

ORDINANCE NUMBER O- 20857 (NEW SERIES)DATE OF FINAL PASSAGE SEP 15 2017

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 113.0103; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 3 BY AMENDING SECTION 126.0303; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 7 BY AMENDING SECTION 126.0707; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 131.0112; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2 BY AMENDING SECTION 131.0222; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3 BY AMENDING SECTION 131.0322; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 131.0422; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5 BY AMENDING SECTION 131.0522; AMENDING CHAPTER 13, DIVISION 1, ARTICLE 6 BY AMENDING SECTION 131.0622; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 15 BY AMENDING SECTIONS 132.1510 AND 132.1535; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 3 BY AMENDING SECTION 141.0302; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 6 BY AMENDING SECTION 142.0680; AMENDING CHAPTER 15, ARTICLE 5, DIVISION 2 BY AMENDING SECTION 155.0238, AMENDING CHAPTER 15, ARTICLE 10, DIVISION 3 BY AMENDING SECTION 1510.0303 RELATING TO COMPANION UNITS AND JUNIOR UNITS.

WHEREAS, over the past decade, new housing development has not kept pace with job or population growth, resulting in housing costs that have increased at a much faster rate than income level; and

WHEREAS, there are alternative housing models that contribute to addressing home supply and affordability such as accessory dwelling units, referred to as companion units in the San Diego Municipal Code, and junior accessory dwelling units. These units can be integrated into existing single-family or multi-family properties and designed in a variety of ways, including converting a portion of an existing house, adding to the existing house, converting an existing garage, or constructing a new detached structure; and

WHEREAS, to encourage development of accessory dwelling units and junior accessory dwelling units, the State Legislature adopted three bills, Senate Bill 1069 (SB 1069), Assembly Bill 2299 (AB 2299) and Assembly Bill 2406 (AB 2406) last year; and

WHEREAS, SB1069 and AB 2299 provide homeowners the opportunity to construct accessory dwelling units on their residential property with reduced requirements for parking, zoning setbacks, fire sprinklers, public utilities and fees; and

WHEREAS, AB 2406, referred to as “Junior Accessory Dwelling Units,” allows local governments to adopt ordinances for junior units, which are no more than 500 square feet and are typically repurposed rooms within a single-family home that have interior and exterior access; and

WHEREAS, the City of San Diego intends to amend its companion unit regulations to comply with the new State mandate regarding accessory dwelling units and to include regulations concerning junior accessory dwelling units; and

WHEREAS, amendments to the companion unit regulations and the addition of junior accessory dwelling units are intended to provide affordable and below market housing throughout the City; NOW, THEREFORE,

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

Section 1. That Chapter 11, Article 3, Division 1 of the San Diego Municipal Code is amended by amending section 113.0103, to read as follows:

§113.0103 Definitions

Abutting property through *Benefitted area* [No change in text.]

Bike share station means a designated area where bicycles are stored as part of a regional fleet by a public or private bicycle sharing company or organization and

that provides self-service access to bicycles 24 hours a day to preapproved members or self-paying customers.

Bluff, coastal through *Capital improvement program project* [No change in text.]

Car share station means a designated area where motor vehicles are parked as part of a regional fleet by a public or private car sharing company or organization and that provides self-service access to vehicles 24 hours a day to preapproved members.

Certificate of Correction through *Coastal development* [No change in text.]

Companion unit means an *accessory structure* on a residential *lot* that provides independent living facilities for one or more persons, independent of the primary *dwelling unit*, which includes permanent provisions for living, sleeping, eating, cooking, and sanitation.

Condominium conversion through *Internally illuminated sign* [No change in text.]

Junior unit means an *accessory structure* that is 500 square feet or less in size and is contained entirely within an existing, habitable *single dwelling unit*.

Kitchen through *MSCP Subarea Plan* [No change in text.]

Multiple dwelling unit means two or more *dwelling units* on a single *lot*. The term does not include *companion units*, *junior units*, or employee housing.

Off-street parking space through *Transit area* [No change in text.]

Transit Priority Area means the area defined in California Public Resources Code Section 21099, as may be amended, or an area within one-half mile of a major

transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program.

Unaccepted offer of dedication through Yard [No change in text.]

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

§126.0303 When a Conditional Use Permit Is Required

An application for the following types of uses in certain zones may require a Conditional Use Permit. To determine whether a Conditional Use Permit is required in a particular zone, refer to the applicable Use Regulations Table in Chapter 13. The decision process is described in Section 126.0304.

(a) Conditional Use Permits Decided by Process Three

Agricultural equipment repair shops through Commercial stables [No change in text.]

Continuing care retirement communities through *Wireless communication facilities* (under circumstances described in Section 141.0420) [No change in text.]

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

Section 3. That Chapter 12, Article 6, Division 7 of the San Diego Municipal Code is amended by amending section 126.0707, to read as follows:

§126.0707 Decision Process for a Coastal Development Permit

- (a) [No change in text.]
- (b) A decision on an application for a City-issued Coastal Development Permit in the *appealable area* of the Coastal Overlay Zone shall be made in accordance with Process Three, except that a decision on a *capital improvement program project* in the appealable area of the Coastal Overlay Zone shall be made in accordance with Section 126.0707(c) and a decision on a *companion unit* shall be made in accordance with Section 126.0707(a). The decision may be appealed to the Planning Commission in accordance with Section 112.0506.
- (c) through (f) [No change in text.]

Section 4. That Chapter 13, Article 1, Division 1 of the San Diego Municipal Code is amended by amending section 131.0112, to read as follows:

§131.0112 Descriptions of Use Categories and Subcategories

- (a) The following are descriptions of each use category and subcategory found in the Use Regulations Tables of each base zone. These descriptions shall be used to classify specific uses into use subcategories for the purpose of determining applicable use regulations, in accordance with Section 131.0110. A description of separately regulated uses is located in Section 131.0112(b).
- (1) through (2) [No change in text.]
- (3) Residential Use Category

This category includes uses that provide living accommodations for one or more persons. The residential subcategories are:

- (A) [No change in text.]
- (B) *Mobilehome Parks* — A *premises* with two or more mobilehomes used as *dwelling units* other than *companion units, junior units*, or employee housing.

(C) through (D) [No change in text.]

(4) through (11) [No change in text.]

(b) [No change in text.]

Section 5. That Chapter 13, Article 1, Division 2 of the San Diego Municipal Code is amended by amending section 131.0222, to read as follows:

§131.0222 Use Regulations Table for Open Space Zones

The uses allowed in the open space zones are shown in Table 131-02B.

Legend for Table 131-02B

[No change in text.]

Table 131-02B
Use Regulations Table for Open Space Zones

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 >>	OP-		OC-	OR ⁽¹⁾ -		OF ⁽¹¹⁾ -
	3rd >>	1-	2-	1-	1-		1-
	4th >>	1	1	1	1	2	1
Open Space through Residential, Separately Regulated Residential Uses, Boarder & Lodger Accommodations [No change in text.]		[No change in text.]					
Companion Units		-	-	-	L		-
Residential, Separately Regulated Residential Uses, Continuing Care Retirement Communities through Home Occupations [No change in text.]		[No change in text.]					
Junior Units		-	-	-	L		-
Residential, Separately Regulated Residential Uses, Live/work Quarters through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]					

Footnotes for Table 131-02B [No change in text.]

Section 6. That Chapter 13, Article 1, Division 3 of the San Diego Municipal Code is amended by amending section 131.0322, to read as follows:

§131.0322 Use Regulations Table for Agricultural Zones

The uses allowed in the agricultural zones are shown in Table 131-03B.

Legend for Table 131-03B

[No change in text.]

Table 131-03B
Use Regulations Table for Agricultural Zones

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 >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
Open Space through Separately Regulated Residential Uses, Boarder & Lodger Accommodations [No change in text.]		[No change in text.]			
Companion Units		-		L	
Residential, Separately Regulated Residential Uses, Continuing Care Retirement Communities through Home Occupations [No change in text.]		[No change in text.]			
Junior Units		-		L	
Residential, Separately Regulated Residential Uses, Live/work Quarters through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]			

Footnotes for Table 131-03B [No change in text.]

Section 7. That Chapter 13, Article 1, Division 4 of the San Diego Municipal Code is 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 in text.]

Table 131-04B
Use Regulations Table for Residential Zones

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																											
	1st & 2nd >>	RE-	RS-														RX-				RT-								
	3rd >>	1-	1-														1-				1-								
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4	5				
Open Space through Residential, Separately Regulated Residential Uses, Boarder & Lodger Accommodations [No change in text.]		[No change in text.]																											
Companion Units		L	L														L				L								
Residential, Separately Regulated Residential Uses, Continuing Care Retirement Communities through Home Occupations [No change in text.]		[No change in text.]																											
Junior Units		L	L														L				L								
Residential, Separately Regulated Residential Uses, Live/work Quarters through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]																											

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones											
	1st & 2nd >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Open Space through Residential, Separately Regulated Residential Uses, Boarder & Lodger Accommodations [No change in text.]		[No change in text.]											
Companion Units		L			L			L			L		L
Residential, Separately Regulated Residential Uses, Continuing Care Retirement Communities through Home Occupations [No change in text.]		[No change in text.]											
Junior Units		L			L			L			L		L
Residential, Separately Regulated Residential Uses, Live/work Quarters through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]											

Footnotes for Table 131-04B [No change in text.]

Section 8. That Chapter 13, Article 1, Division 5 of the San Diego Municipal Code is amended by amending section 131.0522, to read as follows:

§131.0522 Use Regulations Table for Commercial Zones

The uses allowed in the commercial zones are shown in Table 131-05B.

Legend for Table 131-05B

[No change in text.]

Table 131-05B
Use Regulations Table for Commercial Zones

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 >>	CN ⁽¹⁾ -				CR-		CO-						CV-		CP-	
	3rd >>	1-				1-	2-	1-	2-	3-	1-	2-	1-	2-	1-	2-	1-
	4th >>	1	2	3	4	5	1	1	1	2	1	2	1	2	1	2	1
Open Space through Residential, Separately Regulated Residential Uses, Boarder & Lodger Accommodations [No change in text.]		[No change in text.]															
<i>Companion Units</i>		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Residential, Separately Regulated Residential Uses, Continuing Care Retirement Communities through Home Occupations [No change in text.]		[No change in text.]															
<i>Junior Units</i>		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Residential, Separately Regulated Residential Uses, Live/work Quarters through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]															

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																																			
	1st & 2nd >>	CC-																																			
	3rd >>	1-			2-			3-			4-			5-																							
	4th >>	1	2	3	1	2	3	4	5	4	5	6	7	8	9	1	2	3	4	5	6	1	2	3	4	5	6	1	2	3	4	5	6				
Open Space through Residential, Separately Regulated Residential Uses, Boarder & Lodger Accommodations [No change in text.]		[No change in text.]																																			
<i>Companion Units</i>		-			-			-			-			-																							
Residential, Separately Regulated Residential Uses, Continuing Care Retirement Communities through Home Occupations [No change in text.]		[No change in text.]																																			
<i>Junior Units</i>		-			-			-			-			-			-			-			-														
Residential, Separately Regulated Residential Uses, Live/work Quarters through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]																																			

Footnotes for Table 131-05B [No change in text.]

Section 9. That Chapter 13, Article 1, Division 6 of the San Diego Municipal Code is amended by amending section 131.0622, to read as follows:

§131.0622 Use Regulations Table for Industrial Zones

The uses allowed in the industrial zones are shown in Table 131-06B.

Legend for Table 131-06B

[No change in text.]

**Table 131-06B
Use Regulations Table for Industrial Zones**

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 >>	IP-			IL-			IH-		IS-	IBT-
	3rd >>	1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
	4th >>	1	1	1	1	1	1	1	1	1	1
Open Space through Residential, Separately Regulated Residential Uses, Boarder & Lodger Accommodations [No change in text.]	[No change in text.]										
<i>Companion Units</i>	-	-	-	-	-	-	-	-	-	-	-
Residential, Separately Regulated Residential Uses, Continuing Care Retirement Communities through Home Occupations [No change in text.]	[No change in text.]										
<i>Junior Units</i>	-	-	-	-	-	-	-	-	-	-	-
Residential, Separately Regulated Residential Uses, Live/work Quarters through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]										

Footnotes for Table 131-06B [No change in text.]

Section 10. That Chapter 13, Article 2, Division 15 of the San Diego Municipal Code is amended by amending sections 132.1510 and 132.1535, to read as follows:

§132.1510 Noise Compatibility

Noise compatibility between airport operations and proposed *development* within

Review Area 1 of this overlay zone shall be evaluated as follows:

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

Legend for Table 132-15D

[No change in text.]

Table 132-15D**Noise Compatibility Criteria**

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Aircraft Noise Exposure (dB CNEL)			
	60-65	65-70	70-75	75-80
Open Space through Residential, Separately Regulated Residential Uses, Boarder & Lodger Accommodations [No change in text.]	[No change in text.]			
<i>Companion Units</i>	P ²	-	-	-
Residential, Separately Regulated Residential Uses, Employee Housing through Housing for Senior Citizens [No change in text.]	[No change in text.]			
<i>Junior Units</i>	P ²	-	-	-
Residential, Separately Regulated Residential Uses, Live/work Quarters through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]			

Footnotes to Table 132-15D [No change in text.]**§132.1535 - Previously Conforming**

This section applies to the *development* and operation of existing uses of *structures* located within the Airport Land Use Compatibility Overlay Zone that were legally established in an airport influence area prior to adoption of an Airport Land Use Compatibility Plan.

(a) [No change in text.]

(b) Reconstruction, alteration or expansion of a *previously conforming* use or

structure may be permitted with a Building Permit as follows:

- (1) *Previously conforming single dwelling units* and associated *companion units* and *junior units*, as applicable, may be reconstructed, altered or expanded in compliance with the development regulations of the underlying base zone.

(2) through (4) [No change in text.]

(c) through (d) [No change in text.]

Section 11. That Chapter 14, Article 1, Division 3 of the San Diego Municipal Code is amended by amending section 141.0302, to read as follows:

§141.0302 Companion Units and Junior Units

Companion units and *junior units* are each 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) *Companion Units*

- (1) A *companion unit* may not be sold or conveyed separately from the primary *dwelling unit*.
- (2) Within a *multiple dwelling unit* zone, a *companion unit* is permitted on any *premises* that is limited to a maximum of two *dwelling units* based on the allowable *density*, existing area of the *premises*, and zone.

- (3) The *gross floor area* of the *companion unit* shall be included in the *floor area ratio* for the *premises*. The *gross floor area* for an attached *companion unit* shall not exceed 50 percent of the habitable *dwelling unit*. A maximum increase of 1,200 square feet is allowed for an attached or detached *companion unit*.
- (4) No passageway shall be required in conjunction with the construction of a *companion unit*.
- (5) A permitted garage or non-habitable *accessory structure* that is converted to a *companion unit* may maintain the existing setbacks if the setbacks are determined to be in compliance with the current California Building Code and California Fire Code at the time of the conversion.
- (6) A *companion unit* may encroach within the side and rear yard *setbacks* up to the *property line* subject to the following:
 - (A) A one *story* structure shall not encroach more than a maximum of 30 feet in length;
 - (B) A *companion unit* may be constructed above a permitted garage or non-habitable *accessory structure*.
- (7) Parking for the entire *premises* shall be brought into compliance with Chapter 14, Article 2, Division 5 (Parking Regulations) and with this section, except as otherwise indicated herein by the zone.
 - (A) If access from an improved abutting *alley* exists, vehicular access to parking spaces for the *companion unit* shall also

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.

(B) Replacement parking shall be provided on the *premises* when an existing garage is converted to a *companion unit* or demolished in conjunction with the construction of a *companion unit*.

(C) *Off-street parking space(s)* may be located in any configuration, may be within the *setback* areas, and may include covered or uncovered parking tandem spaces, or mechanical lifts. *Off-street parking space(s)* 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*.

(D) Required *off-street parking space(s)* for a *companion unit* shall be provided at a ratio of 0.5 parking space per *bedroom*, with a minimum requirement of one parking space per *companion unit*.

(8) A *companion unit* shall be exempt from providing parking if any of the following apply:

(A) The *companion unit* is 500 square feet or less;

- (B) The *companion unit* is located within a *transit area* or a *transit priority area*;
 - (C) The *companion unit* is located within a *designated historical resource area*;
 - (D) The *companion unit* is already part of the existing *single dwelling unit* or an existing permitted habitable *dwelling unit*;
 - (E) The *companion unit* is located within a residential permit parking district;
 - (F) The *companion unit* is located within one block of a *car share station*; or
 - (G) The *companion unit* is located within one block from a *bike share station*.
- (9) 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.
- (10) Within the Coastal Overlay Zone, *companion units* are subject to the provisions of Chapter 12, Article 6, Division 7.
- (b) *Junior Units*
- (1) A *junior unit* shall be exempt from parking regulations.
 - (2) A *junior unit* shall have a separate exterior entry, with an interior connection to the main living area, and shall include an efficiency

kitchen. An efficiency kitchen requires a sink with a maximum waste line diameter of 1.5 inches, a cooking facility with appliances that do not require electrical service of more than 120 volts, or use natural or propane gas, and food preparation counter and storage cabinets.

- (3) A *junior unit* may include a bathroom, or may share a bathroom with the primary *dwelling unit*.
 - (4) Before a Building Permit may be issued for a *junior unit*, 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: that neither the primary *dwelling unit* nor the *junior unit* may be sold or conveyed separately from each other; and that the *record owner* shall reside in the primary *dwelling unit* or the *junior 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 *junior unit*.
- (c) Only one *companion unit* or *junior unit* is permitted on a *premises*. Guest quarters and non-habitable structures shall be permitted in addition to the *companion unit* or *junior unit*. All *structures* shall comply with building spacing requirements in accordance with Section 131.0450.
- (d) A *companion unit* or *junior unit* shall not be used for a rental term of less than 30 consecutive days.

Section 12. That Chapter 14, Article 2, Division 6 of the San Diego Municipal Code is amended by amending section 142.0680, to read as follows:

§142.0680 Cost Reimbursement District Regulations

(a) through (e) [No change in text.]

(f) Actions Necessary to Form a Cost Reimbursement District

(1) [No change in text.]

(2) Notice and Hearing on Formation of Cost Reimbursement District.

(A) [No change in text.]

(B) The City Clerk shall cause a notice of the hearing, in substantially the following form, to be published once in a newspaper of general circulation in the City at least ten (10) calendar days prior to the hearing:

NOTICE OF HEARING

The City Council of the City of San Diego will hold a public hearing at

_____ on _____ at the City Council Chambers on the 12th Floor of the City Administration Building, 202 C Street, San Diego, California, 92101 to consider the establishment of a reimbursement district for the financing of certain public facilities and related improvements within the City otherwise known as the Cost Reimbursement District No. (_____).

Your property is located within the proposed boundaries of the cost reimbursement district and may be subject to a lien to pay a portion of the cost of providing such facilities. If, within a twenty-year period from the date of forming this district, you either file a final map or are issued a building permit, the lien amount will become due and

payable. Payment of the lien under these reimbursement proceedings shall not be required in the following circumstances:

- (a) [No change in text.]
- (b) For issuance of a building permit for the addition of accessory structures to an existing dwelling unit provided the accessory structure is not a companion unit or junior unit.
- (c) through (e) [No change in text.]

The boundaries of the district are more particularly described by Plat No. _____ which is on file in the Office of the City Clerk.

All persons desiring to testify with respect to: the necessity of the proposed public improvements, the cost of the proposed public improvements, the benefited area or the amount of the costs eligible to be recovered, may appear and be heard at this hearing.

(C) [No change in text.]

(3) [No change in text.]

(g) [No change in text.]

(h) Lien on Property.

(1) through (6) [No change in text.]

- (7) If, during the period following the formation of the cost reimbursement district, any person records a *final map* (subdivision, parcel, or consolidation map) or applies for a building permit for construction on a lot for which a lien for *public improvements* has been established in accordance with section 142.0680, and such person or predecessor in interest has not paid

the lien to the City, the established lien shall be paid prior to the earlier of the filing of the *final map* or the issuance of the building permit. Payment of the lien shall not be required in the following circumstances:

- (A) [No change in text.]
- (B) For issuance of a building permit for the addition of *accessory structures* to an existing *dwelling unit* provided the *accessory structure* is not a *companion unit* or *junior unit*.
- (C) through (E) [No change in text.]

- (i) [No change in text.]

Section 13. That Chapter 15, Article 5, Division 2 of the San Diego Municipal Code is amended by amending section 155.0238, to read as follows:

§155.0238 Use Regulations Table of CU Zones

The uses allowed in the CU zones are shown in Table 155-02C:

Legend for Table 155-02C

[No change in text.]

Table 155-02C
Use Regulations Table for CU Zones

Use Categories/Subcategories [See Land Development Code Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >>	CU-									
	3rd >>	1-(1)		2-			3-				
	4th >>	1	2	3	4	5	3 ⁽²⁾⁽¹²⁾	6	7	8	
Open Space through Residential, Separately Regulated Residential Uses, Boarder & Lodger Accommodations [No change in text.]		[No change in text.]									
Companion Units		L		-			-				
Residential, Separately Regulated Residential Uses, Continuing Care Retirement Communities through Home Occupations [No change in text.]		[No change in text.]									
Junior Units		L		-			-				
Residential, Separately Regulated Residential Uses, Live/Work Quarters through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]									

Footnotes for Table 155-02C [No change in text.]

Section 14. That Chapter 15, Article 10, Division 3 of the San Diego Municipal Code is amended by amending section 1510.0303, to read as follows:

§1510.0303 Single-Family Zone - Permitted Uses

In the Single-Family (SF) Zone, designated on that certain map referenced in Section 1510.0102, no building or improvement or portion thereof shall be erected, constructed, converted, established, altered, or enlarged, nor shall any premises be used except for one or more of the following uses:

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

- (c) Boarder and lodger accommodations; Companion units and junior units; Family day care homes; Garage, yard and estate sales; Guest quarters and habitable accessory buildings; Home occupations; Community gardens; and Temporary real estate sales offices and model homes as a limited use in accordance with the applicable regulations in Chapter 14, Article 1 (Separately Regulated Use Regulations).

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

Section 15. That a full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 16. That prior to becoming effective, this Ordinance shall be submitted to the San Diego County Regional Airport Authority (SDCRAA) for a consistency determination.

That if the SDCRAA finds this Ordinance consistent with the Airport Land Use Compatibility Plans (ALUCP) for San Diego International Airport, Marine Corps Air Station (MCAS) Miramar, Gillespie Field, Montgomery Field, and Brown Field Airports (collectively, Airports), this Ordinance shall take effect and be in force as of the date of the finding of consistency by SDCRAA, provided that and not until at least 30 days have passed from the final date of passage, except that the provisions of this Ordinance inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

That if the SDCRAA determines that this Ordinance is inconsistent or conditionally consistent, subject to proposed modifications, with the ALUCPs for the Airports, the Ordinance shall be submitted to the City Council for reconsideration.

That if the SDCRAA determines that this Ordinance is conditionally consistent with the ALUCPs for the Airports, but that consistency is subject to proposed modifications, the City Council may amend this Ordinance to accept the proposed modifications, and this Ordinance as amended shall take effect and be in force on the thirtieth day from and after its final passage, except that the provisions of this Ordinance as amended inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

That a proposed decision by the City Council to overrule a determination of inconsistency or to reject the proposed modifications for a finding of conditional consistency shall include the findings required pursuant to Public Utilities Code section 21670 and require a two-thirds vote; the proposed decision and findings shall be forwarded to the SDCRAA, California Department of Transportation, Division of Aeronautics, and the airport operators for the Airports; and the City Council shall hold a second hearing not less than 45 days from the date the proposed decision and findings were provided, at which hearing any comments submitted by the public agencies shall be considered, and any final decision to overrule a determination of inconsistency shall require a two-thirds vote.

Section 17. That no permits shall be issued for development that are inconsistent with the provisions of this Ordinance unless complete applications for such permits were submitted to the City prior to January 1, 2017.

APPROVED: MARA W. ELLIOTT, City Attorney

By



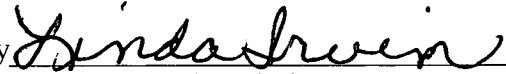
Corrine L. Neuffer
Deputy City Attorney

CLN:dkr
May 31, 2017
June 27, 2017 REV.
Or.Dept:Planning
Doc. No.: 1514448_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of SEP 12 2017.

ELIZABETH S. MALAND
City Clerk

By



Deputy City Clerk

Approved: _____

9/15/17
(date)



KEVIN L. FAULCONER, Mayor

Vetoed: _____

(date)

KEVIN L. FAULCONER, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 113.0103; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 3 BY AMENDING SECTION 126.0303; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 7 BY AMENDING SECTION 126.0707; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 131.0112; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2 BY AMENDING SECTION 131.0222; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3 BY AMENDING SECTION 131.0322; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 131.0422; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5 BY AMENDING SECTION 131.0522; AMENDING CHAPTER 13, DIVISION 1, ARTICLE 6 BY AMENDING SECTION 131.0622; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 15 BY AMENDING SECTIONS 132.1510 AND 132.1535; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 3 BY AMENDING SECTION 141.0302; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 6 BY AMENDING SECTION 142.0680; AMENDING CHAPTER 15, ARTICLE 5, DIVISION 2 BY AMENDING SECTION 155.0238, AMENDING CHAPTER 15, ARTICLE 10, DIVISION 3 BY AMENDING SECTION 1510.0303 RELATING TO COMPANION UNITS AND JUNIOR UNITS.

§113.0103 Definitions

Abutting property through Benefitted area [No change in text.]

Bike share station means a designated area where bicycles are stored as part of a regional fleet by a public or private bicycle sharing company or organization and that provides self-service access to bicycles 24 hours a day to preapproved members or self-paying customers.

Bluff, coastal through *Capital improvement program project* [No change in text.]

Car share station means a designated area where motor vehicles are parked as part of a regional fleet by a public or private car sharing company or organization and that provides self-service access to vehicles 24 hours a day to preapproved members.

Certificate of Correction through *Coastal development* [No change in text.]

Companion unit means an accessory structure on a residential lot that provides independent living facilities for one or more persons, independent of the primary dwelling unit, which includes permanent provisions for living, sleeping, eating, cooking, and sanitation.

Condominium conversion through *Internally illuminated sign* [No change in text.]

Junior unit means an accessory structure that is 500 square feet or less in size and is contained entirely within an existing, habitable single dwelling unit.

Kitchen through *MSCP Subarea Plan* [No change in text.]

Multiple dwelling unit means ~~a building containing~~ two or more *dwelling units* on a single lot. The term does not include ~~companion units~~ *companion units, junior units,* or employee housing.

Off-street parking space through *Transit area* [No change in text.]

Transit Priority Area means the area defined in California Public Resources Code Section 21099, as may be amended, or an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program.

Unaccepted offer of dedication through Yard [No change in text.]

§126.0303 When a Conditional Use Permit Is Required

An application for the following types of uses in certain zones may require a Conditional Use Permit. To determine whether a Conditional Use Permit is required in a particular zone, refer to the applicable Use Regulations Table in Chapter 13. The decision process is described in Section 126.0304.

(a) Conditional Use Permits Decided by Process Three

Agricultural equipment repair shops through Commercial stables [No change in text.]

~~Companion units~~

Continuing care retirement communities through *Wireless communication facilities* (under circumstances described in Section 141.0420) [No change in text.]

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

§126.0707 Decision Process for a Coastal Development Permit

(a) [No change in text.]

(b) A decision on an application for a City-issued Coastal Development Permit in the *appealable area* of the Coastal Overlay Zone shall be made in accordance with Process Three, except that a decision on a *capital improvement program project* in the appealable area of the Coastal Overlay Zone shall be made in accordance with Section 126.0707(c) and a decision on a companion unit shall be made in accordance with Section

126.0707(a). The decision may be appealed to the Planning Commission in accordance with Section 112.0506.

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

§131.0112 Descriptions of Use Categories and Subcategories

(a) The following are descriptions of each use category and subcategory found in the Use Regulations Tables of each base zone. These descriptions shall be used to classify specific uses into use subcategories for the purpose of determining applicable use regulations, in accordance with Section 131.0110. A description of separately regulated uses is located in Section 131.0112(b).

(1) through (2) [No change in text.]

(3) **Residential Use Category**

This category includes uses that provide living accommodations for one or more persons. The residential subcategories are:

(A) [No change in text.]

(B) *Mobilehome Parks* — A *premises* with two or more mobilehomes used as ~~dwelling units~~ *dwelling units* other than ~~companion units~~ *companion units, junior units,* or employee housing.

(C) through (D) [No change in text.]

(4) through (11) [No change in text.]

(b) [No change in text.]

§131.0222 Use Regulations Table for Open Space Zones

The uses allowed in the open space zones are shown in Table 131-02B.

Legend for Table 131-02B

[No change in text.]

Table 131-02B**Use Regulations Table for Open Space Zones**

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 >>	OP-		OC-	OR ⁽¹⁾ -		OF ⁽¹⁾ -
		1-	2-	1-	1-		1-
		1	1	1	1	2	1
Open Space through Residential, Separately Regulated Residential Uses, Boarder & Lodger Accommodations [No change in text.]		[No change in text.]					
Companion Units <u>Companion Units</u>		-	-	-	<u>EL</u>		-
Residential, Separately Regulated Residential Uses, Continuing Care Retirement Communities through Home Occupations [No change in text.]		[No change in text.]					
<u>Junior Units</u>		=	=	=	<u>L</u>		=
Residential, Separately Regulated Residential Uses, Live/work Quarters through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]					

Footnotes for Table 131-02B [No change in text.]

§131.0322 Use Regulations Table for Agricultural Zones

The uses allowed in the agricultural zones are shown in Table 131-03B.

Legend for Table 131-03B

[No change in text.]

Table 131-03B
Use Regulations Table for Agricultural Zones

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 >> 3rd >> 4th >>	AG		AR	
		1-		1-	
		1	2	1	2
Open Space through Separately Regulated Residential Uses, Boarder & Lodger Accommodations [No change in text.]		[No change in text.]			
Companion Units <u>Companion Units</u>		-		L	
Residential, Separately Regulated Residential Uses, Continuing Care Retirement Communities through Home Occupations [No change in text.]		[No change in text.]			
<u>Junior Units</u>		=		<u>L</u>	
Residential, Separately Regulated Residential Uses, Live/work Quarters through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]		[No change in text.]			

Footnotes for Table 131-03B [No change in text.]

§131.0422 Use Regulations Table for Residential Zones

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

Legend for Table 131-04B

[No change in text.]

Table 131-04B
Use Regulations Table for Residential Zones

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																								
	1st & 2nd >>	RE-	RS-										RX-		RT-											
	3rd >>	1-	1-										1-		1-											
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4	5	
Open Space through Residential, Separately Regulated Residential Uses, Boarder & Lodger Accommodations [No change in text.]		[No change in text.]																								
Companion Units <u>Companion Units</u>		L	L										L		L											
Residential, Separately Regulated Residential Uses, Continuing Care Retirement Communities through Home Occupations [No change in text.]		[No change in text.]																								
<u>Junior Units</u>		<u>L</u>	<u>L</u>										<u>L</u>		<u>L</u>											
Residential, Separately Regulated Residential Uses, Live/work Quarters through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]		[No change in text.]																								

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones											
	1st & 2nd >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Open Space through Residential, Separately Regulated Residential Uses, Boarder & Lodger Accommodations [No change in text.]		[No change in text.]											
Companion Units <u>Companion Units</u>		L			L			L			L		L
Residential, Separately Regulated Residential Uses, Continuing Care Retirement Communities through Home Occupations [No change in text.]		[No change in text.]											
<u>Junior Units</u>		<u>L</u>			<u>L</u>			<u>L</u>			<u>L</u>		<u>L</u>
Residential, Separately Regulated Residential Uses, Live/work Quarters through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]		[No change in text.]											

Footnotes for Table 131-04B [No change in text.]

§131.0522 Use Regulations Table for Commercial Zones

The uses allowed in the commercial zones are shown in Table 131-05B.

Legend for Table 131-05B

[No change in text.]

Table 131-05B
Use Regulations Table for Commercial Zones

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 >>	CN ⁽¹⁾ -				CR-		CO-						CV-		CP-	
	3rd >>	1-				1-	2-	1-	2-	3-	1-	2-	1-	2-	1-	2-	1-
	4th >>	1	2	3	4	5	1	1	1	2	1	2	1	2	1	2	1
Open Space through Residential, Separately Regulated Residential Uses, Boarder & Lodger Accommodations [No change in text.]		[No change in text.]															
Companion Units <u>Companion Units</u>		-					-	-	-	-	-	-	-	-	-	-	-
Residential, Separately Regulated Residential Uses, Continuing Care Retirement Communities through Home Occupations [No change in text.]		[No change in text.]															
<u>Junior Units</u>		=					=	=	=	=	=	=	=	=	=	=	=
Residential, Separately Regulated Residential Uses, Live/work Quarters through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]															

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																								
	1st & 2nd >>	CC-																								
	3rd >>	1-		2-		3-				4-				5-												
	4th >>	1	2	3	1	2	3	4	5	4	5	6	7	8	9	1	2	3	4	5	6	1	2	3	4	5
Open Space through Residential, Separately Regulated Residential Uses, Boarder & Lodger Accommodations [No change in text.]		[No change in text.]																								
Companion Units <u>Companion Units</u>		-			-				-				-			-				-						
Residential, Separately Regulated Residential Uses, Continuing Care Retirement Communities through Home Occupations [No change in text.]		[No change in text.]																								
<u>Junior Units</u>		=			=				=				=			=				=			=			
Residential, Separately Regulated Residential Uses, Live/work Quarters through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]																								

Footnotes for Table 131-05B [No change in text.]

§131.0622 Use Regulations Table for Industrial Zones

The uses allowed in the industrial zones are shown in Table 131-06B.

Legend for Table 131-06B

[No change in text.]

Table 131-06B
Use Regulations Table for Industrial Zones

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 >>	IP-			IL-			IH-		IS-	IBT-
	3rd >>	1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
	4th >>	1	1	1	1	1	1	1	1	1	1
Open Space through Residential, Separately Regulated Residential Uses, Boarder & Lodger Accommodations [No change in text.]		[No change in text.]									
Companion Units <u>Companion Units</u>		-	-	-	-	-	-	-	-	-	-
Residential, Separately Regulated Residential Uses, Continuing Care Retirement Communities through Home Occupations [No change in text.]		[No change in text.]									
<u>Junior Units</u>		=	=	=	=	=	=	=	=	=	=
Residential, Separately Regulated Residential Uses, Live/work Quarters through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]									

Footnotes for Table 131-06B [No change in text.]

§132.1510 Noise Compatibility

Noise compatibility between airport operations and proposed *development* within

Review Area 1 of this overlay zone shall be evaluated as follows:

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

Legend for Table 132-15D

[No change in text.]

Table 132-15D**Noise Compatibility Criteria**

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Aircraft Noise Exposure (dB CNEL)			
	60-65	65-70	70-75	75-80
Open Space through Residential, Separately Regulated Residential Uses, Boarder & Lodger Accommodations [No change in text.]	[No change in text.]			
Companion Units <u>Companion Units</u>	P ²	-	-	-
Residential, Separately Regulated Residential Uses, Employee Housing through Housing for Senior Citizens [No change in text.]	[No change in text.]			
<u>Junior Units</u>	<u>P²</u>	=	=	=
Residential, Separately Regulated Residential Uses, Live/work Quarters through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]			

Footnotes to Table 132-15D [No change in text.]**§132.1535 Previously Conforming**

This section applies to the *development* and operation of existing uses of *structures* located within the Airport Land Use Compatibility Overlay Zone that were legally established in an airport influence area prior to adoption of an Airport Land Use Compatibility Plan.

- (a) [No change in text.]
- (b) Reconstruction, alteration or expansion of a *previously conforming* use or *structure* may be permitted with a Building Permit as follows:

- (1) *Previously conforming single dwelling units* and associated ~~companion units~~ companion units and junior units, as applicable, may be reconstructed, altered or expanded in compliance with the development regulations of the underlying base zone.

(2) through (4) [No change in text.]

(c) through (d) [No change in text.]

§141.0302 Companion Units and Junior Units

~~A companion unit is a Companion units and junior units 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 each 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.~~ Companion Units

- (1) A companion unit may not be sold or conveyed separately from the primary dwelling unit.
- (b) ~~No more than one companion unit is permitted on a premises.~~
- (c) (2) Within a multiple dwelling unit zone, a companion unit ~~companion unit~~ is permitted on any premises that would otherwise be is
limited to a maximum of ~~one single~~ two dwelling units based on
the allowable density, and existing area of the premises, and zone.
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.
- (3) The gross floor area of the companion unit shall be included in the
floor area ratio for the premises. The gross floor area for an
attached companion unit shall not exceed 50 percent of the
habitable dwelling unit. A maximum increase of 1,200 square feet
is allowed for an attached or detached companion unit.
- (d) (4) A companion unit may be attached to or detached from the primary
dwelling unit on the premises. No passageway shall be required in
conjunction with the construction of a companion unit.
- (5) A permitted garage or non-habitable accessory structure that is
converted to a companion unit may maintain the existing setbacks
if the setbacks are determined to be in compliance with the current
California Building Code and California Fire Code at the time of
the conversion.

(6) A companion unit may encroach within the side and rear yard setbacks up to the property line subject to the following:

(A) A one story structure shall not encroach more than a maximum of 30 feet in length;

(B) A companion unit may be constructed above a permitted garage or non-habitable accessory structure.

(7) Parking for the entire premises shall be brought into compliance with Chapter 14, Article 2, Division 5 (Parking Regulations) and with this section, except as otherwise indicated herein by the zone.

(e) (A) If access from an improved abutting alley exists, vehicular access to parking spaces for the companion unit shall also 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) (B) 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.~~

Replacement parking shall be provided on the premises when an existing garage is converted to a companion unit or demolished in conjunction with the construction of a companion unit.

(C) Off-street parking space(s) may be located in any configuration, may be within the setback areas, and may include covered or uncovered parking tandem spaces, or mechanical lifts. Off-street parking space(s) 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.

(D) Required off-street parking space(s) for a companion unit shall be provided at a ratio of 0.5 parking space per bedroom, with a minimum requirement of one parking space per companion unit.

(i) (8) Off-street parking required by this section shall not be located in the area between the street wall and the front property line. A companion unit shall be exempt from providing parking if any of the following apply:

(A) The companion unit is 500 square feet or less;

(B) The companion unit is located within a transit area or a transit priority area;

- (C) The companion unit is located within a designated historical resource area;
- (D) The companion unit is already part of the existing single dwelling unit or an existing permitted habitable dwelling unit;
- (E) The companion unit is located within a residential permit parking district;
- (F) The companion unit is located within one block of a car share station; or
- (G) The companion unit is located within one block from a bike share station.
- (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) (9) 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*.~~
- (e10) Within the Coastal Overlay Zone, ~~companion units~~ companion units are subject to the provisions of Chapter 12, Article 6, Division 7.
- (b) Junior Units
 - (1) A junior unit shall be exempt from parking regulations.
 - (2) A junior unit shall have a separate exterior entry, with an interior connection to the main living area, and shall include an efficiency kitchen. An efficiency kitchen requires a sink with a maximum waste line diameter of 1.5 inches, a cooking facility with appliances that do not require electrical service of more than 120 volts, or use natural or propane gas, and food preparation counter and storage cabinets.

- (3) A junior unit may include a bathroom, or may share a bathroom with the primary dwelling unit.
- (4) Before a Building Permit may be issued for a junior unit, 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: that neither the primary dwelling unit nor the junior unit may be sold or conveyed separately from each other; and that the record owner shall reside in the primary dwelling unit or the junior 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 junior unit.
- (c) Only one companion unit or junior unit is permitted on a premises. Guest quarters and non-habitable structures shall be permitted in addition to the companion unit or junior unit. All structures shall comply with building spacing requirements in accordance with Section 131.0450.
- (d) A companion unit or junior unit shall not be used for a rental term of less than 30 consecutive days.

§142.0680 Cost Reimbursement District Regulations

- (a) through (e) [No change in text.]
- (f) Actions Necessary to Form a Cost Reimbursement District

 - (1) [No change in text.]
 - (2) Notice and Hearing on Formation of Cost Reimbursement District.

 - (A) [No change in text.]

- (B) The City Clerk shall cause a notice of the hearing, in substantially the following form, to be published once in a newspaper of general circulation in the City at least ten (10) calendar days prior to the hearing:

NOTICE OF HEARING

The City Council of the City of San Diego will hold a public hearing at

_____ on _____ at the City

Council Chambers on the 12th Floor of the City Administration Building, 202 C Street, San Diego, California, 92101 to consider the establishment of a reimbursement district for the financing of certain public facilities and related improvements within the City otherwise known as the Cost Reimbursement District No. (_____).

Your property is located within the proposed boundaries of the cost reimbursement district and may be subject to a lien to pay a portion of the cost of providing such facilities. If, within a twenty-year period from the date of forming this district, you either file a final map or are issued a building permit, the lien amount will become due and payable. Payment of the lien under these reimbursement proceedings shall not be required in the following circumstances:

- (a) [No change in text.]
- (b) For issuance of a building permit for the addition of accessory structures to an existing dwelling unit provided the accessory structure is not a companion unit or junior unit.
- (c) through (e) [No change in text.]

The boundaries of the district are more particularly described by Plat No. _____ which is on file in the Office of the City Clerk.

All persons desiring to testify with respect to: the necessity of the proposed public improvements, the cost of the proposed public improvements, the benefited area or the amount of the costs eligible to be recovered, may appear and be heard at this hearing.

(C) [No change in text.]

(3) [No change in text.]

(g) [No change in text.]

(h) Lien on Property.

(1) through (6) [No change in text.]

(7) If, during the period following the formation of the cost reimbursement district, any person records a *final map* (subdivision, parcel, or consolidation map) or applies for a building permit for construction on a lot for which a lien for *public improvements* has been established in accordance with section 142.0680, and such person or predecessor in interest has not paid the lien to the City, the established lien shall be paid prior to the earlier of the filing of the *final map* or the issuance of the building permit. Payment of the lien shall not be required in the following circumstances:

(A) [No change in text.]

(B) For issuance of a building permit for the addition of *accessory structures* to an existing *dwelling unit* provided.

the *accessory structure* is not a ~~companion unit~~ companion unit or junior unit.

(C) through (E) [No change in text.]

(i) [No change in text.]

§155.0238 Use Regulations Table of CU Zones

The uses allowed in the CU zones are shown in Table 155-02C:

Legend for Table 155-02C

[No change in text.]

Table 155-02C
Use Regulations Table for CU Zones

Use Categories/Subcategories [See Land Development Code Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >>	CU-									
	3rd >>	1-(1)		2-			3-				
	4th >>	1	2	3	4	5	3(2)(12)	6	7	8	
Open Space through Residential, Separately Regulated Residential Uses, Boarder & Lodger Accommodations [No change in text.]		[No change in text.]									
Companion Units <u>Companion Units</u>		L		-			-				
Residential, Separately Regulated Residential Uses, Continuing Care Retirement Communities through Home Occupations [No change in text.]		[No change in text.]									
<u>Junior Units</u>		<u>L</u>		<u>=</u>			<u>=</u>				
Residential, Separately Regulated Residential Uses, Live/Work Quarters through Signs, Separately Regulated Signs Uses, Theater <i>Marquees</i> [No change in text.]		[No change in text.]									

Footnotes for Table 155-02C [No change in text.]

§1510.0303 Single-Family Zone - Permitted Uses

In the Single-Family (SF) Zone, designated on that certain map referenced in Section 1510.0102, no building or improvement or portion thereof shall be erected, constructed, converted, established, altered, or enlarged, nor shall any premises be used except for one or more of the following uses:

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

(c) Boarder and lodger accommodations; Companion units and junior units; Family day care homes; Garage, yard and estate sales; Guest quarters and habitable accessory buildings; Home occupations; Community gardens; and Temporary real estate sales offices and model homes as a limited use in accordance with the applicable regulations in Chapter 14, Article 1 (Separately Regulated Use Regulations).

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

CLN:dkr
May 11, 2017
June 26, 2017 REV.
Or.Dept: Planning
Doc. No.: 1502895_2

Passed by the Council of The City of San Diego on SEP 12 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 15 2017

AUTHENTICATED BY:

(Seal)

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By [Signature], 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

JUL 24 2017

SEP 15 2017

, and on _____

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By [Signature], Deputy

Office of the City Clerk, San Diego, California

20857

Ordinance Number O-_____