

SENATE BILL 10 (SB 10)

§131.0420 Use Regulations of Residential Zones

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

- (a) The uses permitted in any residential zone may be further limited or expanded by the following:
- (1) Section 131.0423 (Additional Use Regulations of Residential Zones);
 - (2) Use limitations applicable to the Airport Land Use Compatibility Overlay Zone (Chapter 13, Article 2, Division 15);
 - (3) The presence of *environmentally sensitive lands*, pursuant to Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations); or
 - (4) Chapter 14, Article 3, Division 13 (Multi-Dwelling Unit and Urban Lot Split Regulations for Single Family Zones)
 - (5) Chapter 14, Article 3, Division 15 (Missing Middle Housing Regulations)

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(4)(6) Any other applicable provision of the San Diego

Municipal Code.

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

§131.0422 Use Regulations Table for Residential Zones

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

Legend for Table 131-04B

[No change to legend.]

Table 131-04B
Use Regulations Table for Residential Zones

Use Categories/ Subcategories	Zone Designator	Zones																								
		[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	1st & 2nd >>	RE-	RS-						RX-		RT-													
	3rd >>	1-	1-						1-		1-															
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	1	1	1	1	14	1	2	1	2	3	4	5
Open Space through Residential, Mobilehome Parks [No change in text.]		[No change in text]																								
Multiple Dwelling Units		<u>.11</u>	<u>.11</u>						<u>.11</u>		<u>.11</u>															
Residential, Rooming House [See Section 131.0112(a)(3)(A)] through Signs,		[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 >>	RE-	RS-										RX-		RT-										
	3rd >>	1-	1-										1-		1-										
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	1	1	1	1	14	1	2	1	2	3	4
Separately Regulated Signs Uses, Theater <i>Marquees</i> [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 Separately Regulated Residential Uses , Employee Housing, Greater than 12 Employees [No change in text]		[No change in text]												
Fraternities, Sororities and Student Dormitories <u>Student Housing</u>		€	€	€	€	€	€	€	€	€	€	€	€	
Separately Regulated Residential Uses , Garage, Yard, & Estate Sales through Signs , Separately Regulated Signs		[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	
Uses , Theater <i>Marquees</i> [No change in text.]														

Footnotes for Table 131-04B

¹ through ¹⁰ [No change in text.]

¹¹ Development of multiple dwelling units permitted in accordance with Chapter 14, Article 3, Divisions 14 and 15.

Article 15: Missing Middle Housing Regulations

§143.1501 Missing Middle Housing Regulations

These regulations are intended to implement California Senate Bill 10 (2021-2022) and California Government Code Sections 65913.5 by allowing the construction of additional *dwelling units* on residentially-zoned *lots*, as specified in this Division. These regulations specify when and how additional

dwelling units may be permitted in a base zone that allows residential uses, and includes supplemental development regulations applicable to development proposed under this Division. These regulations shall not apply if any other density bonuses are being utilized.

§143.1505 Application of Missing Middle Housing Regulations

- (a) This Division applies to premises that do not otherwise allow for up to 10 dwelling units, and that are located within all of the following:
- (1) Sustainable Development Area;
 - (2) A RS, RX, RT, RM or Planned District zone that permits single dwelling unit development or multiple dwelling unit development.
- (b) This Division is not applicable in the following circumstances:
- (1) When the premises is located within any of the following:
 - (A) Wetlands;
 - (B) The Very High Fire Hazard Severity Zone, unless the development complies with Chapter 7A of the California Building Code, which mitigates wildfire exposure risk through materials and construction methods;

(C) A hazardous waste site that is listed pursuant to California Government Code Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the California Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses;

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

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- (E) Special Flood Hazard Areas, unless:
- (i) The premises has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction; or
 - (ii) The premises meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.
- (F) A regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of

Title 44 of the Code of Federal Regulations. If an applicant is able to satisfy all applicable federal qualifying criteria in order to provide that the premises satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, an application shall not be denied on the basis that the applicant did not comply with any additional City permit requirement, standard, or action that is applicable to that premises:

(G) The MHPA of the MSCP Subarea Plan;

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

(I) A historical district that is a designated historical resource, or on a premises that contains a designated historical resource.

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

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

combination of those uses or as otherwise specified in

California Health and Safety Code 53545.12(h) as amended.

§143.1510 Missing Middle Housing Supplemental Development Regulations

An applicant seeking to utilize the provisions of this Division shall comply with

all of the regulations in this Section.

- (a) The development regulations of the RM 1-1 base zone shall apply, except as specified in this section.
- (b) Density Regulations. The maximum number of dwelling units on the premises shall not exceed the following:
- (1) Development on a premises within a RM and Planned District Zone that permits multiple dwelling unit development, no more than 10 total dwelling units shall be permitted unless the development includes ADUs or JADUs allowed under Section 143.1510 (n), in which case the dwelling unit limit in 143.1510 (n)(1)(c) would apply.
- (2) Development on a premises within a RS, RX, RT and Planned District Zones that permits single dwelling unit development, no more than one dwelling unit for every 1,000 square feet of lot

area or 10 dwelling units, whichever is less, shall be permitted, unless the development includes ADUs or JADUs allowed under Section 143.1510 (n), in which case the dwelling unit limit in 143.1510 (n)(1)(c) would apply.

(c) Lot Regulations.

(1) Lot Area. The minimum lot area shall not be less than 1,000 square feet.

(2) Lot Dimensions. The minimum lot dimensions shall not be less than the following:

(A) Lot Width: 18 feet

(B) Lot Width (corner): 20 feet

(C) Lot Depth: 50 feet

(d) Setback Regulations.

(1) For development on a premises within a RS Zone, the following setback regulations shall apply.

(A) Min Front Setback 5 feet [See Section 131.0443(c)(1)]

(B) Max Front Setback 15 feet [See Section 131.0443(c)(1)]

(C) Max Side Setback 4 feet

(D) Min Side Street Setback 4 feet

(E) Min Rear Setback 4 feet

(2) For development on a premises within a RX, RT, RM or Planned District Zone, the setback regulations of 143.1510(d)(1) shall apply unless the setback regulations for the base zone are less.

(e) Structure Height Regulations.

(1) The maximum structure height shall be 35 feet or the maximum structure height of the base zone, whichever is greater.

(2) Within the Coastal Height Limit Overlay Zone, the maximum structure height shall be 30 feet, which shall be determined in accordance with Section 113.0270(a)(4)(D).

(f) Lot Coverage Regulations. Maximum lot coverage shall not apply to development construction in accordance with this Division.

(g) Floor Area Ratio Regulations. The maximum floor area ratio shall not exceed 3.0 or the maximum floor area ratio of the base zone, whichever is greater.

- (h) Private Exterior Open Space Regulations. Private exterior open space regulations shall not apply on a premises less than 10,000 square feet for development on a premises within the RM and Plan District Zones.
- (i) Common Open Space Regulations. Common open spaces regulations shall not apply on a premises less than 10,000 square feet for development on a premises within the RM or Planned District Zones.
- (j) Bedroom Regulations. Development exceeding a total of four dwelling units shall provide:
 - (1) At least two dwelling units that contain three or more bedrooms,
and
 - (2) At least one additional dwelling unit that contain two or more bedrooms.
- (l) Parking Regulations.
 - (1) Within a transit priority area, off-street parking spaces shall not be required.
 - (2) Outside of a transit priority area, off-street parking spaces shall be provided as follows:

- (A) Off-street parking spaces are not required for the first two dwelling units. For any dwelling units constructed after the first two, one parking space per dwelling unit is required.
- (B) Within the Beach Impact Area of the Parking Impact Overlay Zone, one off-street parking space shall be required per dwelling unit unless the applicant can demonstrate to the satisfaction of the City Manager that there is access to a car share or other shared vehicle within one block of the premises.
- (m) Homeownership Opportunity Regulations. The *development* shall ensure that the *dwelling units* can be subdivided into individual ownership through a Subdivision Map Act action without requiring additional improvements. Any *Accessory Dwelling Units* or *Junior Accessory Dwelling Units* must be located on the *premises* in a manner that would facilitate individual ownership of a *dwelling unit* with any *Accessory Dwelling Units* or *Junior Accessory Dwelling Units*.

(n) Accessory Dwelling Unit and Junior Accessory Dwelling Unit Regulations.

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

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

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

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

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than one *Junior Accessory Dwelling Unit* shall be permitted on a premises in a Single Dwelling Unit Zone.

(C) Under no circumstances shall the total number of dwelling units on the premises, inclusive of Accessory Dwelling Units and Junior Accessory Dwelling Units, exceed 10 dwelling units.

(D) Development constructed pursuant to this Division may not include Bonus ADUs allowed in Section 141.0302(c)(2)(G).(E) Any Accessory Dwelling Units or Junior Accessory Dwelling Units constructed under this section shall be deed-restricted for very low income or low income households for a period of at least 55 years.

(o) Any mixed-use development proposed under this Division is limited to no more than 30 percent of the square footage of the development for non-residential uses.

(q) Development proposed under this Division shall comply with the regulations of the Airport Land Use Compatibility Overlay Zone (Chapter 13, Article 2, Division 15).

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

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

§143.1520 Affordable Housing Regulations in Accordance with this Division

(a) Developments exceeding a total of four dwelling units shall provide at least one dwelling unit that is set aside as affordable to very low income, low income, or moderate income households for a period of not less than 55 years, guaranteed through a written agreement and a deed of trust securing the agreement, entered into by the applicant and the President and Chief Executive Officer of the San Diego Housing Commission.

(b) Developments located in a High or Highest Resource Area as defined by the California Tax Credit Allocation Committee at the time of the application submittal, exceeding a total of four dwelling units, at least one additional dwelling unit shall be affordable to low income or very low-income households for a period of at least 55 years, guaranteed through a written agreement and a deed of trust securing the

agreement, entered into by the applicant and the President and Chief

Executive Officer of the San Diego Housing Commission.

§143.1525 Payment of Fees in Accordance with this Division

(a) Development Impact Fees for *development* constructed in accordance

with this Division shall comply with Section 142.0640(b).

(b) *Development* constructed in accordance with this Division shall pay

fees to the Neighborhood Enhancement Fund in accordance with

Resolution No. R-313282.