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.


§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.

(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.)
(Retitled from “Companion Units” to “Companion Units and Junior Units” and amended 9-15-2017 by O-20857 N.S.; effective 10-15-2017.)
§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 500 square feet.

(b) A maximum of 49 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) The non-residential use shall be managed by the resident.

(g) Live/work quarters shall not be used for classroom instructional use, storage of flammable liquids or hazardous materials, welding or any open-flame work.

(h) The required parking spaces for the non-residential use shall be in compliance with Section 142.0560. The parking spaces shall not require designation for residential or non-residential uses.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)
(Amended 9-18-2018 by O-20985 N.S.; effective 10-18-18.)

[Editors Note: Amendments as adopted by O-20985 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment. Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-20985-SO.pdf]

§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.)