

Article 1: Separately Regulated Use Regulations

Division 3: Residential Use Category--Separately Regulated Uses

(Added 12-9-1997 by O-18451 N.S.)

§141.0302 Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs)

Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs), are permitted as a limited use decided in accordance with Process One, indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), subject to the following regulations.

(a) Regulations for *ADUs* and *JADUs*.

- (1) Guest Quarters. Guest quarters and non-habitable *accessory structures* shall be permitted in addition to *ADUs* and *JADUs*, if permitted by the base zone.
- (2) Development Impact Fees. Development Impact Fees for *ADUs* and *JADUs* shall be paid in accordance with Section 142.0640(b).
- (3) Multi-Dwelling Unit and Urban Lot Split Regulations. An *ADU* or *JADU* shall not be permitted to be constructed on any *premises* that has utilized the provisions of Chapter 14, Article 3, Division 13, Multi-Dwelling Unit and Urban Lot Split Regulations for Single Family Zones, except as provided in Section 143.1305(c)(1).
- (4) Previously Conforming. Construction of an *ADU* or *JADU* shall not require correction of *previously conforming* conditions on the *premises*.
- (5) Conversion. An *ADU* or *JADU* that is converted from an existing *dwelling unit* or *accessory structure*, or is constructed in the same location and within the same *building envelope* as an existing *dwelling unit* or *accessory structure*, may continue to observe the same *setbacks* as the existing *dwelling unit* or *accessory structure* and they shall not be subject to the *setback* requirements in Section 141.0302(b)(9).
- (6) Fire Sprinklers.
 - (A) An *ADU* or *JADU* shall not be required to provide automatic fire sprinklers if they are not required for the primary *dwelling unit*.

- (B) An *ADU* or *JADU* shall be required to provide an automatic fire sprinkler system when located on a *premises* where the primary *dwelling unit* is protected with an automatic fire sprinkler system in accordance with the California Building Standards Code.
 - (C) The construction of a detached *ADU* shall not trigger a requirement for automatic fire sprinklers to be installed in the existing primary *dwelling unit* or *multiple dwelling unit* unless required in accordance with the California Building Standards Code.
- (7) Within the Coastal Overlay Zone.
 - (A) An existing *structure* may only be converted or reconstructed as an *ADU* or *JADU* if the *structure* conforms to all the following regulations:
 - (i) The *wetland* regulations in Section 143.0141(b);
 - (ii) The *sensitive coastal bluffs* regulations in Section 143.0143;
 - (iii) The *coastal beaches* regulations in Section 143.0144; and
 - (iv) The Supplemental Regulations of the Coastal Overlay Zone in Section 132.0403.
 - (B) *ADUs* or *JADUs* constructed within areas of future sea level rise shall comply with the regulations in Section 132.0404.
 - (C) *ADUs* or *JADUs* shall comply with all the following regulations:
 - (i) The *wetland* regulations in Section 143.0141(b);
 - (ii) The *sensitive coastal bluffs* regulations in Section 143.0143;
 - (iii) The *coastal beaches* regulations in Section 143.0144; and
 - (iv) The Supplemental Regulations of the Coastal Overlay Zone in Section 132.0403.

- (8) An *ADU* shall not be used for a rental term of less than 31 consecutive days. *JADUs* are not subject to rental term limitations.
- (b) *ADU* Development Regulations.
 - (1) On a *premises* with an existing or proposed *single dwelling unit*, the following is permitted:
 - (A) One *ADU* that is within an existing or proposed *single dwelling unit* or within an existing *accessory structure*, subject to the following:
 - (i) Construction of the *ADU* may expand the *gross floor* area of an existing *accessory structure* up to 150 square feet to only allow for ingress and egress; and
 - (ii) The *ADU* shall have a separate exterior entry from the *single dwelling unit*.
 - (B) One attached or detached *ADU*.
 - (2) The maximum number of *ADUs* on a *premises* with a proposed *multiple dwelling unit structure* shall not exceed two detached *ADUs*.
 - (3) On a *premises* with an existing *multiple dwelling unit structure*, the following applies:
 - (A) The maximum number of *ADUs* that may be permitted within the existing non-livable space of an existing *multiple dwelling unit structure* shall not exceed 25 percent of the total number of *multiple dwelling units* in the *structure*. The minimum number of *ADUs* that may be permitted within the non-livable space of the existing *structure* is one. For example, non-livable space includes, but is not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages; and
 - (B) A maximum of eight detached *ADUs* may be permitted on the *premises*, provided that the number of detached *ADUs* shall not exceed the number of existing *multiple dwelling units* in the *multiple dwelling unit structure*.

- (4) In accordance with Government Code section 66321(b)(3), one attached or detached *ADU* with a *gross floor area* of 800 square feet or less may be permitted in accordance with Sections 141.0302(a)(1)-(a)(3), provided that the *development* results in no more than one attached or detached *ADU* on the *premises*. The *ADU* shall not be subject to maximum *lot coverage*, maximum *floor area ratio*, a front *yard setback*, and minimum open space requirements of the underlying base zone.
- (5) Lot Size. A minimum *lot* size is not required for the construction of an *ADU*.
- (6) Density. *ADUs* are not subject to the *density* limitations of the base zone for the *premises*.
- (7) *Gross Floor Area*.
 - (A) The *gross floor area* of an *ADU* shall not be less than 150 square feet.
 - (B) The *gross floor area* of an attached or detached *ADU* shall not exceed 1,200 square feet.
 - (C) An *ADU* constructed within an existing or proposed *single dwelling unit structure* shall not have a maximum *gross floor area* requirement.
 - (D) An *ADU* constructed within an existing *accessory structure* on a *single dwelling unit lot* shall not have a maximum *gross floor area* requirement and may construct an additional 150 square feet to only allow for ingress and egress.
 - (E) *ADUs* constructed within an existing *multiple dwelling unit structure* shall not have a maximum *gross floor area* requirement.
 - (F) The *gross floor area* of an *ADU* shall be included in the *floor area ratio* for the *premises*.
- (8) Height.
 - (A) On *lots* that permit *single dwelling unit development* but not *multiple dwelling unit development*, detached *ADU structures* shall not exceed two *stories*.

- (B) On *lots* that permit *single dwelling unit development* but not *multiple dwelling unit development*, ADUs attached to an existing *accessory structure* shall not exceed two stories.
 - (C) ADUs shall comply with the overall maximum *structure* height of the underlying base zone and overlay zone.
- (9) Setbacks.
 - (A) The front *yard setback* of an ADU shall be consistent with the base zone.
 - (B) The minimum *street side yard setback* of an ADU shall be 4 feet or the minimum *street side yard setback* of the base zone, whichever is less.
 - (C) Interior side *yard* and rear *yard setbacks* for ADU structures with a *structure height* of 16 feet or less shall be provided as follows:
 - (i) For ADU structures located on a *premises* outside of a High or Very High Fire Hazard Severity Zone, there is no minimum interior side *yard* and rear *yard setbacks*, except that the Fire Code Official may require a greater *setback* to ensure compliance with the California Fire Code, California Code of Regulations (CCR), Title 14, Section 1276.01, and the International Fire Code (IFC), including section 504.1.
 - (ii) For ADU structures located on a *premises* within a High or Very High Fire Hazard Severity Zone, the minimum interior side *yard* and rear *yard setbacks* shall be 4 feet to provide defensible space between all structures on the *premises* and contiguous areas of native or naturalized vegetation, except that the Fire Code Official may require a greater *setback* to ensure compliance with the California Fire Code, California Code of Regulations (CCR), Title 14, Section 1276.01, and the International Fire Code (IFC), including section 504.1.
 - (D) Interior side *yard* and rear *yard setbacks* for ADU structures with a *structure height* that exceeds 16 feet shall be provided as follows:

- (i) For *ADU structures* located on a *premises* outside of a High or Very High Fire Hazard Severity Zone, there is no minimum interior side *yard* and rear *yard setbacks*, except that the Fire Code Official may require a greater *setback* to ensure compliance with the California Fire Code. However, if the side or rear *property line* abuts another *premises* that is residentially zoned or developed with exclusively residential uses, the minimum interior side *yard* and rear *yard setbacks* shall be 4 feet or the minimum *setback* of the applicable base zone, whichever is less, except that the Fire Code Official may require a greater *setback* to ensure compliance with the California Fire Code, California Code of Regulations (CCR), Title 14, Section 1276.01, and the International Fire Code (IFC), including section 504.1.
 - (ii) For *ADU structures* located on a *premises* within a High or Very High Fire Hazard Severity Zone, the minimum interior side *yard* and rear *yard setbacks* shall be 4 feet to provide defensible space between all *structures* on the *premises* and any contiguous areas of native or naturalized vegetation or as otherwise required, except that the Fire Code Official may require a greater *setback* to ensure compliance with the California Fire Code, California Code of Regulations (CCR), Title 14, Section 1276.01, and the International Fire Code (IFC), including section 504.1.
- (10) Parking.
 - (A) No on-street parking spaces or *off-street parking spaces* are required for *ADUs*, except as specified in Section 141.0302(b)(10)(B).
 - (B) When an *ADU* is proposed on a *premises* located both within the Beach Impact Area of the Parking Impact Overlay Zone and outside of a *transit priority area*, one *off-street parking space* located consistent with Section 141.0302(b)(10)(D) shall be required per *ADU*, unless any of the following apply:
 - (i) The *ADU* is 500 square feet or less;
 - (ii) The *premises* is located within a *historical district* that is a *designated historical resource*;

- (iii) The *ADU* is attached to the proposed or existing primary *dwelling unit* or *accessory structure*;
 - (iv) The *premises* is located within a residential permit parking district; or
 - (v) There is a car share vehicle located within one block of the *premises*.
- (C) 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 unless the *premises* is located within the Beach Impact Area of the Parking Impact Overlay Zone and outside of the *transit priority area*, in which case parking shall be replaced in a location consistent with Section 141.0302(b)(10)(D).
- (D) When an uncovered parking space 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.
- (E) If *off-street parking spaces* are required in accordance with Section 141.0302(b)(10)(B) or 141.0302(b)(10)(C), or if the *applicant* chooses to provide *off-street parking spaces* for *ADUs* located on the *premises*, the following applies:
 - (i) *Off-street parking spaces* may be located within the *setback* areas, and may include tandem spaces or mechanical lifts; and
 - (ii) *Off-street parking spaces* shall be located within *hardscape* areas and shall comply with the minimum standards and guidelines to provide safe and efficient means of vehicular access to the *lot*. *Off-street parking spaces* may not encroach into the *public right-of-way*.
- (F) Notwithstanding Section 141.0302(a)(4), if the construction of an *ADU* causes an existing driveway curb cut to no longer comply with the minimum *off-street parking spaces* dimensions required in Table 142-05K of Section 142.0560, the driveway shall be closed to the satisfaction of the City Engineer.

- (11) The *record owner* is not required to live on the same *premises* of an *ADU*.
- (c) Development Regulations for *JADUs*.
 - (1) On a *premises* with an existing or proposed *single dwelling unit*, one *JADU* is permitted, subject to the following:
 - (A) The *JADU* shall be within an existing or proposed *single dwelling unit* or attached garage;
 - (B) *Construction* of the *JADU* may expand the floor area of the existing *single dwelling unit* up to 150 square feet to only allow for ingress and egress;
 - (C) The *JADU* shall have a separate exterior entry from the existing or proposed *single dwelling unit*;
 - (D) The *JADU* may not be sold or conveyed separately from the primary *dwelling unit*;
 - (E) The *record owner* of the primary *dwelling unit* shall reside in the *single dwelling unit* or *JADU*; and
 - (F) Before a Building Permit may be issued for a *JADU*, the *record owner* shall enter into an agreement with the City in a form that is approved by the City Attorney that includes the following provisions:
 - (i) The *JADU* may not be sold or conveyed separately from the primary *dwelling unit*;
 - (ii) The agreement may be enforced against future purchasers;
 - (iii) The *record owner* shall reside on the *premises*;
 - (iv) The agreement shall be recorded in the Office of the County Recorder of San Diego County; and
 - (v) The agreement shall run with the land for the life of the *JADU*.
 - (G) Government agencies, land trusts, and qualified housing organizations are exempt from Section 141.0302(c)(1)(E) and Section 141.0302(c)(1)(F).

- (2) Lot Size. *JADUs* are not subject to a minimum *lot* size.
- (3) *Density*. *JADUs* are not subject to the *density* limitations for the *premises*.
- (4) *Gross Floor Area*.
 - (A) The *gross floor area* of a *JADU* shall not be included in the *floor area ratio* for the *premises*.
 - (B) A *JADU* shall not be less than 150 square feet and shall not exceed 500 square feet within an existing or proposed *single dwelling unit*.
- (5) Exterior Entry. A *JADU* shall have a separate exterior entry from the primary *dwelling unit*.
- (6) Kitchen. A *JADU* shall include the following:
 - (A) A cooking facility with appliances;
 - (B) A food preparation counter of a reasonable size in relation to the size of the *JADU*; and
 - (C) Storage cabinets that are of a reasonable size in relation to the size of the *JADU*.
- (7) Parking.
 - (A) No on-street parking spaces or *off-street parking spaces* are required for a *JADU*.
 - (B) When an attached garage is converted to a *JADU*, replacement of those *off-street parking spaces* is not required unless the *premises* is located within the Beach Impact Area of the Parking Impact Overlay Zone and outside of a *transit priority area*, in which case parking shall be replaced in a location consistent with Section 141.0302(c)(7)(C).
 - (C) If *off-street parking spaces* are required in accordance with Section 141.0302(c)(7)(B) or if the *applicant* chooses to provide *off-street parking spaces* for *JADUs* located on the *premises*, the following applies:

- (i) *Off-street parking spaces* may be located within the *setback* areas, and may include tandem spaces or mechanical lifts; and
 - (ii) *Off-street parking spaces* shall be located within *hardscape* areas and shall comply with the minimum standards and guidelines to provide safe and efficient means of vehicular access to the *lot*. *Off-street parking spaces* may not encroach into the *public right-of-way*.
 - (D) Notwithstanding Section 141.0302(a)(4), if the construction of a *JADU* causes an existing driveway curb cut to no longer comply with the minimum *off-street parking space* dimensions required in Table 142-05K of Section 142.0560, the driveway shall be closed to the satisfaction of the City Engineer.
- (d) *ADU Home Density Bonus*. In addition to the *ADUs* and *JADUs* permitted under Sections 141.0302(b) and 141.0302(c), additional bonus *ADUs* and affordable *ADUs* shall be permitted subject to the following:
 - (1) Location Requirements.
 - (A) The portion of the *premises* proposed for *development* may not be within the following base zones: RS-1-1, RS-1-2, RS-1-3, RS-1-4, RS-1-8, RS-1-9, RS-1-10, or RS-1-11, unless the following apply:
 - (i) The *premises* is in an area identified as a High or Highest California Tax Credit Allocation Committee (CTCAC) Opportunity Area when the *development* application is *deemed complete*; and
 - (ii) The *premises* is identified as Residential in a *land use plan*.
 - (B) On a *premises* within the *Sustainable Development Area*, one additional bonus *ADU* shall be permitted for every additional affordable *ADU*.
 - (C) On a *premises* outside of the *Sustainable Development Area*, a maximum of one bonus *ADU* and one affordable *ADU* shall be permitted.

- (D) When a *premises* is located in more than one base zone, only the portion of the *premises* that meets the requirements of Section 141.0302(d)(1)(A) shall be eligible for bonus *ADUs* and affordable *ADUs* as specified in Sections 141.0302(d)(1)(B) or 141.0302(d)(1)(C).
- (2) *Lot Requirements.*
 - (A) Within High and Very High Fire Hazard Severity Zones, the *applicant* shall demonstrate that the *lot* fronts an improved public *street* with at least two evacuation routes to the satisfaction of the Fire Code Official; and
 - (B) Within High and Very High Fire Hazard Severity Zones, the *lot* shall not front a cul-de-sac or be located on a *premises* that only has one point of ingress or egress.
- (3) *Floor Area Ratio.*
 - (A) Within a base zone that permits *single dwelling unit developments* but not *multiple dwelling unit developments*, the maximum *floor area ratio* shall be determined as follows:
 - (i) Where the *lot* contains *environmentally sensitive lands*, the maximum permitted *floor area ratio* shall be determined using only the area of the *lot* that does not contain *environmentally sensitive lands*;
 - (ii) In no case shall the maximum permitted *floor area ratio* be determined using more than 8,000 square feet for the *lot* area; and
 - (iii) For the RS-1-1, RS-1-2, RS-1-3, RS-1-4, RS-1-5, RS-1-6, RS-1-7 base zones, the applicable *floor area ratio* shall be determined in accordance with Table 131-04J using the adjusted *lot* area as described in Sections 141.0302(d)(3)(A)(i) and 141.0302(d)(3)(A)(ii).
 - (B) Within a base zone that permits *multiple dwelling unit developments* where the *lot* contains *environmentally sensitive lands*, the maximum permitted *floor area ratio* shall be determined by using the area of the *lot* that does not contain *environmentally sensitive lands*.

- (4) Total Maximum number of permitted *ADUs* and *JADUs* on *single dwelling unit lots*. The total maximum number of *ADUs* and *JADUs* that may be permitted on a *lot* within a base zone that permits *single dwelling unit development* but not *multiple dwelling unit development*, shall be based on the *lot* area in accordance with Table 141-03A. If the *lot* contains *environmentally sensitive lands*, the *lot* area shall be determined using the area of the *lot* that does not contain *environmentally sensitive lands*.

Table 141-03A
Maximum Number of Permitted *ADUs* and *JADUs* on
Single Dwelling Unit Lots

Lot Area (square feet)	Maximum Number of <i>ADUs</i> and <i>JADUs</i>¹
8,000 or less	4
8,001 to 10,000	5
10,001 or greater	6

¹ The maximum number of *ADUs* and *JADUs* is inclusive of the total number of *ADUs* and *JADUs* that are permitted in accordance with Section 141.0302.

- (5) Fire Sprinklers. All affordable *ADUs* and bonus *ADUs* in the *development* shall include an automatic fire sprinkler system in accordance with the California Building Standards Code.
- (6) Minimum Required *Off-Street Parking Spaces*. One *off-street parking space* shall be required for each affordable *ADU* and bonus *ADU* located outside of a *transit priority area*.
- (7) Landscape Requirements. Two trees shall be provided on the *premises* for every 5,000 square feet of *lot* area, with a minimum of one tree per *premises*. If planting of a new tree is required to comply with this Section, the tree shall be selected in accordance with the Landscape Standards of the Land Development Manual and the City's Street Tree Selection Guide. If the *premises* is located in the OR Zone, the *lot* area used to determine the tree requirement shall be based on the allowable *development* area as described in Section 131.0250. If the *premises* contains *environmentally sensitive lands*, the *lot* area used to determine the tree requirement shall be based on the allowable *development* area as described in Chapter 14, Article 3, Division 1.

- (8) *ADU Home Density Bonus Agreement.* The affordable *ADUs* shall be guaranteed through a written agreement and a deed of trust securing the agreement, entered into by the *applicant* and President and Chief Executive Officer of the San Diego Housing Commission, or their designee, prior to the issuance of a Building Permit for the first affordable *ADU* or bonus *ADU*, whichever occurs first, that meets the following requirements:
- (A) A rental affordable *ADU* home density bonus agreement shall utilize the following qualifying criteria:
- (i) *Very Low Income ADU Home Density Bonus.* One additional bonus *ADU* shall be permitted for every affordable *ADU* on the *premises* that is set aside as affordable to *very low income* households for a period of not less than 10 years at a rent that does not exceed 30 percent of 50 percent of the area *median income* as adjusted for household size;
- (ii) *Low Income ADU Home Density Bonus.* One additional bonus *ADU* shall be permitted for every affordable *ADU* on the *premises* that is set aside as affordable to *low income* households for a period of not less than 10 years at a rent that does not exceed 30 percent of 60 percent of the area *median income* as adjusted for household size;
- (iii) *Moderate Income ADU Home Density Bonus.* One additional bonus *ADU* shall be permitted for every affordable *ADU* on the *premises* that is set aside as affordable to *moderate income* households for a period of not less than 15 years at a rent that does not exceed 30 percent of 110 percent of the area *median income* as adjusted for household size; and
- (iv) The *very low income*, *low income*, and *moderate income* affordable *ADUs* shall be comparable in bedroom mix and amenities to the bonus *ADUs* in the *development*.

- (B) Violations. If the terms of the rental affordable *ADU* home density bonus agreement are violated by the *applicant*, the *applicant* shall be liable for a minimum penalty of \$10,000 per *ADU* per month, in addition to any fines outlined in the rental affordable *ADU* home density bonus agreement with the San Diego Housing Commission.
- (9) *ADU* Home Density Bonus Program Community Enhancement Fee. The *applicant* shall pay an *ADU* Home Density Bonus Program Community Enhancement Fee as established by San Diego Resolution, calculated based on the *gross floor area* of the affordable *ADUs* and bonus *ADUs*, except that the *gross floor area* of any affordable *ADUs* that meet all the following shall not be included in the calculation:
 - (A) The affordable *ADU* is deed restricted to *very low income* or *low income* households in accordance with Section 141.0302(d)(8)(A)(i) or 141.0302(d)(8)(A)(ii); and
 - (B) The *premises* is located in an area identified as a High or Very High Resource California Tax Credit Allocation Committee (CTCAC) Opportunity Area when the *development application* is *deemed complete*.
- (e) *ADU* Bonus for Accessible *ADUs*. For *development* utilizing the *ADU* Home Density Bonus Program in accordance with Section 141.0302(d), a maximum of one additional accessible *ADU* shall be permitted if the *development* includes:
 - (1) At least two *ADUs* that are affordable to *very low income*, *low income*, or *moderate income* households; and
 - (2) The accessible *ADU* meets the following:
 - (A) Accessibility requirements in Chapter 11A of the California Building Code, including at least one accessible bathroom, one accessible *kitchen*, and one accessible *bedroom*;
 - (B) The accessible *ADU* shall be located on an accessible route, as defined by the California Building Code; and
 - (C) The accessible *ADU* shall be comparable in *bedroom* mix and amenities to the bonus *ADUs* in the *development*.

- (f) Sale or Conveyance of *ADUs*. New or existing *ADUs* may be converted into condominiums and shall be sold or otherwise conveyed separately from the primary residence in accordance with this Section or pursuant to Section 141.0302(g) and subject to all the following:
- (1) All *structures* and buildings included as part of a condominium *development* shall conform to the requirements applicable to the base zone or planned district in which the *development* is located. Designation of individual condominium units shall not be deemed to reduce or eliminate any of the base zone or planned district requirements applicable to the buildings or *structures*. Unless otherwise allowed for *ADUs* pursuant to Section 141.0302(b);
- (A) The condominium *subdivision* shall be created pursuant to the Davis-Stirling Common Interest Development Act (Part 5 (commencing with section 4000) of Division 4 of the California Civil Code);
- (B) The condominium *subdivision* shall be created in conformance with the *Subdivision Map Act* (Division 2 (commencing with California Government Code section 66410));
- (C) Neither a *subdivision map* nor a condominium plan shall be recorded without each lienholder's written consent. The following shall apply to the consent of a lienholder:
- (i) A lienholder may refuse to give written consent; or
- (ii) A lienholder may consent provided that any terms and conditions required by the lienholder are satisfied;
- (D) Prior to recordation of the initial or any subsequent modifications to the condominium plan, written evidence of the lienholder's consent shall be provided to the Office of the County Recorder of San Diego County along with a signed statement from each lienholder that states the following:
“(Name of lienholder) hereby consents to the recording of this condominium plan in their sole and absolute discretion and the borrower has or will satisfy any additional terms and conditions the lienholder may have.”;
- (E) The lienholder's written consent shall be included on the condominium plan, or attached to the condominium plan that includes the following information:

- (i) The lienholder's signature;
 - (ii) The name of the *record owner* or ground lessee;
 - (iii) The legal description of the real property;
 - (iv) The identities of all parties with an interest in the real property as reflected in the real property records; and
 - (v) The lienholder's written consent shall be recorded in the Office of the County Recorder of San Diego County.
- (2) The condominium *development* shall be subject to the Subdivision requirements in Chapter 12, Article 5.
- (3) The condominium *development* shall be subject to the Condominium Conversion Regulations in Chapter 14, Article 4, Division 5 if any of the *ADUs* in the *development* were occupied.
- (4) If an *ADU* is established as a condominium, the *applicant* shall notify providers of utilities, including water, sewer, gas, and electricity, of the condominium creation and separate conveyance.
- (5) The condominium *development* shall be located on a single parcel or *lot* that was previously mapped and monumented in a manner satisfactory to the City Engineer in accordance with Subdivision Map Act Section 66428(b).
- (6) For a minimum period of 30 days from the date an *ADU* that is established as a condominium is first listed for sale, the *record owner* shall offer the *ADU* through at least two publicly accessible real estate websites or databases with a disclosure stating that the *ADU* is being offered for at least 30 days to buyers intending to use the *ADU* as their primary residence.
- (7) *ADUs* that have received financing or other forms of assistance from the San Diego Housing Commission shall not be converted into condominiums and shall not be sold or otherwise conveyed separately from the primary residence during the term specified in the deed restriction agreement.

- (8) Rental *ADUs* that are rent restricted by law or covenant to persons and families of *very low income*, *low income*, or *moderate income* shall not be converted into condominiums and shall not be sold or otherwise conveyed separately from the primary residence for the duration of the deed restriction or affordability covenant term.
- (g) Sale or Conveyance of an *ADU* by a nonprofit corporation.
 - (1) An *ADU* may be sold or conveyed separately from the primary *dwelling unit* by a qualified nonprofit corporation.
 - (2) For the purpose of Section 141.0302(g), a qualified nonprofit corporation means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under the California Revenue and Taxation Code section 214.15 for properties intended to be sold to *low-income* families who participate in a special no-interest loan program.
 - (3) For an *ADU* to be sold or conveyed separately from the primary *dwelling unit* by a qualified nonprofit corporation, the following shall apply:
 - (A) There is an enforceable restriction on the use of the *premises* on which the *ADU* is located pursuant to a recorded agreement between the qualified buyer and the qualified nonprofit corporation. For the purposes of Section 141.0302(g)(3)(A), a qualified buyer means *very low income*, *low income*, *median income*, or *moderate income* households, as specified below:
 - (i) *Very low income ADUs* shall be affordable to *very low-income* households at an affordable housing cost that does not exceed 30 percent of 50 percent of the area median income, as adjusted for household size, appropriate for the *ADU*;
 - (ii) *Low income ADUs* shall be affordable to *low income* households at an affordable housing cost that does not exceed 30 percent of 70 percent of the area median income, as adjusted for household size, appropriate for the *ADU*;

- (iii) *Moderate income ADUs* shall be affordable to *moderate income* households at a housing cost that does not exceed 35 of 110 percent of the area median income, as adjusted for household size, appropriate for the *ADU*.
- (B) The *lot* where the *ADU* is located is held pursuant to a recorded tenancy in common agreement that includes:
 - (i) An allocation to each qualified buyer of an undivided, unequal interest in the *lot* based on the size of the *ADU* each qualified buyer occupies;
 - (ii) A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the property if the buyer desires to sell or convey the property;
 - (iii) A requirement that the qualified buyer occupy the property as the qualified buyer's principal residence; and
 - (iv) Affordability restrictions on the sale and conveyance of the property that ensure the property will be preserved for *very low income*, *low income*, *median income*, or *moderate income* households for 45 years for owner-occupied housing and will be sold or resold to a qualified buyer.
- (C) A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded in the Office of the Recorder in San Diego County.
- (D) A Preliminary Change of Ownership Report shall be filed concurrently with the grant deed pursuant to the California Revenue and Taxation Code section 480.3.
- (E) If requested by a utility providing service to the primary residence, the *ADU* has a separate water, sewer, or electrical connection to that utility.

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

(Amended 3-11-2022 by O-21439 N.S.; effective 4-10-2022.)

(Amended 6-3-2022 by O-21461 N.S.; effective 8-26-2022.)

(Amended 7-21-2022 by O-21477 N.S.; effective 9-7-2022.)

(Note: Please see City Attorney memo attached to Ordinance O-21477 regarding Section 141.0302.)

(Amended 3-7-2023 by O-21618 N.S.; effective 5-6-2023.)

(Retitled from “Accessory Dwelling Units and Junior Accessory Dwelling Units” to “Accessory Dwelling Units and Junior Accessory Dwelling Units” and amended 1-16-2024 by O-21758 N.S.; effective 3-16-2024.)

[Editors Note: Amendments as adopted by O-21758 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

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(Amended 8-5-2024 by O-21843 N.S.; effective 9-12-2024.)

(Amended 7-22-2024 by O-21836 N.S.; effective 10-5-2024.)

[Editors Note: Amendments as adopted by O-21836 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

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(Retitled from “Accessory Dwelling Units and Junior Accessory Dwelling Units” to “Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs)” and amended 7-23-2025 by O-21989 N.S.; effective 8-22-2025.)

[Editors Note: Amendments as adopted by O-21989 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

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§141.0303 Continuing Care Retirement Communities

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

CCRCs may be permitted with a Conditional Use Permit decided in accordance with Process Three, in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), or as a limited use in zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), subject to the following regulations.

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

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

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

§141.0304 Employee Housing

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

(a) Limited Use Regulations

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

- (D) Only one *structure* for employee housing may be permitted on the *premises*.
- (E) The employee housing is permitted in a separate *structure* on the *premises* that is not a *dwelling unit*.
- (F) Off-street parking shall be provided at a rate of 1 space for every 2 employees.

(b) Neighborhood Use Permit and Conditional Use Permit Regulations

- (1) Employee housing may be permitted for more than 12 employees, plus any *family* members.
- (2) A minimum *lot* size of 10 acres is required for employee housing for more than 12 employees.
- (3) Agricultural employees may be employed off-site. All other employees must be employed on the *premises* containing the employee housing.
- (4) Only one *structure* for employee housing may be provided for every 10 acres of *lot* area.
- (5) The *structure* for employee housing is permitted in addition to a *single dwelling unit* on the same *premises* and is subject to all development regulations of the base zone.
- (6) Off-street parking shall be provided at a rate of 1 space for every 2 employees.

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

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

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

§141.0305 Fraternity Houses and Sorority Houses

Fraternity houses and sorority houses are facilities that are designed or used as a residence for students that are members of an organized university or college fraternity or sorority and enrolled at a college or university accredited by the Western Association of Schools and Colleges: Senior College and University Commission or the Accrediting Commission for Community and Junior Colleges. Fraternity houses and sorority houses may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) Fraternity houses and sorority houses may be permitted only in the following locations:
 - (1) Within an area specifically designated for these facilities by the applicable *land use plan*, or
 - (2) When the applicable *land use plan* does not contain a designated area, such facilities may be located within a 1-mile radius of the boundary of a college or university campus, in any of the following zones: RM-3-7, RM-3-8, RM-3-9, RM-4-10, and RM-4-11.
- (b) If the fraternity house or sorority house is not located on a college or university campus, off-street parking shall be provided as follows:
 - (1) At a rate of 1 parking space for each resident if the fraternity house or sorority house is located outside of a *transit priority area*, or
 - (2) Through a parking agreement between the college or university with which the fraternity house or sorority house is affiliated and the *applicant*, which will allow the *applicant* to use college or university parking facilities to meet the parking requirement.
- (c) A resident manager is required to live on the *premises*.
- (d) The fraternity house or sorority house must be officially recognized by the college or university.

- (e) The frequency and duration of organized outdoor activities and social events shall be limited as needed to minimize adverse impacts on neighboring *development*.

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

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

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

(Retitled from “Fraternity Houses, Sorority Houses, and Student Dormitories” to “Fraternity Houses and Sorority Houses” and amended 1-16-2024 by O-21758 N.S.; effective 3-16-2024.)

[Editors Note: Amendments as adopted by O-21758 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

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§141.0306 Garage, Yard, and Estate Sales

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

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

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

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

§141.0307 Guest Quarters or Habitable Accessory Buildings

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

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

- (a) A primary *dwelling unit* must exist on the *premises*. Concurrent construction of the primary *dwelling unit* and the guest quarters or habitable *accessory building* is permitted.
- (b) Guest quarters or habitable *accessory buildings* may occupy a maximum of 25 percent of the allowable *gross floor area* of the *premises*.
- (c) Guest quarters or habitable *accessory buildings* may be attached to or detached from the primary *dwelling unit* on the *premises*.
- (d) The *gross floor area* of the guest quarters or habitable *accessory buildings* shall be included in the *floor area ratio* calculation for the *premises*.
- (e) The guest quarters or habitable *accessory buildings* shall not contain a *kitchen* or facilities for the storage and preparation of food. A bar sink and miniature refrigerator may be permitted.
- (f) For guest quarters or habitable *accessory buildings* located above a garage or other *accessory building*, the maximum *structure height* for flat-roofed *structures* is 21 feet. For sloped-roofed *structures* with a roof pitch of at least 3:12 (3 vertical feet to 12 horizontal feet), the maximum *structure height* is 30 feet.
- (g) Decks and staircases of not more than 3 feet in height may encroach into required *yards*.
- (h) *Roof decks*, including railings, shall not exceed the height limits in Section 141.0307(f).
- (i) Occupancy of a *premises* containing guest quarters or habitable *accessory buildings* shall be subject to the following:
 - (1) Guest quarters or habitable *accessory buildings* shall not be rented, leased, or sold as a separate *dwelling unit*.

- (2) Before a Building Permit is issued for a guest quarters or habitable *accessory building*, the *record owner* shall submit a signed agreement with the City that neither the primary *dwelling unit* nor the guest quarters or habitable *accessory building* shall be sold or conveyed separately. The City will provide the agreement to the County Recorder for recordation.
- (3) Guest quarters or habitable *accessory buildings* shall be used solely by the occupants of the primary *dwelling unit*, their guests, or their employees.

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

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

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

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

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

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

§141.0308 Home Occupations

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

- (a) Home occupations are permitted only as *accessory uses* to a residential use.
- (b) Any products produced for sale must be manufactured by hand, grown on the *premises*, or prepared within a *kitchen* that meets the standards for cottage food operations in a *dwelling unit* in accordance with California Health and Safety Code section 114365.
- (c) The home occupation may reduce required *off-street parking spaces* by one *off-street parking space*, so long as the reduction does not result in the elimination of all *off-street parking spaces*.
- (d) *Signs* advertising the home occupation are not permitted. Other advertising shall not include the address of the *premises*.

- (e) Home occupations, except for horticultural uses permitted in Chapter 13, Article 1, Division 3 (Agricultural Base Zones) and Division 4 (Residential Base Zones), shall be conducted within an enclosed *structure* on the *premises*.
- (f) Materials or products associated with the home occupation on the *premises* must be stored within an enclosed *structure*.
- (g) Indoor storage of materials or products associated with the home occupation shall not exceed 1,000 cubic feet for the entire *premises* or any more restrictive limitations imposed by the Building and Housing Codes or the County Health Department.
- (h) The operation of the home occupation shall be consistent with permitted residential uses, shall not create any conditions that amount to a *public nuisance*, and shall not be detrimental to the residential neighborhood by causing increased noise, traffic, lighting, odor, or by violating any applicable ordinances or laws.
- (i) The resident of the *premises* shall not rent space to others in association with a home occupation.
- (j) Only a resident of the *premises* may engage in a home occupation on the *premises*.
- (k) Home occupations may have a maximum of one employee or partner on the *premises* between 7:00 a.m. and 7:00 p.m., Monday through Saturday. For the purpose of Section 141.0308(k) an employee does not include a resident of the home.
- (l) Home occupations may have a maximum of one customer on the *premises* at a time, by appointment only, between 7:00 a.m. and 7:00 p.m., Monday through Saturday. Home occupations shall not host customers on the *premises* more frequently than one customer within a 2-hour time period.
- (m) Home occupations may have a maximum of one vendor on the *premises* at a time between 7:00 a.m. and 7:00 p.m., Monday through Saturday. Home occupations shall not host vendors on the *premises* more frequently than one vendor within a 2-hour time period.
- (n) A maximum of one vehicle for business-related purposes is permitted on-street in the residentially zoned area and shall be parked in compliance with the regulations in Section 86.0139 if applicable.

(1) Business-related vehicles may not exceed a one-ton carrying capacity.

(2) Tow-trucks are not a permitted home occupation vehicle.

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

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

(Amended 1-27-2022 by O-21416 N.S.; effective 2-26-2022.)

§141.0309 Interim Ground Floor Residential

Residential *development* within commercial zones is permitted only when a commercial *structure* exists on the *premises* or is a part of the proposed *development*. Residential use is restricted on the ground *floor* in accordance with Section 131.0540. The interim residential *density* shall not be counted towards the maximum allowable *density* of the underlying zone or *land use plan*. Interim ground *floor* residential may be permitted within existing commercial space in accordance with Process Two in the zones indicated with an “N” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations:

- (a) The change of a *development* site from commercial to residential use shall be in compliance with the California Building Code and California Fire Code for the residential use at the time of the conversion.
- (b) The Neighborhood Use Permit shall expire no later than 10 years from the date of issuance.
- (c) No additional parking is required for interim ground *floor* residential use.
- (d) The decision maker shall make the findings in Section 126.0205(a) and (c).
- (e) Residential *development* permitted in accordance with this section is required to pay Development Impact Fees in accordance with Section 142.0640(b)(7).

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

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

(Amended 1-27-2022 by O-21416 N.S.; effective 2-26-2022.)

§141.0311 Live/Work Quarters

Live/work quarters are studio spaces designed to integrate living space into the workspace and are primarily designed for industrial or commercial occupancy. The live/work quarters residential *density* shall not be counted towards the maximum allowable *density* of the underlying base zone or *land use plan*. Live/work quarters are permitted as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) The minimum floor area of a live/work quarters shall be 500 square feet.
- (b) The minimum floor area used or arranged for non-residential purposes shall be 100 square feet.
- (c) Each live/work quarters shall be separated by walls from other live/work quarters or other uses in the building.
- (d) Access to the live/work quarters shall be provided only from common access areas, halls, or corridors and shall not be from other live/work quarters or other uses in the building.
- (e) Access to each live/work quarters shall be clearly identified in order to provide for emergency services.
- (f) The non-residential use shall be managed by the resident.
- (g) Live/work quarters shall not be used for classroom instructional use, storage of flammable liquids or hazardous materials, welding or any open-flame work.
- (h) The required parking spaces for the non-residential use shall be in compliance with Section 142.0560. The parking spaces shall not require designation for residential or non-residential uses.

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

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

(Amended 3-11-2022 by O-21439 N.S.; effective 4-10-2022.)

(Amended 7-22-2024 by O-21836 N.S.; effective 10-5-2024.)

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§141.0312 Residential Care Facilities

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

Residential care facilities for 7 or more persons may be permitted as a limited use in zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the regulations in Sections 141.0312(a)-(h). Residential care facilities in zones designated with an “L” that are within 500 feet, measured by a walking distance along a pedestrian path of travel from *property line* to *property line*, from a *school*, *playground*, or *child care facility* may be permitted with a Conditional Use Permit decided in accordance with Process Three. Residential care facilities in zones designated with an “L” may be located on the same *premises* as a *child care facility* or on a *premises* adjacent to a *child care facility* and shall not be required to obtain a Conditional Use Permit if the residential care facility and *child care facility* are operated by the same *permit holder*.

Residential care facilities for 7 or more persons may be permitted with a Conditional Use Permit decided in accordance with Process Three, in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the regulations in Sections 141.0312(a)-(h).

- (a) Residential care facilities are not permitted in agricultural zones in *Proposition A Lands*.

- (b) Residential care facilities are not permitted within 500 feet of another residential care facility, measured from *property line* to *property line* in accordance with Section 113.0225.
- (c) The facility shall provide at least 70 square feet of sleeping space for each resident, not including closet or storage space, multipurpose rooms, bathrooms, dining rooms, and halls.
- (d) Sleeping areas shall not be used as a public or general passageway to another room, bath, or toilet.
- (e) The facility shall provide at least 5 square feet of living area per bed, not including sleeping space, dining, and *kitchen* areas.
- (f) The facility shall provide at least 8 square feet of storage area (closet or drawers) per bed.
- (g) The facility shall provide one full bathroom including sink, toilet, and shower or bathtub for every seven beds.
- (h) Conversion of an existing garage or reduction in the amount of off-*street* parking to provide a residential care facility is not permitted.

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

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

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

(Amended 7-22-2024 by O-21836 N.S.; effective 10-5-2024.)

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§141.0313 Transitional Housing Facilities

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

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

- (a) Transitional housing is not permitted in agricultural zones in *Proposition A Lands*.
- (b) Only one transitional housing facility may be permitted per *lot* or *premises*.
- (c) The facility shall provide at least 70 square feet of sleeping space for each resident, not including closet or storage space, multipurpose rooms, bathrooms, dining rooms, and halls.
- (d) Sleeping areas shall not be used as a public or general passageway to another room, bath, or toilet.
- (e) The facility shall provide at least 5 square feet of living area per bed, not including sleeping space, dining areas, and *kitchen* areas.
- (f) The facility shall provide at least 8 square feet of storage area (closet or drawers) per bed.
- (g) The facility shall provide one full bathroom including sink, toilet, and shower or bathtub for every seven beds.
- (h) The name and emergency contact phone number of an operator or manager shall be posted outside the facility in a location visible to the public from the *public right-of-way* in character size at least two inches in height.
- (i) On-site supervision of the *premises* shall be provided at all times. At least one staff member shall be located on the *premises* 24 hours per day.
- (j) The *applicant* shall provide the City with a Description of Services and Property Management Plan to the satisfaction of the City Manager. Should any change to the proposed Description of Services and Property Management Plan occur after project construction, the project owner or manager shall provide the City with an updated plan within 90 days of the change. The Description of Services and Property Management Plan shall include all of the following:

- (1) Information regarding the supportive services that will be provided on-site or off-site to those residing on the *premises*, including:
 - (A) A description of the services to be provided;
 - (B) The location where the services will be provided;
 - (C) The name of the person or entity that will provide the services;
 - (D) The funding source for the services; and
 - (E) The number of employees.
- (2) Information regarding how the property will be managed, including:
 - (A) A plan to minimize loitering in the vicinity of the facility; and
 - (B) A litter control plan to provide for the removal of litter in the vicinity of the facility on a regular basis.

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

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

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

§141.0314 Watchkeeper's Quarters

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

- (a) Watchkeeper's quarters are permitted only as an *accessory use* to a use allowed by the zone.
- (b) Watchkeeper's quarters are permitted only within a permanent *structure*.
- (c) Watchkeeper's quarters shall not exceed 1,200 square feet in *gross floor area* and shall be included in the *floor area ratio* calculation for the *premises*.
- (d) Watchkeeper's quarters may include full living facilities, including a *kitchen*.

- (e) Except where associated with storage yards or mini-warehouses, watchkeeper's quarters shall be attached to the rear of the primary *structure* or, if detached, shall be located between the rear *setback* and the primary *structure*.
- (f) The residential *density* from watchkeeper's quarters shall not be counted towards the maximum allowable *density* of the underlying base zone or *land use plan*.

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

(Amended 7-22-2024 by O-21836 N.S.; effective 10-5-2024.)

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§141.0315 Permanent Supportive Housing

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

- (a) *Permanent supportive housing* units within the *development* shall have a recorded affordability restriction for no less than 55 years.
- (b) The name and emergency contact phone number of an operator or property manager shall be posted on the *premises* in a location visible to the public from the *public right-of-way* in character size at least two inches in height.
- (c) On-site supervision of the *premises* shall be provided at all times. At least one staff member of the operator or project manager shall be located on the *premises* 24 hours per day.
- (d) The *applicant* shall provide the City with a Description of Services and Property Management Plan to the satisfaction of the City Manager. Should any change to the proposed Description of Services and Property Management Plan occur after project construction, the project owner or manager shall provide the City with an updated plan within 90 days of the change. The Description of Services and Property Management Plan shall include all of the following:

- (1) Information regarding the supportive services that will be provided on-site or off-site to those residing on the *premises*, including:
 - (A) A description of the services to be provided;
 - (B) The location where the services will be provided;
 - (C) The name of the person or entity that will provide the services;
 - (D) The funding source for the services; and
 - (E) The number of employees.
- (2) Information regarding how the property will be managed, including:
 - (A) A plan to minimize loitering in the vicinity of the facility; and
 - (B) A litter control plan to provide for the removal of litter in the vicinity of the facility on a regular basis.

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

§141.0317 Low Barrier Navigation Center

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

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

- (a) The navigation center shall offer services to connect people to permanent housing through a services plan that identifies services staffing.
- (b) The navigation center shall be linked to the San Diego Coordinated Entry System administered by the San Diego Regional Task Force on the Homeless or a comparable coordinated entry system administered in accordance with Section 576.400(d) or Section 578.7(a)(8) of Title 24 of the Code of Federal Regulations, as applicable and in effect on January 1, 2020.

- (c) The navigation center shall comply with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
- (d) The navigation center shall have a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System, as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.

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

§141.0318 Movable Tiny Houses

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

(a) *Development Regulations*

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

- (A) licensed and registered with the California Department of Motor Vehicles; and
- (B) exempt from parking regulations unless the *movable tiny house* is located in the Beach Impact Area of the Parking Impact Overlay Zone but outside of a *transit priority area*, in which case one *off-street parking space* shall be required if there is already an *Accessory Dwelling Unit* or *Junior Accessory Dwelling Unit* present on the same *premises*.

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

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

- (3) A *movable tiny house* shall be located:
 - (A) on a *premises* adjacent to a *public right-of-way* that is at least 20 feet wide. Exterior portions of a *movable tiny house* shall not be located more than 150 feet from the *public right-of-way*. A *movable tiny house* shall be accessed from the *public right-of-way* by a path that is at least 5 feet wide;
 - (B) behind or to the side of the primary *dwelling unit* and not in any front yard; and
 - (C) at a fire separation distance of at least 5 feet from an adjacent *lot* line and at least 10 feet from any other structures on the *premises*.
- (4) A *movable tiny house* shall not be located within:
 - (A) a brush management zone established pursuant to Section 142.0412; or
 - (B) the *MHPA*.
- (5) When sited on a *premises*, the undercarriage, including wheels, axles, tongue, and hitch, shall be concealed from view. The wheels shall not be removed and shall sit with leveling or support jacks on a paving surface designed in accordance with Section 142.0560(h)(1).
- (6) All mechanical equipment, including heating, ventilation, and air conditioning, shall be incorporated into the structure and not located on the roof.
- (7) A *movable tiny house* shall be connected to water, sewer, and electric utilities. Connections to natural gas are prohibited.
- (8) A *movable tiny house* shall comply with the National Fire Protection Association 1192 Standard on Recreational Vehicles or the American National Standards Institute A119.5 Park Model Recreational Vehicle Standard. A *movable tiny house* shall be certified by a recognized national certification body as complying with one of these standards and a certified label shall be placed on the *movable tiny house* to demonstrate compliance.

- (9) When located on a *premises* where the primary *dwelling unit* is protected with an automatic fire sprinkler system in accordance with Section R313 of the California Residential Code, a *movable tiny house* shall be protected with an automatic fire sprinkler system.
- (10) When located within the Very High Fire Hazard Severity Zone, as established pursuant to Chapter 5, Article 5, Division 94, a *movable tiny house* shall satisfy the following additional requirements:
 - (A) A *movable tiny house* shall be protected with an automatic fire sprinkler system in compliance with Section R313 of the California Residential Code even if located on a *premises* where the primary *dwelling unit* is not protected with an automatic fire sprinkler system;
 - (B) Exterior walls shall be constructed with ignition-resistant materials in compliance with Section R337 of the California Residential Code; and
 - (C) Glazed openings, including skylights, shall comply with Section R337 of the California Residential Code.
- (11) A *movable tiny house* shall be constructed to include the following design elements:
 - (A) Cladding and Trim: Materials used on the exterior shall not be single piece composite, laminates, or interlocked metal sheathing;
 - (B) Windows and Doors: Windows shall be at least double pane glass, labeled for building use, and include exterior trim. Windows and doors shall not have radius corners;
 - (C) Roofs: Roofs shall be sloped to drain over the roof edge. At least 50 percent of the roof area shall have a roof slope of 2:12 or more. Roof coverings shall comply with the Residential Building Regulations in Chapter 14, Article 9, Division 9; and
 - (D) Living Area Extensions: The roof and all exterior walls shall not be fixed with slide-outs, tip-outs, or other forms of mechanically articulating room area extensions.

- (12) Within the Coastal Overlay Zone, the following regulations apply to *movable tiny houses* constructed outside of Special Flood Hazard Areas and within an area of future sea level rise (with a 75-year horizon) as determined by the City Manager based on the Sea Level Rise Policy Guidance adopted by the California Coastal Commission, as it applies to residential *development*:
- (A) Hard shoreline armoring shall not be constructed to protect a *movable tiny house* from the effects of coastal hazards, including, but not limited to, sea level rise.
- (B) The *record owner* of the *movable tiny house* shall enter into an acknowledgement agreement with the City in a form that is approved by the City Attorney. The agreement shall include the following acknowledgements and provisions: (1) that the *movable tiny house* is located in an area of future sea level rise that may become hazardous in the future; (2) that sea level rise could render it difficult or impossible to provide services to the site; (3) that the boundary between public land (tidelands) and private land may shift with rising seas and the *development* approval does not permit encroachment onto public trust land; (4) that additional adaptation strategies may be required in the future to address sea level rise consistent with the Coastal Act and certified *Local Coastal Program*; (5) that the owner waives any rights under Coastal Act Section 30235 and related *Local Coastal Program* policies to hard shoreline armoring to protect the *movable tiny house*; and (6) that the *structure* may be required to be removed or relocated and the site restored if it becomes unsafe.
- (C) The *record owner* of the *movable tiny house* shall provide notice to all occupants of the *movable tiny house* of the acknowledgements and provisions specified in Section 141.0318(a)(12)(A) and (B).
- (13) *Moveable tiny houses* constructed within Areas of Future Sea Level Rise must comply with the regulations in Section 132.0404.

(b) One *movable tiny house* may be permitted per *premises* in addition to *Accessory Dwelling Units* and *Junior Accessory Dwelling Units* permitted in accordance with Section 141.0302, guest quarters, and non-habitable *structures*.

(c) A *movable tiny house* shall not be used for a rental term of less than 30 consecutive days.

(“Movable Tiny Houses” added 10-30-2020 by O-21254 N.S.; effective 11-29-2020.)
(Amended 7-21-2022 by O-21477 N.S.; effective 9-7-2022.)
(Amended 3-7-2023 by O-21618 N.S.; effective 5-6-2023.)

§141.0319 Student Housing

Student Housing are facilities designed and used as a residence for students enrolled at a college or university accredited by the Western Association of Schools and Colleges: Senior College and University Commission or the Accrediting Commission for Community and Junior Colleges, including student dormitories and student apartments. Student housing is permitted as a limited use in the zones indicated with a “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), subject to the following regulations:

- (a) Student housing may be permitted only in the following locations:
- (1) Within an area specifically designated for these facilities by the applicable *land use plan*, or
 - (2) If the applicable *land use plan* does not contain a designated area, such facilities may be located within a 1-mile radius of the boundary of a *premise* operated as a college or university campus accredited by the Western Association of Schools and Colleges: Senior College and University Commission or the Accrediting Commission for Community and Junior Colleges, in any zone that allows *multiple dwelling unit* development, or
 - (3) Within a *Sustainable Development Area*, in any zone that allows *multiple dwelling unit* development.

(b) Automobile and Bicycle Parking Regulations

- (1) Automobile *off-street parking spaces* shall comply with Table 142-05C.
- (2) Student housing located within a 1-mile radius of the boundary of a *premises* operated as a college or university campus accredited by the Western Association of Schools and Colleges: Senior College and University Commission or the Accrediting Commission for Community and Junior Colleges may meet the automobile *off-street parking space* requirement through a parking agreement between the *applicant* and the college or university. The parties involved shall provide the parking agreement in the form acceptable and to the satisfaction of the City Manager.
- (3) Bicycle parking shall be located in enclosed and secure areas.

(c) Occupancy Regulations

- (1) Student housing subject to this Division shall be occupied exclusively by undergraduate, graduate, or professional students enrolled full time at a college or university accredited by the Western Association of Schools and Colleges: Senior College and University Commission or the Accrediting Commission for Community and Junior Colleges.
- (2) The enrollment of a student in a college or university accredited by the Western Association of Schools and Colleges: Senior College and University Commission or the Accrediting Commission for Community and Junior Colleges shall be verified prior to occupancy by documentation submitted by the student or by the student housing operator on behalf of the student to the San Diego Housing Commission.

(d) Onsite Management Regulations

- (1) A resident manager is required to live on the student housing *premises*.
- (2) At least one manager of the student housing operator shall be located and accessible on the student housing *premises* 24 hours per day.

(e) Student Housing Amenity Regulations

- (1) A minimum of 10 percent of the *structures'* ground floor gross floor area, excluding leasing or manager offices, shall be dedicated to student amenities, including one or more of the following:
 - (A) Gyms,
 - (B) Community rooms,
 - (C) Shared resources for students such as computer labs, a shared kitchen, or community gardens, or
 - (D) Shared facilities such as study rooms or co-study spaces.
- (2) Student housing shall include onsite laundry facilities.

(“Student Housing” added 1-16-2024 by O-21758 N.S.; effective 3-16-2024.)

[Editors Note: Amendments as adopted by O-21758 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-21758-SO.pdf]