<u>Companion Units</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L⁽¹⁾</u>	<u>L⁽¹⁾</u>	<u>L⁽¹⁾</u>
<u>Junior Units</u>		=	=	=	=	=	=
Boarder & Lodger Accommodations [no change in text]		[no change in text]					
<u>Companion Units</u>		-	-	-	-	-	-
Continuing Care Retirement Communities [no change in text]		[no change in text]					
<u>Efficiency Dwelling Units</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
Residential – Separately Regulated Uses – Employee Housing through Residential – Separately Regulated Uses – Home Occupations [no change in text]		[no change in text]					
<u>Junior Units</u>		-	-	-	-	-	-
Live/Work Quarters [no change in text]		[no change in text]					
<u>Low Barrier Navigation Centers</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
<u>Permanent Supportive Housing</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
Residential – Separately Regulated Uses – Residential Care Facilities through Signs – Separately Regulated Signs Uses – Theater Marquees [No change in text.]		[no change in text]					

Footnotes for Table 131-07A

1 through 7 [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**

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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]					
<u>Residential Dwelling Unit Protection Regulations</u> [See Chapter 14, Article 3, Division 12]	<u>applies</u>					

Footnotes for Table 131-07B

1 through 3 [no change in text]

§141.0302 — Companion Units and Junior Units

Companion units and junior units are each 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) — *Companion Units*

- (1) — A *companion unit* may not be sold or conveyed separately from the *primary dwelling unit*.
- (2) — Within a *multiple dwelling unit* zone, a *companion unit* is permitted on any *premises* that is limited to a maximum of two *dwelling units* based on the allowable *density*, existing area of the *premises*, and zone.
- (3) — The *gross floor area* of the *companion unit* shall be included in the *floor area ratio* for the *premises*. The *gross floor area* for an attached *companion unit* shall not exceed 50 percent of the existing or proposed habitable *dwelling unit*. A maximum increase of 1,200 square feet is allowed for an attached or detached *companion unit*.
- (4) — No passageway shall be required in conjunction with the construction of a *companion unit*.

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- (5) ~~A permitted garage or non-habitable accessory structure that is converted to a companion unit may maintain the existing setbacks.~~
- (6) ~~A companion unit may encroach within the interior side and rear yard setbacks up to the property line subject to the following:~~
 - (A) ~~The structure shall not encroach more than a maximum of 30 feet in length;~~
 - (B) ~~A companion unit may be constructed above a permitted garage or non-habitable accessory structure.~~
- (7) ~~Parking for the entire premises shall be brought into compliance with Chapter 14, Article 2, Division 5 (Parking Regulations) and with Section 141.0302, except as otherwise indicated herein by the zone.~~
 - (A) ~~If access from an improved abutting alley exists, vehicular access to parking spaces for the companion unit shall also be from the alley unless the premises has a garage that accommodates all off street parking required in accordance with this section, except for premises located in the Beach Impact Area or any other zones in which vehicular access from the alley is required.~~
 - (B) ~~Replacement parking shall be provided on the premises when an existing garage is converted to a companion unit or demolished in conjunction with the construction of a companion unit.~~
 - (C) ~~Off street parking space(s) may be located in any configuration, may be within the setback areas, and may include covered or uncovered parking tandem spaces, or mechanical lifts. Off street parking space(s) 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.~~
 - (D) ~~Required off street parking for a companion unit shall not exceed one parking space per unit.~~
- (8) ~~A companion unit shall be exempt from providing parking if any of the following apply:~~

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- ~~(A) — The *companion unit* is 500 square feet or less;~~
- ~~(B) — The *companion unit* is located within a *transit area* or a *transit priority area*;~~
- ~~(C) — The *companion unit* is located within a *designated historical resource area*;~~
- ~~(D) — The *companion unit* is already part of the existing *single dwelling unit* or an existing permitted habitable *dwelling unit*;~~
- ~~(E) — The *companion unit* is located within a residential permit parking district;~~
- ~~(F) — The *companion unit* is located within one block of a *car share station*; or~~
- ~~(G) — The *companion unit* is located within one block from a *bike share station*.~~
- ~~(9) — One 24-inch box tree shall be planted in the required front *yard* of the *premises* or in the abutting *parkway*. Existing trees that are at least 15 feet high and 15 feet in width may be used to satisfy this requirement.~~
- ~~(10) — Within the Coastal Overlay Zone, *companion units* are subject to the provisions of Chapter 12, Article 6, Division 7.~~
- (b) — *Junior Units*
 - ~~(1) — A *junior unit* shall be exempt from parking regulations.~~
 - ~~(2) — A *junior unit* shall have a separate exterior entry, with an interior connection to the main living area, and shall include an efficiency kitchen. An efficiency kitchen requires a sink with a maximum waste line diameter of 1.5 inches, a cooking facility with appliances that do not require electrical service of more than 120 volts, or use natural or propane gas, and food preparation counter and storage cabinets.~~
 - ~~(3) — A *junior unit* may include a bathroom, or may share a bathroom with the *primary dwelling unit*.~~
 - ~~(4) — Before a Building Permit may be issued for a *junior unit*, 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~~

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the following provisions: that neither the primary *dwelling unit* nor the *junior unit* may be sold or conveyed separately from each other; and that the *record owner* shall reside in the primary *dwelling unit* or the *junior unit*. The City will submit the agreement to the County Recorder for recordation. The agreement shall run with the land and be coterminous with the life of the *junior unit*.

- (c) ~~Only one *companion unit* or *junior unit* is permitted on a *premises*. Guest quarters and non-habitable structures shall be permitted in addition to the *companion unit* or *junior unit*.~~
- (d) ~~*Companion units* are not subject to Section 131.0450.~~
- (e) ~~A *companion unit* or *junior unit* shall not be used for a rental term of less than 30 consecutive days.~~

§141.0302 *Accessory Dwelling Units*

Accessory Dwelling Units (ADUs) are attached or detached residential *dwelling units* that provide 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*. This section distinguishes between two different types of *ADUs*: *companion units* and *junior units*. *ADUs* are permitted as a limited use in accordance with a Process One in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) *ADU Regulations*

The following regulations are applicable to all *ADUs*, regardless of the type:

(1) *Use Regulations for ADUs*

- (A) *One companion unit* and one *junior unit* are permitted on a *premises* located within a *single dwelling unit* zone.
- (B) An *ADU* shall not be used for a rental term of 30 consecutive days or less.
- (C) Guest quarters and non-habitable *accessory structures* shall be permitted in addition to *ADUs*.

(2) *Development Regulations for ADUs*

- (A) A minimum *lot* size is not required for the construction of an *ADU*.

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(B) ADUs are not subject to the density limitations for the premises.

(C) The gross floor area of the ADU shall be included in the floor area ratio for the premises.

(D) The following setback allowances are provided for ADUs:

(i) Conversion of existing structure to an ADU. No setback is required for an existing dwelling unit or accessory structure that is converted to an ADU or to a portion of an ADU; and an ADU 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 structure. New ADUs must comply with the front yard and street side yard setbacks of the zone. An ADU may encroach into the required interior side yard and rear yard setback up to the property line in order to accommodate construction of the ADU.

(E) ADUs shall not be required to provide fire sprinklers if they are not required for the primary dwelling unit.

(3) Parking Regulations for ADUs

(A) Off-street parking spaces are not required for ADUs. If the applicant chooses to provide off-street parking spaces for ADUs 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 space(s) 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 converted to an ADU, replacement of those off-street parking spaces is not required.

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- (4) An ADU with a gross floor area of 800 square feet shall be permitted on a premises with an existing or proposed primary dwelling unit regardless of maximum lot coverage, maximum floor area ratio, and minimum open space requirements.
- (5) ADU Bonus for Affordable ADUs. An 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. For ADUs to be counted as affordable and meet the requirements of this Section, the qualifying criteria in Table 141-03A shall be met.

Table 141-03A
Qualifying Criteria for Affordable ADU Bonus

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

(b) Companion Unit Regulations

In addition to the regulations in Section 141.0302(a), the following regulations are applicable to companion units:

- (1) Use Regulations for Companion Units

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- (A) The record owner is not required to live on the same premises as the companion unit.
- (B) The companion unit may not be sold or conveyed separately from the primary dwelling unit unless the companion unit is deed restricted as affordable to very low income, low income, median income or moderate income households for a period of not less than 55 years.

(2) Development Regulations for Companion Units

- (A) A companion unit may be attached to, located within, or detached from an existing or proposed primary dwelling unit, including garages and other habitable or non-habitable accessory structures.
- (B) No more than 1 companion unit shall be permitted on a premises with an existing or proposed single dwelling unit.
- (C) Companion units located on a premises with an existing multiple dwelling unit shall be permitted as follows:
 - (i) The number of companion units permitted within the habitable area of an existing multiple dwelling unit structure is limited to 25 percent of the total number of existing dwelling units in the structure, but in no case shall be less than 1 companion unit; and
 - (ii) Two companion units that are detached from an existing multiple dwelling unit structure are permitted; and
 - (iii) There is no limit on the number of companion units permitted within the portions of existing multiple dwelling unit structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwelling units.
- (D) The maximum allowable gross floor area of a companion unit shall not exceed 1,200 square feet.

(c) Junior Unit Regulations

In addition to the regulations in Section 141.0302(a), the following regulations are applicable to junior units:

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(1) Use Regulations for Junior Units

- (A) The record owner is required to live on the same premises as the junior unit.
- (B) The junior unit may not be sold or conveyed separately from the primary dwelling unit.
- (C) Before a Building Permit may be issued for a junior unit, 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: that the junior unit may not be sold or conveyed separately from the primary dwelling unit; and that the record owner shall reside on the premises. The City will submit the agreement to the County Recorder for recordation. The agreement shall run with the land and be coterminous with the life of the junior unit.

(2) Development Regulations for Junior Units

- (A) No more than 1 junior unit shall be permitted on a premises located within a single dwelling unit zone.
- (B) A junior unit 500 square feet in size or less is permitted within an existing or proposed single dwelling unit, an attached or detached garage, or a companion unit. A maximum addition of 150 square feet is permitted for ingress and egress only.
- (C) A junior unit shall have a separate exterior entry from the primary dwelling unit; and shall provide, at a minimum, 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, and may include, but is not limited to the presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth; pets; storage of

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possessions; and privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

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 center shall offer services to connect people to permanent housing through a services plan that identifies services staffing.
- (b) The center shall have a coordinated entry system. A coordinated entry system means a centralized or coordinated assessment system that provides an initial, comprehensive assessment of the needs of individuals and families for housing and services. This coordinated entry system shall be linked so that staff in the interim facility or staff who collocate in the facility may conduct assessments and provide services to connect people to permanent housing.
- (c) The center shall comply with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
- (d) The 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.

§141.0318 ***Efficiency dwelling units***

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

- (a) Within transit priority areas or within one mile of a University of California or California State University campus, the following regulations apply:
 - (1) A multiple dwelling unit or mixed-use development that proposes to construct efficiency dwelling units as a majority percentage of the total dwelling units in the development may exceed the density, lot coverage, structure height and setback requirements of the base zone for the efficiency dwelling unit portion of the development.
 - (2) A multiple dwelling unit or mixed-use development that proposes to construct efficiency dwelling units as less than a majority percentage of the total dwelling units in the development may not exceed the density, lot coverage, structure height and setback requirements of the base zone unless approved as a deviation through the applicable development permit process or as an incentive or waiver in exchange for the construction of deed-restricted affordable housing.

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- (b) Outside of *transit priority areas* and outside of a one-mile radius of a University of California or California State University campus the construction of *efficiency dwelling units* are subject to the regulations of the base zone and any applicable overlay zone.

§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]

§143.0716 Definitions

The following definitions apply to this Division. Where not otherwise specified, the definitions found in Chapter 11, Article 3, Division 1 of the Land Development Code shall apply. 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) *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 State Education Code.

§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 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 unit.
 - (3) through (4) [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, ~~including an allowance for utilities,~~ to *very low income* households at an affordable housing cost rent that does not exceed 30 percent of 50 percent of the area median income, as adjusted for household size appropriate for the unit.
 - (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 an affordable housing cost rent that does not exceed 30 percent of 670 percent of the area median income, as adjusted for household size appropriate for the 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 unit, ~~provided that~~ In order to qualify for this bonus, all dwelling units in the development are must be offered to the public for purchase.
 - (4) through (8) [no change in text]
- (f) [no change in text]

(g) A density bonus agreement for lower income students in a student housing development 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, as described in Section 143.720(g)(2), or by the California Student Aid Commission 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 shall be sufficient to satisfy this section.

(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 will 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 developer shall, as a condition of receiving a certificate of occupancy, provide evidence to the satisfaction of the City Manager that the developer 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. An operating agreement or master lease entered into pursuant to this subsection is not violated or breached if, in any subsequent year, there are not sufficient students enrolled in an institution of higher education to fill all units in the student housing development.

(3) The development will provide priority for the applicable affordable units for lower income students experiencing homelessness. A homeless service provider, as defined in Section 103577(d)(3) of the California Health and Safety Code, or institution of higher education that has knowledge of a person’s homeless status may verify a person’s status as homeless for the purposes of this subsection.

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- (4) Rental units shall remain available 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 at least 100 percent of the pre-density bonus dwelling units as affordable to very low income, low income and moderate income households shall utilize the following qualifying criteria:
- (1) At least 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.
- (2) Rents for all units in the development including both pre-density bonus dwelling units and post-density bonus dwelling units shall be as follows:
- (A) The 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.
- (B) The 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.
- (C) The 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.
- (D) The rent for the remaining units in the development shall 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 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 providing at least 100 percent of the total pre-density bonus and post-density bonus dwelling units as

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affordable to very low income, low income and moderate income households shall utilize the following qualifying criteria:

- (1) At least 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 units in the development including both pre-density bonus dwelling units and post-density bonus dwelling units shall be as follows:
 - (A) The 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.
 - (B) The 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.
 - (C) The 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.
 - (3) Rental units shall remain available for a period of 55 years or longer, as may be required by other laws or covenants.
- (g) 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.
- (h) 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.

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(i) 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 50 percent. ~~For *development* meeting the same criteria within the Centre City Planned District, the bonus shall apply to the maximum allowable *floor area ratio* applicable to the *development* consistent with Section 156.0309(e).~~
- (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 50 percent. ~~For *development* meeting the same criteria within the Centre City Planned District, the bonus shall apply to the maximum allowable *floor area ratio* applicable to the *development* consistent with Section 156.0309(e).~~
- (4) For *development* meeting the criteria for *moderate income* households in Section 143.0720(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. ~~For *development* meeting the same criteria within the Centre City Planned District, the bonus shall apply to the maximum allowable *floor area ratio* applicable to the *development* consistent with Section 156.0309(e).~~
- (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. ~~For *development* meeting the same criteria within the Centre City Planned District, the bonus shall apply to the maximum allowable *floor area ratio* applicable to the *development* consistent with Section 156.0309(e).~~
- (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).

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- (7) For a 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 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 units for low income households.
- (B) For development located within a transit priority area there shall be no limit on the number of dwelling units permitted.
- (68) Additional density bonus for structure height and setback compliant projects. 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), or 143.0720(f), 143.0720 (g), or 143.0720(h), 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. For development meeting the same criteria within the Centre City Planned District, the density bonus shall apply to the maximum allowable floor area ratio applicable to the development consistent with Section 156.0309(e).
- (79) Density bonus for micro-unit development. For 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), 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; where an applicant has not requested an incentive or waiver to exceed the maximum structure height or setbacks of the base zone; 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, ~~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.~~ For development meeting the same criteria within the Centre City Planned District Ordinance, the development must comply with Section 156.0309(e)(1)(C).

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- (810) 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.
- (911) 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.
- (1012) 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*, *low*, 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*.
- (1113) For *development* in mixed-use zones, the maximum *density* identified in the adopted community plan land use map shall be used to calculate the *density* bonus as set forth in Table 143-07A or Table 143-07B. The allowed *density* bonus *dwelling units* shall not be counted towards the maximum allowed *floor area ratio* of the mixed-use zone or the percentage of the required *primary use* or *secondary use*, as that term is defined in Section 131.0702. Within base zones or Planned District Ordinances that use *floor area ratio* rather than *dwelling units* per square foot of lot area as the mechanism to control *density*, the *density* bonus shall be determined as follows:
- (A) If the applicable community plan land use 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.
- (B) If the applicable community plan land use map identifies only a maximum *floor area ratio*, then the maximum *floor area ratio* shall be used to calculate the *density* bonus as set forth in Table 143-07A, Table 143-07B, or Table 143-07C. Within the Centre City Planned District Ordinance, this calculation shall comply with Section 156.0309(e)(1).

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(jm) 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 base zones or Planned District Ordinances that use *floor area ratio* rather than *dwelling units* per acre or per square foot as the mechanism to control density. An incentive shall not be used to increase the maximum permitted *floor area ratio* in these zones because an increase in the *floor area ratio* is provided through the *density* bonus provisions in Section 143.0720(k)(13) and Tables 143-07A, 143-07B, and 143-07C.

(c) through (d) [no change in text]

(e) For a *development* providing at least 100 percent of the pre-*density* bonus *dwelling units* as affordable to *low income* and *moderate income* households in accordance with Section 143.0720(h); or *development* 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), 4 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 143.720(g), 2 incentives shall be available.

§143.0743

Waivers in Exchange for Affordable Housing Units

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(a) through (e) [no change in text]

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

(g) A *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 standards pursuant to this section, other than as expressly provided in Sections 143.0720(l)(7)(B) and 143.0740(e).

§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(hj), the City shall apply the following regulations:

(a) For a *development* that meets the criteria for *moderate income* households in Section 143.0720(d)(3), the vehicular parking ratios set forth below shall apply, inclusive of disabled and guest parking:

(1) through (3) [no change in text]

(4) Additional reductions can be found in Section 142.0528 based on location within a *transit area* or a Parking Standards Transit Priority Area; and a reduction of 0.25 spaces per *dwelling unit* shall be granted for *development* that is at least partially within a *transit area* as described in Chapter 13, Article 2, Division 10 (Transit Area Overlay Zone), or that is subject to Chapter 13, Article 2, Division 11 (Urban Village Overlay Zone).

(b) through (d) [no change in text]

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

Type of <i>Development</i>	Percent Affordable	Transit Requirement	Parking Ratio for <i>Development</i> ¹
Rental or for-sale <i>development</i> containing market rate and <i>low income</i> and/or <i>very low income dwelling units</i> <ul style="list-style-type: none"> • <i>Very low income</i> • <i>Low income</i> 	11% 20%	The <i>development</i> is located within a <i>Transit priority area</i>	0.5 spaces per <i>bedroom</i>

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Rental housing • Low & very low income	100% ²		0.5 spaces per dwelling unit
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 dwelling unit
<u>Rental housing affordable to low and very low income households that is either a special needs housing development as defined in California Health and Safety Code (CHSC) Section 51312 or a supportive housing development as defined in CHSC Section 50675.14</u>	<u>100%²</u>	<u>The development 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.</u>	<u>0 spaces per dwelling unit</u>

Footnotes for Table 143-07D

1 through 2 [no change in text]

§143.0745 Locating Required Affordable Dwelling Units Off-site

A *development* that complies with the Affordable Housing Regulations may provide all or a portion of the ~~required~~ affordable dwelling units required to comply with the development’s Affordable Housing Regulation and Inclusionary Housing Ordinance requirements off-site in accordance with the following:

(a) through (b) [no change in text]

(c) At a minimum, the same number of affordable *dwelling units* required of the *development* must be provided, at the same affordability levels and the same total ~~bedroom~~bedroom count as the *development*. The *applicant* may provide different ~~bedroom~~bedroom mixes to meet the total *dwelling unit* and ~~bedroom~~bedroom count minimums. For purposes of calculating total bedroom count, an affordable studio shall count as 80 percent of an affordable bedroom.

(d) through (f) [no change in text]

Chapter 14: General Regulations

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Article 3: Supplemental Development Regulations

Division 12: Residential Dwelling Unit Protection Regulations

§143.1201 Purpose of the Residential Dwelling Unit Protection Regulations

The purpose of these regulations is to specify when and how a *development* that proposes demolition of existing residential *dwelling units* must replace those residential *dwelling units* in compliance with California Government Code Section 66300(d) (Housing Crisis Act of 2019). These regulations are intended to ensure that the number of residential *dwelling units* are not reduced through redevelopment of a *premises*.

§143.1203 When the Residential Dwelling Unit Protection Regulations Apply

This Division applies to all of the following *developments* that submit a complete *development* application between January 1, 2020 and December 31, 2024:

- (a) *Single dwelling unit development*;
- (b) *Multiple dwelling unit development*; and
- (c) *Mixed-use developments* consisting of residential and non-residential uses with at least two-thirds of the square footage designated for residential use.

§143.1205 Expiration of the Residential Dwelling Unit Protection Regulations

The regulations of this Division shall expire and be null and void on January 1, 2025 in accordance with California Government Code Section 66301.

§143.1207 Definitions

The following definitions apply to this Division. Where not otherwise specified, the definitions found in Chapter 11, Article 3, Division 1 of the Land Development Code shall apply. 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) *Residential dwelling units* that are or were subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to

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persons and families of very low income or low income within the past five years.

(2) Residential dwelling units that are or were occupied by of very low income or low income households within the past five years.

(3) Residential dwelling units that were withdrawn from rent or lease in accordance with California Government Code Title 1, Division 7, Chapter 12.75 within the past 10 years.

§143.1210 Required Replacement of Residential Dwelling Units

Development specified in Section 143.1203 shall not reduce the number of dwelling units on the premises and shall include at least as many dwelling units as the most recent permitted development on the premises.

§143.1212 Required Replacement of Protected Dwelling Units

Development specified in Section 143.1203 shall not reduce the number of vacant or occupied protected dwelling units on the premises, and shall comply with the following regulations:

(a) The development shall replace all protected dwelling units as part of the development and shall include at least as many residential dwelling units as the greatest number of permitted residential dwelling units that existed on the premises within the last five years.

(b) The number and type of required replacement protected dwelling units shall be determined 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 lower income renter households in the same proportion of lower 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

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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.
- (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, low income, or moderate 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

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Commission, and as set forth in California Government Code Section 65915(c)(2).

(c) The developer 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, subject to California Government Code Title 1, Division 7, Chapter 16.
- (2) Relocation benefits, subject to California Government Code Title 1, Division 7, Chapter 16.
- (3) A right of first refusal for a comparable *dwelling unit* available in the new development affordable to *very low income, low income, or moderate income* households in accordance with Table 143-12A.

Table 143-12A
Qualifying Criteria for Affordable ADU Bonus

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

(d) 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 Density Bonus Regulations in Chapter 14, Article 3, Division 7.

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§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 (Residential Dwelling Unit Protection Regulations).

§152.0304 Subdistrict A Development Regulations

No building or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot be used unless the lot or premises and building or portion thereof shall comply with the following requirements and special regulations:

- (a) through (f) [No change in text.]
- (g) Development on a premises smaller than 0.5 acres located within a transit priority area that constructs at least 90 percent of the maximum number of dwelling units permitted by the base zone may utilize the development incentives provided in Section 131.0467.

§152.0307 Subdistrict B Development Regulations

No building or portion thereof shall be erected, constructed, converted, established, altered, enlarged, or used nor shall any premises be used unless the lot or premises and building shall comply with the following regulations and standards.

- (a) through (f) [No change in text.]
- (g) Development on a premises smaller than 0.5 acres located within a transit priority area that constructs at least 90 percent of the maximum number of dwelling units permitted by the base zone may utilize the development incentives provided in Section 131.0467.

§152.0310 Subdistrict C Development Regulations

It shall be unlawful to erect, construct, convert, establish, alter, move-on or enlarge any building or improvement or portion thereof, nor shall any lot be used in violation of any of the following requirements and special regulations:

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

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- (i) Development on a premises smaller than 0.5 acres located within a transit priority area that constructs at least 90 percent of the maximum number of dwelling units permitted by the base zone may utilize the development incentives provided in Section 131.0467.

§152.0319 Redevelopment Subdistrict Property Development Regulations

It shall be unlawful to erect, construct, establish, move on, add, enlarge, convert, alter or maintain any building or portion thereof, or use any lot or premises be used in violation of any of the following requirements and special regulations:

- (a) through (g) [No change in text.]
- (h) Development on a premises smaller than 0.5 acres located within a transit priority area that constructs at least 90 percent of the maximum number of dwelling units permitted by the base zone may utilize the development incentives provided in Section 131.0467.

§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	
Public Benefit/Development Amenity	FAR Bonus (to be added to maximum Base FAR)
[no change to text]	

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- (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, ~~except as set forth in Section 143.0720(i)(7).~~

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 units, regardless of whether the market rate 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 qualifying affordable housing units shall be measured as a percentage of the residential portion of the *development* based on the *base FAR*, prior to the granting of any bonuses. The permitted *FAR* for a *development* containing affordable housing shall be calculated as follows:~~

Permitted FAR = Base FAR – NR FAR, then multiplied by the AHR percentage (%), then added to the Base FAR and the NR FAR.

Base FAR means the Base Maximum FAR found in Figure H plus any additional FAR permitted in Figure K earned through Section 156.0309(e) and Section 156.0309(g).

NR FAR means non-residential FAR.

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

- (ii) ~~The *FAR* bonus for *development* containing affordable housing shall be calculated as follows:~~

~~Permitted *FAR* = Base GSF – NR GSF x Affordable Bonus % + Base GSF /Site Area, where:~~

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~~Permitted FAR = Base Gross Square Feet (GSF) permitted on the site (maximum base FAR from Figure H times the site area) minus the GSF of non-residential (NR) area, multiplied by affordable bonus percentage (%), plus Base GSF permitted on the site, divided by site area. NR GSF shall not include non-residential area that is earned through one of the other FAR Bonus programs such as urban open space, eco roofs, public parking, or FAR Payment Program. The number of required affordable units in a development utilizing the Affordable Housing Regulations in Chapter 14, Article 3, Division 7 is calculated as follows:~~

Number of required affordable units = Base FAR – NR FAR, then divided by the residential FAR, then multiplied by the number of dwelling units in the development.

(iii) through (iv) [no change in text]

(C) For development proposing to utilize Section 143.0720(i)(9) providing for a 100% bonus for small units, the development must first utilize other FAR bonus programs as listed in Section 156.0309(e) to achieve either the maximum FAR permitted in Figure K or a Minimum FAR bonus of 3.0, if the development is entitled to earn at least 3.0 FAR.

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

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

§159.0307 Property Development Regulations

No building or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used unless the lot or premises and buildings shall comply with the applicable development regulations. Please refer to Appendices B and C for illustrations of the development regulations.

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

(g) Development on a premises smaller than 0.5 acres located within a transit priority area that constructs at least 90 percent of the maximum number of dwelling units permitted by the base zone may utilize the development incentives provided in Section 131.0467.

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