

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 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 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.

- (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.
- (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.
- (d) Companion units are not permitted in agricultural zones in the future urbanizing area or in the Coastal Overlay Zone.
- (e) A primary dwelling unit must exist on the *premises*. Concurrent construction of the primary dwelling unit and the companion unit is permitted.
- (f) No more than one companion unit may be permitted on a *premises*.
- (g) A companion unit may be attached to or detached from the primary dwelling unit on the *premises*.
- (h) The *gross floor area* of a companion unit shall not exceed 700 square feet.
- (i) The *gross floor area* of the companion unit shall be included in the *floor area ratio* calculation for the *premises*.
- (j) A companion unit may contain a *kitchen*.
- (k) 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.
- (l) For detached companion units, the maximum *structure height* is 15 feet without a chimney or flue, or 17 feet with a chimney or flue.

- (m) Decks and staircases of not more than 3 feet in height may encroach into required yards.
- (n) Roof decks, including railings, shall not exceed the structure height limits in Section 141.0302(k) and (l).
- (o) 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.
- (p) 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.
- (q) 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.
 - (3) Parking for the entire premises shall be brought into compliance with Chapter 14, Article 2, Division 5 (Parking Regulations).
 - (4) Off-street parking required by this section shall not be located in the area between the street wall and the front property line.
 - (5) If an existing garage is converted to a companion unit, another garage shall be provided on the premises to replace the converted parking spaces.
 - (6) 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.
 - (7) 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:
- (1) Companion units may be rented or leased separately from the primary dwelling unit on the *premises* but may not be sold separately.
 - (2) Either the companion unit or the primary dwelling unit must be occupied by the property owner at all times.
 - (3) 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.
 - (4) 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.

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

§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).

- (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.