

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA  
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SAN DIEGO, CA 92108-4421  
(619) 767-2370



October 16, 2003

**Wed 16a****TO: COMMISSIONERS AND INTERESTED PERSONS****FROM: DEBORAH LEE, SOUTH COAST DEPUTY DIRECTOR  
SHERILYN SARB, DISTRICT MANAGER, SAN DIEGO AREA OFFICE  
LAURINDA OWENS, COASTAL PROGRAM ANALYST, SAN DIEGO AREA  
OFFICE****SUBJECT: STAFF RECOMMENDATION ON CITY OF SAN DIEGO MAJOR LCP  
AMENDMENT No. 3-2003A (Companion Units)**

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**SYNOPSIS**

The proposed LCP amendment (component A) was submitted on September 19, 2003. The entire submittal includes two other components which include land use plan and implementation plan revisions to allow for residential development in the Mira Mesa community (B/Crescent Heights and C/Sunset Pointe). Those portions of the submittal have not yet been deemed complete.

**SUMMARY OF AMENDMENT REQUEST**

The City of San Diego has submitted an LCP amendment package which includes as one component revisions to permit process requirements for Companion Units consistent with recent changes to State law governing such units (AB 1866, Statutes 2002). The changes are made to the City's Land Development Code which is part of the certified Implementation Plan for the City of San Diego LCP. The certified Land Development Code currently does not allow companion units in the coastal zone. The proposed ordinance would allow companion units as a limited use in single family and multifamily zones if the property would only allow one single family unit based on size and density regulations. A coastal development permit would still be required; however, a local public hearing will not be required, even within the Commission appeal jurisdiction, pursuant to State Law. Existing requirements in the Land Development Code that generally apply to residential development will remain applicable including, but not limited to the underlying base zones and other applicable requirements which may contain discretionary thresholds, such as the environmentally sensitive lands regulations, historic resource regulations, and the coastal overlay zone.

**SUMMARY OF STAFF RECOMMENDATION**

Staff recommends approval of the LCP amendment, as submitted. The appropriate resolutions and motions begin on page 4. The findings for approval of the Implementation Plan Amendment as submitted begin on page 5.

**BACKGROUND**

The City's first IP was certified in 1988, and the City assumed permit authority shortly thereafter. The IP consisted of portions of the City's Municipal Code, along with a number of Planned District Ordinances (PDOs) and Council Policies. Late in 1999, the Commission effectively certified the City's Land Development Code and a few PDOs; this replaced the first IP in its entirety and went into effect in the coastal zone on January 1, 2000. While it is newly in operation, the City is reviewing this plan on a quarterly basis, and is expecting to make a number of adjustments to facilitate implementation; most of these will require Commission review and certification through the LCP amendment process. The City's IP includes Chapters 11 through 14 of the LDC.

**ADDITIONAL INFORMATION**

Further information on the City of San Diego LCP amendment No. 3-2003A may be obtained from Laurinda Owens, Coastal Planner, at (619) 767-2370.

## **OVERVIEW**

### **A. LCP HISTORY**

The City of San Diego has a long history of involvement with the community planning process; as a result, in 1977, the City requested that the Coastal Commission permit segmentation of its Land Use Plan (LUP) into twelve parts in order to have the LCP process conform, to the maximum extent feasible, with the City's various community plan boundaries. In the intervening years, the City has intermittently submitted all of its LUP segments, which are all presently certified, in whole or in part. The earliest LUP approval occurred in May 1979, with others occurring in 1988, in concert with the implementation plan. The final segment, Mission Bay Park, was certified in November 1996.

When the Commission approved segmentation of the LUP, it found that the implementation phase of the City's LCP would represent a single unifying element. This was achieved in January 1988, and the City of San Diego assumed permit authority on October 17, 1988 for the majority of its coastal zone. Several isolated areas of deferred certification remained at that time; some of these have been certified since through the LCP amendment process. Other areas of deferred certification remain today and are completing planning at a local level; they will be acted on by the Coastal Commission in the future.

Since effective certification of the City's LCP, there have been numerous major and minor amendments processed. These have included everything from land use revisions in several segments, to the rezoning of single properties, and to modifications of citywide ordinances. In November 1999, the Commission certified the City's Land Development Code, and associated documents, as the City's IP, replacing the original IP adopted in 1988.

### **B. STANDARD OF REVIEW**

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission shall take action by a majority vote of the Commissioners present.

### **C. PUBLIC PARTICIPATION**

The City has held Planning Commission and City Council meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

**PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS**

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to the resolution.

- I. **MOTION:** *I move that the Commission reject the Implementation Program Amendment Number #3-2003A for the City of San Diego as submitted.*

**STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:**

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program Amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO CERTIFY IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:**

The Commission hereby certifies the Implementation Program Amendment for the City of San Diego certified Local Coastal Program as submitted and adopts the findings set forth below on grounds that the Implementation Program Amendment conforms with and is adequate to carry out the provisions of the certified land use plan, and certification of the Implementation Program Amendment will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program.

**PART III. FINDINGS FOR APPROVAL OF THE CITY OF SAN DIEGO IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED**

**A. AMENDMENT DESCRIPTION**

In the subject amendment request (City of San Diego LCPA No. 3-2003A), the City of San Diego is proposing to modify the portions of the current regulations addressing companion units to allow such units in single family and multifamily zones as a limited use (Process One). Currently, companion units are not permitted in the coastal overlay zone and require a Conditional Use Permit (Process Three) outside the coastal zone. However, the proposed revisions would allow companion units in the coastal zone subject to issuance of a coastal development permit, in addition to a building permit in

accordance with Process One. This process involves staff level approval with no public hearing required.

Existing requirements in the Land Development Code that generally apply to residential development will also apply to companion unit development. This includes the requirements associated with the underlying base zones and other discretionary review required by other applicable regulations such as the environmentally sensitive lands regulations, the historic resource regulations, and the coastal overlay zone. Decisions on appealable development would still be appealable to the Coastal Commission; however, no local public hearing would be required prior to appeal. This is consistent with the recent changes to State law which are designed to require only ministerial local review with the intent of encouraging companion units as affordable housing opportunities.

Other changes to the Land Development Code include changes to the sections addressing uses permitted in Planned Districts, when a Conditional Use Permit is required, exemptions from Coastal Development Permit requirements, and the use regulation tables for residential zones. The changes would modify the current code to indicate that companion units are a permitted use in Planned Districts, are permitted as a limited use in residential zones and that such units are not exempt from coastal development permit requirements.

## **B. FINDINGS FOR APPROVAL**

The standard of review for LCP implementation plan submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP.

a) Purpose and Intent of the Ordinance. The subject LCP amendment includes modifications to Section 141.302 Companion Units of the Land Development Code which is within the Chapter addressing separately regulated uses. The purpose of the separately regulated use regulations is to provide regulations for specific uses that may be desirable and appropriate in a particular zone if limitations or conditions are placed on the development of those uses to minimize detrimental effects to neighboring properties or incompatibility with the permitted uses of the base zone.

b) Major Provisions of the Ordinance. The certified Land Development Code contains several provisions addressing a variety of different kinds of separately regulated uses such as, agricultural equipment repair shops, commercial stables, border and lodger accommodations. Companion units are a separately regulated use addressed in this LCP amendment request. The currently certified version of Section 141.0302 defines companion units and requires a conditional use permit for such units in zones where they are permitted. However, this section, as currently certified, indicates companion units are not permitted in the coastal overlay zone. The City is proposing changes to this section to conform with the requirements of Section 65852.2 of the State Government Code which will define companion units and establish regulations and process requirements for permitting such units in single family and multifamily zones in the coastal overlay zone.

In order to maintain the character of single family residential zones, the proposed regulations addressing companion units are being revised to include limits such as where such units may be located, the size of lots on which such units may be permitted, the size of the permitted units and required parking. A companion unit by definition 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. The current regulations are very restrictive and presently require that the City's rental housing vacancy rate must be below 5 percent in order for the City to accept applications for companion units; prohibits companion units in the coastal zone; requires that the occupants of the companion unit must be related to the owner, be a senior citizen, or be disabled; limits companion units to no more than 5 percent of the total number of single dwelling units in a community plan area; and lastly, requires that there be a determination that public facilities and services are adequate to service the companion unit. However, because these requirements are overly restrictive they ultimately discourage affordable housing opportunities. Therefore, the above-described restrictions will be eliminated.

However, as described earlier, to assure that such units are consistent with the character of the single family and multi-family zones where they will be permitted, other measures will be required. These include, for example, that the property owner must enter into an agreement with the City to assure that if the owner does not reside in either the primary dwelling unit or the companion unit, that only one of the units may be rented. This requirement also stipulates that neither the primary dwelling unit nor the companion unit can be sold separately and that the property owner must live in the primary dwelling unit or the companion unit. This will discourage property owners from building such units for the sole purpose of rental income. In addition companion units are only allowed in single family residential zones where the lot is at least two times the minimum lot area required by the zone in which it is located. In multi-family zones, a companion unit will be allowed on lots that would only allow one dwelling unit provided that there is an existing single dwelling unit. If the site is modified to allow additional dwelling units, the companion unit will be considered an additional dwelling and the companion unit regulations will no longer be applicable to the unit. Companion units will only be allowed if there is already a primary dwelling unit on the site. Property owners will not be permitted to build both a primary dwelling unit and a companion unit simultaneously, for example, on a vacant lot. In addition, the number of companion units will be limited such that only one companion unit will be permitted on any property. Further requirements include that the companion unit can either be constructed attached or detached to the primary dwelling unit.

The proposed regulations also address parking and access for such units. In particular, one parking space is required for each bedroom in the companion unit with a minimum requirement of one parking space per such unit. In addition, if access from an unimproved alley exists, access for the parking for the companion unit must be taken from the alley unless the site has a garage that can accommodate all of the off-street parking. The only exception to this is in the Beach Impact Area where access is required to be taken from the rear alley to prohibit curb cuts on public streets which could adversely affect street parking for beach visitors in the nearshore areas. Other

requirements address garage conversion for such units, and where the off-street parking may be permitted on the site, etc.

In addition, the size of the companion units will also be regulated. Specifically, the gross floor area of the companion unit must be included in the floor area ratio for the project site. The companion units will also be required to be limited in size to no more than 700 sq.ft. of gross floor area. Lastly, several other miscellaneous requirements pertain to where the units may be located on a site (not in the front 50% of the lot), landscaping requirements and building height (no higher than 30 ft.).

c. Adequacy of the Ordinance to Carry Out the Certified Land Use Plan

The existing separately regulated use regulations address companion units but such units were not permitted uses in the coastal zone. As submitted, the regulations for companion units have been revised to allow such units in the coastal zone within residential zones as long as they are otherwise consistent with the existing underlying base zone requirements and applicable regulations. Those existing requirements and regulations have been certified by the Commission as adequate to carry out all of the City's certified land use plans. In addition, the specific regulations on size, location, parking requirements and design of companion units contained in the new proposed ordinance language do not result in any conflicts with existing residential or environmentally sensitive lands regulations designed to address the resource protection requirements of the land use plans and Coastal Act. The proposed amendment will not reduce the level of review required for development in the coastal zone and will conform to requirements addressing adequacy of off-site parking, building density, and protection of public views to the ocean, etc. The City is proposing changes to those portions of the Land Development Code that currently either prohibit or make companion units subject to a conditional use permit to achieve internal consistency within the Code. Therefore, the Commission finds that the proposed amendments to the Land Development Code are fully consistent with, and adequate to carry out, the certified City of San Diego LCP land use plans.

**PART IV. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. Instead, the CEQA responsibilities are assigned to the Coastal Commission and the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform with CEQA provisions. In this particular case, all of the proposed amendments are being approved as submitted. Thus, there are no feasible alternatives or feasible mitigation

measures available which would substantially lessen any significant adverse impact on the environment. Therefore, the Commission finds the subject LCP implementation plan, as amended, conforms with CEQA provisions.

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ORDINANCE NUMBER O- 19137 (NEW SERIES)

ADOPTED ON JUL 14 2003

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


**RECEIVED**  
SEP 19 2003  
CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

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

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

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

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

EXHIBIT NO. 1
APPLICATION NO.
<b>City of San Diego LCPA</b>
<b>#3-2003</b>
Resolutions of Approval
 California Coastal Commission

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

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

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

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

(a) [No change.]

(b) Limited Uses

(1) [No change.]

(2) The following uses are permitted in the Planned Districts subject to the regulations for limited uses in the Land Development Code section specified for each use and the location restrictions specified for each use.

(A) Companion units in *single dwelling unit* and *multiple dwelling unit* residential zones, subject to Land Development Code Section 141.0302.

(B) Garage and yard sales in residential zones, subject to Land Development Code Section 141.0305.

(C) Home occupations in residential zones, subject to Land Development Code Section 141.0308.

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

(E) Recycling facilities as follows:

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

(c) [No change.]

(d) Conditional Use Permits/Process Three

[No change in first paragraph.]

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

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

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

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

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

subject to Land Development Code Section 141.0306.

- (13) Historical buildings occupied by uses not otherwise allowed, subject to Land Development Code Section 141.0411.
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- (14) Housing for senior citizens in any residential or commercial zone, subject to Land Development Code Section 141.0310.

- (15) Impound storage yards except in zones that permit residential development, subject to Land Development Code Section 141.0901.

- (16) Instructional studios, except in the agricultural zoned areas of the Coastal Overlay Zone that contain the 100-year floodplain, subject to Land Development Code Section 141.0612.

- (17) Newspaper publishing plants, except in the agricultural zoned areas of the Coastal Overlay Zone, subject to Land Development Code Section 141.1006.

- (18) Outdoor storage and display of new, unregistered motor vehicles as a primary use, except in the agricultural zoned areas of the Coastal Overlay Zone that contain the 100-year floodplain, subject to Land Development Code Section

141.0803.

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

subject to Land Development Code Section 141.0504.

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

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

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

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

[No change in first paragraph.]

- (a) Conditional Use Permits Decided by Process Three

“Agricultural equipment repair shops” through “Communication

antennas” [No change.]

“Educational facilities” through “Veterinary clinics and hospitals”

[No change.]

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

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

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

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

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

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

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

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

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

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

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

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

**Table 131-04B  
Use Regulations Table for Residential Zones**

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

**Residential**

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

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

**§141.0302 Companion Units**

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

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

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



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

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

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

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

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

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

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

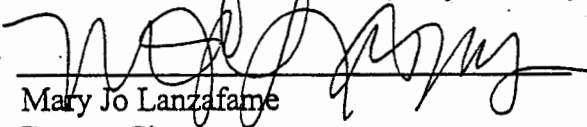
Section 7. That the City Manager is directed to forward to the Coastal Commission the amendments required to be certified as Local Coastal Program amendments.

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

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

APPROVED: CASEY GWINN, City Attorney

By

  
Mary Jo Lanzafame  
Deputy City Attorney

MJL:cdk

06/03/03

06/23/03 COR. COPY

~~06/26/03-REV.~~

07/01/03 REV. 2

Or.Dept: Plan.

O-2003-163

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Strike-Out~~

NEW LANGUAGE: Redline

(O-2003-163)(REV.)

(REV. 2)

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

ADOPTED ON \_\_\_\_\_

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

§103.0105 Uses Permitted in the Planned Districts


(a) [No change.]

(2) Limited Uses

(1) [No change.]

(2) The following uses are permitted in the Planned Districts subject to the regulations for limited uses in the Land Development Code section specified for each use and the location restrictions specified for each use.

(1) Companion units in *single dwelling unit* and *multiple*

EXHIBIT NO. 2
APPLICATION NO.
<b>City of San Diego LCPA</b>
<b>#3-2003</b>
Strikeout/Underline Ordinance
 California Coastal Commission

*dwelling unit* residential zones, subject to Land

Development Code Section 141.0302.

(~~AB~~) Garage and yard sales in residential zones, subject to Land

Development Code Section 141.0305.

(~~BC~~) Home occupations in residential zones, subject to Land

Development Code Section 141.0308.

(~~CD~~) Large family day care homes in zones where residential use

is permitted, except in agricultural zoned areas of the

Coastal Overlay Zone that contain the 100-year floodplain,

subject to Land Development Code Section 141.0606.

(~~DE~~) Recycling facilities as follows:

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

(3) [No change.]

(4) Conditional Use Permits/Process Three

[No change in first paragraph.]

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

~~(9) Companion units in single dwelling unit residential zones,~~

~~except in the Coastal Overlay Zone, subject to Land~~

~~Development Code Section 141.0302.~~

~~(109) Educational facilities—schools for kindergarten to grade 12 and~~

~~colleges/universities, except in the agricultural zoned areas of~~

~~the~~

Coastal Overlay Zone that contain the 100-year floodplain,  
subject to Land Development Code Section 141.0407.

(110) Energy generation and distribution stations and  
communications

switching stations, subject to Land Development Code Section  
141.0408.

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

(132) Guest quarters in a ~~single dwelling unit~~ *single dwelling unit*  
residential zone, subject to Land Development Code Section  
141.0306.

(143) Historical buildings occupied by uses not otherwise allowed,  
subject to Land Development Code Section 141.0411.

(154) Housing for senior citizens in any residential or commercial

zone,

subject to Land Development Code Section 141.0310.

(165) Impound storage yards except in zones that permit residential  
development, subject to Land Development Code Section  
141.0901.

(176) Instructional studios, except in the agricultural zoned areas of  
the

Coastal Overlay Zone that contain the 100-year floodplain,

subject to Land Development Code Section 141.0612.

(187) Newspaper publishing plants, except in the agricultural zoned areas of the Coastal Overlay Zone, subject to Land Development Code Section 141.1006.

(198) Outdoor storage and display of new, unregistered motor vehicles as a primary use, except in the agricultural zoned areas of the Coastal Overlay Zone that contain the 100-year floodplain, subject to

Land

Development Code Section 141.0803.

(2019) Parking facilities as a primary use, except in the agricultural

zoned

areas of the Coastal Overlay Zone, subject to Land Development Code Section 141.0616.

(210) Private clubs, lodges, and fraternal organizations, except in the agricultural zoned areas of the Coastal Overlay Zone that contain the 100-year floodplain, subject to Land Development Code Section 141.0617.

(221) Radio and television broadcasting, microwave relay or similar systems facilities, subject to Land Development Code Section 141.0416.

(232) Recycling facilities as follows:



(A) and (B) [No change.]

that  
of the

(243) Residential care facilities for 12 or fewer persons in any zone  
permits residential use, except in the agricultural zoned areas

Coastal Overlay Zone that contain the 100-year floodplain,  
subject to Land Development Code Section 141.0312.

(254) Revolving projecting signs subject to Land Development Code  
Section 141.1101.

the

(265) Swap meets and other large outdoor retail facilities, except in  
agricultural zoned areas of the Coastal Overlay Zone, subject  
to Land Development Code Section 141.0504.

(276) Theater marquees subject to Land Development Code Section  
141.1103.

(287) Transitional housing facilities for 12 or fewer persons in any  
zone that permits residential use, except in the agricultural  
zoned areas of the Coastal Overlay Zone that contain the 100-  
year floodplain, subject to Land Development Code Section  
141.0313.

(298) Veterinary clinics and hospitals in any agricultural,  
commercial, or

industrial zone, except in the agricultural zoned areas of the Coastal Overlay Zone that contain the 100-year floodplain, subject to Land Development Code Section 141.0624.

(3029) Watchkeeper's quarters, subject to Land Development Code Section 141.0314.

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

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

[No change in first paragraph.]

(a) **Conditional Use Permits Decided by Process Three**

**Agricultural equipment repair shops through Communication  
antennas**

[No change.]

~~Companion units~~

**Educational facilities through Veterinary clinics and hospitals [No  
change.]**

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

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

The following *coastal development* is exempt from the requirement to obtain  
a

**Coastal Development Permit.**

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

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

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

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

§131.0422 Use Regulations Table for Residential Zones

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

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

Table 131-04B  
Use Regulations Table for Residential Zones

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

Residential

Companion Units	<u>C</u> <u>L</u>	<u>C</u> <u>L</u>	<u>C</u> <u>L</u>	<u>L</u>
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No change in remainder of Table 131-04B.

§141.0302 Companion Units

~~A companion unit is a single dwelling unit that is an accessory use for a single dwelling unit on a residential lot that provides complete living facilities independent of the primary dwelling unit. Companion units 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 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.

- (a) ~~Companion units are not permitted if the citywide annual average rental vacancy rate is determined to exceed 5 percent. This determination will be made annually by City Council following a recommendation by the Planning Commission on or before April 1 of each year regarding the City's vacancy rate in rented *multiple dwelling units* and rented *single dwelling units* for the previous calendar year. The recommendation shall be based on data from sources available to the City Manager that are up-to-date and regularly published by reputable sources.~~

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 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) ~~Companion units are permitted only if it is determined that the public facilities and services in the Community Plan area in which the proposed companion unit is located are adequate and able to accommodate additional intensity of development. 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) ~~Companion units are permitted only if the total number of companion units in the community plan area in which the proposed companion unit is located does not exceed 5% of the detached primary dwelling units within that community plan area. 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) ~~Companion units are not permitted in agricultural zones in the future urbanizing area or in the Coastal Overlay Zone. A primary dwelling unit must exist on the premises. Concurrent construction of a primary dwelling unit and a companion unit is not allowed.~~
- (e) ~~A primary dwelling unit must exist on the premises. Concurrent construction of the primary dwelling unit and the companion unit is permitted. No more than one companion unit is permitted on a premises.~~
- (f) ~~No more than one companion unit may be permitted on a premises. A companion unit may be attached to or detached from the primary dwelling unit on the premises.~~
- (g) ~~A companion unit may be attached to or detached from the primary dwelling unit on the premises. 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.

- (hi) ~~The gross floor area of a companion unit shall not exceed 700 square feet. Parking for the entire premises shall be brought into compliance with Chapter 14, Article 2, Division 5 (Parking Regulations) and with this section.~~
- (ij) ~~The gross floor area of the companion unit shall be included in the floor area ratio calculation for the premises. 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.~~
- (jk) ~~A companion unit may contain a kitchen. Off-street parking required by this section shall not be located in the area between the street wall and the front property line.~~
- (kl) ~~For companion units 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. Access to the off-street parking from an unimproved alley is not permitted.~~
- (lm) ~~For detached companion units, the maximum structure height is 15 feet without a chimney or flue, or 17 feet with a chimney or flue. The gross floor area of the companion unit shall be~~

included in the floor area ratio calculation for the premises.

(mn) ~~Decks and staircases of not more than 3 feet in height may encroach into~~ required yards. ~~The gross floor area of the~~

companion unit shall not exceed 700 square feet.

(no) ~~Roof decks, including railings, shall not exceed the structure height limits in Section 141.0302(k) and (l).~~ One 24-inch box tree shall be planted in the required front yard of the premises or in the abutting parkway. Existing trees that are at least 15 feet high and 15 feet in width may be used to satisfy this requirement.

(op) ~~Modifications to the premises shall not create a second front entrance or other street side modifications which would indicate the presence of a second unit or otherwise alter the single dwelling unit appearance of the premises.~~ 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).

(pq) ~~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.~~ Companion unit entrances shall not be



located on the *building street wall* or within the front fifty percent of the *structure*.

(qr) ~~Off-street parking and access for a *premises* containing a companion unit shall be provided as follows.~~

~~(1) — One standard off-street parking space is required for each *bedroom* in the companion unit, with a minimum requirement of one parking space, except as provided in Section 141.0302(q)(2).~~

~~(2) — No off-street parking space is required if the *premises* is within the Transit Area Overlay Zone.~~

(1) Parking for the entire *premises* shall be brought into compliance with Chapter 14, Article 2, Division 5 (Parking Regulations).

(2) Off-street parking required by this section shall not be located in the area between the *street wall* and the front *property line*.

(3) If an existing garage is converted to a companion unit, another garage shall be provided on the *premises* to replace the converted parking spaces.

(4) If abutting *alley* access exists, vehicular access to parking spaces for the companion unit shall be from the *alley* unless the *premises* has a garage that accommodates at least three vehicles.

(5) Access to the off-street parking from an unimproved *alley* is not

permitted.

(r) **Occupancy of a *premises* containing a companion unit is subject to the following:**

- (6) Companion units may be rented or leased separately from the primary dwelling unit on the *premises* but may not be sold separately.
- (7) Either the companion unit or the primary dwelling unit must be occupied by the property owner at all times.
- (8) The companion unit may be occupied by a maximum of two persons at least one of whom shall be related to the owner, or a senior citizen, or a person with a disability.
- (9) Before a Building Permit is issued for a companion unit, the property owner shall submit a signed agreement with the City that specifies that the property owner shall at all times occupy either the primary dwelling unit or the companion unit. The agreement shall include a stipulation that neither the primary unit nor companion unit shall be sold or conveyed separately. The City will provide the agreement to the County Recorder for recordation.

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:

- (10) 15 feet without a chimney or flue, or

(11) 17 feet with a chimney or flue.

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