

ORDINANCE NUMBER O- 19197 (NEW SERIES)

ADOPTED ON JUL 14 2003

AN ORDINANCE OF THE COUNCIL FOR THE CITY OF SAN DIEGO AMENDING CHAPTER 10, ARTICLE 3, DIVISION 1, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 103.0105; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 3, BY AMENDING SECTION 126.0303; AND DIVISION 7, BY AMENDING SECTION 126.0704; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4, BY AMENDING SECTION 131.0422; AND AMENDING CHAPTER 14, ARTICLE 1, DIVISION 3, BY AMENDING SECTION 141.0302, ALL RELATING TO COMPANION UNITS.

WHEREAS, on September 29, 2002, the Governor of California approved Assembly Bill 1866, amending California Government Code section 65852.2; and

WHEREAS, California Government Code section 65852.2 requires local agencies, to consider applications for second units, commonly referred to as companion units, ministerially; and

WHEREAS, in accordance with California Government Code section 65852.2(a)(1)(B), local agencies may adopt ordinances that impose standards on second units including parking, height, setback, lot coverage, architectural review, and maximum size of unit; and

WHEREAS, consistent with the provisions of California Government Code section 65852.2(a)(1)(B) authorizing the imposition of standards related to lot coverage, and to maintain the character of single family residential zones, the companion unit regulations include limitations on the size of lots on which second units may be located; and

WHEREAS, consistent with the provisions of Cal. Gov't Code section 65852.2(a)(1)(B) authorizing the imposition of standards related to companion unit size, and to maintain the character of single family residential zones, the companion unit regulations include limitations on the size of companion units

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

Section 1. That Chapter 10, Article 3, Division 1, of the San Diego Municipal Code is hereby amended by amending Section 103.0105, to read as follows:

**§103.0105 Uses Permitted in the Planned Districts**

- (a) [No change.]
- (b) Limited Uses
  - (1) [No change.]
  - (2) The following uses are permitted in the Planned Districts subject to the regulations for limited uses in the Land Development Code section specified for each use and the location restrictions specified for each use.
    - (A) Companion units in *single dwelling unit* and *multiple dwelling unit* residential zones, subject to Land Development Code Section 141.0302.
    - (B) Garage and yard sales in residential zones, subject to Land Development Code Section 141.0305.
    - (C) Home occupations in residential zones, subject to Land Development Code Section 141.0308.

(D) Large family day care homes in zones where residential use is permitted, except in agricultural zoned areas of the Coastal Overlay Zone that contain the 100-year floodplain, subject to Land Development Code Section 141.0606.

(E) Recycling facilities as follows:

(i) through (v) [No change.]

(c) [No change.]

(d) Conditional Use Permits/Process Three

[No change in first paragraph.]

(1) through (8) [No change.]

(9) Educational facilities--schools for kindergarten to grade 12 and colleges/universities, except in the agricultural zoned areas of the Coastal Overlay Zone that contain the 100-year floodplain, subject to Land Development Code Section 141.0407.

(10) Energy generation and distribution stations and communications switching stations, subject to Land Development Code Section 141.0408.

(11) Fraternity houses, sorority houses, and student dormitories, subject to Land Development Code Section 141.0304.

(12) Guest quarters in a *single dwelling unit* residential zone,

subject to Land Development Code Section 141.0306.

- (13) Historical buildings occupied by uses not otherwise allowed, subject to Land Development Code Section 141.0411.
- (14) Housing for senior citizens in any residential or commercial zone, subject to Land Development Code Section 141.0310.
- (15) Impound storage yards except in zones that permit residential development, subject to Land Development Code Section 141.0901.
- (16) Instructional studios, except in the agricultural zoned areas of the Coastal Overlay Zone that contain the 100-year floodplain, subject to Land Development Code Section 141.0612.
- (17) Newspaper publishing plants, except in the agricultural zoned areas of the Coastal Overlay Zone, subject to Land Development Code Section 141.1006.
- (18) Outdoor storage and display of new, unregistered motor vehicles as a primary use, except in the agricultural zoned areas of the Coastal Overlay Zone that contain the 100-year floodplain, subject to Land Development Code Section

141.0803.

- (19) Parking facilities as a primary use, except in the agricultural zoned areas of the Coastal Overlay Zone, subject to Land Development Code Section 141.0616.
- (20) Private clubs, lodges, and fraternal organizations, except in the agricultural zoned areas of the Coastal Overlay Zone that contain the 100-year floodplain, subject to Land Development Code Section 141.0617.
- (21) Radio and television broadcasting, microwave relay or similar systems facilities, subject to Land Development Code Section 141.0416.
- (22) Recycling facilities as follows:
  - (A) and (B) [No change.]
- (23) Residential care facilities for 12 or fewer persons in any zone that permits residential use, except in the agricultural zoned areas of the Coastal Overlay Zone that contain the 100-year floodplain; subject to Land Development Code Section 141.0312.
- (24) Revolving projecting signs subject to Land Development Code Section 141.1101.
- (25) Swap meets and other large outdoor retail facilities, except in the agricultural zoned areas of the Coastal Overlay Zone,

subject to Land Development Code Section 141.0504.

- (26) Theater marquees subject to Land Development Code Section 141.1103.
- (27) Transitional housing facilities for 12 or fewer persons in any zone that permits residential use, except in the agricultural zoned areas of the Coastal Overlay Zone that contain the 100-year floodplain, subject to Land Development Code Section 141.0313.
- (28) Veterinary clinics and hospitals in any agricultural, commercial, or industrial zone, except in the agricultural zoned areas of the Coastal Overlay Zone that contain the 100-year floodplain, subject to Land Development Code Section 141.0624.
- (29) Watchkeeper's quarters, subject to Land Development Code Section 141.0314.

(e) and (f) [No change.]

Section 2. That Chapter 12, Article 6, Division 3, of the San Diego Municipal Code is hereby amended by amending Section 126.0303, to read as follows:

**§126.0303 When a Conditional Use Permit Is Required**

[No change in first paragraph.]

- (a) Conditional Use Permits Decided by Process Three

“Agricultural equipment repair shops” through “Communication

antennas” [No change.]

“Educational facilities” through “Veterinary clinics and hospitals”

[No change.]

(b) and (c) [No change.]

Section 3. That Chapter 12, Article 6, Division 7, of the San Diego Municipal Code is hereby amended by amending Section 126.0704, to read as follows:

**§126.0704 Exemptions from a Coastal Development Permit**

The following *coastal development* is exempt from the requirement to obtain a Coastal Development Permit.

(a) Improvements to existing *structures* are exempt, except if the improvements involve any of the following:

(1) through (8) [No change.]

(9) A companion unit as described in Section 141.0302.

(b) through (i) [No change.]

Section 4. That Chapter 13, Article 1, Division 4, of the San Diego Municipal Code is hereby amended by amending Section 131.0422, to read as follows:

**§131.0422 Use Regulations Table for Residential Zones**

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

Legend for Table 131-04B [No change.]

Table 131-04B  
Use Regulations Table for Residential Zones

No change in text of Table 131-04B up to:

**Residential**

Companion Units	L	L	L	L
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No change in remainder of Table 131-04B.

Section 4. That Chapter 14, Article 1, Division 3, of the San Diego Municipal Code is hereby amended by amending Section 141.0302, to read as follows:

**§141.0302 Companion Units**

A companion unit is a *dwelling unit* that is an *accessory use* to a *single dwelling unit* on a residential *lot* that provides complete living facilities, including a *kitchen*, independent of the primary *dwelling unit*. Companion units are permitted as a limited use in accordance with Process One in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) and Chapter 10, Article 3, Division 1 (General Provisions for Planned Districts), subject to the regulations in Section 141.0302. Within the Coastal Overlay Zone, companion units are subject to the provisions of Chapter 12, Article 6, Division 7.

Limited Use Regulations. Companion units are permitted as a limited use subject to the following regulations:

- (a) Before a Building Permit may be issued for a companion unit, the property *owner* shall enter into an agreement with the City in a form that is acceptable to the City Attorney. The agreement shall include the following provisions: that if the property *owner* does

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not occupy either the primary *dwelling unit* or the companion unit, only one of the units may be rented; that neither the primary *dwelling unit* nor the companion unit may be sold or conveyed separately; and that the property *owner* shall reside in the primary dwelling unit or the companion unit. The City will submit the agreement to the County Recorder for recordation. The agreement shall run with the land and be coterminous with the life of the companion unit.

- (b) Within single family residential zones, a companion unit is allowed where the existing lot area is equal to or greater than two times the minimum lot area required for the zone.
- (c) For *premises* within a multi-family zone, one companion unit is permitted on property that would otherwise allow only one *single dwelling unit* based on the size of the *premises*, provided there is an existing *single dwelling unit*. If the *premises* are modified by area or zone to permit additional *dwelling units*, the companion unit shall then be considered an additional *dwelling unit* and shall not be restricted by the applicable companion unit regulations.
- (d) A primary *dwelling unit* must exist on the *premises*. Concurrent construction of a primary *dwelling unit* and a *companion unit* is not allowed.
- (e) No more than one companion unit is permitted on a *premises*.

- (f) A companion unit may be attached to or detached from the primary *dwelling unit* on the *premises*.
- (g) If access from an improved abutting *alley* exists, vehicular access to parking spaces for the companion unit shall be from the *alley* unless the *premises* has a garage that accommodates all *off-street parking* required in accordance with this section, except for *premises* located in the Beach Impact Area or any other zones in which vehicular access from the *alley* is required.
- (h) If an existing garage is converted to a companion unit, another garage shall be provided on the *premises* to replace the converted parking spaces.
- (i) Parking for the entire *premises* shall be brought into compliance with Chapter 14, Article 2, Division 5 (Parking Regulations) and with this section.
- (j) One standard *off-street parking space* is required for each *bedroom* in the companion unit, with a minimum requirement of one *parking space* per companion unit.
- (k) Off-street *parking* required by this section shall not be located in the area between the *street wall* and the front *property line*.
- (l) Access to the *off-street parking* from an unimproved *alley* is not permitted.
- (m) The *gross floor area* of the companion unit shall be included in the

*floor area ratio* calculation for the *premises*.

- (n) The *gross floor area* of the companion unit shall not exceed 700 square feet.
- (o) One 24-inch box tree shall be planted in the required front *yard* of the *premises* or in the abutting *parkway*. Existing trees that are at least 15 feet high and 15 feet in width may be used to satisfy this requirement.
- (p) For companion units located above a garage or other accessory building:
  - (1) the maximum *structure height* for flat-roofed *structures* is 21 feet; and
  - (2) the maximum *structure height* is 30 feet for sloped-roofed *structures* with a roof pitch of at least 3:12 (3 vertical feet to 12 horizontal feet).
- (q) Companion unit entrances shall not be located on the *building street wall* or within the front fifty percent of the *structure*.
- (r) The companion unit shall be constructed with the same siding and roofing materials as the *primary dwelling unit*.
- (s) For detached companion units, the maximum *structure height* is:
  - (a) 15 feet without a chimney or flue, or
  - (b) 17 feet with a chimney or flue.

Section 5. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 6. That this ordinance shall be in force and effect on the thirtieth day from and after its passage outside of the Coastal Zone, and shall take effect and be in force on the date it is effectively certified by the California Coastal Commission as a City of San Diego Local Coastal Program amendment within the Coastal Zone

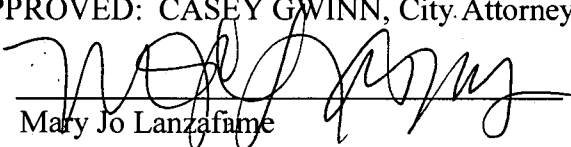
Section 7. That the City Manager is directed to forward to the Coastal Commission the amendments required to be certified as Local Coastal Program amendments.

Section 8. That the City Manager is directed to monitor the number of companion units within each community planning area.

Section 9. That the City Manager is further directed to assess any detrimental impacts to public facilities services and services if the number of companion units reaches five percent of the total single-family units in the respective community planning area.

APPROVED: CASEY GWINN, City Attorney

By

  
Mary Jo Lanzafame  
Deputy City Attorney

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06/23/03 COR. COPY  
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