

Guest House and Accessory Living Unit Zoning Regulations

The purpose of this article is to provide regulations for the establishment of accessory living units in residential zones. The intent of the article is to provide affordable housing in areas where adequate public facilities and services are available, and impacts upon the residential neighborhoods directly affected would be minimized. It is the goal of the Council that accessory living units be equitably distributed throughout the city. The City Council will review this ordinance as necessary to determine that this goal is being carried out. If it is found that the development of accessory living units is being unduly concentrated, the Council will review the ordinance and revise it as needed.

Accessory Living Units. (SBMC 17.20.040.D) Accessory living units shall be permitted in the (ER-1), (ER-2), (LR), (LMR), (MR), (MHR), and (HR) zones subject to the following standards. In addition, accessory units in the (MHR) and (HR) zones are subject to a conditional use permit issued by the director of community development:

1. A detached primary dwelling unit shall exist on the lot or premises.
2. The lot on which an accessory living unit is proposed shall have a minimum area of 6,000 square feet, not including any commonly owned area. Accessory living units proposed on lots with a minimum living area of less than 6,000 square feet are subject to a conditional use permit issued by the director of community development.
3. The accessory living unit shall be attached to or contained within the primary dwelling in such a manner as to avoid the appearance of the add-on unit. For the purposes of this regulation, "attachment" shall include second story additions to (a) the principal structure, (b) an attached garage, or (c) a detached garage. The accessory living unit shall be architecturally integrated with the structure to which it is attached. The entrance to an accessory living unit shall not be visible from the street adjacent to the front yard setback.
4. The maximum allowed area of the accessory living unit shall be 640 square feet. The minimum allowed area of the accessory unit shall be 350 square feet.
5. The total floor area of all structures shall not exceed the maximum floor area (FAR) for the site.
6. The owner of the property must continually occupy either the main dwelling unit or the accessory living unit. For purposes of this section, "owner" includes a lessee if the leasehold includes both the main dwelling and accessory living unit.
7. Occupancy of an accessory unit shall be limited to a maximum of two persons, at least one of whom shall be a member of the primary occupant's family, or to a lower income household, as defined annually by the State Department of Housing and Community Development.
 - a) Owners of the property shall record a covenant specifying the property restrictions on the accessory living unit.
 - b) Owners of accessory units shall file an annual agreement with the City's Community Development Department documenting the household's eligibility to occupy the accessory unit.
 - c) In the event that the primary dwelling unit is sold, the new owners may either choose to allow family members to reside in the unit, or file a new agreement with the City if the unit is rented to a lower income household.

(Ord. No. 260, 6-06-00)

8. The maximum monthly rental rate for an accessory living unit rented to a lower income household shall not exceed an amount, which is equal to thirty (30) percent of the gross monthly income of a low income household, at eighty (80) percent of the San Diego County median income, adjusted for household size.
9. One off-street parking space shall be provided for the accessory living unit and all off-street parking deficiencies shall be corrected.
10. Any construction of an accessory living unit shall conform to all property development regulations of the zone in which the property is located as well as all fire, health, safety and building provisions of this title.
11. The City may offer incentives to encourage to development of accessory dwelling units. If owners of accessory units elect to file a 30-year deed restriction to rent the unit to lower income households at the rate defined in Section 8, the City will consider waiving fees, reducing parking and development standards, and implementing a faster permit approval process through a conditional use permit issued by the director of community development.

(Ord. No. 260, 6-06-00)

Guest Houses. (SBMC 17.20.040.C) One guest home per lot shall be permitted in the (ER-1), (ER-2), and (LR) zones subject to the following standards:

1. The guest house shall be a detached accessory use to a principal residence located on a lot or building site which has an area of not less than 10,000 square feet.
2. The maximum allowed area of the guest house shall be 600 square feet or 25 percent of the area of the principal residence (exclusive of garages), whichever is larger.
3. The floor area of the guest house and principal residence combined shall not exceed the maximum FAR (floor area ratio) for the site.
4. One additional off-street parking space shall be required.
5. The rental or lease of a guest house, or the use of a guest house as a permanent residence for a second family on the premises shall be prohibited.
6. Kitchens and cooking facilities shall be prohibited.
7. Installation of a separate gas and/or electrical meter for the guest house shall be prohibited.
8. All property development regulations applicable to the principal residence shall also be applicable to the guest house, including setbacks, yards, and height limitations.

(SBMC 4-97)