

**Article 1: Separately Regulated Use Regulations**

**Division 3: Residential Use Category--Separately Regulated Uses**

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

**§141.0301 Boarder and Lodger Accommodations**

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

- (a) *Boarder and lodger* accommodations are permitted only as an *accessory use* to a primary dwelling unit.
- (b) No more than two *boarders* or *lodgers* are permitted per primary dwelling unit.
- (c) In the RM zones and all commercial zones, *boarders* and *lodgers* must occupy the *premises* for a minimum of 7 consecutive calendar days. In all other zones, *boarders* and *lodgers* must occupy the *premises* for a minimum of 30 consecutive calendar days.
- (d) Off-street parking shall be provided at a rate of 1 space for each 2 *boarders* or *lodgers*. Within the beach impact area of the Parking Impact Overlay Zone, off-street parking shall be provided at a rate of 1 space for each *boarder* or *lodger*.

*(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)*

**§141.0302 Companion Units**

A companion unit is a *dwelling unit* that is an *accessory use* for 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 15, Article 1, Division 4 (General and Supplemental Regulations), subject to the following regulations:-

- (a) Before a Building Permit may be issued for a companion unit, the *record 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 neither the primary *dwelling unit* nor the companion unit may be sold or conveyed separately and that the *record 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) No more than one companion unit is permitted on a *premises*.
- (c) Within a *multiple dwelling unit* zone, a companion unit is permitted on any *premises* that would otherwise be limited to a maximum of one *single dwelling unit* based on the allowable *density* and existing area of the *premises*. *Dwelling units* on a *premises* that can accommodate *density* for *multiple dwelling units* shall be regulated in accordance with applicable zoning and not subject to Section 141.0302.
- (d) A companion unit may be attached to or detached from the primary *dwelling unit* on the *premises*.
- (e) 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.
- (f) If an existing garage is converted to a companion unit, another garage shall be provided on the *premises* to replace the converted parking spaces.
- (g) Parking for the entire *premises* shall be brought into compliance with Chapter 14, Article 2, Division 5 (Parking Regulations) and with this section.
- (h) 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.
- (i) Off-street *parking* required by this section shall not be located in the area between the *street wall* and the front *property line*.
- (j) The *gross floor area* of the companion unit shall be included in the *floor area ratio* calculation for the *premises*.

- (k) The *gross floor area* of the companion unit shall not exceed 700 square feet.
- (l) 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.
- (m) Maximum *structure height* for companion units:
  - (1) For companion units located above a garage or other *accessory building*:
    - (A) The maximum *structure height* for flat-roofed *structures* is 21 feet; and
    - (B) 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).
  - (2) For detached companion units, not above a garage or other *accessory building*:
    - (A) 15 feet without a chimney or flue, or
    - (B) 17 feet with a chimney or flue.
- (n) Companion unit entrances shall not be located on the building *street wall* or within the front 50 percent of the *structure*.
- (o) Within the Coastal Overlay Zone, companion units are subject to the provisions of Chapter 12, Article 6, Division 7.

(Amended 7-14-2003 by O-19197 N.S.)

(Amended 3-27-2007 by O-19603 N.S.; effective 4-26-07.)

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

(Amended 5-5-2015 by O-20481 N.S.; effective 6-4-2015.)

**§141.0303 Continuing Care Retirement Communities**

Continuing care retirement communities are licensed by the state as both a residential care facility for the elderly and a skilled nursing facility, regulated under the California Health and Safety Code, and overseen by the California Department of Social Services. They provide residents with multiple living environments based on the changing level of care required by the resident. The communities typically provide independent *dwelling units*, assisted living *dwelling units*, and convalescent and memory care rooms.

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

- (a) Continuing care retirement communities are not permitted in agricultural zones in *Proposition A Lands*.
- (b) Convalescent and memory care rooms shall, at a minimum, comply with California Code of Regulations Title 22, Division 6, Chapter 8 (Residential Care Facilities for the Elderly).
- (c) Parking areas shall be lighted for the safety of tenants. Lighting shall be of a design that deters vandalism. The location, type, and size of the proposed lighting fixtures shall be specified on the *development permit* application.
- (d) The number of vehicle trips shall be determined as follows:
  - (1) Four trips per *dwelling unit*; and
  - (2) Three trips per room for convalescent and memory care rooms.
- (e) Continuing care retirement communities shall be subject to the landscape regulations for commercial *development* in Table 142-04A.
- (f) Permitted *Density*
  - (1) The *density* shall comply with the base zone.

- (2) Only independent and assisted living *dwelling units* shall be used to calculate *density*.
- (3) The *density* shall be calculated using the area of the entire *development*.

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

**§141.0304 Employee Housing**

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

- (a) Limited Use Regulations
  - (1) Employee housing for 6 or fewer persons is permitted subject to the following regulations.
    - (A) The employee housing shall be qualified for a permit to operate under Health and Safety Code Section 17030.
    - (B) Employee housing is permitted for no more than 6 persons including *family* members.
    - (C) Employees and their *families* shall be housed within the *single dwelling unit* on the *premises*, or in a separate *structure* on the *premises* that is not a *dwelling unit*.

- (D) Off-street parking shall be provided at a rate of 1 space for every 2 employees.
- (2) Employee housing for 12 or fewer employees is permitted subject to the following regulations.
  - (A) The employee housing shall be qualified for a permit to operate under Health and Safety Code Section 17030.
  - (B) Employee housing is permitted for up to 12 employees, plus any *family* members.
  - (C) Agricultural employees may be employed off-site. All other employees must be employed on the *premises* containing the employee housing.
  - (D) Only one *structure* for employee housing may be permitted on the *premises*.
  - (E) The employee housing is permitted in a separate *structure* on the *premises* that is not a *dwelling unit*.
  - (F) Off-street parking shall be provided at a rate of 1 space for every 2 employees.
- (b) Neighborhood Use Permit and Conditional Use Permit Regulations
  - (1) Employee housing may be permitted for more than 12 employees, plus any *family* members.
  - (2) A minimum *lot* size of 10 acres is required for employee housing for more than 12 employees.
  - (3) Agricultural employees may be employed off-site. All other employees must be employed on the *premises* containing the employee housing.
  - (4) Only one *structure* for employee housing may be provided for every 10 acres of *lot* area.
  - (5) The *structure* for employee housing is permitted in addition to a *single dwelling unit* on the same *premises* and is subject to all development regulations of the base zone.

- (6) Off-street parking shall be provided at a rate of 1 space for every 2 employees.

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

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

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

### **§141.0305 Fraternity Houses, Sorority Houses, and Student Dormitories**

Fraternity houses, sorority houses, and student dormitories are facilities that are designed or used as a residence for students enrolled at an institution of higher learning. Fraternity houses, sorority houses, and student dormitories may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

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

- (c) A resident manager is required to live on the *premises*.
- (d) The facility must be officially recognized by the college or university.
- (e) The frequency and duration of organized outdoor activities and social events shall be limited as needed to minimize adverse impacts on neighboring *development*.

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

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

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

### §141.0306 Garage, Yard, and Estate Sales

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

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

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

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



**§141.0307 Guest Quarters or Habitable Accessory Buildings**

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

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

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

- (i) Occupancy of a *premises* containing guest quarters or habitable *accessory buildings* shall be subject to the following:
  - (1) Guest quarters or habitable *accessory buildings* shall not be rented, leased, or sold as a separate *dwelling unit*.
  - (2) Before a Building Permit is issued for a guest quarters or habitable *accessory building*, the *record owner* shall submit a signed agreement with the City that specifies that the guest quarters or habitable *accessory building* shall not be used as, or converted to, a companion unit or any other *dwelling unit*. The agreement shall include a stipulation that neither the primary *dwelling unit* nor the guest quarters or habitable *accessory building* shall be sold or conveyed separately. The City will provide the agreement to the County Recorder for recordation.
  - (3) Guest quarters or habitable *accessory buildings* shall be used solely by the occupants of the primary *dwelling unit*, their guests, or their employees.

*(Amended 1-9-2001 by O-18910 N.S.; effective 8-8-2001.)*  
*(Amended 11-13-08 by O-19803 N.S; effective 12-13-2008.)*  
*(Retitled from "Guest Quarters" to "Guest Quarters or Habitable Accessory Buildings" and amended 8-4-2011 by O-20081 N.S.; effective 10-6-2011.)*  
*(Amended 6-18-2013 by O-20261 N.S.; effective 7-19-2013.)*  
*("Guest Quarters or Habitable Accessory Buildings" renumbered from former Section 141.0306 and amended 8-4-2016 by O-20704 N.S.; effective 8-27-2016.)*

**§141.0308 Home Occupations**

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

- (a) Home occupations are permitted only as *accessory uses* to a residential use.

- (b) Any products produced for sale must be manufactured by hand, grown on the *premises*, or prepared within a *kitchen* that meets the standards for cottage food operations in a *dwelling unit* in accordance with California Health and Safety Code section 114365.
- (c) The home occupation shall not result in the elimination or the reduction of required off-street parking.
- (d) *Signs* advertising the home occupation are not permitted. Other advertising shall not include the address of the *premises*.
- (e) Home occupations, except for horticultural uses permitted in Chapter 13, Article 1, Division 3 (Agricultural Base Zones) and Division 4 (Residential Base Zones), shall be conducted within an enclosed *structure* on the *premises*.
- (f) Materials or products associated with the home occupation on the *premises* must be stored within an enclosed *structure*.
- (g) Indoor storage of materials or products associated with the home occupation shall not exceed 1,000 cubic feet for the entire *premises* or any more restrictive limitations imposed by the Building and Housing Codes or the County Health Department.
- (h) The operation of the home occupation shall be consistent with permitted residential uses, shall not create any conditions that amount to a *public nuisance*, and shall not be detrimental to the residential neighborhood by causing increased noise, traffic, lighting, odor, or by violating any applicable ordinances or laws.
- (i) The resident of the *premises* shall not rent space to others in association with a home occupation.
- (j) Only a resident of the *premises* may engage in a home occupation on the *premises*.
- (k) Home occupations may have a maximum of one employee or partner on the *premises* between 7:00 a.m. and 7:00 p.m., Monday through Saturday. For the purpose of Section 141.0308(k) an employee does not include a resident of the home.

- (l) Home occupations may have a maximum of one customer on the *premises* at a time, by appointment only, between 7:00 a.m. and 7:00 p.m., Monday through Saturday. Home occupations shall not host customers on the *premises* more frequently than one customer within a 2-hour time period.
- (m) Home occupations may have a maximum of one vendor on the *premises* at a time between 7:00 a.m. and 7:00 p.m., Monday through Saturday. Home occupations shall not host vendors on the *premises* more frequently than one vendor within a 2-hour time period.
- (n) A maximum of one vehicle for business-related purposes is permitted on-street in the residentially zoned area and shall be parked in compliance with the regulations in Section 86.0139 if applicable.
  - (1) Business-related vehicles may not exceed a one-ton carrying capacity.
  - (2) Tow-trucks are not a permitted home occupation vehicle.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*  
*(Amended 4-5-2016 by O-20634 N.S.; effective 5-5-2016.)*

**§141.0311 Live/Work Quarters**

Live/work quarters are studio spaces in buildings that were originally designed for industrial or commercial occupancy that have been converted to integrate living space into the work space. Live/work quarters are permitted as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) The minimum floor area of a live/work quarters shall be 750 square feet.
- (b) A maximum of 33 percent of the floor area of each live/work quarters may be used or arranged for residential purposes such as sleeping, *kitchen*, bathroom, and closet area.

- (c) Each live/work quarters shall be separated by walls from other live/work quarters or other uses in the building.
- (d) Access to the live/work quarters shall be provided only from common access areas, halls, or corridors and shall not be from other live/work quarters or other uses in the building.
- (e) Access to each live/work quarters shall be clearly identified in order to provide for emergency services.
- (f) For proper security, all exterior doors that provide access to the live/work quarters shall remain locked at all times.
- (g) The live/work quarters may be occupied and used only by an artist, artisan or a similarly situated individual, or a *family* in which at least one member is an artist, artisan, or similarly situated individual.
- (h) Persons other than residents of the live/work quarters are not permitted to work in the live/work quarters.
- (i) Live/work quarters shall not be used for mercantile, classroom instructional use, storage of flammable liquids or hazardous materials, welding or any open-flame work, or offices or establishments with employees.

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

**§141.0312 Residential Care Facilities**

Residential care facilities provide in-house treatment or rehabilitation programs for residents on a 24-hour basis. Residential care facilities include drug and alcohol rehabilitation and recovery facilities and residential and community care facilities as defined by the state or county. Housing for senior citizens, nursing homes, convalescent homes, work furlough and probationary residential facilities, and emergency shelters are not residential care facilities.

Residential care facilities for 7 to 12 persons may be permitted with a Conditional Use Permit decided in accordance with Process Three, and residential care facilities for 13 or more persons may be permitted with a Conditional Use Permit decided in accordance with Process Four, in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) Residential care facilities are not permitted in agricultural zones in *Proposition A Lands*.
- (b) Only one residential care facility may be permitted per *lot* or *premises*.
- (c) Residential care facilities are not permitted within 1/4 mile of another residential care facility, measured from *property line* to *property line* in accordance with Section 113.0225.
- (d) The facility shall provide at least 70 square feet of sleeping space for each resident, not including closet or storage space, multipurpose rooms, bathrooms, dining rooms, and halls.
- (e) Sleeping areas shall not be used as a public or general passageway to another room, bath, or toilet.
- (f) The facility shall provide at least 5 square feet of living area per bed, not including sleeping space, dining, and *kitchen* areas.
- (g) The facility shall provide at least 8 square feet of storage area (closet or drawers) per bed.
- (h) The facility shall provide one full bathroom including sink, toilet, and shower or bathtub for every seven beds.
- (i) The center shall provide at least one *off-street parking space* for each employee and one *off-street parking space* for every seven beds. Additional parking may be required by the decision maker.
- (j) Conversion of an existing garage or reduction in the amount of *off-street* parking to provide a residential care facility is not permitted.

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

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

**§141.0313 Transitional Housing Facilities**

Transitional housing facilities offer residential accommodations for a specified period of time, counseling services, and other support services to prepare *families* and individuals for independent living.

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

- (a) Transitional housing is not permitted in agricultural zones in *Proposition A Lands*.
- (b) Only one transitional housing facility may be permitted per *lot* or *premises*.
- (c) The facility shall provide at least 70 square feet of sleeping space for each resident, not including closet or storage space, multipurpose rooms, bathrooms, dining rooms, and halls.
- (d) Sleeping areas shall not be used as a public or general passageway to another room, bath, or toilet.
- (e) The facility shall provide at least 5 square feet of living area per bed, not including sleeping space, dining areas, and *kitchen* areas.
- (f) The facility shall provide at least 8 square feet of storage area (closet or drawers) per bed.
- (g) The facility shall provide one full bathroom including sink, toilet, and shower or bathtub for every seven beds.
- (h) The facility shall provide at least one *off-street parking space* for each employee and one *off-street parking space* for every seven beds. Additional parking may be required by the decision maker.
- (i) Conversion of an existing garage or reduction in the amount of off-street parking to provide a transitional housing facility is not permitted.

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

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

**§141.0314 Watchkeeper’s Quarters**

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

- (a) Watchkeeper’s quarters are permitted only as an *accessory use* to a use allowed by the zone.
- (b) Watchkeeper’s quarters are permitted only within a permanent *structure*.
- (c) Watchkeeper’s quarters shall not exceed 1,200 square feet in *gross floor area* and shall be included in the *floor area ratio* calculation for the *premises*.
- (d) Watchkeeper’s quarters may include full living facilities, including a *kitchen*.
- (e) Except where associated with storage yards or mini-warehouses, watchkeeper’s quarters shall be attached to the rear of the primary *structure* or, if detached, shall be located between the rear *setback* and the primary *structure*.

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