

KCA&D

Kalin Cannady Architecture
& Development

Dear Higgins Family,

I'm pleased to present you with this Feasibility Study for your project at 726 Torrance Street. The focus of this study was to demonstrate various Municipal Code strategies for achieving a conversion of the existing building into a twelve unit multifamily apartment building.

Each of the three strategies that follows assumes little to no modification of the previously submitted plans. Units are designated as Standard, Deed-Restricted Affordable, Accessory or Rooming House Dwelling Units in order to achieve the desired unit count.

These designations have different restrictions on chargeable rent, Development Impact Fees (DIF) and Regional Transportation Congestion Improvement Program fees (RTCIP). Because of these differences, each strategy is presented with a chart demonstrating an estimated Net Chargeable Rent and Total Fees to be paid. This analysis represents a snapshot in time; further study of the project value over time as related to the up-front fee cost is needed to make a decision.

A few things to keep in mind for all of the schemes:

1. Market rents shown are based on a brief market analysis and are meant for comparative analysis of each Strategy. Additional market research is necessary.
2. The Net Rents for affordable units are based on the SDHC Income and Rent Calculations Table provided in the Exhibits and already have the Utility Allowance deducted.
3. The DIF + RTCIP Total in each chart is the estimated DIF + RTCIP only and does not include other city permitting fees which would be unrelated to unit designation. Because of the existing building, the project will receive a credit towards the DIF but the value of the credit is unknown.
4. Each of these strategies would allow for more than twelve units. Within the existing structure, different floor plans would allow for an increase in total rentable units. Alternatively, additional structures can be added to the property and/or the building could be expanded to increase the total rentable units.
5. The information provided in this study is based on the Architect's interpretation of the Municipal Code and correspondence with planning staff. While significant effort has been made to confirm consistency with the Municipal Code and staff interpretations, city rulings are subject to change.

Cheers,



Kalin Cannady
Licensed Architect, C-38931

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Base Zone	RM-1-1
<u>Zoning Overlays</u>	
Complete Communities	No
Sustainable Development Area	Yes
Coastal Overlay Zone	No
Transit Priority Area	Yes
Parking Standards Transit Priority Area	No
Environmentally Sensitive Lands	None
Very High Fire Hazard Severity Zone	Yes
Allowable Residential Uses	Mobile Home Park Multiple Dwelling Units Rooming House Single Dwelling Units (Small Lot) Accessory Dwelling Units
Lot Size	19,824 SF (From drawings provided)
Allowable Density	1 DU / 3,000 SF
<u>Allowable Units</u>	
Dwelling Unit	7 DU = 6.6 = 19,824 / 3,000
Base ADU's ¹	2
Affordable / Bonus ADU's	Unlimited within FAR
JADUs	Not Allowed
Rooming House	Same as DU
Floor Area Ratio / Max Gross Floor Area	0.75 (1-2 dwelling units) / 14,868 SF 1.0 (3-7 dwelling units) / 19,824 SF 1.25 (8+ dwelling units) / 24,780 SF
Building Height Max (Base)	30', 24' Angled Plane (131.0444(e))
Setbacks (Standard Building)	Front: 15' Min / 20 Std Side: 5' Min / 8' Std Rear: 15
Setbacks (ADU)	Front: 15' Min / 20 Std Side: 0' / 4' for Multi Story ADUs > 16' Height Rear: 0' / 4' for Multi Story ADUs > 16' Height
Parking Req's	No Parking Required

1. SDMC 141.0302(c)(2)(C)(ii) could be interpreted to limit the number of allowable ADU's to two but multiple rounds of correspondence with Planning Staff indicates this is not how they would interpret this code section. See Correspondence Exhibit.

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45% Density Bonus + ADU's

The Inclusionary Affordable Housing Requirements of SDMC 142.1304 require that projects of 10 or more units have 10% of the the units affordable to 60% AMI. By including one additional affordable unit at 120% AMI the project is allowed a 45% density bonus. The density bonus plus one base ADU gets the project to twelve units with a minimum of deed-restricted affordable units.

DIF fees for are waived for the ADUs and the first Affordable unit.

7 Base Units (2 affordable)

4 Bonus Dwelling Units = 7 X .45 density bonus = 3.15 units, rounds up to 4 units

+1 ADU (2 allowable)

12 Total Units (13 possible)

Unit		Rent & Fee Description			
#	Type	Rent Type	Unit Type	Net Rent	DIF + RTCIP
1	1-BD	A (60% AMI)	DU	\$1,378	\$2,742
2	2-BD	Market	ADU	\$2,900	\$0
3	1-BD	Market	DU	\$2,600	\$16,719
4	1-BD	Market	DU	\$2,600	\$16,719
5	1-BD	Market	DU	\$2,600	\$16,719
6	1-BD	Market	DU	\$2,600	\$16,719
7	1-BD	Market	DU	\$2,600	\$16,719
8	2-BD	Market	DU	\$2,900	\$16,719
9	3-BD	A (110% AMI)	DU	\$2,709	\$16,719
10	3-BD	Market	DU	\$3,504	\$16,719
11	1-BD	Market	DU	\$2,570	\$16,719
12	1-BD	Market	DU	\$2,600	\$16,719
				\$31,561	\$169,932

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Affordable ADU's with Minimum DU's

This strategy uses the Affordable ADU Bonus regulations to get to 12 units. Designating more affordable ADUs waives the maximum DIF. One unit is set at 60% AMI to comply with the Inclusionary Affordable Housing Requirements of SDMC 142.1304 while the remaining affordable units take the maximum 110% AMI for Affordable ADUs. The Affordable ADU bonus is 1:1 so for every additional ADU designated Affordable, you get one more ADU. This means that you could have as many ADU's as would fit within the allowable Gross Floor Area.

- 1 Dwelling Unit
- 2 Base ADU's
- 5 Affordable ADU's
- +4 Bonus ADU's (5 allowable)
- 12 Total Units (unlimited, within Gross Floor Area)

Unit		Rent & Fee Description			
#	Type	Rent Type	Unit Type	Net Rent	DIF + RTCIP
1	1-BD	A (60% AMI)	DU	\$1,378	\$2,742
2	2-BD	A (110% AMI)	ADU	\$2,522	\$0
3	1-BD	A (110% AMI)	ADU	\$2,293	\$0
4	1-BD	A (110% AMI)	ADU	\$2,293	\$0
5	1-BD	A (110% AMI)	ADU	\$2,293	\$0
6	1-BD	Market	ADU	\$2,600	\$0
7	1-BD	Market	ADU	\$2,600	\$0
8	2-BD	Market	ADU	\$2,900	\$0
9	3-BD	A (110% AMI)	ADU	\$2,709	\$0
10	3-BD	Market	ADU	\$3,504	\$2,742
11	1-BD	Market	ADU	\$2,600	\$0
12	1-BD	Market	ADU	\$2,600	\$0
				\$30,292	\$5,484

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Rooming House, No Affordable Units

Keeping the dwelling unit count under ten prevents the project from needing to provide any affordable housing units (SDMC 142.1302). Rooming Houses are dwelling units in which each bedroom is leased independently. This strategy would combine individual dwelling units into a single Rooming House unit to get the total unit count to nine. Further architectural study is needed to determine what features make a viable Rooming House and which units would be best combined.

5 Dwelling Units
2 Base ADU's
+2 Rooming House Units
9 Total Units (12+ leases)

Unit		Rent & Fee Description			
#	Type	Rent Type	Unit Type	Net Rent	DIF + RTCIP
1 + 2 + 7	5-BD	Market	Rooming	\$6,000	\$16,719
3	1-BD	Market	DU	\$2,600	\$16,719
4	1-BD	Market	DU	\$2,600	\$16,719
5	1-BD	Market	DU	\$2,600	\$16,719
6	1-BD	Market	DU	\$2,600	\$16,719
8	2-BD	Market	DU	\$2,900	\$16,719
9	3-BD	Market	ADU	\$3,504	\$0
10	3-BD	Market	ADU	\$3,504	\$2,742
11 + 12	3-BD	Market	Rooming	\$3,600	\$16,719
				\$29,908	\$119,775

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Base Zoning Exhibit

- (e) Temporary uses may be permitted in the residential zones for a limited period of time with a Temporary Use Permit in accordance with Chapter 12, Article 3, Division 4.
- (f) For any use that cannot be readily classified, the City Manager shall determine the appropriate use category and use subcategory pursuant to Section 131.0110.

*(Added 12-9-1997 by O-18451 N.S.)
 (Amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)
 (Amended 10-25-2011 by O-20047 N.S.; effective 1-1-2012.)
 (Amended 6-18-2013 by O-20261 N.S.; effective 7-19-2013.)
 (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.
 Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-21758-SO.pdf]

§131.0422 Use Regulations Table for Residential Zones

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

Legend for Table 131-04B

Symbol In Table 131-04B	Description Of Symbol
P	Use or use category is permitted. Regulations pertaining to a specific use may be referenced.
L	Use is permitted with limitations, which may include location limitations or the requirement for a use or <i>development permit</i> . Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).
N	Neighborhood Use Permit Required. Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).
C	Conditional Use Permit Required. Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).
-	Use or use category is not permitted.

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
Separately Regulated Agriculture Uses													
Agricultural Equipment Repair Shops		-			-			-			-		
Commercial Stables		-			-			-			-		
Community Gardens		L			L			L			L		
Equestrian Show & Exhibition Facilities		-			-			-			-		
Open Air Markets for the Sale of Agriculture- Related Products & Flowers		-			-			-			-		
Residential													
<i>Mobilehome Parks</i>		P ⁽²⁾			P ⁽²⁾			P ⁽²⁾			P ⁽²⁾		-
<i>Multiple Dwelling Units</i>		P			P			P			P		P
<i>Rooming House</i> [See Section 131.0112(a)(3)(A)]		P			P			P			P		P
<i>Shopkeeper Units</i>		-			-			P			P		P
<i>Single Dwelling Units</i>		P ⁽¹⁰⁾			P ⁽¹⁰⁾			P ⁽¹⁰⁾			P ⁽¹⁰⁾		P ⁽¹⁰⁾
Separately Regulated Residential Uses													
<i>Accessory Dwelling Units</i>		L			L			L			L		L
Continuing Care Retirement Communities		L			L			L			L		L
Employee Housing:													
6 or Fewer Employees		L			L			L			L		L
12 or Fewer Employees		-			-			-			-		-

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	
Greater than 12 Employees			-	-			-			-		-			
Fraternities and Sororities			C ⁽¹¹⁾			C ⁽¹¹⁾			C ⁽¹¹⁾			C ⁽¹¹⁾		C ⁽¹¹⁾ -	
Garage, Yard, & Estate Sales			L			L			L			L		-	
Guest Quarters			L ⁽⁸⁾			-			-			-		-	
Home Occupations			L			L			L			L		-	
Interim Ground <i>Floor Residential</i>			-			-			-			-		-	
<i>Junior Accessory Dwelling Units</i>			-			-			-			-		-	
Live/Work Quarters			-			-			-			-		-	
Low Barrier Navigation Center			-			-			-			-		-	
<i>Movable Tiny Houses</i>			L			L			L			L		L	
<i>Permanent Supportive Housing</i>			L			L			L			L		L	
Residential Care Facilities:															
6 or fewer persons			P			P			P			P		-	
7 or more persons			C			C			C			C		-	
Student Housing			L ⁽¹¹⁾			L ⁽¹¹⁾			L ⁽¹¹⁾			L ⁽¹¹⁾		L ⁽¹¹⁾	
Transitional Housing:															
6 or fewer persons			P			P			P			P		P	
7 or more persons			L			L			L			L		L	
Watchkeeper Quarters			-			-			-			-		-	
Institutional															

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	
Separately Regulated Institutional Uses															
Airports			-			-			-			-			
Battery Energy Storage Facilities															
Small Scale (≤ 0.25 acre)			L			L			L			L			
Medium Scale (0.25 acre < 1 acre)			C			C			C			C			
Large Scale (>1 acre)			C			C			C			C			
Botanical Gardens & Arboretums			C			C			C			C			
Cemeteries, Mausoleums, Crematories			-			-			-			-			
Correctional Placement Centers			-			-			-			-			
Educational Facilities:															
Kindergarten through Grade 12			L			L			L			L			
Colleges / Universities			C			C			C			C			
Vocational / Trade School			-			-			-			-			
Electric Vehicle Charging Stations			L			L			L			L			
Energy Generation & Distribution Facilities			-			-			-			C			
Exhibit Halls & Convention Facilities			-			-			-			-			
<i>Flood Control Facilities</i>			L			L			L			L			
<i>Historical Buildings Used for Purposes Not Otherwise Allowed</i>			C			C			C			C			
Homeless Facilities:															
Congregate Meal Facilities			-			-			C			C			
Emergency Shelters			-			-			C			C			
Homeless Day Centers			-			-			C			C			

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	
Hospitals, Intermediate Care Facilities & Nursing Facilities			C			C			C			C		-	
Interpretive Centers			-			-			-			-		-	
Museums			-			-			-			-		-	
Major Transmission, Relay, or Communications Switching Stations			-			-			-			-		-	
<i>Placemaking on Private Property</i>			L			L			L			L		L	
Outdoor Dining on Private Property			-			-			-			-		-	
<i>Satellite Antennas</i>			L			L			L			L		L	
<i>Social Service Institutions</i>			-			-			-			-		-	
Solar Energy Systems			L			L			L			L		L	
<i>Wireless Communication Facilities</i>			See Section 141.0420												
Retail Sales															
Building Supplies & Equipment			-			-			-			-		-	
Food, Beverages and Groceries			-			-			P ⁽⁶⁾			P ⁽⁶⁾		P ⁽⁶⁾	
Consumer Goods, Furniture, Appliances, Equipment			-			-			-			-		-	
Pets & Pet Supplies			-			-			-			-		-	
Sundries, Pharmaceuticals, & Convenience Sales			-			-			P ⁽⁶⁾			P ⁽⁶⁾		P ⁽⁶⁾	
Wearing Apparel & Accessories			-			-			P			P		P	
Separately Regulated Retail Sales Uses															
Agriculture Related Supplies & Equipment			-			-			-			-		-	

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
Alcoholic Beverage Outlets		-	-	-	-	-	-	-	-	-	-	-	-
<i>Cannabis Outlets</i>		-	-	-	-	-	-	-	-	-	-	-	-
Farmers' Markets													
Weekly Farmers' Markets		-	-	-	-	-	-	-	-	-	-	-	-
Daily Farmers' Market Stands		-	-	-	-	-	-	-	-	-	-	-	-
Plant Nurseries		-	-	-	-	-	-	-	-	-	-	-	-
Retail Farms		-	-	-	-	-	-	-	-	-	-	-	-
Retail Tasting Stores		-	-	-	-	-	-	-	-	-	-	-	-
Swap Meets & Other Large Outdoor Retail Facilities		-	-	-	-	-	-	-	-	-	-	-	-
Commercial Services													
Building Services		-	-	-	-	-	-	-	-	-	-	-	-
Business Support		-	-	-	-	-	P ⁽⁶⁾	P ⁽⁶⁾	P ⁽⁶⁾	P ⁽⁶⁾	P ⁽⁶⁾	P ⁽⁶⁾	P ⁽⁶⁾
Eating & Drinking Establishments		-	-	-	-	-	-	-	-	-	-	-	-
Financial Institutions		-	-	-	-	-	-	-	-	-	-	-	-
Funeral & Mortuary Services		-	-	-	-	-	-	-	-	-	-	-	-
Instructional Studios		P	P	P	P	P	P	P	P	P	P	P	P
Maintenance & Repair		-	-	-	-	-	-	-	-	-	-	-	-
Off-Site Services		-	-	-	-	-	-	-	-	-	-	-	-
Personal Services		-	-	-	-	-	P ⁽⁶⁾	P ⁽⁶⁾	P ⁽⁶⁾	P ⁽⁶⁾	P ⁽⁶⁾	P ⁽⁶⁾	P ⁽⁶⁾
Radio & Television Studios		-	-	-	-	-	-	-	-	-	-	-	-
Tasting Rooms		-	-	-	-	-	-	-	-	-	-	-	-
Visitor Accommodations		-	-	-	-	-	-	-	-	-	P ⁽⁵⁾	P ⁽⁵⁾	P ⁽⁵⁾
Separately Regulated Commercial Services Uses													
<i>Adult Day Care Facility</i>		L	L	L	L	L	L	L	L	L	L	L	L

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
Adult Entertainment Establishments:													
Adult Book Store		-			-			-			-		
Adult Cabaret		-			-			-			-		
Adult Drive-In Theater		-			-			-			-		
Adult Mini-Motion Picture Theater		-			-			-			-		
Adult Model Studio		-			-			-			-		
Adult <i>Motel</i>		-			-			-			-		
Adult Motion Picture Theater		-			-			-			-		
Adult Peep Show Theater		-			-			-			-		
Adult Theater		-			-			-			-		
Body Painting Studio		-			-			-			-		
Massage Establishment		-			-			-			-		
Sexual Encounter Establishment		-			-			-			-		
Assembly and Entertainment Uses, Including Places of Religious Assembly		L			L			L			L		L
Boarding Kennels/ Pet Day Care		-			-			-			-		
Camping Parks		-			-			-			-		
<i>Child Care Facilities:</i>													
Child Care Centers		L			L			L			L		L
Large Family Child Care Homes		L			L			L			L		-
Small Family Child Care Homes		L			L			L			L		-
Eating and Drinking Establishments with a Drive-in or Drive-through Component		-			-			-			-		
Fairgrounds		-			-			-			-		
Golf Courses, Driving Ranges, and		C			C			C			C		-

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	
Pitch & Putt Courses															
Helicopter Landing Facilities			-			-			-		-				
Massage Establishments, Specialized Practice			-			-			-		-				
Mobile Food Trucks			-			L ⁽⁹⁾			L ⁽⁹⁾		L ⁽⁹⁾				
Nightclubs & Bars over 5,000 square feet in size			-			-			-		-				
Parking Facilities as a <i>Primary Use</i> :															
Permanent Parking Facilities			-			-			-		-				
Temporary Parking Facilities			-			-			-		-				
Private Clubs, Lodges and Fraternal Organizations			-			-			-		P				
Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size ⁽⁴⁾			-			-			-		-				
Pushcarts on Private Property			-			-			-		-				
Recycling Facilities:															
Large Collection Facility			-			-			-		-				
Small Collection Facility			-			-			-		-				
Large Construction & Demolition Debris <i>Recycling Facility</i>			-			-			-		-				
Small Construction & Demolition Debris <i>Recycling Facility</i>			-			-			-		-				
Drop-off Facility			-			-			-		-				
Green Materials Composting Facility			-			-			-		-				
Mixed Organic Composting Facility			-			-			-		-				

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	
Large Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables from Commercial & Industrial Traffic			-			-			-			-			
Large Processing Facility Accepting All Types of Traffic			-			-			-			-			
Small Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables From Commercial & Industrial Traffic			-			-			-			-			
Small Processing Facility Accepting All Types of Traffic			-			-			-			-			
Reverse Vending Machines			-			-			-			-			
Tire Processing Facility			-			-			-			-			
Sidewalk Cafes, Streetaries, and Active Sidewalks			-			-			-			-			
Sports Arenas & Stadiums			-			-			-			-			
Theaters That Are Outdoor or over 5,000 Square Feet in Size			-			-			-			-			
Urgent Care Facility			-			-			-			-			
Veterinary Clinics & Animal Hospitals			-			-			-			-			
Zoological Parks			-			-			-			-			
Offices															
Business & Professional			-			-			P ⁽⁶⁾			P ⁽⁶⁾		P ⁽⁶⁾	
Government			-			-			-			-			
Medical, Dental, & Health Practitioner			-			-			P ⁽⁶⁾			P ⁽⁶⁾		P ⁽⁶⁾	
Regional & Corporate Headquarters			-			-			-			-			

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
Separately Regulated Office Uses													
Real Estate Sales Offices & Model Homes		L			L			L			L		-
<i>Sex Offender</i> Treatment & Counseling		-			-			L			L		-
Vehicle & Vehicular Equipment Sales & Service													
Commercial Vehicle Repair & Maintenance		-			-			-			-		-
Commercial Vehicle Sales & Rentals		-			-			-			-		-
Personal Vehicle Repair & Maintenance		-			-			-			-		-
Personal Vehicle Sales & Rentals		-			-			-			-		-
Vehicle Equipment & Supplies Sales & Rentals		-			-			-			-		-
Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses													
Automobile Service Stations		-			-			-			-		-
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a <i>Primary Use</i>		-			-			-			-		-
Vehicle Storage Facilities as a <i>Primary Use</i>		-			-			-			-		-
Distribution and Storage													
Equipment & Materials Storage Yards		-			-			-			-		-
Moving & Storage Facilities		-			-			-			-		-
Distribution Facilities		-			-			-			-		-
Separately Regulated Distribution and Storage Uses													
Junk Yards		-			-			-			-		-
Temporary Construction Storage Yards		N			N			N			N		-

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
Located Off-site													
Industrial													
Heavy Manufacturing		-	-	-	-	-	-	-	-	-	-	-	-
Light Manufacturing		-	-	-	-	-	-	-	-	-	-	-	-
Marine Industry		-	-	-	-	-	-	-	-	-	-	-	-
Research & Development		-	-	-	-	-	-	-	-	-	-	-	-
Testing Labs		-	-	-	-	-	-	-	-	-	-	-	-
Trucking & Transportation Terminals		-	-	-	-	-	-	-	-	-	-	-	-
Separately Regulated Industrial Uses													
Artisan Food and Beverage Producer		-	-	-	-	-	-	-	-	-	-	-	-
<i>Cannabis Production Facilities</i>		-	-	-	-	-	-	-	-	-	-	-	-
<i>Hazardous Waste Research Facility</i>		-	-	-	-	-	-	-	-	-	-	-	-
<i>Hazardous Waste Treatment Facility</i>		-	-	-	-	-	-	-	-	-	-	-	-
Marine Related Uses Within the Coastal Overlay Zone		-	-	-	-	-	-	-	-	-	-	-	-
Mining and Extractive Industries		-	-	-	-	-	-	-	-	-	-	-	-
Newspaper Publishing Plants		-	-	-	-	-	-	-	-	-	-	-	-
Processing & Packaging of Plant Products & Animal By-products Grown Off-premises		-	-	-	-	-	-	-	-	-	-	-	-
Very Heavy Industrial Uses		-	-	-	-	-	-	-	-	-	-	-	-
Wrecking & Dismantling of Motor Vehicles		-	-	-	-	-	-	-	-	-	-	-	-
Signs													
Allowable Signs		P	P	P	P	P	P	P	P	P	P	P	P
Separately Regulated Signs Uses													

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones												
	1st & 2nd >>		RM-												
	3rd >>		1-			2-			3-			4-		5-	
	4th >>		1	2	3	4	5	6	7	8	9	10	11	12	
Community Entry <i>Signs</i>			L			L			L			L		L	
Neighborhood Identification <i>Signs</i>			N			N			N			N		N	
Comprehensive Sign Program			-			-			-			-		-	
Revolving <i>Projecting Signs</i>			-			-			-			-		-	
<i>Signs</i> with Automatic Changing Copy			-			-			-			-		-	
Theater <i>Marquees</i>			-												

Footnotes for Table 131-04B

- ¹ Development of a mobilehome park in any RS or RX zone is subject to Section 143.0302.
- ² Development of a mobilehome park in the RM zones is subject to Section 143.0302.
- ³ This use is permitted only if as an *accessory use*, but shall not be subject to the *accessory use* regulations in Section 131.0125.
- ⁴ The 40,000 square feet includes all indoor and outdoor areas that are devoted to the recreational use; it does not include customer parking areas.
- ⁵ Two *guest rooms* are permitted for visitor accommodations per the specified square footage of lot area required per *dwelling unit* (maximum permitted *density*), as indicated on Table 131-04G.
- ⁶ See Section 131.0423.
- ⁷ Maintaining, raising, feeding, or keeping of 10 or more domestic animals requires a *premises* of at least 5 acres. Maintaining, raising, feeding, or keeping of swine is not permitted.
- ⁸ A guest quarters or habitable accessory building is permitted in accordance with Section 141.0307 only as an *accessory use* to a *single dwelling unit*.
- ⁹ Mobile food trucks are permitted by right on the property of a *school*, university, hospital, religious facility, *previously conforming* commercial *premises* in a residential zone, or construction site. Mobile food trucks on any other *premises* are subject to the limited use regulations set forth in Section 141.0612.
- ¹⁰ Development of a small *lot subdivision* is permitted in accordance with Section 143.0365.

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

*(Amended 8-10-2004 by O-19308 N.S.; effective 4-11-2007.)
(Amended 1-29-2008 by O-19704 N.S.; effective 2-28-2008.)
(Amended 4-23-2008 by O-19739 N.S.; effective 5-23-2008.)
(Amended 11-13-08 by O-19799 N.S.; effective 12-13-2008.)
(Amended 11-13-08 by O-19803 N.S.; effective 12-13-2008.)
(Amended 11-13-08 by O-19804 N.S.; effective 12-13-2008.)
(Amended 7-6-2011 by O-20065 N.S.; effective 8-5-2011.)
(Amended 8-4-2011 by O-20081 N.S.; effective 10-6-2011.)
(Amended 2-22-2012 by O-20141 N.S.; effective 3-23-2012.)
(Amended 6-18-2013 by O-20261 N.S.; effective 7-19-2013.)
(Amended 3-25-2014 by O-20356 N.S.; effective 4-24-2014.)
(Amended 4-3-2014 by O-20357 N.S.; effective 10-15-2014.)
(Amended 5-5-2015 by O-20481 and O-20483 N.S.; effective 6-4-2015)
(Amended 7-10-2015 by O-20512 N.S.; effective 8-9-2015.)
(Amended 8-7-2015 by O-20555 N.S.; effective 9-6-2015.)
(Amended 10-15-2015 by O-20567 N.S.; effective 11-14-2015.)
(Amended 4-5-2016 by O-20634 N.S.; effective 5-5-2016.)
(Amended 8-4-2016 by O-20704 N.S.; effective 8-27-2016.)
(Amended 2-22-2017 by O-20793 N.S.; effective 4-12-2017.)
(Amended 9-15-2017 by O-20857 N.S.; effective 10-15-2017.)
(Amended 10-17-2017 by O-20859 N.S.; effective 11-16-2017.)
(Amended 3-22-2018 by O-20917 N.S.; effective 4-21-2018.)
(Amended 5-22-2018 by O-20928 N.S.; effective 6-21-2018.)
(Amended 8-9-2019 by O-21114 N.S. and O-21117 N.S.; effective 9-8-2019.)
(Amended 1-8-2020 by O-21163 N.S. and O-21164 N.S.; effective 2-9-2020.)
(Amended 8-12-2020 by O-21223 N.S.; effective 10-8-2020.)
(Amended 10-30-2020 by O-21254 N.S.; effective 11-29-2020.)
(Amended 2-1-2021 by O-21288 N.S.; effective 3-3-2021.)*

[Editors Note: Amendments as adopted by O-21288 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-21288-SO.pdf]

*(Amended 4-14-2021 by O-21305 N.S.; effective 5-29-2021.)
(Amended 11-23-2021 by O-21391 N.S.; effective 1-6-2022.)
(Amended 5-23-2022 by O-21458 N.S.; effective 6-22-2022.)
(Amended 3-7-2023 by O-21618 N.S.; effective 5-6-2023.)*

[Editors Note: Amendments as adopted by O-21618 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-21618-SO.pdf]

(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.

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

§131.0423 Additional Use Regulations for Residential Zones

The additional use regulations identified in this section are applicable to retail sales, commercial services, and office uses where indicated in Table 131-04B.

- (a) Medical, dental, and health practitioner offices that do not allow overnight patients are permitted.
- (b) Use is permitted only in a mixed-use *development* where the *density* complies with the applicable *land use plan*.
- (c) Use may be located only on the ground *floor*.
- (d) Operation shall be limited to hours between 6:00 a.m. and 10:00 p.m.

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

(Amended 4-23-2008 by O-19739 N.S.; effective 5-23-2008.)

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

(Amended 7-10-2015 by O-20512 N.S.; effective 8-9-2015.)

§131.0430 Development Regulations of Residential Zones

- (a) Within the residential zones, no *structure* or improvement shall be constructed, established, or altered, nor shall any *premises* be used unless the *premises* complies with the regulations and standards in this division and with any applicable development regulations in Chapter 13, Article 2 (Overlay Zones) and Chapter 14 (General and Supplemental Regulations).
- (b) A Neighborhood Development Permit or Site Development Permit is required for the types of *development* identified in Table 143-03A.
- (c) The regulations in this division apply to all *development* in the residential base zones whether or not a permit or other approval is required except where specifically identified.

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

(Amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

§131.0431 Development Regulations Table for Residential Zones

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

- (a) RE Zones

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

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone designator	Zones		
	1st & 2nd >>	RE-		
	3rd >>	1-	1-	1-
	4th >>	1	2	3
Max permitted density (DU per lot)		1	1	1
Min lot area (ac)		10	5	1
Min lot dimensions				
Lot width (ft)		200	200	100
street frontage (ft) [See Section 131.0442(a)]		200	200	100
Lot width (corner) (ft)		200	200	100
Lot depth (ft)		200	200	150
Setback requirements				
Min Front setback (ft) [See Section 131.0443(a)(1)]		25	25	25
Min Side setback (ft) [See Section 131.0443(a)(4)] [Multiply number in table by actual lot width to calculate setback]		.08	.08	.08
Min Street side setback (ft) [See Section 131.0443(a)(4)] [Multiply number in table by the actual lot width to calculate setback]		.10	.10	.10
Min Rear setback (ft) [See Section 131.0443(a)(2)]		25	25	25
Setback requirements for resubdivided corner lots [See Section 113.0246(f)]		applies	applies	applies
Max structure height (ft) [See Section 131.0444(a)]		30	30	30

(e) RM Zones

Table 131-04G
Development Regulations for RM Zones

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones					
	1st & 2nd >>	RM-					
	3rd >>	1-	1-	1-	2-	2-	2-
	4th >>	1	2	3	4	5	6
Maximum permitted density^{(1),(2)} (sf per DU)	3,000	2,500	2,000	1,750	1,500	1,250	
Min lot area (sf)	6,000	6,000	6,000	6,000	6,000	6,000	
Min lot dimensions							
Lot width (ft)	50	50	50	50	50	50	
Street frontage (ft) [See Section 131.0442(a)]	50	50	50	50	50	50	
Lot width (corner) (ft)	55	55	55	55	55	55	
Lot depth (ft)	90	90	90	90	90	90	
Setback requirements							
Min Front setback (ft)	15 ⁽³⁾	15 ⁽³⁾	15 ⁽³⁾	15 ⁽⁷⁾	15 ⁽⁷⁾	15 ⁽⁷⁾	
Std Front Setback (ft)	20 ⁽³⁾	20 ⁽³⁾	20 ⁽³⁾	20 ⁽⁷⁾	20 ⁽⁷⁾	20 ⁽⁷⁾	
Min Side setback (ft)	5 ⁽⁴⁾	5 ⁽⁴⁾	5 ⁽⁴⁾	5 ⁽⁸⁾	5 ⁽⁸⁾	5 ⁽⁸⁾	
Std Side Setback (ft)	8 ⁽⁴⁾	8 ⁽⁴⁾	8 ⁽⁴⁾	-	-	-	
Min Street side setback(ft)	10 ⁽⁵⁾	10 ⁽⁵⁾	10 ⁽⁵⁾	10 ⁽⁹⁾	10 ⁽⁹⁾	10 ⁽⁹⁾	
Min Rear setback (ft)	15 ⁽⁶⁾	15 ⁽⁶⁾	15 ⁽⁶⁾	15 ⁽¹⁰⁾	15 ⁽¹⁰⁾	15 ⁽¹⁰⁾	
Setback requirements for resubdivided corner lots [See Section 113.0246(f)]	applies	applies	applies	applies	applies	applies	
Max structure height (ft)	30 ⁽¹⁷⁾	30 ⁽¹⁷⁾	30 ⁽¹⁷⁾	40 ^(18, 37)	40 ^(18, 37)	40 ^(18, 37)	
Max lot coverage	-	-	-	-	-	-	
Max floor area ratio							
1 to 2 dwelling units	0.75	0.90	1.05	1.20 ⁽²⁹⁾	1.35	1.50	
3 to 7 dwelling units	1.0 ⁽³⁹⁾	1.0	1.05	1.20 ⁽³⁸⁾	1.35	1.50	

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones					
	1st & 2nd >>	RM-					
	3rd >>	1-	1-	1-	2-	2-	2-
	4th >>	1	2	3	4	5	6
8 or more <i>dwelling units</i>	1.25 ⁽³⁹⁾	1.25	1.25 ⁽³⁹⁾	1.25 ⁽³⁹⁾	1.35	1.50	
Accessory uses and structures [See Section 131.0448]	applies	applies	applies	applies	applies	applies	
Ground-floor Height [See Section 131.0451]	-	-	-	-	-	-	
Lot consolidation regulations [See Section 131.0453(a)]	applies	applies	-	-	-	-	
Private exterior open space	applies ⁽²²⁾	applies ⁽²²⁾	applies ⁽²²⁾	applies ⁽²³⁾	applies ⁽²³⁾	applies ⁽²³⁾	
Common open space [See Section 131.0456]	applies	applies	applies	applies	applies	applies	
Architectural projections and encroachments	Permitted ⁽¹⁵⁾	Permitted ⁽¹⁵⁾	Permitted ⁽¹⁵⁾	Permitted ⁽¹⁶⁾	Permitted ⁽¹⁶⁾	Permitted ⁽¹⁶⁾	
Supplemental requirements	applies ⁽²⁶⁾	applies ⁽²⁶⁾	applies ⁽²⁶⁾	applies ⁽²⁷⁾	applies ⁽²⁷⁾	applies ⁽²⁷⁾	
Refuse and Recyclable Material Storage [See Section 142.0805]	applies	applies	applies	applies	applies	applies	
Visibility Area [See Section 113.0273]	applies	applies	applies	applies	applies	applies	
Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12]	applies	applies	applies	applies	applies	applies	

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones					
		1st & 2nd >>	RM				
	3rd >>>	3-	3-	3-	4-	4-	5
	4th >>>	7	8	9	10	11	12
Common open space [See Section 131.0456]		applies	applies	applies	applies	applies	applies
Architectural Projections and encroachments		Permitted ⁽¹⁶⁾	Permitted ⁽¹⁶⁾	Permitted ⁽¹⁶⁾	Permitted ⁽¹⁶⁾	Permitted ⁽¹⁶⁾	Permitted ⁽¹⁶⁾
Supplemental requirements		applies ⁽²⁸⁾	applies ⁽²⁸⁾	applies ⁽²⁸⁾	-	-	-
Refuse and Recyclable Material Storage [See Section 142.0805]		applies	applies	applies	applies	applies	applies
Visibility Area [See Section 113.0273]		applies	applies	applies	applies	applies	applies
Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12]		applies	applies	applies	applies	applies	applies

Footnotes for Table 131-04G

- ¹ One dwelling unit per specified square foot of lot area as determined in accordance with Section 113.0222.
- ² An exception to the maximum permitted *density* may be permitted in accordance with Chapter 14, Article 3, Division 7 (Affordable Housing Regulations).
- ³ See Section 131.0443(d)(1).
- ⁴ See Section 131.0443(d)(2).
- ⁵ See Section 131.0443(d)(3).
- ⁶ See Section 131.0443(d)(4).
- ⁷ See Section 131.0443(e)(1).
- ⁸ See Section 131.0443(e)(2).
- ⁹ See Section 131.0443(e)(3).
- ¹⁰ See Section 131.0443(e)(4).
- ¹¹ See Section 131.0443(f)(1).
- ¹² See Section 131.0443(f)(2).

- 13 See Section 131.0443(f)(3).
- 14 See Section 131.0443(g).
- 15 See Section 131.0461(a).
- 16 See Section 131.0461(c).
- 17 See Section 131.0444(e).
- 18 See Section 131.0444(f).
- 22 See Section 131.0455(a).
- 23 See Section 131.0455(b).
- 24 See Section 131.0455(c).
- 25 See Section 131.0455(d).
- 26 See Section 131.0464(d).
- 27 See Section 131.0464(e).
- 28 See Section 131.0464(f).
- 29 With the Peninsula and Ocean Beach community plan areas, the maximum *floor area ratio* is 0.70.
- 30 See Section 131.0443(h)(1).
- 31 See Section 131.0443(h)(2).
- 32 See Section 131.0443(h)(3).
- 33 See Section 131.0443(h)(4).
- 34 See Section 131.0445(c).
- 35 See Section 131.0446(e).
- 36 Within the La Jolla, Pacific Beach, and Torrey Pines community plan areas, the maximum permitted *density* is one dwelling unit or two *guest rooms* for each 1,500 square feet of lot area.
- 37 Within the Coastal Height Limit Overlay Zone in the Peninsula Community Plan area, the base zone maximum *structure height* shall be 30 feet, which shall be determined in accordance with Section 113.0270(a)(4)(D).
- 38 With the Peninsula and Ocean Beach community plan areas, the maximum *floor area ratio* is 1.0.
- 39 For *development* within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated as a *historical resource* consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code, the maximum *floor area ratio* shall not increase.
- (Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000)
(Amended 6-19-2000 by O-18814 N.S.)

(Amended 8-1-2007 by O-19650 N.S.; effective 8-31-2007.)
(Amended 11-13-08 by O-19805 N.S.; effective 12-13-2008.)
(Amended 11-13-08 by O-19799 N.S.; effective 12-13-2008.)
(Amended 11-13-2008 by O-19801 N.S.; effective 12-13-2008.)
(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.)
(Amended 7-10-2015 by O-20512 N.S.; effective 8-9-2015.)
(Amended 4-5-2016 by O-20634 N.S.; effective 5-5-2016.)
(Amended 8-4-2016 by O-20704 N.S.; effective 8-27-2016.)

[Editors Note: Amendments as adopted by O-20704 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-20704-SO.pdf]

(Amended 12-1-2016 by O-20755 N.S.; effective 12-18-2016.)
(Amended 2-3-2017 by O-20789 N.S.; effective 3-5-2017.)

[Editors Note: Amendments as adopted by O-20789 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-20789-SO.pdf]

(Amended 3-22-2018 by O-20916 N.S.; effective 4-21-2018.)
(Amended 3-22-2018 by O-20917 N.S.; effective 4-21-2018.)
(Amended 1-8-2020 by O-21164 N.S.; effective 2-9-2020.)
(Amended 10-30-2020 by O-21254 N.S.; effective 11-29-2020.)
(Amended 2-1-2021 by O-21288 N.S.; effective 3-3-2021.)

[Editors Note: Amendments as adopted by O-21288 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-21288-SO.pdf]

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

[Editors Note: Amendments as adopted by O-21416 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-21416-SO.pdf]

KCA&D

Kalin Cannady Architecture
& Development

Inclusionary Affordable Housing Exhibit

Exhibits

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Article 2: General Development Regulations

Division 13: Inclusionary Affordable Housing Regulations
(Added 6-3-2003 by O-19189 N.S.)

§ 142.1301 Purpose of Inclusionary Affordable Housing Regulations

The purpose of this Division is to encourage diverse and balanced neighborhoods with housing available for households of all income levels. The intent is to ensure that when developing the limited supply of developable land, housing opportunities for persons of all income levels are provided.

(Added 6-3-2003 by O-19189 N.S.)

§ 142.1302 When Inclusionary Affordable Housing Regulations Apply

This Division applies to all residential *development* of 10 or more *dwelling units* outside of the Coastal Overlay Zone, five or more *dwelling units* within the Coastal Overlay Zone, and to all *condominium conversion development* of two or more *dwelling units*, except as provided in Section 142.1303. The requirements of this Division shall not be cumulative to state or other local affordable housing requirements where those *dwelling units* are subject to an affordability restriction recorded against the property by the state or local agency. To the extent that state or local regulations are inconsistent with the requirements of this Division for the amount of the fee, length of the restriction, or the level of affordability, the more restrictive shall apply.

(Added 6-3-2003 by O-19189 N.S.)

(Amended 11-21-2011 by O-20107 N.S.; effective 12-21-2011.)

(Amended 1-28-2020 by O-21167 N.S; effective 7-1-2020.)

(Amended 2-23-2022 by O-21432 N.S; effective 8-10-2022.)

§ 142.1303 Exemptions From the Inclusionary Affordable Housing Regulations

This Division is not applicable to the following:

- (a) Residential *development* located in the North City Future Urbanizing Area that is within *Proposition A Lands* of the City of San Diego or any project located in an area of the City that was previously located in the North City Future Urbanizing Area and has been phase shifted into the *Planned Urbanized Communities*, and is subject to the inclusionary zoning requirements contained in the North City Future Urbanizing Area Framework Plan, San Diego Municipal Code section 143.0450(d), the Subarea Plans, Development Agreements, Affordable Housing Agreements, or conditions of approval of a *development permit*, as applicable.
- (b) Rehabilitation of an existing building that does not result in a net increase of *dwelling units* on the *premises*.
- (c) *Density* bonus units constructed in accordance with the provisions of Chapter 14, Article 3, Division 7.

(Amended 3-8-2004 by O-19267 N.S.)

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

(Amended 11-21-2011 by O-20107 N.S.; effective 12-21-2011.)

(Retitled from “Exemptions From the Affordable Housing Inclusionary Regulations” to “Exemptions From the Inclusionary Affordable Housing Regulations” and amended 1-28-2020 by O-21167 N.S.; effective 7-1-2020.)

§142.1304 Inclusionary Affordable Housing Requirements

From July 1, 2020 through June 30, 2024, the requirements of subsections (a) and (b) of this Section shall be implemented incrementally as set forth in the Inclusionary Affordable Housing Implementation and Monitoring Procedures Manual on file with the San Diego Housing Commission (Procedures Manual). Effective July 1, 2024, all residential *development* subject to this Division shall include inclusionary *dwelling units* as follows:

- (a) Rental residential *development*:

At least 10 percent of the total *dwelling units* in the *development* shall be made available for rent by *very low income* households or *low income* households at a cost, including an allowance for utilities, that does not exceed 30 percent of 60 percent of *median income*.

- (b) For-sale residential *development*:
 - (1) At least 10 percent of the total *dwelling units* in the *development* shall be made available for purchase at a cost affordable to *median income* households; or
 - (2) At least 15 percent of the total *dwelling units* in the *development* shall be made available for purchase at a cost affordable to *moderate income* households.
- (c) The *applicant* may propose a combination of inclusionary *dwelling units* required by this Division. The proposal shall be considered by the San Diego Housing Commission in accordance with this Division and the Procedures Manual. The proposal shall be approved if the combination provides substantially the same or greater level of affordability as required by this Division and provides the same or greater number of inclusionary *dwelling units* required by this Division.
- (d) For any partial inclusionary *dwelling unit* calculated, the *applicant* shall pay a prorated amount of the Inclusionary In Lieu Fee in accordance with Section 142.1306 or provide an additional inclusionary *dwelling unit*.
- (e) *Development* of inclusionary *dwelling units* shall be subject to the following:
 - (1) The inclusionary *dwelling units* shall be constructed at the same time as the market-rate *dwelling units* and receive final inspection approval from the Building Official no later than the date that the market-rate *dwelling units* receive final inspection approval from the Building Official. The *applicant* may seek an alternative *development* schedule in accordance with Sections 142.1310 and 142.1311.
 - (2) The inclusionary *dwelling units* shall be comparable in *bedroom* mix, design, and overall quality of construction to the market-rate *dwelling units* in the *development*, as determined by the San Diego Housing Commission, except that the inclusionary *dwelling units* shall not be required to exceed three *bedrooms* per *dwelling unit*. The square footage and interior features of the inclusionary *dwelling units* shall be good quality and consistent with current building standards for new housing in the City of San Diego. For purposes of calculating total *bedroom* count for inclusionary *dwelling units* on a different *premises* from the *development*, the *applicant* may provide different *bedroom* mixes to meet the total *dwelling unit* and *bedroom* count minimums as follows:

- (A) An affordable studio *dwelling unit* or a micro unit shall count as 60 percent of an affordable *bedroom*;
 - (B) An affordable *SRO hotel room* shall count as 40 percent of an affordable *bedroom*; and
 - (C) Any calculations resulting in fractional units shall round up to the next whole number.
- (3) Sale or lease of the inclusionary *dwelling units* shall follow the marketing requirements and procedures in the Procedures Manual.
- Very low income, low income, and moderate income* households located in an area identified as a Low Resource or High Segregation and Poverty Resource California Tax Credit Allocation Committee (CTCAC) Opportunity Area when the *development* application is *deemed complete* shall receive priority preference for new covenant-restricted *dwelling units* created under this section.
- (4) *Development* of the inclusionary *dwelling units* shall follow all other requirements in the Procedures Manual.
- (5) When the inclusionary *dwelling units* are located on a different *premises* from the *development*, the *applicant* shall record a deed restriction prior to the issuance of the first Building Permit that:
- (A) Documents the required number of affordable *dwelling units* to be provided; and
 - (B) Assigns foreclosure rights of the *development premises* to the San Diego Housing Commission as follows:
 - (i) For new *development*, if the affordable *dwelling units* have not received a certificate of occupancy within 54 months of the issuance of the first Building Permit.
 - (ii) For an existing *structure(s)* if the affordable *dwelling units* have not received a certificate of occupancy within 36 months of the issuance of the first Building Permit.

- (f) Rental inclusionary *dwelling units* shall remain affordable for a period of not less than 55 years from the date of final inspection for the *development* or applicable phase of the *development*.
- (g) For-sale inclusionary *dwelling units* shall be owner-occupied and the San Diego Housing Commission shall cause the for-sale inclusionary *dwelling units* to be subject to documentation ensuring the following:
 - (1) The owner and the San Diego Housing Commission shall share equity in a for-sale inclusionary *dwelling unit*. For the purpose of this Section 142.1304, equity shall be defined in the Procedures Manual. Shared equity shall be measured by the difference between the unrestricted fair market value of the inclusionary *dwelling unit* on the date of the first resale and the original unrestricted fair market value of the inclusionary *dwelling unit* at the time of its initial acquisition. Any equity calculation shall be based on an appraisal approved by the San Diego Housing Commission and shall consider the actual costs of any San Diego Housing Commission-approved improvements to the inclusionary *dwelling unit*. If the San Diego Housing Commission's calculation results in a negative number, the equity is deemed to be zero.
 - (2) The owner and the San Diego Housing Commission shall share the equity earned during the owner's first 15 years of ownership at the time of the first resale, refinance, or transfer of the for-sale inclusionary *dwelling unit* in accordance with the table in the Procedures Manual. The San Diego Housing Commission may waive the requirement to share equity if the for-sale inclusionary *dwelling unit* is sold to another *median income* household or *moderate income* household in compliance with the Procedures Manual.
 - (3) Upon any sale or transfer of the inclusionary *dwelling unit* by the original owner, whenever it occurs, the San Diego Housing Commission shall also receive that sum calculated as the difference between the original unrestricted fair market value of the inclusionary *dwelling unit* and the restricted value of the inclusionary *dwelling unit* at the time of the original sale, as determined by an appraisal approved by the San Diego Housing Commission.

- (4) The owner shall sell the inclusionary *dwelling unit* at no less than fair market value unless sold to another *median income* household or *moderate income* household in compliance with the Procedures Manual.
- (5) Unless otherwise required by law, all promissory note repayments, shared equity payments, or other payments collected under this Section 142.1304(g) shall be deposited into the Affordable Housing Fund.
- (h) Residential *development* that intends to provide affordable *dwelling units* as a condition of the *development* and has an application for a *development permit*, for a *subdivision*, or for a Building Permit *deemed complete* before July 1, 2020 shall be subject to the version of these Inclusionary Affordable Housing Regulations in effect prior to July 1, 2020, as set forth in the Procedures Manual.

*(“Inclusionary Affordable Housing Requirements” added 1-28-2020 by O-21167 N.S.; effective 7-1-2020. Former Section 142.1304 “Inclusionary Affordable Housing Fee” retitled, amended, and renumbered to Section 142.1306.)
(Amended 1-27-2022 by O-21416 N.S.; effective 2-26-2022.)*

[Editors Note: Amendments as adopted by O-21416 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-21416-SO.pdf]

(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.

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

Note: The priority preference for households that qualify for affordable homes as set forth in Sections 142.1304(e)(3), 143.0720(p), 143.0860(e), 143.1005(b)(4), and 143.1212(f) will not be implemented until a program can be developed and a funding source can be approved as part of a future action of the Housing Authority or City Council to ensure successful implementation. For Sections 143.0860(e) and 143.1005(b)(4), only portions applicable to the priority preference are delayed.

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Accessory Dwelling Unit Exhibit

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 and Junior Accessory Dwelling Units*

Section 141.0302 provides for the construction of *Accessory Dwelling Units (ADUs)* and *Junior Accessory Dwelling Units (JADUs)*, consistent with the requirements of state law, and is intended to encourage the construction of *ADUs* and *JADUs* through several local regulatory provisions, including eliminating parking requirements for *ADUs* and *JADUs*, and providing an affordable housing bonus of one additional *ADU* for every deed-restricted affordable *ADU* constructed on the *premises*, as specified in the regulations below. *ADUs* are permitted in all zones allowing residential uses and *JADUs* are permitted in all Single Dwelling Unit Zones by-right as a limited use decided in accordance with Process One, indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) The following definitions apply to this section:
 - (1) Single Dwelling Unit Zone means a zone that permits *single dwelling units* but does not permit *multiple dwelling units*.
 - (2) Multiple Dwelling Unit Zone means a zone that permits *multiple dwelling units*.
- (b) The following regulations are applicable to both *ADUs* and *JADUs*:
 - (1) Use Regulations
 - (A) One *ADU* and one *JADU* are permitted on a *premises* located within a Single Dwelling Unit Zone with an existing or proposed *single dwelling unit*.
 - (B) An *ADU* or *JADU* shall not be used for a rental term of less than 31 consecutive days.
 - (C) Guest quarters and non-habitable *accessory structures* shall be permitted in addition to *ADUs* and *JADUs*.

- (D) An *Accessory Dwelling Unit* or *Junior Accessory Dwelling Unit* 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).
- (2) *Development Regulations*
- (A) A minimum *lot* size is not required for the construction of an *ADU* or *JADU*.
 - (B) *ADUs* and *JADUs* are not subject to the *density* limitations for the *premises*.
 - (C) The *gross floor area* of an *ADU* and *JADU* shall be included in the *floor area ratio* for the *premises*.
 - (D) 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*. An existing *structure* may not be converted or reconstructed as an *ADU* or *JADU* if the *structure* does not conform to the wetlands regulations in Section 143.0141(b), the sensitive coastal bluffs regulations in Section 143.0143, the coastal beaches regulations in Section 143.0144, or the Supplemental Regulations of the Coastal Overlay Zone in Section 132.0403.
 - (E) *ADU* and *JADU structures* must comply with the front *yard* and *street side yard setbacks* of the base zone. Interior side *yard* and rear *yard setbacks* for new *ADU* and *JADU structures* shall be provided as follows:
 - (i) One-story *ADUs* or *JADUs* with a *structure height* 16 feet or less may observe a zero-foot *setback* at the interior side *yard* and rear *yard*.

- (ii) One-story *ADUs* or *JADUs* with a *structure height* that exceeds 16 feet and multi-story *ADU* or *JADU structures* may observe zero-foot interior side *yard* and rear *yard setbacks*, unless the side or rear *property line* abuts another *premises* that is residentially zoned or developed with exclusively residential uses, in which case a 4-foot *setback* shall apply.
- (F) The following landscape regulations shall apply to the construction of an *ADU* or *JADU*:
 - (i) If construction of an *ADU* or *JADU* that would bring the number of *ADUs* or *JADUs* on the *premises* to a total of two or more is proposed, 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.
 - (ii) *ADUs* constructed in accordance with Section 141.0302(c)(2)(C) shall comply with the street tree requirements in Section 142.0409(a).
- (G) *ADUs* and *JADUs* shall not be required to provide fire sprinklers if they are not required for the primary *dwelling unit*. When located on a *premises* where the primary *dwelling unit* is protected with an automatic fire sprinkler system in accordance with Section R313 of the California Residential Code, a *ADU* or *JADU* shall be protected with an automatic fire sprinkler system.
- (H) Construction of an *ADU* or *JADU* shall not require the correction of *previously conforming* conditions on the *premises*.
- (I) *ADUs* and *JADUs* constructed within Areas of Future Sea Level Rise must comply with the regulations in Section 132.0404.

- (3) Parking Regulations
 - (A) No on-street parking spaces or *off-street parking spaces* are required for *ADUs* and *JADUs* except as specified in Section 141.0302(b)(3)(B).
 - (B) When an *ADU* or *JADU* 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)(3)(D) shall be required per *ADU* or *JADU*, unless any of the following apply:
 - (i) The *ADU* or *JADU* is 500 square feet or less;
 - (ii) The *premises* is located within a *historical district* that is a *designated historical resource*;
 - (iii) The *ADU* or *JADU* is attached to the proposed or existing primary *dwelling unit* or *accessory structure*;
 - (iv) The *premises* is located with a residential permit parking district;
 - (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 *JADU*, or converted to an *ADU* or *JADU*, replacement of those *off-street parking spaces* is not required unless the *premises* is located both within the Beach Impact Area of the Parking Impact Overlay Zone and outside of a *transit priority area*, in which case the parking shall be replaced in a location consistent with Section 141.0302(b)(3)(D).
 - (D) If *off-street parking spaces* are required in accordance with Section 141.0302(b)(3)(B) or 141.0302(b)(3)(C), or if the applicant chooses to provide *off-street parking spaces* for *ADUs* and/or *JADUs* located on the *premises*, those spaces shall comply with the following:

- (i) *Off-street parking spaces* may be located in any configuration, may be within the *setback* areas, and may include tandem spaces or mechanical lifts.
 - (ii) *Off-street parking spaces* shall be located within *hardscape* areas and shall comply with the minimum standards and guidelines to provide safe and efficient means of vehicular access to the *lot*.
 - (E) Notwithstanding 141.0302(b)(2)(H), if the construction of an *ADU* or *JADU* causes an existing driveway curb cut to no longer comply with the dimensions required in Table 142-05K of Section 142.0560 for an *off-street parking space*, the driveway shall be closed to the satisfaction of the City Engineer.
 - (4) Development Impact Fees for *ADUs* and *JADUs* shall comply with Section 142.0640(b).
- (c) In addition to the requirements in Section 141.0302(a), the following additional regulations are applicable to *ADUs*:
 - (1) Use Regulations
 - (A) The *record owner* is not required to live on the same *premises* as the *ADU*.
 - (B) The *ADU* may not be sold or conveyed separately from the primary *dwelling unit* unless all of the following apply:
 - (i) The *ADU* was built or developed by a qualified nonprofit corporation. For the purposes of Section 141.0302(b)(1)(B)(i), a qualified nonprofit corporation means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the California Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.

- (ii) There is an enforceable restriction on the use of the *premises* on which the *ADU* is located pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation. For the purposes of Section 141.0302(b)(1)(B)(ii), a qualified buyer means *very low income, low income, median income, or moderate income* households, as specified in Table 141-03A.
 - (iii) The *lot* where the *ADU* is located is held pursuant to a recorded tenancy in common agreement that includes an allocation to each qualified buyer of an undivided, unequal interest in the *lot* based on the size of the *ADU* each qualified buyer occupies; a repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the property if the buyer desires to sell or convey the property; a requirement that the qualified buyer occupy the property as the qualified buyer's principal residence; and affordability restrictions on the sale and conveyance of the property that ensure the property will be preserved for *very low income, low income, median income or moderate income* households for 45 years for owner-occupied housing and will be sold or resold to a qualified buyer.
 - (iv) A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded with the County. A Preliminary Change of Ownership Report shall be filed concurrently with this grant deed pursuant to Section 480.3 of the Revenue and Taxation Code.
 - (v) If requested by a utility providing service to the primary residence, the *ADU* has a separate water, sewer, or electrical connection to that utility.
- (2) *Development Regulations for ADUs*
- (A) *ADUs* shall be permitted in all zones allowing residential uses, consistent with the Use Table of the applicable base zone.

- (B) One *ADU* shall be permitted in a Single Dwelling Unit Zone on a *premises* with an existing or proposed *single dwelling unit*.
- (C) On a *premises* located in a Single Dwelling Unit Zone with an existing *multiple dwelling unit*, or a *premises* located in a Multiple Dwelling Unit Zone with an existing or proposed *dwelling unit*, *ADUs* shall be permitted as follows:
 - (i) Two *ADUs* that are attached to and/or detached from an existing or proposed *structure* are permitted; and
 - (ii) The number of *ADUs* permitted within the habitable area of an existing *dwelling unit structure* is limited to 25 percent of the total number of existing *dwelling units* in the *structure*, but in no case shall it be less than one *ADU*; and
 - (iii) There is no limit on the number of *ADUs* permitted within the portions of existing *dwelling unit structures* and *accessory structures* that are not used as livable space, including storage rooms, boiler rooms, passageways, attics, basements, or garages, if each *ADU* complies with state building standards for *dwelling units*.
- (D) An *ADU* with a *gross floor area* of 800 square feet shall be permitted on a *premises* with an existing or proposed *dwelling unit* regardless of maximum *lot coverage*, maximum *floor area ratio*, and minimum open space requirements. The *development* shall comply with the *floor area ratio* of the underlying base zone unless the *development* incorporates an existing *structure* that exceeds the allowable *floor area ratio* or is under the allowable *floor area ratio* by less than 800 square feet, in which case an *ADU* that does not exceed 800 square feet shall be permitted.
- (E) An *ADU* may be attached to, located within, or detached from an existing or proposed primary *dwelling unit*, including garages and habitable or non-habitable *accessory structures*.

- (F) The minimum *gross floor area* of an *ADU* shall not be less than 150 square feet. The maximum *gross floor area* of an *ADU* shall not exceed 1,200 square feet. An *ADU* constructed within an existing *dwelling unit* or *accessory structure* does not have a maximum *gross floor area* and may construct an additional 150 square feet for ingress and egress only.

- (G) *ADU Bonus for Affordable ADUs*. One additional *ADU* shall be permitted for every *ADU* on the *premises* that is set aside as affordable to *very low income* and *low income* households for a period of not less than 10 years, or as affordable to *moderate income* households for a period of not less than 15 years, guaranteed through a written agreement and a deed of trust securing the agreement, entered into by the *applicant* and the President and Chief Executive Officer of the San Diego Housing Commission.
 - (i) There is no limit on the number of bonus *ADUs* within a *Sustainable Development Area*.
 - (ii) One bonus *ADU* is permitted outside a *Sustainable Development Area*.
 - (iii) For *ADUs* to be counted as affordable and meet the requirements of this Section, the qualifying criteria in Table 141-03A shall be met.

Table 141-03A
Qualifying Criteria for Affordable ADU Bonus

	Rental ADUs	For-Sale ADUs¹
	shall be affordable, including an allowance for utilities, at a rent that does not exceed:	shall be affordable at an affordable housing cost that does not exceed:
<i>Very Low Income households</i>	30 percent of 50 percent of the area median income, as adjusted for family size appropriate for the unit.	30 percent of 50 percent of the area median income, as adjusted for family size appropriate for the unit.
<i>Low Income households</i>	30 percent of 60 percent of the area median income, as adjusted for family size appropriate for the unit.	30 percent of 70 percent of the area median income, as adjusted for family size appropriate for the unit.
<i>Moderate Income households</i>	30 percent of 110 percent of the area median income, as adjusted for family size appropriate for the unit.	35 percent of 110 percent of the area median income, as adjusted for family size appropriate for the unit.

Footnotes for Table 141-03A

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

- (d) In addition to the requirements in Section 141.0302(a), *Junior Accessory Dwelling Units* are subject to the following additional regulations:
 - (1) Use Regulations
 - (A) One JADU is permitted on a *premises* located within a Single Dwelling Unit Zone with an existing or proposed primary *single dwelling unit*.
 - (B) The JADU may not be sold or conveyed separately from the primary *dwelling unit*.

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

(2) *Development Regulations*

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

(“*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.)

[Editors Note: Amendments as adopted by O-21439 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-21439-SO.pdf]

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AMI Chart & Utility Allowance Exhibit

SAN DIEGO HOUSING COMMISSION INCOME AND RENT CALCULATIONS

U.S. Department of Housing and Urban Development **2023** SAN DIEGO MEDIAN INCOME:

\$116,800

Note: The table contains income limits for 2023 extremely low, very low and low income, as adjusted for family size and other factors adopted and amended from time to time by the U.S. Department of Housing and Urban Development (HUD). HUD adjusted San Diego Very Low Income limits for a "high housing cost area" factor.

Family Size	Unit Size	Extremely Low Income 30% AMI (Adjusted by HUD)			35% AMI (Adjusted by HUD)			40% AMI (Adjusted by HUD)		
		ANNUAL INCOME ¹	GROSS RENT ²	TCAC ³	ANNUAL INCOME ¹	GROSS RENT ²	TCAC ³	ANNUAL INCOME ¹	GROSS RENT ²	TCAC ³
ONE	STUDIO	\$28,950	\$724	\$723	\$33,800	\$845	\$844	\$38,600	\$965	\$965
TWO	1-BR	\$33,100	\$828	\$775	\$38,600	\$965	\$904	\$44,100	\$1,103	\$1,034
THREE	2-BR	\$37,250	\$931	\$930	\$43,450	\$1,086	\$1,085	\$49,600	\$1,240	\$1,241
FOUR	3-BR	\$41,350	\$1,034	\$1,075	\$48,250	\$1,206	\$1,254	\$55,100	\$1,378	\$1,433
FIVE	4-BR	\$44,700	\$1,118	\$1,199	\$52,150	\$1,304	\$1,399	\$59,550	\$1,489	\$1,599
SIX	5-BR	\$48,000	\$1,200	\$1,323	\$56,000	\$1,400	\$1,543	\$63,950	\$1,599	\$1,764
SEVEN	6-BR	\$51,300	\$1,283		\$59,850	\$1,496		\$68,350	\$1,709	
EIGHT		\$54,600			\$63,700			\$72,750		

Family Size	Unit Size	Very Low Income 50% AMI (Adjusted by HUD)				60% AMI (Adjusted by HUD)			65% AMI (Adjusted by HUD)		
		ANNUAL INCOME ¹	GROSS RENT ²	TCAC ³	"Low HOME" ³	ANNUAL INCOME ¹	GROSS RENT ²	TCAC ³	ANNUAL INCOME ¹	GROSS RENT ²	"High HOME" ³
ONE	STUDIO	\$48,250	\$1,206	\$1,206	\$1,206	\$57,900	\$1,448	\$1,447	\$62,700	\$1,568	\$1,548
TWO	1-BR	\$55,150	\$1,379	\$1,292	\$1,292	\$66,180	\$1,655	\$1,551	\$71,650	\$1,791	\$1,659
THREE	2-BR	\$62,050	\$1,551	\$1,551	\$1,551	\$74,460	\$1,862	\$1,861	\$80,600	\$2,015	\$1,993
FOUR	3-BR	\$68,900	\$1,723	\$1,791	\$1,791	\$82,680	\$2,067	\$2,150	\$89,550	\$2,239	\$2,295
FIVE	4-BR	\$74,450	\$1,861	\$1,998	\$1,998	\$89,340	\$2,234	\$2,398	\$96,700	\$2,418	\$2,540
SIX	5-BR	\$79,950	\$1,999	\$2,205	\$2,205	\$95,940	\$2,399	\$2,646	\$103,900	\$2,598	\$2,784
SEVEN	6-BR	\$85,450	\$2,136		\$2,411	\$102,540	\$2,564		\$111,050	\$2,776	\$3,028
EIGHT		\$90,950				\$109,140			\$118,200		

Family Size	Unit Size	70% AMI (Adjusted by HUD)		80% AMI (Adjusted by HUD)		100% Area Median Income (No HUD adjustment)		110% AMI (No HUD adjustment)		120% (Adjusted by HUD)	
		ANNUAL INCOME ¹	GROSS RENT ²	ANNUAL INCOME ¹	GROSS RENT ²	ANNUAL INCOME ¹	GROSS RENT ²	ANNUAL INCOME ¹	GROSS RENT ²	ANNUAL INCOME ¹	GROSS RENT ²
ONE	STUDIO	\$67,500	\$1,688	\$77,200	\$1,930	\$81,750	\$2,044	\$89,950	\$2,249	\$98,100	\$2,453
TWO	1-BR	\$77,150	\$1,929	\$88,200	\$2,205	\$93,450	\$2,336	\$102,800	\$2,570	\$112,100	\$2,803
THREE	2-BR	\$86,800	\$2,170	\$99,250	\$2,481	\$105,100	\$2,628	\$115,650	\$2,891	\$126,150	\$3,154
FOUR	3-BR	\$96,450	\$2,411	\$110,250	\$2,756	\$116,800	\$2,920	\$128,500	\$3,213	\$140,150	\$3,504
FIVE	4-BR	\$104,150	\$2,604	\$119,100	\$2,978	\$126,150	\$3,154	\$138,800	\$3,470	\$151,350	\$3,784
SIX	5-BR	\$111,900	\$2,798	\$127,900	\$3,198	\$135,500	\$3,388	\$149,050	\$3,726	\$162,550	\$4,064
SEVEN	6-BR	\$119,600	\$2,990	\$136,750	\$3,419	\$144,850	\$3,621	\$159,350	\$3,984	\$173,800	\$4,345
EIGHT		\$127,300		\$145,550		\$154,200		\$169,600		\$185,000	

* TCAC = Tax Credit Allocation Committee

1. Annual Income = Gross annual income adjusted by family size for Area Median Income (AMI) level. May contain additional adjustments as determined annually by HUD.
2. Gross rent minus utility allowance = maximum cash rent. See the "San Diego Housing Commission Utility Allowance Schedule" to calculate the utility allowance based on the project's actual utility mix.
3. For projects with multiple funding sources, use the lowest rents applicable and/or apply HUDs MTSP "Hold Harmless" policy. "Low HOME" and "High HOME" rents effective **June 15, 2023**

Note: Due to the Housing and Economic Recovery Act of 2008 the data presented in this chart may not be applicable to projects financed with Section 42 Low Income Housing Tax Credits (LIHTC) or section 142 tax exempt private equity bonds (MTSP). If you believe your affordable housing project is affected by this change and have questions regarding Rent & Income limits, please contact Irma Betancourt at irmab@sdhc.org.

This general income and rental rate information is derived from the U.S. Department of Housing and Urban Development very low income figures effective **May 15, 2023. HOME Rents effective **June 15, 2023**.**



**Allowances for
Tenant-Furnished Utilities
and Other Services**

**U.S. Department of Housing
and Urban Development**
Office of Public and Indian Housing

Locality		Green Discount	Unit Type					Date
San Diego Housing Comm		None	Apartment Bldgs.					4/1/2024
Utility or Service		Monthly Dollar Allowances						
		0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	
Space Heating	Natural Gas	\$21	\$24	\$26	\$28	\$30	\$29	
	Electric Heat	\$18	\$23	\$27	\$31	\$34	\$37	
Cooking	Natural Gas	\$4	\$5	\$8	\$10	\$12	\$15	
	Electric	\$11	\$13	\$18	\$29	\$38	\$45	
Other Electric		\$40	\$48	\$66	\$85	\$108	\$131	
Water Heating	Natural Gas	\$9	\$11	\$16	\$22	\$27	\$32	
	Electric	\$24	\$29	\$45	\$56	\$66	\$76	
Water		\$84	\$91	\$140	\$230	\$234	\$234	
Sewer		\$62	\$62	\$62	\$62	\$62	\$62	
Range/Microwave		\$5	\$5	\$5	\$5	\$5	\$5	
Refrigerator		\$6	\$6	\$6	\$6	\$6	\$6	

Projected Family Allowances To be used to compute specific family allowances.

Unit size: 2 BR

Utility or Service	Fuel Source	Monthly Allowance
Space Heating	Electric Heat	\$27
Cooking	Natural Gas	\$8
Other Electric	Electric	\$66
Water Heating	Natural Gas	\$16
Total		\$117

Spreadsheet (ver13) based on form HUD-52667 (12/97).

Previous editions are obsolete

ref. Handbook 7420.8

KCA&D

Kalin Cannady Architecture
& Development

Municipal Fees Exhibit

§142.0620 When Public Improvements Are Required for Development Permits

The approval of *development permits* shall be conditioned to provide public facilities in accordance with Section 142.0610 and to mitigate any impact the *development* may have on existing public facilities.

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

§142.0630 When Public Improvements Are Required for Subdivisions

The *subdivider* shall improve *public rights-of-way* and provide public facilities as required in Chapter 14, Article 4 (*Subdivision Regulations*).

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

§142.0640 Development Impact Fees for Public Facilities and Spaces

(a) Purpose

The purpose of this Section is to implement the City’s General Plan which contains policies related to the maintenance of an effective facilities financing program to ensure the impact of new *development* is mitigated through appropriate fees. This Section applies to communities identified as Facilities Benefit Assessment communities and Development Impact Fee communities in the City’s General Plan. Facilities Benefit Assessments (FBAs) and Development Impact Fees (DIFs) are collectively identified as DIFs. Nothing in this Section shall be construed to prohibit the City from imposing additional DIFs on a particular project.

(b) Payment of Fees

Development Impact Fees (as defined in California Government Code Section 66000) for applicable *development* shall be paid prior to requesting a final inspection. A final inspection shall not occur until the applicable DIFs are paid in areas where DIFs have been established by City Council resolution or ordinance. Notwithstanding the above, the City Manager may also require the payment of DIFs for *development* that would increase demand for public facilities or result in the need for new public facilities. DIFs shall not be required for inclusionary *dwelling units* provided pursuant to Chapter 14, Article 2, Division 13 if the *applicant* has satisfied all the requirements of Division 13 for inclusionary *dwelling units* on the same *premises* as the market-rate *dwelling units*. The DIF amount due shall be based upon the DIF schedule in effect when the *development* application was *deemed complete*, or the DIF schedule in effect when the fees are paid, whichever amount is lower, plus an automatic increase consistent with Section 142.0640(c), if applicable.

Exemptions:

- (1) *Accessory Dwelling Units, Junior Accessory Dwelling Units, movable tiny houses, and guest quarters are exempt from DIF, except as follows:*
 - (A) The first two *Accessory Dwelling Units* on a *premises* are exempt from the requirement to pay DIF, regardless of the *gross floor area* of the *Accessory Dwelling Unit*, unless the *Accessory Dwelling Units* are constructed in accordance with Section 143.1305(c)(1), in which case payment of DIF will be required in accordance with Section 142.0640(b)(1)(B).
 - (B) *Accessory Dwelling Units* that are 750 or more square feet in *gross floor area* and are in excess of the first two *Accessory Dwelling Units* on a *premises* or are constructed in accordance with Section 143.1305(c)(1) shall be required to pay DIF at the *multiple dwelling unit* rate, which shall be scaled in accordance with Table 142-06A based upon the *Accessory Dwelling Unit* size, or shall be proportionate in relation to the square footage of the primary *dwelling unit* on the *premises* at the *multiple dwelling unit* rate, whichever results in the lower DIF. The DIF for the *Accessory Dwelling Unit* shall not exceed the DIF for the primary *dwelling unit*.
 - (C) Notwithstanding Sections 142.0640(b)(1)(A) and (B), *Accessory Dwelling Units* on a *premises* in which the *record owner* agrees to reside in one of the *dwelling units* as their primary residence for a minimum of three years from the date of building permit issuance for the *Accessory Dwelling Unit* are exempt from the requirement to pay DIF. Prior to the issuance of the building permit, the *record owner* shall sign an affidavit acknowledging the *record owner* intends to reside in one of the *dwelling units* as their primary residence for a minimum of three years from the date of issuance of the building permit for the *Accessory Dwelling Unit*. The affidavit shall be in a form that is approved by the City and recorded in the Office of the County Recorder. This requirement shall not apply to a *record owner* that is a community land trust, as defined in California Revenue and Taxation Code Section 402.1(a)(11)(C)(ii), or is a qualified nonprofit corporation as described in California Revenue and Taxation Code Section 214.15.

- (2) *Permanent Supportive Housing*, low barrier navigation centers, and transitional housing facilities are exempt from DIFs.
- (3) Inclusionary *dwelling units* provided pursuant to Chapter 14, Article 2, Division 13 are exempt from DIFs if the *applicant* has satisfied all the requirements of Division 13 for inclusionary *dwelling units* on the same *premises* as the market-rate *dwelling units*. When an *applicant* provides more affordable *dwelling units* than required pursuant to Chapter 14, Article 2, Division 13, the exemption is applied to the largest (in terms of square feet) applicable affordable *dwelling unit(s)*.
- (4) For *development* utilizing the Complete Communities: Housing Solutions Regulations in Chapter 14, Article 3, Division 10, all covenant-restricted affordable *dwelling units* and *dwelling units* that do not exceed 500 square feet or that contain at least three bedrooms, as specified in Section 143.1010(f) are exempt from DIFs.
- (5) For *development* of a streetary, in accordance with Section 141.0621, the DIFs shall be assessed at a rate of 1/15th of the Development Impact Fees established by City Council resolution or ordinance, and shall be collected every two years with the issuance of the applicable Public Right of Way Permit.
- (6) Active sidewalks developed in accordance with Section 141.0621 are exempt from DIFs.
- (7) The first two *dwelling units* constructed in accordance with Chapter 14, Article 3, Division 13 shall be exempt from the requirement to pay DIF. The third and fourth *dwelling units* constructed in accordance with Chapter 14, Article 3, Division 13 shall be required to pay DIF, which shall be scaled in accordance with Table 142-06A, based upon the *dwelling unit* size.

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

Unit Size (SF)	Scaled Fee Rate
1,251 >	Full Fee
1,201 - 1,250	99%
1,151 - 1,200	97%
1,101 - 1,150	95%
1,051 - 1,100	92%
1,001 - 1,050	90%
951 - 1,000	87%
901 - 950	85%
851 - 900	83%
801 - 850	80%
751 - 800	78%
701 - 750	76%
651 - 700	73%
601 - 650	71%
551 - 600	68%
501 - 550	66%

- (8) *Development* that designs and constructs an onsite park that satisfies the *development's* park standard identified in the Parks Master Plan, shall not be subject to the requirement to pay the Citywide Park DIF, where the requirements set forth in San Diego Resolution R-313688 (Aug. 13, 2021) (Resolution R-313688) have been satisfied. *Development* that designs and constructs an onsite park that satisfies a portion of the *development's* parks standards shall be subject to a proportionate share credit of the DIF for the Citywide Park DIF where the requirements set forth in Resolution R-313688 have been satisfied. To be eligible for any exemption under this subsection, the following additional requirements shall apply:

- (A) The park shall be designed and constructed in accordance with a General Development Plan approved in accordance with Council Policy 600-33;
 - (B) The park shall be designed and constructed in accordance with the City’s Park Development Standard Terms and Conditions and Consultant’s Guide to Park Design and Development to the satisfaction of the Parks and Recreation Director, or their designee;
 - (C) The park shall be publicly accessible in perpetuity to the Parks and Recreation Director, or their designee;
 - (D) If the *development* is receiving park credit for long-term maintenance in accordance with the Parks Master Plan, a maintenance agreement to maintain the park to the satisfaction of the Parks and Recreation Director, or their designee, shall be recorded with the County Recorder prior to final inspection of the first Building Permit;
 - (E) A performance bond and payment bond shall be provided for the design and construction of the park prior to the final inspection of the first *dwelling units* in the *development*, and no final inspection shall occur for the remaining 50 percent of the total *dwelling units* in the *development* until the park has been constructed to the satisfaction of the Parks and Recreation Director, or their designee; and
 - (F) Prior to requesting final inspection of the first *dwelling unit* in the *development*, a fee in the amount of 10 percent of the total DIF related to parks that would have otherwise been required shall be paid to fund park and recreation improvements in the City in accordance with Resolution R-313688.
- (9) Interim residential *development* that obtains a Building Permit in accordance with Section 141.0309 shall be required to pay one-third of the applicable residential DIF. At the end of 10 years from issuance of the Neighborhood Use Permit, if the interim residential use and associated Neighborhood Use Permit is extended beyond the initial term, the remaining two-thirds of the applicable residential DIF in effect at the time of the granting of the initial Building Permit shall be paid.

(c) Automatic Annual Increases

For communities identified as Development Impact Fee communities in the General Plan, unless otherwise specified in the applicable City Council resolution(s) establishing the DIFs, the amount of the DIFs shall be increased, starting on July 1, 2010, and on each July 1st thereafter, based on the one-year change (from March to March) in the Construction Cost Index (CCI) for Los Angeles as published monthly in the Engineering News-Record. The increases to DIFs consistent with the Construction Cost Index in Los Angeles shall be automatic and shall not require further action of the City Council. If the one-year change in the CCI for any given year is less than 0.2 percent, the City Manager or designee may elect to keep the DIFs for Development Impact Fee communities unchanged. For communities identified as Facilities Benefit Assessment communities in the General Plan, the DIFs shall be the amount identified in the applicable fee schedule adopted by City Council resolution.

(d) Waiver or Reduction of Fees

Any party on whom DIFs are imposed may file an application for a waiver or reduction of the DIFs with the City Manager in accordance with this Subsection. Nothing in this Subsection shall affect the requirements set forth in Section 142.0640(b). The procedures provided in this Subsection are additional to any other procedure authorized by law for protesting or challenging DIFs.

- (1) An application for a waiver or reduction of DIFs shall set forth the factual and legal basis to support the application for a waiver or reduction of DIFs.
- (2) An application for a waiver or reduction of DIFs shall only be processed after the applicable fee or amount of deposit, as adopted by City Council resolution, has been paid in full. If a deposit is required, and the deposit as adopted by City Council resolution is insufficient to cover the actual cost to the City to process the application, an additional deposit, in an amount determined by the City Manager, shall be required. Any unused portion of a deposit shall be returned to the *applicant*. If the City Council grants the application for a waiver or reduction of the DIFs, then the fee or the amount of the deposit expended shall be returned to the *applicant* in full, minus a five-hundred-dollar processing fee.

- (3) An application for a waiver or reduction of DIFs shall be filed no later than 10 calendar days after the DIFs are paid.
 - (4) The decision on an application for a waiver or reduction of DIFs shall be decided by the City Council within 60 calendar days of the date that the application is received by the City Manager, but failure of the City Council to hold a hearing within this time frame does not limit the authority of the City Council to consider the application. The *applicant* shall bear the burden of presenting evidence to support the application for a waiver or reduction of DIFs.
 - (5) Notice of the time and place of the City Council hearing, including a general explanation of the matter to be considered shall be mailed at least 14 calendar days prior to the hearing to the *applicant*, and any interested party who files a written request with the City Manager requesting mailed notice of all applications for a DIFs waiver or reduction. Written requests for this notice shall be valid for one year from the date on which it is filed unless a renewal request is filed prior to the end of the one-year term.
 - (6) An application for a waiver or reduction of DIFs may only be granted if the City Council makes the following *finding*: there is no reasonable relationship between the amount of the DIFs and the cost of the public facilities attributable to the *development* on which the DIFs are imposed.
 - (7) If an application for a waiver or reduction of DIFs are granted, any DIFs previously paid with respect to the application at issue shall be refunded in accordance with the resolution adopted by the City Council granting the application.
- (e) Adjustments to DIFs for Residential Development

The City Manager or designee is authorized to adjust DIF for residential *development* to reflect residential uses not identified in the fee schedule approved by the City Council.

(f) Developer Reimbursement Agreements (DRA)

For purposes of this Division, a DRA means an agreement to reimburse another entity for all or a portion of the cost of the entity's contracts with consultants and/or contractors for the design and construction of a public works project. The City Manager may enter into a DRA for a public works project that contains supplemental size, capacity, number, or length, or will serve Citywide needs, the need for which is not directly attributable to the *development*, provided that the following minimum requirements are satisfied:

- (1) The source of reimbursement shall be limited to DIF (as defined in Government Code section 66000) funds.
- (2) The public works project is identified in the annual capital improvement plan budget and the amount of reimbursement does not exceed the amount identified for the public works project in the annual capital improvement plan budget.
- (3) Any contract for expenses subject to reimbursement pursuant to a DRA shall be awarded in accordance with the City Charter and San Diego Municipal Code Chapter 2, Article 2, Divisions 27, 30, 31, and 33 through 36. San Diego Municipal Code Chapter 2, Article 2, Division 32 shall not apply to consultant contracts that are entered into pursuant to a DRA.
- (4) The amount of the DRA shall not exceed \$30,000,000.
- (5) For DRAs executed prior to July 1, 2023, should the applicable Community specific DIF fund be exhausted, the City Manager may authorize a credit against any applicable Citywide DIF or reimbursement funds to developers in accordance with the DRA's executed prior to July 1, 2023.

- (g) For any Fee Deferral Agreements that were entered into prior to February 26, 2022, any liens resulting from the recordation of the Fee Deferral Agreement shall not be due or payable until a final inspection is requested.

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

(Amended 9-11-2009 by O-19893 N.S; effective 11-10-2009.)

(Retitled to "Payment of Development Impact Fees" and amended 10-11-2011 by O-20100 N.S.; effective 11-10-2011.)

(Retitled from “Payment of Development Impact Fees” to “Impact Fees for Financing Public Facilities” and amended 4-6-2016 by O-20626 N.S.; effective 5-6-2016.)

(Amended 5-15-2018 by O-20934 N.S.; effective 6-14-2018.)

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

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

(Amended 1-28-2020 by O-21167 N.S.; effective 7-1-2020.)

(Amended 8-12-2020 by O-21223 N.S.; effective 10-8-2020.)

(Amended 10-30-2020 by O-21254 N.S.; effective 11-29-2020.)

(Amended 12-9-2020 by O-21276 N.S.; effective 1-8-2021.)

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

[Editors Note: Amendments as adopted by O-21288 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-21288-SO.pdf

(Amended 11-23-2021 by O-21391 N.S.; effective 1-6-2022.)

(Retitled from “Impact Fees for Financing Public Facilities” to “Development Impact Fees for Public Facilities and Spaces” and amended 1-27-2022 by O-21416 N.S.; effective 2-26-2022.)

[Editors Note: Amendments as adopted by O-21416 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-21416-SO.pdf

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

[Editors Note: Amendments as adopted by O-21439 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-21439-SO.pdf

(Amended 9-21-2022 by O-21521 N.S.; effective 10-21-2022.)

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

KCA&D

Kalin Cannady Architecture
& Development

Correspondence Exhibit



Kalin Cannady <kalin@kcad.studio>

PRJ-1111319 / 726 Torrance Street

Rusit, Adrian <ARusit@sandiego.gov>
To: Kalin Cannady <kalin@kcad.studio>

Fri, May 3, 2024 at 11:15 AM

Hello Kalin,

Thank you for your patience, I was waiting on confirmation. Yes, ADUs be included in a project in addition to an affordable housing density bonus.

Thank You,

Adrian Rusit
Associate Planner
City of San Diego
Development Services Department

📞: (619) 236-5507
arusit@sandiego.gov
SanDiego.gov/DSD

Need to request a second opinion on an interpretation, or contact my supervisor for further assistance?

Duke Fernandez, Senior Planner

Phone: 619-446-5063

Email: defernandez@sandiego.gov

What's the latest? Visit sandiego.gov/dsd-email to sign up to get the latest news and updates.

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From: Kalin Cannady <kalin@kcad.studio>
Sent: Friday, May 3, 2024 8:56 AM
To: Rusit, Adrian <ARusit@sandiego.gov>
Subject: Re: [EXTERNAL] Re: PRJ-1111319 / 726 Torrance Street



Kalin Cannady <kalin@kcad.studio>

PRJ-1111319 / 726 Torrance Street

Rusit, Adrian <ARusit@sandiego.gov>
To: Kalin Cannady <kalin@kcad.studio>

Wed, Apr 24, 2024 at 10:17 AM

Hello Kalin,

Thank you for your patience. I spoke with my supervisor and the information is as follows to meet the minimum:

Per (2)(C) a premises located in a Multiple Dwelling Unit Zone with an existing or proposed dwelling unit, ADU's shall be permitted as follows:

1 Dwelling Unit

2 ADU's by right

5 Affordable

4 Bonus = 12 Dwelling Units

The project proposes 12 residential developments and our inclusionary housing regulations apply to all residential development of 10 or more.

As far as \$142.0640, the fees are not under DSD-Plannings purview, please contact DSD-Planning-Facilities Financing on the project, Christopher Carrillo at cacarrillo@sandiego.gov. in regards to the development impact fee's.

Thank you,

Adrian Rusit
Associate Planner
City of San Diego
Development Services Department

 : (619) 236-5507
arusit@sandiego.gov
SanDiego.gov/DSD

Need to request a second opinion on an interpretation, or contact my supervisor for further assistance?

Duke Fernandez, Senior Planner

Phone: 619-446-5063

Email: defernandez@sandiego.gov

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Kalin Cannady <kalin@kcad.studio>

PRJ-1111319 / 726 Torrance Street

Carrillo, Christopher <CACarrillo@sandiego.gov>
To: Kalin Cannady <kalin@kcad.studio>

Thu, Apr 25, 2024 at 10:40 AM

Hello Kalin,

Thanks for reaching out about this project. It looks like this project is proposing to convert a non-residential building into a residential building. In this type of project the City may apply a change of use credit, as the building likely paid DIF for the building when it was built. The one dwelling unit is subject to both DIF and RTCIP fees, however DIF may be offset by credit for the change of use of the existing building. This one dwelling unit will be subject to a RTCIP fee because it is a residential unit, and does not qualify for a change of use credit because the existing non-residential building did not pay RTCIP when it was built. The first two proposed ADU's on a lot are exempt from DIF regardless of size. If there are more than two ADU's being proposed the waiver is applied to the largest two units (in this project the waiver will be applied to the two ADU's > 750 sf). However, only the first proposed ADU on a lot is exempt from RTCIP, regardless of size. This waiver is applied to the largest ADU. Any additional ADU \geq 750 sf is subject to DIF and RTCIP. Any ADU that is < 750 sf is exempt from DIF and RTCIP, therefore the 5 affordable ADUs and the 4 bonus ADUs will be exempt from fees. Please see my notes in **RED** below. If you have any other questions or need additional information feel free to reach out again.

Best,

Christopher Carrillo, MPA

Associate Planner

City of San Diego

City Planning Department

T (619) 236-7258

sandiego.gov/planning

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From: Kalin Cannady <kalin@kcad.studio>
Sent: Wednesday, April 24, 2024 11:57 AM
To: Carrillo, Christopher <CACarrillo@sandiego.gov>
Subject: [EXTERNAL] PRJ-1111319 / 726 Torrance Street

****This email came from an external source. Be cautious about clicking on any links in this email or opening attachments.****

Hello Chris,

I am evaluating a 12-unit project which includes some amount of affordable housing units and accessory dwelling units and would like clarification as to which units will incur Development Impact Fees. We are considering the following unit mix. Two units would be required to meet the Inclusionary Affordable Housing Requirements of SDMC 142.1304 and the other Affordable units would be used to get increased density bonus units.

Unit Mix A

1 Dwelling Unit **Subject to DIF, however the change of use credit will likely offset most if not all DIF. Required to pay RTCIP.**

2 ADU's by right (size > 750 SF) **Both exempt from DIF, one exempt from RTCIP.**

5 Affordable ADU's (size < 750 SF) **All five exempt from DIF and RTCIP for being < 750 sf.**

4 Bonus ADU's (size < 750 SF) **All four exempt from DIF and RTCIP for being < 750 sf.**

Do Affordable units (either ADU or DU) have to pay DIF if they are above the Inclusionary unit requirement? **The answer to this question depends on the type of project being proposed.**

Generally, affordable units are required to pay DIF, but may be exempt from paying RTCIP. There are exceptions, depending on the type of project. For example: any affordable unit proposed in Complete Communities regulations are exempt from paying DIF and RTCIP. Another exception is if the unit is an affordable ADU that is < 750 sf, which would also be exempt from DIF and RTCIP.

Please confirm that, per SDMC 142.0640(b)(1), none of the ADU's would be required to pay DIF. **All of the ADU's proposed in unit table above will be exempt from DIF but one of the ADU's >750 sf will be required to pay RTCIP.**

[Quoted text hidden]

KCA&D

Kalin Cannady Architecture
& Development

Rooming House Exhibit

Article 3: Land Development Terms
(Added 12-9-1997 by O-18451 N.S.)

Division 1: Definitions
(“Definitions” added 12-9-1997 by O-18451 N.S.)

§113.0101 Purpose of Definitions

The purpose of this division is to provide clear and concise definitions of words and phrases that have meanings specifically related to the Land Development Code and to apply these terms in a consistent way throughout the Land Development Code.

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

§113.0102 Identification of Definitions

Each word or phrase that is defined in this division appears in the text of the Land Development Code in italicized letters.

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

§113.0103 Definitions

Abutting property means a *lot* or parcel of land that shares all or part of a common *lot* line with another *lot* or parcel of land.

Accessory building means an *accessory structure* which is also a “building” as defined in the California Building Code.

Accessory Dwelling Unit (ADU) means an attached or detached residential *dwelling unit* that is 1,200 square feet in size or less, provides complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation, and is located on a *lot* with a proposed or existing *single dwelling unit* or *multiple dwelling unit*.

Accessory structure means a *structure* attached to or detached from a primary *structure* located on the same *premises* that is customarily incidental and subordinate to the primary *structure* or use. The term *accessory structure* includes accessory buildings.

Roof deck means an enclosed or partially enclosed area, with or without an overhead *structure*, cover, or roof, that is located on a flat or relatively flat roof of a building. Any walled area erected exclusively to *screen* mechanical equipment is not a *roof deck*.

Roof eave means the lowest part of a roof that overhangs the wall below and from which rain would drain.

Roof line means the top edge of a roof or the top of the parapet, whichever is the higher elevation.

Roof sign means a *sign* erected upon, against, or directly above a roof or *roof eave*, atop or above the parapet, or on an architectural adjunct above the roof or *roof eave*.

Rooming house means a *dwelling unit* where three or more rooms, excluding *kitchens* and bathrooms, are rented to three or more individuals under three or more separate rental agreements or leases. Housing protected by federal or state law, including housing for persons protected under the Fair Housing Act (42 U.S.C. section 3604(f) and the California Fair Employment and Housing Act (California Government Code section 12900 *et seq.*), or housing otherwise subject to the City's Separately Regulated Use regulations in Chapter 14, Article 1, shall not constitute a *rooming house*.

San Diego Promise Zone, as defined by the United States Department of Housing and Urban Development pursuant to the Federal Promise Zone Initiative, means high poverty communities where the federal government partners with local leaders to increase economic activity, improve educational opportunities, leverage private investment, reduce violent crime, enhance public health, and address other priorities identified by the community.

School means an institution of learning that offers instruction in those courses of study required by the California Education Code or that is maintained pursuant to standards set by the State Board of Education. This definition does not include a vocational or professional institution or an institution of higher education, including a community or junior college, college, or university.

Screen means the act, process, or result of visually shielding or obscuring a *structure* or use from adjacent property by fencing, walls, berms, or densely planted vegetation.

Seismic safety study means the most recent update of the document so titled, including the Geologic Hazard Maps, Geotechnical Land Use Maps, and Fault Maps, as approved by the City Engineer and on file with the City Engineer and the City Clerk.