

ORDINANCE NUMBER O- 16035 (New Series)

Adopted on SEP 12 1983

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISIONS 1 AND 5, OF THE SAN DIEGO MUNICIPAL CODE, BY ADDING SECTIONS 101.0101.12.1 AND 101.0101.40.1, RELATING TO DEFINITIONS, AMENDING SECTION 101.0506, RELATING TO CONDITIONAL USE PERMITS, AND ADDING SECTION 101.0506.3, RELATING TO CONDITIONAL USE PERMITS FOR COMPANION UNITS.

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

Section 1. That Chapter X, Article 1, Division 1, of the San Diego Municipal Code be, and the same is hereby amended by adding Sections 101.0101.12.1 and 101.0101.40.1 to read as follows:

SEC. 101.0101.12.1 COMPANION UNIT

A dwelling unit permitted as a second unit on an R-1 lot or premises on which a primary dwelling unit is already located.

SEC. 101.0101.40.1 PRIMARY DWELLING UNIT

A residential structure containing only one kitchen designed or used to house not more than one household.

Section 2. That Chapter X, Article 1, Division 5, of the San Diego Municipal Code be, and the same is hereby amended by amending Section 101.0506 to read as follows:

SEC. 101.0506 CONDITIONAL USE PERMIT  
GRANTED BY PLANNING COMMISSION

A. USES WHICH MAY BE CONSIDERED

1. through 15. - No change.

16. Companion units in R-1 Zones subject to the requirements of Section 101.0506.3.

B. through G. - No change.

Section 3. That Chapter X, Article 1, Division 5, of the San Diego Municipal Code be, and the same is hereby amended by adding Section 101.0506.3 to read as follows:

SEC. 101.0506.3 CONDITIONAL USE PERMITS FOR  
COMPANION UNITS

A. PURPOSE AND INTENT

The purpose of these companion unit regulations is to ameliorate a severe shortage of rental housing by permitting construction of a single companion unit on property zoned for single family use. It is the intent of the companion unit regulations that the new units be developed only where adequate public facilities and services are available, and that impacts upon the single family neighborhoods directly affected be minimized.

B. APPLICATION - FORM AND CONTENT

Application for a Conditional Use Permit for a companion unit shall be made by the owner of the property. The application shall be filed with the Planning Department upon forms provided by it. The application shall state fully the circumstances and conditions relied upon as grounds for the application and shall be accompanied by a legal description of the property involved, adequate site development plans and drawings in sufficient detail to indicate the locations, size and design of existing and proposed buildings and parking areas.

The application shall include evidence that the following prerequisites are satisfied:

1. That the owner of the lot or premises is the occupant of the primary dwelling unit.

2. A detached primary dwelling unit exists on the lot or premises.

3. That the companion unit will be a permanent structure attached to or contained within the floor area of the detached primary dwelling unit.

4. That the size of the companion unit will not exceed 700 square feet, nor will the total floor area of all structures exceed the floor area ratio permitted by the R-1 zones.

5. That all applicable property development regulations of the R-1 zones will be met, including setbacks, yards, floor area ratio and building height.

6. That one off-street parking space will be provided for the companion unit, and that existing off-street parking deficiencies will be corrected.

7. That the development of the companion unit will not entail conversion of an existing garage.

C. HEARING BEFORE AND DECISION OF  
PLANNING COMMISSION

A noticed public hearing shall be conducted by the Planning Commission in accordance with procedures set forth in Section 101.0506 C., and the Planning Commission shall render a decision in accordance with the provisions of Section 101.0506 D. and this Section.

D. FINDINGS

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The Planning Commission may grant a Conditional Use Permit for a companion unit if the following findings can be made:

1. That the property is located in a developed neighborhood in an R-1 zone.

2. That the companion unit would be compatible with the primary dwelling unit in architectural style and materials.

3. That the companion unit would be located in a neighborhood and community plan area where it has been determined that public facilities and services are adequate.

4. That the addition of the companion unit will not cause the total number of companion units within the affected community plan area to exceed five percent of the detached primary dwellings located in the R-1 zones in that community plan area.

E. STANDARD CONDITIONS

In addition to those conditions which may be imposed by the Planning Commission in accordance with the provisions of Section 101.0506 D.4., the following Standard Conditions shall be made a part of each Conditional Use Permit approved for a companion unit:

1. That only one companion unit shall be located on each lot or premises.

2. That not less than one off-street parking space shall be permanently maintained for the exclusive use of the companion unit occupants.

3. That either the primary unit or companion unit shall be occupied by the owner at all times that either unit is held out for rent.

4. That the companion unit shall be regularly occupied by a maximum of two persons, at least one of whom shall be a member of the owner's family, or 60 years of age or older, or handicapped.

5. That the companion unit shall be an accessory or incidental use to the detached primary unit which may be either held out for rent or occupied by the owner, but which may not be sold or conveyed independently.

6. That if there is usable alley access to the property, the access to and parking for the companion unit must be via the alley.

7. That the establishment of the companion unit shall not create a second front entrance or other street-side modifications which would indicate the presence of a second unit or otherwise alter the single family appearance of the property.

F. APPEAL OF DECISION OF THE  
PLANNING COMMISSION

An appeal from the decision of the Planning Commission may be made in accordance with the provisions of Section 101.0506 E.

G. SUSPENSION OF COMPANION UNIT REGULATIONS

1. Conditional Use Permits for companion units shall not be approved nor shall applications be accepted following determination by resolution by the

Planning Commission or City Council that any of the following circumstances exist:

a. If the City-wide annual average vacancy rate for residential rental units is determined to exceed five percent in accordance with Section 101.0996 (Temporary Suspension of Condominium Conversion Permit Regulations), then the provisions of this Section shall be temporarily suspended.

b. If the number of companion units constructed pursuant to the provisions of this Section exceeds five percent of the total number of detached single family units located on property zoned R-1 within any community plan area, then the provisions of this Section shall be temporarily suspended within that community plan area.

On or before April 1, 1984, and each year thereafter, the Planning Commission shall determine the number of companion units and detached single family units located on property zoned R-1 based upon the most recent information available.

c. If it is determined that public facilities and services are overburdened, inadequate or otherwise unable to accommodate additional intensity of development or growth without adversely affecting the health, safety

and general welfare of persons residing or working within a community plan area, then the provisions of this Section shall be temporarily suspended within that community plan area.

2. In the event of a suspension of the provisions of this Section, the Planning Commission shall schedule a public hearing to reevaluate the circumstances upon which the suspension was based. The reevaluation hearing shall be scheduled on or before April 1 of each calendar year.

3. The Planning Commission and/or City Council shall give notice of all hearings to consider the suspension of the provisions of this Section and of all hearings to reevaluate suspensions by at least one publication thereof in a newspaper having general circulation within the affected area or community, not less than ten days prior to the date of the hearing. The notice shall not be less than five inches by seven inches (5" x 7") in size, and shall include the following:

- a. The boundaries of the affected area either by diagram, plat or brief description.
- b. The time, date and place of hearing.
- c. In the event of a suspension hearing, a description of the proposed action of the Planning Commission and/or City Council and the facts upon which such action would be based.
- d. In the event of a reevaluation hearing,

a description of the past action of the Planning Commission and/or City Council and the actions which may be taken at the reevaluation hearing.

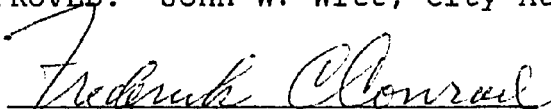
e. A statement that any interested or affected party may appear and be heard during such hearing.

Section 4. This ordinance shall be scheduled for public hearing before the Planning Commission on or about October 1, 1984 for the purpose of evaluating its effectiveness and the impacts of companion unit development upon affected areas. Based upon its findings, the Planning Commission shall forward to the City Council recommendations regarding amendment, revision and/or repeal of the provisions of this ordinance.

Section 5. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: John W. Witt, City Attorney

By

  
Frederick C. Conrad  
Chief Deputy City Attorney

FCC:ib:630  
08/11/83  
Rev.1 08/25/83  
Or.Dept:Plan.  
0-84-24  
Form=o.none



Passed and adopted by the Council of The City of San Diego on SEP 12 1983,  
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK  
 Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR  
 City Clerk of The City of San Diego, California.

(Seal)

By June A. Blackwell, Deputy.

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

AUG 23 1983, and on SEP 12 1983

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR  
 City Clerk of The City of San Diego, California.

(Seal)

By June A. Blackwell, Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number <u>0-16035</u>	Adopted <u>SEP 12 1983</u>

CERTIFICATE OF PUBLICATION

CITY OF SAN DIEGO  
ATTN: JUNE BLACKNELL  
202 C St., 12th Floor  
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

ORDINANCE NO. O-16035

**ORDINANCE NO. O-16035**  
**(New Series)**  
AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISIONS 1 AND 5, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTIONS 101.0101.12.1 AND 101.0101.40.1 RELATING TO DEFINITIONS, AMENDING SECTION 101.0808 RELATING TO CONDITIONAL USE PERMITS AND ADDING SECTION 101.0808.3, RELATING TO CONDITIONAL USE PERMITS FOR COMPANION UNITS.  
This ordinance adds to the Municipal Code definitions of companion unit and primary dwelling unit and authorizes development of companion units under a conditional use permit. The ordinance establishes a procedure for securing such conditional use permits and identifies the development regulations that shall apply. Companion units may be developed only in the R-1 Zone.  
A complete copy of the ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 12th floor, City Administration Building, 202 "C" Street, San Diego, CA 92101. Introduced on August 23, 1983.  
Read and adopted by the Council of The City of San Diego on September 12, 1983.  
AUTHENTICATED BY:  
ROGER HEDGECOCK,  
Mayor of The City of San Diego, California.  
CHARLES G. ABDELNOUR,  
City Clerk of The City of San Diego, California.  
(SEAL)  
By JUNE A. BLACKNELL, Deputy.  
Publish Oct. 24, 1983 60-1501

I, Carrie Gedeon, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NO. O-16035  
(New Series)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

October 24, 1983

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 24th day of Oct., 1983.

Carrie Gedeon  
(Signature)

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5' x 8.87 = 44.35