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**Article 1: Separately Regulated Use Regulations****Division 3: Residential Use Category--Separately Regulated Uses***(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)***141.0301 Boarder and Lodger Accommodations**

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

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

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

**141.0302 Companion Units**

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

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

- (a) Before a Building Permit may be issued for a companion unit, the property *owner* shall enter into an agreement with the City in a form that is acceptable to the City Attorney. The agreement shall include the following provisions: that if the property *owner* does not occupy either the primary *dwelling unit* or the companion unit, only one of the units may be rented; that neither the primary *dwelling unit* nor the companion unit may be sold or conveyed separately; and that the property *owner* shall reside in the primary dwelling unit or the companion unit. The City will

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submit the agreement to the County Recorder for recordation. The agreement shall run with the land and be coterminous with the life of the companion unit.

- (b) Within single family residential zones, a companion unit is allowed where the existing lot area is equal to or greater than two times the minimum lot area required for the zone.
- (c) For *premises* within a multi-family zone, one companion unit is permitted on property that would otherwise allow only one *single dwelling unit* based on the size of the *premises*, provided there is an existing *single dwelling unit*. If the *premises* are modified by area or zone to permit additional *dwelling units*, the companion unit shall then be considered an additional *dwelling unit* and shall not be restricted by the applicable companion unit regulations.
- (d) A primary *dwelling unit* must exist on the *premises*. Concurrent construction of a primary *dwelling unit* and a *companion unit* is not allowed.
- (e) No more than one companion unit is permitted on a *premises*.
- (f) A companion unit may be attached to or detached from the primary *dwelling unit* on the *premises*.
- (g) If access from an improved abutting *alley* exists, vehicular access to parking spaces for the companion unit shall be from the *alley* unless the *premises* has a garage that accommodates all *off-street parking* required in accordance with this section, except for *premises* located in the Beach Impact Area or any other zones in which vehicular access from the *alley* is required.
- (h) If an existing garage is converted to a companion unit, another garage shall be provided on the *premises* to replace the converted parking spaces.
- (i) Parking for the entire *premises* shall be brought into compliance with Chapter 14, Article 2, Division 5 (Parking Regulations) and with this section.
- (j) One standard *off-street parking space* is required for each *bedroom* in the companion unit, with a minimum requirement of one *parking space* per companion unit.
- (k) Off-street *parking* required by this section shall not be located in the area between the *street wall* and the front *property line*.
- (l) Access to the *off-street parking* from an unimproved *alley* is not permitted.
- (m) The *gross floor area* of the companion unit shall be included in the *floor area ratio* calculation for the *premises*.
- (n) The *gross floor area* of the companion unit shall not exceed 700 square feet.
- (o) One 24-in box tree shall be planted in the required front *yard* of the *premises* or in

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the abutting *parkway*. Existing trees that are at least 15 feet high and 15 feet in width may be used to satisfy this requirement.

- (p) For companion units located above a garage or other accessory building:
  - (1) the maximum *structure height* for flat-roofed *structures* is 21 feet; and
  - (2) the maximum *structure height* is 30 feet for sloped-roofed *structures* with a roof pitch of at least 3:12 (3 vertical feet to 12 horizontal feet).
- (q) Companion unit entrances shall not be located on the *building street wall* or within the front fifty percent of the *structure*.
- (r) The companion unit shall be constructed with the same siding and roofing materials as the primary *dwelling unit*.
- (s) For detached companion units, the maximum *structure height* is:
  - (1) 15 feet without a chimney or flue, or
  - (2) 17 feet with a chimney or flue.

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

[Editors Note: This section only applies outside of the Coastal Zone. Ordinance No. O-19197 will not apply within the Coastal Zone until the California Coastal Commission effectively certifies this ordinance as a City of San Diego Local Coastal Program amendment within the Coastal Zone.]

### **141.0303 Employee Housing**

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 141.0303(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 141.0303(b).

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## (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

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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.)

**141.0304 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:

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- (1) Within an area specifically designated for these facilities by the applicable *land use plan*, or
  - (2) 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.)

#### **141.0305 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

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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.)

#### **141.0306 Guest Quarters**

Guest quarters are attached or detached accessory living quarters 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. A guest quarters is solely for the use of the occupants of the primary dwelling unit or their guests or employees. Guest quarters may be permitted with a Neighborhood Use Permit in the zones indicated with an "N" 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 is permitted.
- (b) No more than one guest quarters may be permitted on a *premises*.
- (c) Guest quarters may be attached to or detached from the primary dwelling unit on the *premises*.
- (d) The *gross floor area* of the guest quarters shall not exceed 20 percent of the maximum *gross floor area* for the *premises* that is permitted in the zone.
- (e) The *gross floor area* of the guest quarters shall be included in the *floor area ratio* calculation for the *premises*.
- (f) The guest quarters shall not contain a *kitchen* or facilities for the storage and preparation of food.
- (g) For guest quarters located above a garage or other accessory building, the maximum *structure height* for flat-roofed *structures* is 21 feet. For

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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.

- (h) For detached guest quarters, the maximum *structure height* is 15 feet without a chimney or flue, or 17 feet with a chimney or flue.
- (i) Decks and staircases of not more than 3 feet in height may encroach into required *yards*.
- (j) *Roof decks*, including railings, shall not exceed the height limits in Section 141.0306(g) and (h).
- (k) One 24-inch box tree shall be planted in the required front *yard* of the *premises* or in the abutting *parkway*. Existing trees may be used to satisfy this requirement.
- (l) Off-street parking and access for a *premises* containing a guest quarters shall be provided as follows:
  - (1) Parking for the entire *premises* shall be brought into compliance with Chapter 14, Article 2, Division 5 (Parking Regulations).
  - (2) Off-street parking shall be provided at a rate of 1 space for each bedroom in the guest quarters.
  - (3) Off-street parking required for guest quarters shall not be located in the area between the *street wall* and the front *property line*.
  - (4) Access to the off-street parking from an unimproved *alley* is not permitted.
- (m) Occupancy of a *premises* containing guest quarters shall be subject to the following:
  - (1) Guest quarters shall not be rented, leased, or sold as a separate dwelling unit.
  - (2) Before a Building Permit is issued for guest quarters, the property owner shall submit a signed agreement with the City that specifies that the guest quarters shall not



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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 shall be sold or conveyed separately. The City will provide the agreement to the County Recorder for recordation.

- (3) The guest quarters 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.)

### **141.0308 Home Occupations**

Home occupations are businesses conducted by residents on the *premises* of their homes. Home occupations 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. Home occupations that do not comply with Section 141.0308(j) through (l) may be permitted with a Neighborhood Use Permit subject to Section 141.0308(m).

- (a) Home occupations are permitted only as *accessory uses* to a residential use.
- (b) Any products produced for sale must be manufactured by hand or grown on the *premises*.
- (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*.

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- (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*. Nonresident partners, employees, or customers are not permitted on the *premises*.
- (k) All sales of products and the performance of all service or work that requires the presence of a partner, employee, or customer shall take place off the *premises*.
- (l) Only one vehicle for business-related purposes is permitted on the *premises* or on any adjacent residentially zoned area. This vehicle may not exceed a one-ton carrying capacity and may not be a tow-truck.
- (m) The following exceptions to the regulations in Section 141.0308(j), (k), and (l) may be permitted with a Neighborhood Use Permit:
  - (1) Home offices may have one employee or partner on the *premises* during the hours between 8:00 a.m. and 5:00 p.m., Monday through Friday;
  - (2) Home offices may have one customer on the *premises* at a time, by appointment only,

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between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday; and

- (3) Home occupations may have more than one vehicle for business-related purposes.

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

#### **141.0310 Housing for Senior Citizens**

Housing for senior citizens 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) Housing for senior citizens shall meet the requirements of one of the following:
- (1) "Housing for older persons" as defined in 42 United States Code, Section 3607(b) of the Fair Housing Act Amendments of 1988 and 24 Code of Federal Regulations, section 100.304; or
  - (2) "Senior citizen housing development" as defined in Section 51.3 of the California Civil Code.
- (b) Housing for senior citizens may be permitted an affordable housing *density* bonus and an additional development incentive as provided in Chapter 14, Article 3, Division 7 (Affordable Housing *Density* Bonus Regulations). All *density* bonus units in excess of 25 percent of the allowable *density* of the base zone shall be for occupancy by *very low-income* Senior Citizens or *very low-income* qualifying residents at a rent that does not exceed 30 percent of 50 percent of area median income, as adjusted for assumed household size. Proposed *developments* that provide daily meals in a common cooking and dining facility, and provide and maintain a common transportation service for residents, may be exempt from the affordability requirement of Chapter 14, Article 3, Division 7.
- (c) Housing for senior citizens may be permitted

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only in locations that meet the following requirements:

- (1) Facilities shall be located in a topographically flat area with minimal *grade* separation between the facility and public transportation or other public services;
- (2) Facilities shall be located near a wide range of commercial, retail, professional, and social services patronized by senior citizens;
- (3) Facilities shall be located within two to three blocks, or approximately 750 feet, of a major supermarket; and
- (4) Facilities shall be located within two blocks, or approximately 600 feet, of a bus or transit stop.

(d) Off-Street Parking Requirements

- (1) The base parking requirement is 1 parking space per dwelling unit.
- (2) For facilities that provide daily meals in a common cooking and dining facility and that provide and maintain a common transportation service for residents, 0.7 parking spaces per dwelling unit plus 1 parking space for each staff person, calculated based on staffing for the peak-hour shift, shall be provided.
- (3) 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 permit application.

(e) Facilities Requirements

- (1) All facilities shall provide laundry facilities that are adequately sized and located to serve the needs of residents.
- (2) Facilities of 14 dwelling units or more shall

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provide a recreation/social room. This room shall be at least 400 square feet in area unless it is located adjacent to a useable outdoor open space area. The room shall have toilet facilities available on the ground *floor*.

- (3) Facilities that have 2 or more *stories* and 20 or more dwelling units shall provide elevator service.
- (4) A plan indicating how the proposed facility could be converted to a nonsenior housing project and comply with the applicable parking requirements is required before approval of the permit.
- (5) Trash bins shall be conveniently located and shall be covered and *screened*.
- (6) All facilities that do not have an on-site manager shall provide a posted phone number of the project owner or off-site manager for emergencies or maintenance problems.

*(Added 12-9-1997 by O-18451 N.S.; amended 6-21-1999 by O-18654 N.S.; effective 1-1-2000; amended 6-19-2000 by O-18814 N.S.)*

[Editors Note: This section only applies outside of the Coastal Overlay Zone. For the corresponding regulations (Housing for Senior Citizens) within the Coastal Overlay Zone, refer to Land Development Code Section 141.0310, added by City Council on December 9, 1997 by O-18451.]

#### **141.0311 Live/Work Quarters**

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

- (a) The minimum floor area of a live/work quarters shall be 750 square feet.

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- (b) A maximum of 33 percent of the floor area of each live/work quarters may be used or arranged for residential purposes such as sleeping, *kitchen*, bathroom, and closet area.
- (c) Each live/work quarters shall be separated by walls from other live/work quarters or other uses in the building.
- (d) Access to the live/work quarters shall be provided only from common access areas, halls, or corridors and shall not be from other live/work quarters or other uses in the building.
- (e) Access to each live/work quarters shall be clearly identified in order to provide for emergency services.
- (f) For proper security, all exterior doors that provide access to the live/work quarters shall remain locked at all times.
- (g) The live/work quarters may be occupied and used only by an artist, artisan or a similarly situated individual, or a *family* in which at least one member is an artist, artisan, or similarly situated individual.
- (h) Persons other than residents of the live/work quarters are not permitted to work in the live/work quarters.
- (i) Live/work quarters shall not be used for mercantile, classroom instructional use, storage of flammable liquids or hazardous materials, welding or any open-flame work, or offices or establishments with employees.

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

### **141.0312 Residential Care Facilities**

Residential care facilities provide in-house treatment or rehabilitation programs for residents on a 24-hour basis. Residential care facilities include drug and alcohol rehabilitation and recovery facilities and residential and community care facilities as defined by the state or county. Housing

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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 the future urbanizing area.
- (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-*

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*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.)*

### **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 the future urbanizing area.
- (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.



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- (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.*)

#### **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.*)