



LA MESA PLANNING COMMISSION AGENDA

A Special Meeting

Date: Monday, July 8, 2024, 6:00 p.m.
Location: City Council Chambers, 8130 Allison Avenue
La Mesa, California
Commissioners: Chair Jerry Jones
Vice Chair Jonathan Frankel
Commissioner Andrew Torpey
Commissioner Lauren Cooper
Commissioner David Harris

The public may view the meeting in-person or live using the following remote options:

Teleconference Meeting Webinar

<https://us06web.zoom.us/j/84881824076>

Telephone (Audio only)

(669) 900-6833 or (253) 215-8782 Webinar ID: 848 8182 4076

Copy and paste the webinar link into your internet browser if the webinar link does not work directly from the agenda.

PUBLIC COMMENTS

- **In-Person comments during the meeting:** Join us for the Commission meeting at the time and location specified on this agenda to make your comments. Comments will be limited to three (3) minutes.
- **How to submit eComments:** eComments are available once an agenda is published. Locate the meeting in "upcoming meetings" and click the comment bubble icon. Click on the item you wish to comment on. eComments can be submitted when the agenda is published and until **2 hours prior** to the meeting. eComments are limited to 3700 characters (approximately 500 words). eComments may be viewed by the Commission

and members of the public following the close of the eComment submission period (2 hours prior to the meeting). Email your comment to planning@cityoflamesa.us if you have difficulty submitting an eComment. eComments will not be read aloud as a regular meeting item; however any member of the Commission or member of the public may do so during their respective comment time.

PLEASE NOTE: Public Comment will be limited to 3 minutes per item. The timer begins when the participant begins speaking. Time cannot be combined or yielded to another speaker.

Citizens who wish to make an audio/visual presentation pertaining to an item on the agenda, or during Public Comments, should contact the Community Development Department at 619.667.1176, no later than 12:00 p.m., the business day prior to the meeting day. Advance notification will ensure compatibility with City equipment and allow Commission meeting presentations to progress smoothly and in a consistent and equitable manner. Please note that all presentations/digital materials are considered part of the maximum time limit provided to speakers.

Agenda reports for items on this agenda are available for public review at the Community Development Department, 8130 Allison Avenue, during normal business hours.

Materials related to an item on this agenda submitted to the Commission after distribution of the agenda packet are available for public inspection at the Community Development Department, 8130 Allison Avenue, during normal business hours.

ACCESSIBILITY: The City of La Mesa encourages the participation of disabled individuals in the services, activities and programs provided by the City. Individuals with disabilities, who require reasonable accommodation in order to participate in the Commission meetings, should contact the Administrative Services Department 48 hours prior to the meeting at 619.667.1175, fax 619.667.1163, or GSpaniol@cityoflamesa.us.

Hearing assisted devices are available for the hearing impaired. A City staff member is available to provide these devices upon entry to City Council meetings, commission meetings or public hearings held in the City Council Chambers. A photo i.d. or signature will be required to secure a device for the meeting.

Pages

1. **CALL TO ORDER**

1.1 PLEDGE OF ALLEGIANCE

1.2 ROLL CALL

1.3 INVOCATION

Presented by Commissioner Torpey

2. **ADDITIONS AND/OR DELETIONS TO THE AGENDA**

3. **PUBLIC COMMENT - (TOTAL TIME - 15 MINUTES)**

Note: In accordance with state law, an item not scheduled on the agenda may be brought forward by the general public for discussion; however, the Commission will not be able to take any action at this meeting. If appropriate, the item will be referred to staff or placed on a future agenda.

4. **CONFLICT DISCLOSURES**

5. **CONSENT CALENDAR**

The Consent Calendar includes items considered to be routine. Unless discussion is requested by members of the Commission or audience, all Consent Calendar items may be approved by one motion.

5.1 **APPROVAL OF THE MINUTES OF THE PLANNING COMMISSION
SPECIAL MEETING HELD JUNE 18, 2024**

4

6. **STAFF REPORTS**

7. **PROCEDURAL RULES FOR CONDUCT OF HEARINGS**

8. **HEARINGS**

8.1 **CONSIDERATION OF AN ORDINANCE AMENDMENT TO ADOPT
MUNICIPAL CODE SECTION 24.05.020(A)(6)**

7

Consideration of a recommendation that City Council adopt an amendment to Title 24 of the La Mesa Municipal Code, adopting Section 24.05.020(A)(6) to allow for by right approval for projects with 20% affordable units on "Reuse" sites pursuant to California Government Code Section 65583.2, and in compliance with the 6th Cycle Housing Element, Implementation Program 8.

Recommended Motion:

1. Staff recommends adopting the attached resolution (**Attachment A**), recommending that City Council amend Title 24 of the La Mesa Municipal Code (LMMC) to adopt LMMC Section 24.05.020(A)(6) pursuant to Government Code 65583.2(c) and in compliance with Housing Element Implementation Program 8.

9. **STAFF AND COMMISSIONER ANNOUNCEMENTS**

10. **ADJOURNMENT**



La Mesa Planning Commission

Meeting Minutes

Date: June 18, 2024, 6:00 p.m.
Location: City Council Chambers, 8130 Allison Avenue
La Mesa, California

Present: Chair Jones
Vice Chair Frankel
Commissioner Torpey
Commissioner Cooper
Commissioner Harris

Staff: Director of Community Development Santos
Assistant City Attorney Lacy
Associate Planner Kinnard
Associate Planner Traffenstedt
Julia Carrillo

1. **CALL TO ORDER**

1.1 PLEDGE OF ALLEGIANCE

1.2 INVOCATION

2. **ADDITIONS AND/OR DELETIONS TO THE AGENDA**

No additions or deletions to the agenda.

3. **PUBLIC COMMENT - (TOTAL TIME - 15 MINUTES)**

Note: In accordance with state law, an item not scheduled on the agenda may be brought forward by the general public for discussion; however, the Commission will not be able to take any action at this meeting. If appropriate, the item will be referred to staff or placed on a future agenda.

Bill Lewis spoke regarding noise ordinance

4. **PRESENTATION**

4.1 2023 CLIMATE ACTION PLAN ANNUAL REPORT

Presenter: Hilary Ego, Environmental Sustainability Manager

5. CONFLICT DISCLOSURES

6. CONSENT CALENDAR

(Items __ through __)

The Consent Calendar includes items considered to be routine. Unless discussion is requested by members of the Commission or audience, all Consent Calendar items may be approved by one motion.

6.1 APPROVAL OF THE PLANNING COMMISSION REGULAR MEETING HELD TUESDAY, MAY 1, 2024

Moved by Commissioner Cooper

Seconded by Commissioner Harris

Yes (4): Chair Jones, Vice Chair Frankel, Commissioner Cooper, and
Commissioner Harris

Abstain (1): Commissioner Torpey

Motion Approved (4 to 0)

7. STAFF REPORTS

7.1 PROJECT 2024-0197 (CCRT PROPERTIES)

CONSIDERATION OF SITE DEVELOPMENT PLAN FOR A PROPOSED TWO-STORY FINANCIAL INSTITUTION BUILDING AT 8301 FLETCHER PARKWAY, APN 490-200-49-00 IN THE C-G-D (GENERAL COMMERCIAL/GROSSMONT OVERLAY/URBAN DESIGN OVERLAY) ZONE AND CONSIDERATION TO AMEND AN EXISTING COMPREHENSIVE SIGN PROGRAM FOR GROSSMONT TROLLEY CENTER AT 8301-8599 FLETCHER PARKWAY, APN 490-200-44-00, 490-200-45-00, 490-200-46-00, 490-200-49-00, AND 490-200-50-00 IN THE C-G-D (GENERAL COMMERCIAL/GROSSMONT OVERLAY/URBAN DESIGN OVERLAY) ZONE.

**Resolution No. 1. ADOPT A RESOLUTION (ATTACHMENT A)
APPROVING THE SITE DEVELOPMENT PLAN, SUBJECT TO
CONDITIONS.**

Moved by Commissioner Torpey
Seconded by Commissioner Cooper

Approve with a revision or clarification of engineering conditions: “property frontage along La Mesa Blvd.”

Yes (5): Chair Jones, Vice Chair Frankel, Commissioner Torpey, Commissioner Cooper, and Commissioner Harris

Motion Approved (5 to 0)

**Resolution No. 2. ADOPT A RESOLUTION (ATTACHMENT B)
APPROVING PROJECT NO. 2024-0197 TO AMEND THE GROSSMONT
TROLLEY CENTER COMPREHENSIVE SIGN PROGRAM.**

Moved by Commissioner Torpey
Seconded by Commissioner Harris

Approve to amend Grossmont Trolley Center comprehensive sign program with the amendment to strike hard limit of 12 in section 1.1 to add language that would empower staff to ensure it is consistent with the adopted sign program to maintain substantial conformance.

8. PROCEDURAL RULES FOR CONDUCT OF HEARINGS

9. HEARINGS

No Hearings

10. STAFF AND COMMISSIONER ANNOUNCEMENTS

11. ADJOURNMENT

Chair Jones adjourns meeting at 7:05pm.

REPORT to the LA MESA PLANNING COMMISSION

DATE: July 8, 2024

SUBJECT: CONSIDERATION OF AN ORDINANCE AMENDMENT TO ADOPT MUNICIPAL CODE SECTION 24.05.020(A)(6)

DESCRIPTION: Consideration of a recommendation that City Council adopt an amendment to Title 24 of the La Mesa Municipal Code, adopting Section 24.05.020(A)(6) to allow for by right approval for projects with 20% affordable units on "Reuse" sites pursuant to California Government Code Section 65583.2, and in compliance with the 6th Cycle Housing Element, Implementation Program 8.

ISSUING DEPARTMENT: Community Development

SUMMARY:

Issue(s):

1. Pursuant to Government Code 65583.2(c) and in compliance with the City of La Mesa 6th Cycle Housing Element (Housing Element Implementation Program 8), the Zoning Ordinance is required to be amended to allow for a by-right approval process for projects that provide 20% Affordable Units on "Reuse" Sites.

Recommendation:

1. Staff recommends adopting the attached resolution (**Attachment A**), recommending that City Council amend Title 24 of the La Mesa Municipal Code (LMMC) to adopt LMMC Section 24.05.020(A)(6) pursuant to Government Code 65583.2(c) and in compliance with Housing Element Implementation Program 8.

Environmental Review:

The project is exempt from environmental review pursuant to CEQA Code Section 15282. OTHER STATUTORY EXEMPTIONS (r) Determinations made regarding a city or county's regional housing needs as set forth in Section 65584 of the Government Code

BACKGROUND:

On July 6, 2023, the Department of Housing and Community Development (HCD) certified the City of La Mesa's 6th Cycle Housing Element. Housing Element law requires that cities identify enough potentially developable land zoned for residential use to meet their Regional Housing Needs Allocation (RHNA).

The City's adopted 6th Cycle Housing Element (Housing Element) outlined a series of goals and policies implemented through a series of housing implementation programs. Pursuant to Government Code section 65583.2 (c), Implementation Program 8 provides that the City will amend the Zoning Ordinance to allow for by-right approval of housing developments that include 20 percent of the units as affordable to lower income households. This program would apply to those sites identified as "reuse" sites in the 6th Cycle Housing Element. Reuse sites are those sites identified in the 4th and 5th Housing Cycles and relisted in the 6th Housing Cycle (Attachment D). Although there is a total of 152 sites identified listed in Attachment D, a number of sites have no development capacity without lot consolidation.

DISCUSSION:

A by-right approval process for projects on "Reuse" sites that provide 20% affordable units would provide an opportunity for the City to further meet its Regional Housing Needs Allocation (RHNA) goals. RHNA is a process where local governments are given a minimum number of new homes to plan for. RHNA sites are identified by considering zoning regulations, environmental considerations, and community input. The City of La Mesa's share of regional future housing needs is a total of 3,797 new units for the 2021-2029 Housing Element. This allocation is distributed into various income categories, as shown in Table 1.

Table 1: Housing Needs for 2021-2029 Housing Element

Income Category (% of County AMI)	Number of Units	Percent
Extremely Low (30% or Less)	429	11.3%
Very Low (31 to 50%)	430	11.3%
Low (51 to 80%)	487	12.8%
Moderate (81% to 120%)	577	15.2%
Above Moderate (Over 120%)	1,874	49.4%
Total	3,797	100.0%

Source: Final Regional Housing Needs Allocation, SANDAG, August 2020.

By-Right approval would involve no hearings to obtain project approval, and a building permit could be issued if the project meets all objective zoning and design standards in effect at the time the application is submitted. Further, An amendment to Title 24, Section 24.05.020, Permitted Structures and Uses (Attachment C) , to adopt Municipal Code Section 24.05.020(A)(6) would allow the City of La Mesa to be in compliance with state housing law pursuant to Government Code 65583.2(c) and the City's Housing Element.

CONCLUSION:

Staff request the Planning Commission recommend the approval of the proposed Zoning Code amendments to the City of La Mesa City Council to adopt Municipal Code Section 24.05.020(A)(6). As discussed, the approval of the proposed zoning ordinance amendment would ensure that the La Mesa Municipal Code is aligned with state housing law pursuant to Government Code Section 65583.2 (c), and would implement Housing Element Implementation Program 8. Further, the proposed zoning ordinance amendment will support the City of La Mesa's Livability Goal in the Strategic Plan by ensuring an adequate supply of housing that is affordable and accessible to current and future generations.

Respectfully submitted by:



Myra Pina
Senior Management Analyst

Reviewed by:

Lynnette Santos

Lynnette Santos
Director of Community Development

Attachments:

- A. Resolution 2024-XX
- B. Redlined Version of Proposed Amendment to Add 24.05.020(A)(6)
- C. La Mesa Municipal Code Section 24.05.020 – Permitted Structures and Uses
- D. Appendix B – Sites Inventory

RESOLUTION NO. PC-2024-XX

A RESOLUTION OF THE PLANNING COMMISSION OF LA MESA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL OF LA MESA AMEND TITLE 24 OF THE LA MESA MUNICIPAL CODE ADOPTING SECTION 24.05.020(A)(6) TO ALLOW FOR BY- RIGHT APPROVAL FOR PROJECTS WITH 20% AFFORDABLE UNITS ON "REUSE" SITES PURSUANT TO GOVERNMENT CODE SECTION 65583.2, AND IN COMPLIANCE WITH THE 6TH CYCLE HOUSING ELEMENT, IMPLEMENTATION PROGRAM 8.

WHEREAS, the adoption of La Mesa Municipal Code (LMMC) Section 24.05.020(A)(6) would ensure compliance with California Housing Law pursuant to Government Code Section 65583.2;

WHEREAS, the adoption of LMMC Section 24.05.020(A)(6) would also ensure compliance with the City of La Mesa 6th Cycle 2021-2029 Housing Element, certified on July 6, 2023, by the California Department of Housing and Community Development (Housing Element);

WHEREAS, the Housing Element outlines a series of goals and policies implemented through housing implementation programs referred to as the Housing Element Implementation Program (Implementation Program);

WHEREAS, pursuant to Government Code section 65583.2 (c), Implementation Program 8 provides that the City of La Mesa will amend the Zoning Ordinance to allow for by-right approval of projects with 20% Affordable Units on "Reuse" sites;

WHEREAS, "Reuse" sites are those sites identified in the 4th and 5th Housing Cycles and relisted in the 6th cycle Housing Element, as listed in Appendix D of the Housing Element;

WHEREAS, the adoption of LMMC 24.05.020(A)(6) is exempt from environmental review pursuant to the California Environmental Quality Act Guidelines, Section 15282, Other Statutory Exemptions, Subsection (r) Determinations made regarding a city or county's regional housing needs as set forth in Section 65584 of the Government Code;

WHEREAS, at a Special Meeting held on July 8, 2024, the Planning Commission of the City of La Mesa held a duly noticed public hearing to consider recommending that City Council amend Title 24 of the Municipal Code to adopt LMMC 24.05.02(A)(6) to allow for by-right approval for projects with 20% affordable units on "Reuse" Sites pursuant of Government Code 65583.2(c) and in compliance with Housing Element Implementation Program 8;

WHEREAS, based on the totality of the record and evidence described and referenced in this Resolution, the Planning Commission finds that the proposed text amendment is consistent with the purpose of the General Plan and Municipal Code;

THE PLANNING COMMISSION FINDS AND DETERMINES AS FOLLOWS:

1. The proposed amendments ensure and maintain internal consistency with all of the objectives, policies, general plan land uses, programs, and actions of all elements of the General Plan.

2. The proposed amendments would not be detrimental to the City's public convenience, health, safety, or general welfare of the City. The proposed zoning ordinance amendment is consistent and in compliance with the City's Housing Element.

3. The project is exempt from environmental review pursuant to CEQA Code Section 15282. OTHER STATUTORY EXEMPTIONS (r) Determinations made regarding a city or county's regional housing needs as set forth in Section 65584 of the Government Code.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of La Mesa, California, as follows:

1. The foregoing recitals and determinations are true and correct and an integral part of the Planning Commission's decision and are hereby made a part hereof.

2. The Planning Commission recommends that the City Council amend Title 24 to adopt Municipal Code Section 24.05.020(A)(6), as shown in attached Exhibit A, to allow for by-right approval for project with 20% affordable units on "Reuse" sites.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of La Mesa, California, held the 8thth day of July 2024, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

I, Lynnette Santos, Secretary of the City of La Mesa Planning Commission, do hereby certify the foregoing to be a true and exact copy of Resolution PC-2024-XX, duly passed and adopted by the Planning Commission of the City of La Mesa.

Lynnette Santos, Secretary
La Mesa Planning Commission

EXHIBIT A
PROPOSED AMENDMENTS TO TITLE 24 (ZONING) OF THE LA MESA MUNICIPAL CODE
FOR BY-RIGHT APPROVAL OF PROJECTS WITH 20% AFFORDABLE ON "REUSE" SITES

24.05.020 Permitted structures and uses.

The following structures and uses are permitted on each building and site in the residential zones as stated below, subject to the provisions of this chapter and Chapter 24.04, Vehicle Parking.

A. Permitted Principal Uses and Structures.

1. In Zones R1E, R1R, R1S and R1:
 - a. Agriculture other than the raising of animals or fowl.
 - b. One, one-family dwelling unit per lot.
 - c. Mobilehomes and homes manufactured offsite, installed on a permanent foundation in accordance with Section 65852.3 of the California Government Code.
 - d. Residential care facility, licensed by the state of California, serving six or fewer persons.
 - e. Two-unit residential development in accordance with Section 24.05.032.
2. In zone R1A:
 - a. One, one-family dwelling unit per lot; except that, on a lot of at least nine thousand square feet in area, one additional detached one-family dwelling is permitted; or
 - b. Residential care facility, licensed by the state of California, serving six or fewer persons.
 - c. Two-unit residential development in accordance with Section 24.05.032.
3. In zone R2:
 - a. One-family dwelling or two-family dwellings.
 - b. Residential care facility, licensed by the state of California, serving six or fewer persons.
4. In zone R3 and RB:
 - a. One-family dwellings.
 - b. Apartments.
 - c. Residential care facility, licensed by the state of California, serving six or fewer persons.
5. In zone RB:
 - a. Professional and corporate offices (operations not involving the fabrication, sale or storage of merchandise, the delivery of merchandise, or the parking or dispatching of vehicles for a service. This category shall not include banks, savings and loans or loan and thrifts, and shall not include consumer services.)
 - b. Retail sales from shops with a GFA of not more than three thousand square feet.
 - c. Barber and beauty shops for humans.
 - d. Medical, dental laboratories (providing services directly to clinical medical and dental practice.)
6. Housing Element "Reuse Sites"
 - a. Reuse Sites as identified in the City's Housing Element Appendix B (as certified by the California Department of Housing and Community Development on July 6, 2023) that

provide 20% of new housing units as affordable to lower income households, shall be processed as by-right development and shall not require discretionary approval.

- B. Permitted Uses With Approved Site Development Plan. The following uses may be permitted by the planning commission upon its determination that the development goals and objectives of the city have been achieved.
1. In any R zone: planned residential developments.
 2. In any R zone: mobilehome parks, as described in Section 65852.7, Cal. Admin. Code. The density limit of any such park shall be that of the park site's zoning. All development standards of the site's zoning shall also apply, in addition to the requirements of the Cal. Admin. Code, Part II, Title 25.
 3. The following if located on a building site which has direct vehicular access to major or collector street:
 - a. In any R zone:
 1. A church or similar place of public worship on a building site of two acres or more;
 2. Any use or structure proposed by a local agency of the state of California including public schools.
 - b. In zones R2 or R3: Day nurseries; residential care facilities licensed by the state of California serving more than six persons.
 - c. In zone R2: apartments, upon determination by the commission that such buildings are compatible with development in the vicinity said apartments shall not exceed a land area to dwelling unit ratio of one unit for each three thousand square feet of net land area.
 4. The outdoor display of produce and flowers in the RB zone in conformance with the design guidelines adopted by city council resolution.
- C. Conditionally Permitted Uses and Structures. The following uses and structures are permitted with the granting of a conditional use permit.
1. Accessory parking to an adjacent business use may be permitted if the proposed site either adjoins the site on which the business is located or is located on the opposite side of the street. Such parking shall be subject to all the development standards required for a commercially zoned lot adjoining a residential zone. (See 24.04)
 2. The following when located on a site having frontage on a major or collector street:
 - a. Church or similar place of public worship on a building site of less than two acres.
 - b. Private educational institution, day nurseries.
 - c. In other than the R2 or R3 zones, residential care facilities licensed by the state of California serving more than six persons.
 - d. Public utility substation or equipment building required for service to the surrounding residential area.
 3. In the RB zone, those uses principally permitted in the CN zone; banks, savings and loans, loan and thrifts; clubs; and service organizations, when the planning commission makes the following findings:
 - a. The subject property is adjacent to commercial zoned property; and
 - b. Any adverse effect on adjacent residential property is mitigated through project design.

4. In any R zone when located within a single detached single-family dwelling, a commercial residential use with seven or greater adult residents upon issuance of a business license, when the following provisions are met:
 - a. A minimum of two hundred square feet of living area shall be provided per adult resident.
 - b. One parking space shall be provided per adult resident. A maximum of two spaces may be provided in tandem to other required parking spaces (such as in a driveway to a garage), when no more than one vehicle is parked behind one other vehicle and no more than fifty percent of the front setback area is paved.
 - c. A minimum of two bathrooms, each including either a bathtub or shower, shall be provided.
5. In any R zone, the following uses when located within a locally designated historical landmark:
 - a. Professional offices (including medical).
 - b. Retail sales when such sales are found to be compatible with the historical status of the building. Accessory manufacture of crafts for sale on site may be permitted when no special equipment or materials incompatible with the residential neighborhood are needed.
 - c. Bed and breakfast inns.
 - d. Restaurant.
 - e. Apartments or condominiums.

The parking requirements for such uses may be modified through the conditional use permit review in accordance with Section 24.04.020I.

6. Wireless communications facilities, either freestanding or attached to a building or structure, shall be subject to the requirements of the urban design program and approval by the design review board and city council in accordance with Resolution No. 15540, as well as approval of a conditional use permit. Conditional use permits for wireless communications facilities shall expire ten years from the date of approval, unless amended or extended by the planning commission.

Facilities (consisting of a single antenna) under three feet in width and height and located no higher than five feet above the building roofline are exempt from this review when serving residential uses on the subject property.

- D. Permitted Accessory Uses and Structures. Accessory uses and structures are those which are subordinate, clearly incidental and customarily appropriate to the operation of the principal use and are permitted in all residential zones. Those permitted accessory uses and structures shall be limited to:
 1. Accessory structures including: garages, carports for vehicles, and swimming pools; those structures used in landscaping and beautification of the building site including storage sheds, arbors, trellises, fences and flagpoles; and
 - a. Temporary fabric shade structures assembled with non-permanent fasteners and without a foundation that comply with the following standards:
 - (1) Only one permitted on a lot developed with a single-family residence.
 - (2) The structure shall be no larger than four hundred square feet in size.
 - (3) The structure shall not block or cover a required vehicle access easement, driveway, garage, carport, or required off-street parking.

- (4) The structure must comply with the height limit for detached accessory structures.
 - (5) The structure must comply with all applicable building and fire safety requirements, and development standards as approved by the city. The property owner shall certify that they are abiding by the requirements and development standards.
 - (6) The structure shall be maintained on the property for a maximum period of ninety consecutive days in a twelve-month period.
 - (7) The structure may not encroach in any required setback. Exception: The structure may be located within a setback and anywhere else on the lot for special events not to exceed a total of forty-eight hours within any seven day time period. No other setback exceptions shall apply.
 - (8) The structure may not be located in a front yard area as defined by Section 24.01.100. EXCEPTION: The development standards set forth above shall apply except as modified by approval of a special permit by the planning commission for the following: 1) exceeding the maximum ninety-day time period; 2) encroaching in setbacks or front yard areas; or 3) exceeding the size and height limitations.
- b. Conventional (open-grid or open-wire) television/radio receiving antennas, and satellite dish antennas which comply with the following standards:
- (1) Maximum dish diameter shall not exceed twelve feet.
 - (2) Maximum overall height of fifteen feet from base to top of the antenna and all ancillary equipment in an operative position.
 - (3) Dish antennas must be ground mounted.
 - (4) Dish antennas must not be located between a building and an exterior property line abutting a public right-of-way (i.e., not located in front yards). This shall not preclude locating dish antennas in side yards of corner lots, rear yards of through lots, or other locations generally not visible from an adjacent street.
 - (5) Dish antennas shall not be located within a required setback area from primary structures within the underlying zone district.
 - (6) The area within which the antenna is located must be enclosed by a solid fence or wall of five to six feet in height (an existing perimeter backyard fence can be used to meet this requirement).
 - (7) A maximum of one satellite dish antenna per residential lot.
 - (8) Landscaping shall be installed in close proximity to the satellite dish antenna to screen the nonreceiving side of an antenna which will be clearly visible from an adjacent property. Landscaping materials installed to meet this requirement shall be of a size, type, quality, and located to reasonably screen the antenna within a three-year time period from the date of installation.
 - (9) All dish antennas over three feet in diameter shall obtain a building permit as required by the building division.
 - (10) Satellite dish antennas three feet in diameter or less shall be exempt from the screening requirements and may be located on a roof provided they are not greater than five feet above the height of the roof on which they are mounted.

- (11) All proposed dish antennas which do not comply with the above standards shall require a conditional use permit as provided in Section 24.05.020(D)(8)(d).
2. In zones R2, R3 and RB zones, for the sole use and pleasure of the family occupying the premises, animals may be kept as follows, subject in addition to all applicable limitations and regulations of Title 8:
- a. Two adult dogs per multi-family dwelling unit and up to five adult dogs for a single-family dwelling unit.
 - b. Two adult cats per dwelling unit. The number of adult cats may be increased, to a maximum of ten, if those cats exceeding the first two are spayed or neutered.
 - c. Two adult potbellied pigs per dwelling unit.
 - d. Ordinary household pets (no limits except for those listed above).
 - d. Ordinary household pets (no limits except for those listed above).
 - e. There shall be no boarding or keeping of animals for others.
 - f. In the R2 and R3 zones only, on lots developed with one single-family residence, a minimum of two chickens, excluding roosters, per two thousand square feet of lot area, up to a maximum of twenty. Enclosures shall be covered and comply with all setback requirements and located no less than twenty-five feet from any neighboring dwelling unit. Feed shall be stored in a secured sealed container. For purposes of this section, "enclosure" shall mean any covered structure in which chickens are kept. The area of a lot shall be computed pursuant to Section 24.01.100 of this code.
3. In zones R1E, R1R, R1S, R1, and R1A, for the sole use and pleasure of the family occupying the premises, animals may be kept as follows, subject in addition to all applicable limitations and regulations of Title 8:
- a. Two adult dogs per multi-family dwelling unit and up to five adult dogs for a single-family dwelling unit.
 - b. Two adult cats per dwelling unit. The number of adult cats may be increased, to a maximum of ten, if those cats exceeding the first two are spayed or neutered.
 - c. Two adult potbellied pigs per dwelling unit.
 - d. Ordinary household pets (no limits except for those listed above).
 - e. A minimum of two chickens, excluding roosters, per two thousand square feet of lot area, up to a maximum of twenty. Enclosures shall be covered and comply with all setback requirements and located no less than twenty-five feet from any neighboring dwelling unit. Feed shall be stored in a secured sealed container. For purposes of this section, "enclosure" shall mean any covered structure in which chickens are kept. The area of a lot shall be computed pursuant to Section 24.01.100 of this code.
 - f. In the R1R and R1E zones only, the following additional animals may be kept:
 - (1) Bees may be kept in conformance with the regulations of San Diego County Department of Agriculture.
 - (2) On lots over one-half acre in size, one horse, goat, or sheep.
 - g. There shall be no boarding or keeping of animals for others.
4. In Zones R1E, R1R, R1S, R1, and R1A, for the sole use and pleasure of the persons occupying the premises, racing or homing pigeons may be kept as follows, subject in addition to all applicable

limitations and regulations of Title 8 (excepting therefrom location requirements with respect to specific distances from adjoining residences):

- a. The number of birds may not exceed one hundred.
 - b. The birds shall be kept confined in aviaries except when exercising for short periods.
 - c. The aviaries shall observe the setbacks required for principal buildings within the zone, but in no case be located within thirty feet of any residence on an adjoining lot.
 - d. The owner shall be affiliated with a certified racing pigeon club or organization.
 - e. The cages and food supplies shall be kept clean and clear of pests.
5. Uses customarily enjoyed by a family such as gardening, horticulture, and hobbies. Hobbies shall not be construed to mean the manufacture of goods or services provided in connection with a home occupation or any use set forth in paragraph 7 below.
 6. Fences, walls and retaining walls, as per the development standards of this chapter.
 7. Home occupations operated by residents of the property, conducted wholly within the dwelling unit.
 8. Accessory Dwelling Units, Attached and Detached.
 - a. Development and Use Standards.
 - i. One attached or one detached accessory dwelling unit may be permitted in conjunction with an existing or proposed dwelling on lots zoned for single-family or multifamily residential use.
 - ii. The floor area of an attached or detached accessory dwelling unit shall not exceed one thousand two hundred square feet.
 - iii. An additional five percent of lot coverage above that established for the underlying zoning designation shall be allowed for accessory dwelling units only for lots of ten thousand square feet or less and where there is an existing single-family residence.
 - iv. An accessory dwelling unit may be permitted on the same lot as a junior accessory dwelling unit.
 - v. Except as provided herein, attached and detached accessory dwelling units shall comply with the development standards of the underlying zone and/or overlay zone, and all other ordinances, regulations, and policies, applicable to the development of residential dwelling units.
 - vi. No lot coverage limitation, front setback, minimum open space requirement, or minimum lot size requirement shall preclude the development of an accessory dwelling unit that is at least eight hundred square feet in area with side and rear setbacks of not less than four feet, provided that all other development standards are met.
 - vii. Except as provided herein, attached and detached accessory dwelling units shall comply with all local building and fire code requirements, as appropriate.
 - viii. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.

- ix. Projects solely proposing the development of an accessory dwelling unit shall be exempt from public right-of-way dedication and improvement requirements.
- b. Setbacks for Accessory Dwelling Units.
 - i. Except as provided herein, attached and detached accessory dwelling units shall comply with the setbacks required for the primary dwelling as established by the underlying zoning designation or overlay zone, as applicable.
 - ii. Notwithstanding the setbacks established by the underlying zoning designation or overlay zone, attached or detached accessory dwelling units shall have a setback of not less than four feet from side and rear property lines, or from the interior edge of adjacent access easements, whichever is more restrictive, except where the underlying zoning allows a lesser setback.
 - iii. Any accessory dwelling unit that is created by new construction, including additions to existing structures, that does not comply with the setbacks established by the underlying zoning designation or overlay zone shall be maintained as an accessory dwelling unit and shall not be converted to or used for any other purpose without express authorization of the city.
 - iv. Building appendages for accessory dwelling units shall comply with Municipal Code Section 24.05.030G.
- c. Historical Sites and Districts.
 - i. An accessory dwelling unit may be allowed on designated historical sites and within historical districts provided that the location and design of the accessory dwelling unit meets corresponding historical preservation requirements in place at the time the accessory second dwelling unit is built and complies with the requirement of this section.
 - ii. Detached accessory dwelling units shall be located behind the primary residence and/or historic structure.
 - iii. The construction of the accessory dwelling unit shall not result in the removal of any other historically significant accessory structure, such as garages, outbuildings, stables or other similar structures.
 - iv. The accessory dwelling unit shall be designed in substantially the same architectural style and finished materials composition as the primary residence or historic structure.
 - v. Construction of an accessory dwelling unit shall not result in demolition, alteration or movement of the primary residence/historic house and any other on-site features that convey the historic significance of the house and site.
 - vi. If the historic house/site is under a Mills Act contract with the city, the contract shall be amended, as needed, to authorize the introduction of the accessory dwelling unit on the site.
- d. Overlay Zones.
 - i. The requirements of Municipal Code Chapter 24.09, Scenic Preservation Overlay Zone, shall apply to the development of accessory dwelling units, except that planning commission review shall not be required for a project that solely proposes an accessory dwelling unit.

- ii. Projects proposing solely the development of an accessory dwelling unit shall not be subject to the requirements of Municipal Code Chapter 24.11, Urban Design Overlay Zone, or the requirements of the Urban Design Program.
 - iii. The requirements of Municipal Code Chapter 24.13, Hillside Overlay Zone, shall apply to the development of accessory dwelling units, except that planning commission review shall not be required for a project that solely proposes an accessory dwelling unit.
 - iv. Within the Bowling Green Overlay Zone, any tree that was required to be planted pursuant to Municipal Code Section 24.17.030D that is disturbed by a project to construct an accessory dwelling unit shall be preserved in place, or replaced in kind on the subject property if disturbed by the project.
- e. Notwithstanding subsections a. through d. above, a building permit shall be ministerially approved for accessory dwelling units in a residential or mixed-use zone when it falls into one of the four categories listed below as provided by California Government Code section 65852.2(e):
- i. One accessory dwelling unit on a lot with an existing or proposed single-family dwelling created from converting existing or proposed space within a single-family dwelling, or existing accessory structure, provided that the accessory dwelling unit has exterior access from the existing or proposed single-family dwelling and setbacks are sufficient for fire safety as determined by the fire marshal or the building official. Accessory dwelling units converted from an existing accessory structure may include an expansion of not more than one hundred fifty square feet beyond the same physical dimensions as the existing accessory structure solely for the purpose of accommodating ingress and egress.
 - ii. One detached, new construction, accessory dwelling unit on a lot with an existing or proposed single-family dwelling, provided that the accessory dwelling unit is at least eight hundred square feet in area, has side and rear setbacks of not less than four feet, and complies with the maximum height limitations of the underlying zoning district.
 - iii. One or more accessory dwelling units on a lot with an existing multifamily dwelling converted from non-livable space (including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages), provided that each unit complies with state building standards. The greater of one accessory dwelling unit or accessory dwelling units totaling not more than twenty-five percent of the existing dwelling units in a multifamily dwelling structure may be permitted on lots with existing multifamily dwelling structures in any residential or mixed-use zone.
 - iv. Up to two detached accessory dwelling units located on a lot with an existing or proposed multifamily dwelling, provided that each unit has side and rear setbacks of not less than four feet and complies with the height limitations of the underlying zoning district. The two accessory dwelling units allowed by this subsection may be created from converting space within an existing accessory structure that is detached from the primary residential structure(s), provided that setbacks are sufficient for fire safety as determined by the fire marshal or the building official. If the existing multifamily dwelling has a rear or side setback of less than four feet, modifications to the existing multifamily dwelling shall not be required.
- f. Parking.

- i. New or additional parking spaces shall not be required for the creation of accessory dwelling units.
 - ii. Where provided, parking spaces for accessory dwelling units shall comply with Chapter 24.04 (Parking) of the Municipal Code, including, but not limited to, the design requirements of the parking standards adopted by city council resolution no. 17128, or as those standards may be amended or modified by city council action.
 - iii. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, any required parking spaces removed shall not be required to be replaced.
- g. Utilities.
- i. Accessory dwelling units shall not be considered new residential uses for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, except that an accessory dwelling unit proposed to be constructed with a new single-family residence may be considered a new residential use for the purposes of calculations connection fees or capacity charges.
 - ii. For an accessory dwelling unit that is contained wholly within the space of an existing or proposed single-family residence or an existing accessory structure, plus any expansion of the accessory structure as allowed by Section 24.05.020D8e(i), has independent exterior access from the existing residence and the side and rear setbacks are sufficient for fire safety, no new or separate utility connection directly between the accessory dwelling unit and the utility shall be required and no related connection fee or capacity charge shall be imposed, unless the accessory dwelling unit is proposed to be constructed with a new single-family residence.
 - iii. For an accessory dwelling unit that does not meet the criteria of Municipal Code Section 24.05.020D8c(ii) and where the physical characteristics of the lot on which the accessory dwelling unit is proposed preclude connection to the existing utility connection of the primary dwelling, a new or separate connection directly to the utility shall be required and related connection fees and capacity charges shall be imposed.
 - iv. For attached or detached accessory dwelling units constructed on the same lot as an existing multifamily dwelling structure as described in Section 24.05.020D8e(iii) and (iv), a new or separate utility connection may be required between the accessory dwelling unit and the utility. The connection may be subject to a connection fee and/or capacity charge.
 - v. Connection fees and capacity charges shall be imposed for accessory dwelling unit projects that voluntarily propose a new or separate connection directly between the accessory dwelling unit and the utility.
 - vi. When connection fees and/or capacity charges are imposed, the fee and/or charge shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its area or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code, upon the water or sewer system. The fee and/or charge shall not exceed the reasonable cost of providing this service.

- vii. Prior to approval of an accessory dwelling unit on properties with a private sewage system, approval by the County of San Diego Department of Environmental Health, or any successor agency, shall be required.
- h. Permit and Review Requirements.
 - i. Not more than one attached accessory dwelling, one detached accessory dwelling unit, and one junior accessory dwelling unit shall be permitted on a lot with an existing or proposed single-family dwelling.
 - ii. Not more than two detached, new construction accessory dwelling units shall be permitted on a lot with an existing or proposed multifamily dwelling.
 - iii. Applications for accessory dwelling units conforming to the requirements of this section shall be considered ministerially without discretionary review or a hearing, and the city shall approve or deny such applications within sixty calendar days after receiving the application, if there is an existing single-family or multifamily dwelling on the lot. If a permit application for an accessory dwelling unit is submitted with an application for a new single-family or multifamily dwelling on the same lot, approval or denial of the accessory dwelling unit shall be delayed until the city approves or denies the permit application for the single-family or multifamily residence. If the applicant requests a delay, the sixty-day time period shall be extended for the period of the delay.
 - iv. The correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and that are not affected by the construction of the junior accessory dwelling unit shall not be required for approval of a building permit for an accessory dwelling unit.
 - v. No impact fees shall be imposed for an accessory dwelling unit that is less than seven hundred fifty square feet in area. Any impact fees charged for an accessory dwelling unit that is seven hundred fifty square feet in area or greater shall be assessed proportionately in relation to the square footage of the primary dwelling unit. "Impact fee" as used herein does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.
 - vi. Any demolition permit required for or associated with an application for construction of an accessory dwelling unit shall be reviewed with the application for the accessory dwelling unit and issued at the same time.
 - vii. A certificate of occupancy for an accessory dwelling unit shall not be issued before issuance of a certificate of occupancy for the primary dwelling.
 - viii. At the request of the owner of an accessory dwelling unit, enforcement of state building standards related to the accessory dwelling unit shall be delayed, subject to compliance with Section 17980.12 of the Health and Safety Code, provided that the accessory dwelling unit was built prior to January 1, 2020.
 - ix. Accessory dwelling units shall not be considered in the application of any ordinance, policy, or program to limit residential growth.
- i. Conveyance and Rental.
 - i. The rental of an accessory dwelling unit created under Section 24.05.020D8e shall be for terms longer than thirty days.

- ii. An accessory dwelling unit shall not be sold or otherwise conveyed separately from the primary residence, but may be rented.
- iii. An accessory dwelling unit may be sold or conveyed separately from the primary residence to a qualified buyer provided that all of the following apply:
 - (1) The ADU or primary dwelling was built or developed by a qualified nonprofit corporation.
 - (2) There is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code.
 - (3) The property is held pursuant to a recorded tenancy in common agreement that includes all of the following:
 - (a) The agreement allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling each qualified buyer occupies.
 - (b) A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the property if the buyer desires to sell or convey the property.
 - (c) A requirement that the qualified buyer occupy the property as the buyer's principal residence.
 - (d) Affordability restrictions on the sale and conveyance of the property that ensure the property will be preserved for low-income housing for forty-five years for owner-occupied housing units and will be sold or resold to a qualified buyer.
 - (4) If the tenancy in common agreement is recorded after December 31, 2021, it shall also include all of the following:
 - (a) Delineation of all areas of the property that are for the exclusive use of a cotenant. Each cotenant shall agree not to claim a right of occupancy to an area delineated for the exclusive use of another cotenant, provided that the latter cotenant's obligations to each of the other cotenants have been satisfied.
 - (b) Delineation of each cotenant's responsibility for the costs of taxes, insurance, utilities, general maintenance and repair, improvements, and any other costs, obligations, or liabilities associated with the property. This delineation shall only be binding on the parties to the agreement, and shall not supersede or obviate the liability, whether joint and several or otherwise, of the parties for any cost, obligation, or liability associated with the property where such liability is otherwise established by law or by agreement with a third party.
 - (c) Procedures for dispute resolution among the parties before resorting to legal action.
 - (5) A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded in the Office of the San Diego County Recorder. A Preliminary Change of Ownership Report shall

be filed concurrently with this grant deed pursuant to Section 480.3 of the Revenue and Taxation Code.

- (6) Notwithstanding Section 24.05.020D8c, if requested by a utility providing service to the primary residence, the accessory dwelling unit shall have a separate water, sewer, or electrical connection to that utility.

j. For the purposes of this section, the following definitions apply:

- i. "Accessory dwelling unit" shall be as defined in Municipal Code Section 24.01.100.
- ii. "Living area" shall mean the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.
- iii. "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.
- iv. "Objective standards" means standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.
- v. "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
- vi. "Public transit" shall mean a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
- vii. "Qualified buyer" means persons and families of low or moderate income, as that term is defined in Section 50093 of the Health and Safety Code.
- viii. "Qualified nonprofit corporation" means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.

9. Junior Accessory Dwelling Units:

- a. One junior accessory dwelling unit may be permitted in conjunction with an existing or proposed single-family residence on lots zoned for single-family or multifamily residential use.
- b. A junior accessory dwelling unit may be permitted on the same lot as one accessory dwelling unit.
- c. A junior accessory dwelling unit shall not be sold separately from the primary residence.
- d. A junior accessory dwelling unit may be rented, but only with a rental agreement with terms greater than thirty days.
- e. The owner of a lot with a junior accessory dwelling unit shall occupy as a principal residence either the primary dwelling or the junior accessory dwelling unit, except where the primary dwelling and junior accessory dwelling are held by an agency such as a land trust or housing organization in an effort to create affordable housing.
- f. Junior accessory dwelling unit development standards:

- (i) A junior accessory dwelling unit shall not exceed five hundred square feet in total floor area.
 - (ii) A junior accessory dwelling unit shall be contained entirely within an existing or proposed single-family residence. Attached, enclosed uses, including garages, are considered a part of the proposed or existing single-family residence. For purposes of this subsection, "attached" shall mean that the enclosed use shares a common wall with interior, habitable living space of the primary dwelling unit.
 - (iii) A junior accessory dwelling unit shall be provided with a separate exterior entry.
 - (iv) A junior accessory dwelling unit shall include an efficiency kitchen, with the following components:
 - (1) A cooking facility with appliances.
 - (2) A food preparation counter and storage cabinets that are reasonable to the size of the unit.
 - (v) No additional parking shall be required for a junior accessory dwelling unit other than that required when the existing primary residence was constructed.
 - (vi) A junior accessory dwelling unit may share bathroom/sanitation facilities with the primary residence or may provide separate facilities. If the junior accessory dwelling unit shares sanitation facilities with the primary residence, an interior entry to the primary residence's main living area shall be maintained to provide access to the sanitation facilities.
- g. Except as provided herein, a junior accessory dwelling unit shall comply with all local building and fire code requirements, as appropriate.
- h. The correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and that are not affected by the construction of the junior accessory dwelling unit shall not be required for approval of a building permit for a junior accessory dwelling unit.
- i. Junior accessory dwelling units shall not be required to provide fire sprinklers or fire attenuation specifications if they are not required for the primary residence. An inspection to confirm that the junior accessory dwelling unit complies with development standards may be assessed.
- j. No sewer or water connection fees shall be required for the development of a junior accessory dwelling unit. An inspection to confirm that the junior accessory dwelling unit complies with development standards may be assessed.
- k. Prior to issuance of a building permit for a junior accessory dwelling unit, a covenant shall be recorded between the owner and the city of La Mesa agreeing to the terms stipulated in this chapter. The covenant shall specifically mention that:
 - (i) The junior accessory dwelling unit shall not be sold separately from the primary dwelling unit.
 - (ii) The junior accessory dwelling unit may be rented, but only with a rental agreement with terms greater than thirty days.
 - (iii) The junior accessory unit is limited to the size and attributes set forth by this section.

- (iv) The owner of record of the property shall occupy the primary dwelling unit or the junior accessory dwelling unit, except where the primary dwelling and junior accessory dwelling are held by an agency such as a land trust or housing organization in an effort to create affordable housing.
 - (v) The covenant shall be binding upon any successors in interest or ownership of the property and lack of compliance with the provisions thereof may result in legal action against the property owner, including revocation of the right to maintain a junior accessory dwelling unit on the property.
 - l. Applications for junior accessory dwelling units conforming to the requirements of this section shall be considered ministerially without discretionary review or a hearing, and the city shall approve or deny such applications within sixty calendar days after receiving the application if there is an existing single-family dwelling on the lot. If a permit application for a junior accessory dwelling unit is submitted with an application for a new single-family dwelling on the same lot, the approval or denial of the junior accessory dwelling unit shall be delayed until the city approves or denies the permit application for the single-family residence. If the applicant requests a delay, the sixty-day time period shall be extended for the period of the delay.
 - m. Projects solely proposing a junior accessory dwelling unit shall be exempt from the requirements for public right-of-way dedication and improvement.
10. Accessory Uses and Structures by Conditional Use Permit:
- a. Tennis, handball or similar courts. (As part of the original construction of a PRD, condominium or apartment development, such court may be approved through the normal project review, providing the judgment is made that its location, lighting and use will not be disruptive to adjacent residential properties.)
 - b. Columbarium cabinets with a capacity to store more than two hundred urns, in conjunction with a church use. All such cabinets shall only be installed inside enclosed buildings.
 - c. The construction of large objects unrelated to the premises such as boats or airplanes on a one-time basis.
 - d. Non-conventional antennas, and satellite dish antennas over three feet in diameter which do not comply with the provisions of Section 24.05.020.D.1.
11. Commercial residential use within a detached single-family residence with six or fewer adult residents upon issuance of a business license, when the following provisions are met:
- a. A minimum of two hundred square feet of living area shall be provided per adult resident.
 - b. One parking space shall be provided per adult resident. A maximum of two spaces may be provided in tandem to other required parking spaces (such as in a driveway to a garage), when no more than one vehicle is parked behind one other vehicle and no more than fifty percent of the front setback area is paved.
 - c. A minimum of two bathrooms, each including either a bathtub or shower, shall be provided.
12. Unattended storage containers for recyclable materials occupying less than fifty square feet located on the premises of residential property and used solely for the recycling of material generated by the residential property, or unattended storage containers for recyclable materials on permitted institutional uses in residential districts for the donation of recyclable materials for noncommercial purposes. Such storage containers shall be located in the general vicinity of other trash collection facilities on the site.
13. Small family day care homes located in a single-family residence.

14. Large family day care homes located in a single-family residence when the following criteria are met:
 - a. A minimum of one off-street parking stall shall be provided for the unloading/loading of children.
 - b. All outdoor play areas shall be enclosed within a minimum four-foot high fence.
 - c. A plot plan shall be furnished to the planning department with the business license application clearly showing how items a. and b. are being met.
 - d. The fire department has conducted an inspection of the property prior to issuance of the business license to ensure that all Fire Codes applicable to such a facility are being met.
15. Columbarium cabinets or columbaria, with a capacity limited to store two hundred urns or less, in conjunction with a church use. All such cabinets shall only be installed inside enclosed buildings.
16. Exterior lighting shall be compatible with residential use. All lighting shall be designed, installed and maintained to project the light primarily on the owner's property. This may require the use of shields, and may limit the location, type and height of light fixtures. Any light falling on adjacent properties shall be minimal and incidental. Lighting shall be focused directly on the owner's property, and shall not be focused on adjacent properties.

(Ord. 2263; May 19, 1981: Ord. 2421 §§ 2, 3; March 11, 1986: Ord. 2446 § 1; January 27, 1987: Ord. 2484 § 2; November 10, 1987: Ord. 2528 § 1; June 13, 1989: Ord. 2557 §§ 3, 4; March 27, 1990: Ord. 2569 §§ 1, 2; January 22, 1991: Ord. 2583 §§ 3, 4; June 11, 1991: Ord. 2598 § 2; March 24, 1992: Ord. 2600 §§ 16-18; April 28, 1992: Ord. 2643 §§ 2, 3; May 24, 1994: Ord. 2646 § 1; June 28, 1994: Ord. 2658 §§ 1—3; May 9, 1995: Ord. 97-2684 §§ 2—7; October 14, 1997: Ord. 2001-2714 § 2; November 13, 2001: Ord. 2002-2720 § 1 (part); June 11, 2002: Ord. 2002-2723 § 2; September 24, 2002: Ord. 2003-2736 § 1; October 14, 2003: Ord. 2003-2741 § 1; November 12, 2003: Ord. 2003-2743 § 1; November 25, 2003: Ord. 2014-2832 §§ 2—4; April 8, 2014: Ord. 2016-2845 §§ 2, 3; February 9, 2016: Ord. 2019-2865, §§ 2C, D, March 12, 2019; Ord. 2019-2866, § 2C, March 12, 2019; Ord. 2020-2877, § 1, January 28, 2020; Ord. 2020-2879, § 2C, D, April 14, 2020; Ord. 2020-2880, § 2A, April 14, 2020; Ord. 2022-2894, § 6, February 8, 2022; Ord. No. 2023-2903, §§ 2B, C, March 14, 2023; Ord. No. 2023-2904, § 2, March 14, 2023)

**PROPOSED AMENDMENTS TO MUNICIPAL CODE SECTION 24.05.020(A)(6) BY- RIGHT
APPROVAL OF PROJECTS WITH 20% AFFORDABLE ON "REUSE" SITES PURSUANT TO
GOVERNMENT CODE SECTION 65583.2, AND ADOPTED AS PART OF THE 6TH CYCLE HOUSING
ELEMENT, IMPLEMENTATION – UNDERLINE VERSION**

24.05.020 Permitted structures and uses.

The following structures and uses are permitted on each building and site in the residential zones as stated below, subject to the provisions of this chapter and Chapter 24.04, Vehicle Parking.

A. Permitted Principal Uses and Structures.

1. In Zones R1E, R1R, R1S and R1:
 - a. Agriculture other than the raising of animals or fowl.
 - b. One, one-family dwelling unit per lot.
 - c. Mobilehomes and homes manufactured offsite, installed on a permanent foundation in accordance with Section 65852.3 of the California Government Code.
 - d. Residential care facility, licensed by the state of California, serving six or fewer persons.
 - e. Two-unit residential development in accordance with Section 24.05.032.
2. In zone R1A:
 - a. One, one-family dwelling unit per lot; except that, on a lot of at least nine thousand square feet in area, one additional detached one-family dwelling is permitted; or
 - b. Residential care facility, licensed by the state of California, serving six or fewer persons.
 - c. Two-unit residential development in accordance with Section 24.05.032.
3. In zone R2:
 - a. One-family dwelling or two-family dwellings.
 - b. Residential care facility, licensed by the state of California, serving six or fewer persons.
4. In zone R3 and RB:
 - a. One-family dwellings.
 - b. Apartments.
 - c. Residential care facility, licensed by the state of California, serving six or fewer persons.
5. In zone RB:
 - a. Professional and corporate offices (operations not involving the fabrication, sale or storage of merchandise, the delivery of merchandise, or the parking or dispatching of vehicles for a service. This category shall not include banks, savings and loans or loan and thrifts, and shall not include consumer services.)
 - b. Retail sales from shops with a GFA of not more than three thousand square feet.
 - c. Barber and beauty shops for humans.

-
- d. Medical, dental laboratories (providing services directly to clinical medical and dental practice.)
6. [Housing Element "Reuse Sites"](#)
- a. [Reuse Sites as identified in the City's Housing Element Appendix B \(as certified by the California Department of Housing and Community Development on July 6, 2023\) that provide 20% of new housing units as affordable to lower income households, shall be processed as by-right development and shall not require discretionary approval.](#)
- B. Permitted Uses With Approved Site Development Plan. The following uses may be permitted by the planning commission upon its determination that the development goals and objectives of the city have been achieved.
- 1. In any R zone: planned residential developments.
 - 2. In any R zone: mobilehome parks, as described in Section 65852.7, Cal. Admin. Code. The density limit of any such park shall be that of the park site's zoning. All development standards of the site's zoning shall also apply, in addition to the requirements of the Cal. Admin. Code, Part II, Title 25.
 - 3. The following if located on a building site which has direct vehicular access to major or collector street:
 - a. In any R zone:
 - 1. A church or similar place of public worship on a building site of two acres or more;
 - 2. Any use or structure proposed by a local agency of the state of California including public schools.
 - b. In zones R2 or R3: Day nurseries; residential care facilities licensed by the state of California serving more than six persons.
 - c. In zone R2: apartments, upon determination by the commission that such buildings are compatible with development in the vicinity said apartments shall not exceed a land area to dwelling unit ratio of one unit for each three thousand square feet of net land area.
 - 4. The outdoor display of produce and flowers in the RB zone in conformance with the design guidelines adopted by city council resolution.
- C. Conditionally Permitted Uses and Structures. The following uses and structures are permitted with the granting of a conditional use permit.
- 1. Accessory parking to an adjacent business use may be permitted if the proposed site either adjoins the site on which the business is located or is located on the opposite side of the street. Such parking shall be subject to all the development standards required for a commercially zoned lot adjoining a residential zone. (See 24.04)
 - 2. The following when located on a site having frontage on a major or collector street:
 - a. Church or similar place of public worship on a building site of less than two acres.
 - b. Private educational institution, day nurseries.

-
- c. In other than the R2 or R3 zones, residential care facilities licensed by the state of California serving more than six persons.
 - d. Public utility substation or equipment building required for service to the surrounding residential area.
 - 3. In the RB zone, those uses principally permitted in the CN zone; banks, savings and loans, loan and thrifts; clubs; and service organizations, when the planning commission makes the following findings:
 - a. The subject property is adjacent to commercial zoned property; and
 - b. Any adverse effect on adjacent residential property is mitigated through project design.
 - 4. In any R zone when located within a single detached single-family dwelling, a commercial residential use with seven or greater adult residents upon issuance of a business license, when the following provisions are met:
 - a. A minimum of two hundred square feet of living area shall be provided per adult resident.
 - b. One parking space shall be provided per adult resident. A maximum of two spaces may be provided in tandem to other required parking spaces (such as in a driveway to a garage), when no more than one vehicle is parked behind one other vehicle and no more than fifty percent of the front setback area is paved.
 - c. A minimum of two bathrooms, each including either a bathtub or shower, shall be provided.
 - 5. In any R zone, the following uses when located within a locally designated historical landmark:
 - a. Professional offices (including medical).
 - b. Retail sales when such sales are found to be compatible with the historical status of the building. Accessory manufacture of crafts for sale on site may be permitted when no special equipment or materials incompatible with the residential neighborhood are needed.
 - c. Bed and breakfast inns.
 - d. Restaurant.
 - e. Apartments or condominiums.

The parking requirements for such uses may be modified through the conditional use permit review in accordance with Section 24.04.020I.
 - 6. Wireless communications facilities, either freestanding or attached to a building or structure, shall be subject to the requirements of the urban design program and approval by the design review board and city council in accordance with Resolution No. 15540, as well as approval of a conditional use permit. Conditional use permits for wireless communications facilities shall expire ten years from the date of approval, unless amended or extended by the planning commission.

Facilities (consisting of a single antenna) under three feet in width and height and located no higher than five feet above the building roofline are exempt from this review when serving residential uses on the subject property.
- D. Permitted Accessory Uses and Structures. Accessory uses and structures are those which are subordinate, clearly incidental and customarily appropriate to the operation of the principal use and

are permitted in all residential zones. Those permitted accessory uses and structures shall be limited to:

1. Accessory structures including: garages, carports for vehicles, and swimming pools; those structures used in landscaping and beautification of the building site including storage sheds, arbors, trellises, fences and flagpoles; and
 - a. Temporary fabric shade structures assembled with non-permanent fasteners and without a foundation that comply with the following standards:
 - (1) Only one permitted on a lot developed with a single-family residence.
 - (2) The structure shall be no larger than four hundred square feet in size.
 - (3) The structure shall not block or cover a required vehicle access easement, driveway, garage, carport, or required off-street parking.
 - (4) The structure must comply with the height limit for detached accessory structures.
 - (5) The structure must comply with all applicable building and fire safety requirements, and development standards as approved by the city. The property owner shall certify that they are abiding by the requirements and development standards.
 - (6) The structure shall be maintained on the property for a maximum period of ninety consecutive days in a twelve-month period.
 - (7) The structure may not encroach in any required setback. Exception: The structure may be located within a setback and anywhere else on the lot for special events not to exceed a total of forty-eight hours within any seven day time period. No other setback exceptions shall apply.
 - (8) The structure may not be located in a front yard area as defined by Section 24.01.100. EXCEPTION: The development standards set forth above shall apply except as modified by approval of a special permit by the planning commission for the following: 1) exceeding the maximum ninety-day time period; 2) encroaching in setbacks or front yard areas; or 3) exceeding the size and height limitations.
 - b. Conventional (open-grid or open-wire) television/radio receiving antennas, and satellite dish antennas which comply with the following standards:
 - (1) Maximum dish diameter shall not exceed twelve feet.
 - (2) Maximum overall height of fifteen feet from base to top of the antenna and all ancillary equipment in an operative position.
 - (3) Dish antennas must be ground mounted.
 - (4) Dish antennas must not be located between a building and an exterior property line abutting a public right-of-way (i.e., not located in front yards). This shall not preclude locating dish antennas in side yards of corner lots, rear yards of through lots, or other locations generally not visible from an adjacent street.
 - (5) Dish antennas shall not be located within a required setback area from primary structures within the underlying zone district.

-
- (6) The area within which the antenna is located must be enclosed by a solid fence or wall of five to six feet in height (an existing perimeter backyard fence can be used to meet this requirement).
 - (7) A maximum of one satellite dish antenna per residential lot.
 - (8) Landscaping shall be installed in close proximity to the satellite dish antenna to screen the nonreceiving side of an antenna which will be clearly visible from an adjacent property. Landscaping materials installed to meet this requirement shall be of a size, type, quality, and located to reasonably screen the antenna within a three-year time period from the date of installation.
 - (9) All dish antennas over three feet in diameter shall obtain a building permit as required by the building division.
 - (10) Satellite dish antennas three feet in diameter or less shall be exempt from the screening requirements and may be located on a roof provided they are not greater than five feet above the height of the roof on which they are mounted.
 - (11) All proposed dish antennas which do not comply with the above standards shall require a conditional use permit as provided in Section 24.05.020(D)(8)(d).
 2. In zones R2, R3 and RB zones, for the sole use and pleasure of the family occupying the premises, animals may be kept as follows, subject in addition to all applicable limitations and regulations of Title 8:
 - a. Two adult dogs per multi-family dwelling unit and up to five adult dogs for a single-family dwelling unit.
 - b. Two adult cats per dwelling unit. The number of adult cats may be increased, to a maximum of ten, if those cats exceeding the first two are spayed or neutered.
 - c. Two adult potbellied pigs per dwelling unit.
 - d. Ordinary household pets (no limits except for those listed above).
 - d. Ordinary household pets (no limits except for those listed above).
 - e. There shall be no boarding or keeping of animals for others.
 - f. In the R2 and R3 zones only, on lots developed with one single-family residence, a minimum of two chickens, excluding roosters, per two thousand square feet of lot area, up to a maximum of twenty. Enclosures shall be covered and comply with all setback requirements and located no less than twenty-five feet from any neighboring dwelling unit. Feed shall be stored in a secured sealed container. For purposes of this section, "enclosure" shall mean any covered structure in which chickens are kept. The area of a lot shall be computed pursuant to Section 24.01.100 of this code.
 3. In zones R1E, R1R, R1S, R1, and R1A, for the sole use and pleasure of the family occupying the premises, animals may be kept as follows, subject in addition to all applicable limitations and regulations of Title 8:
 - a. Two adult dogs per multi-family dwelling unit and up to five adult dogs for a single-family dwelling unit.
 - b. Two adult cats per dwelling unit. The number of adult cats may be increased, to a maximum of ten, if those cats exceeding the first two are spayed or neutered.

Created: 2024-04-29 14:48:39 [EST]

-
- c. Two adult potbellied pigs per dwelling unit.
 - d. Ordinary household pets (no limits except for those listed above).
 - e. A minimum of two chickens, excluding roosters, per two thousand square feet of lot area, up to a maximum of twenty. Enclosures shall be covered and comply with all setback requirements and located no less than twenty-five feet from any neighboring dwelling unit. Feed shall be stored in a secured sealed container. For purposes of this section, "enclosure" shall mean any covered structure in which chickens are kept. The area of a lot shall be computed pursuant to Section 24.01.100 of this code.
 - f. In the R1R and R1E zones only, the following additional animals may be kept:
 - (1) Bees may be kept in conformance with the regulations of San Diego County Department of Agriculture.
 - (2) On lots over one-half acre in size, one horse, goat, or sheep.
 - g. There shall be no boarding or keeping of animals for others.
- 4. In Zones R1E, R1R, R1S, R1, and R1A, for the sole use and pleasure of the persons occupying the premises, racing or homing pigeons may be kept as follows, subject in addition to all applicable limitations and regulations of Title 8 (excepting therefrom location requirements with respect to specific distances from adjoining residences):
 - a. The number of birds may not exceed one hundred.
 - b. The birds shall be kept confined in aviaries except when exercising for short periods.
 - c. The aviaries shall observe the setbacks required for principal buildings within the zone, but in no case be located within thirty feet of any residence on an adjoining lot.
 - d. The owner shall be affiliated with a certified racing pigeon club or organization.
 - e. The cages and food supplies shall be kept clean and clear of pests.
 - 5. Uses customarily enjoyed by a family such as gardening, horticulture, and hobbies. Hobbies shall not be construed to mean the manufacture of goods or services provided in connection with a home occupation or any use set forth in paragraph 7 below.
 - 6. Fences, walls and retaining walls, as per the development standards of this chapter.
 - 7. Home occupations operated by residents of the property, conducted wholly within the dwelling unit.
 - 8. Accessory Dwelling Units, Attached and Detached.
 - a. Development and Use Standards.
 - i. One attached or one detached accessory dwelling unit may be permitted in conjunction with an existing or proposed dwelling on lots zoned for single-family or multifamily residential use.
 - ii. The floor area of an attached or detached accessory dwelling unit shall not exceed one thousand two hundred square feet.
 - iii. An additional five percent of lot coverage above that established for the underlying zoning designation shall be allowed for accessory dwelling units only

Created: 2024-04-29 14:48:39 [EST]

for lots of ten thousand square feet or less and where there is an existing single-family residence.

- iv. An accessory dwelling unit may be permitted on the same lot as a junior accessory dwelling unit.
- v. Except as provided herein, attached and detached accessory dwelling units shall comply with the development standards of the underlying zone and/or overlay zone, and all other ordinances, regulations, and policies, applicable to the development of residential dwelling units.
- vi. No lot coverage limitation, front setback, minimum open space requirement, or minimum lot size requirement shall preclude the development of an accessory dwelling unit that is at least eight hundred square feet in area with side and rear setbacks of not less than four feet, provided that all other development standards are met.
- vii. Except as provided herein, attached and detached accessory dwelling units shall comply with all local building and fire code requirements, as appropriate.
- viii. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.
- ix. Projects solely proposing the development of an accessory dwelling unit shall be exempt from public right-of-way dedication and improvement requirements.

b. Setbacks for Accessory Dwelling Units.

- i. Except as provided herein, attached and detached accessory dwelling units shall comply with the setbacks required for the primary dwelling as established by the underlying zoning designation or overlay zone, as applicable.
- ii. Notwithstanding the setbacks established by the underlying zoning designation or overlay zone, attached or detached accessory dwelling units shall have a setback of not less than four feet from side and rear property lines, or from the interior edge of adjacent access easements, whichever is more restrictive, except where the underlying zoning allows a lesser setback.
- iii. Any accessory dwelling unit that is created by new construction, including additions to existing structures, that does not comply with the setbacks established by the underlying zoning designation or overlay zone shall be maintained as an accessory dwelling unit and shall not be converted to or used for any other purpose without express authorization of the city.
- iv. Building appendages for accessory dwelling units shall comply with Municipal Code Section 24.05.030G.

c. Historical Sites and Districts.

- i. An accessory dwelling unit may be allowed on designated historical sites and within historical districts provided that the location and design of the accessory dwelling unit meets corresponding historical preservation requirements in

place at the time the accessory second dwelling unit is built and complies with the requirement of this section.

- ii. Detached accessory dwelling units shall be located behind the primary residence and/or historic structure.
- iii. The construction of the accessory dwelling unit shall not result in the removal of any other historically significant accessory structure, such as garages, outbuildings, stables or other similar structures.
- iv. The accessory dwelling unit shall be designed in substantially the same architectural style and finished materials composition as the primary residence or historic structure.
- v. Construction of an accessory dwelling unit shall not result in demolition, alteration or movement of the primary residence/historic house and any other on-site features that convey the historic significance of the house and site.
- vi. If the historic house/site is under a Mills Act contract with the city, the contract shall be amended, as needed, to authorize the introduction of the accessory dwelling unit on the site.

d. Overlay Zones.

- i. The requirements of Municipal Code Chapter 24.09, Scenic Preservation Overlay Zone, shall apply to the development of accessory dwelling units, except that planning commission review shall not be required for a project that solely proposes an accessory dwelling unit.
- ii. Projects proposing solely the development of an accessory dwelling unit shall not be subject to the requirements of Municipal Code Chapter 24.11, Urban Design Overlay Zone, or the requirements of the Urban Design Program.
- iii. The requirements of Municipal Code Chapter 24.13, Hillside Overlay Zone, shall apply to the development of accessory dwelling units, except that planning commission review shall not be required for a project that solely proposes an accessory dwelling unit.
- iv. Within the Bowling Green Overlay Zone, any tree that was required to be planted pursuant to Municipal Code Section 24.17.030D that is disturbed by a project to construct an accessory dwelling unit shall be preserved in place, or replaced in kind on the subject property if disturbed by the project.

e. Notwithstanding subsections a. through d. above, a building permit shall be ministerially approved for accessory dwelling units in a residential or mixed-use zone when it falls into one of the four categories listed below as provided by California Government Code section 65852.2(e):

- i. One accessory dwelling unit on a lot with an existing or proposed single-family dwelling created from converting existing or proposed space within a single-family dwelling, or existing accessory structure, provided that the accessory dwelling unit has exterior access from the existing or proposed single-family dwelling and setbacks are sufficient for fire safety as determined by the fire marshal or the building official. Accessory dwelling units converted from an existing accessory structure may include an expansion of not more than one

hundred fifty square feet beyond the same physical dimensions as the existing accessory structure solely for the purpose of accommodating ingress and egress.

- ii. One detached, new construction, accessory dwelling unit on a lot with an existing or proposed single-family dwelling, provided that the accessory dwelling unit is at least eight hundred square feet in area, has side and rear setbacks of not less than four feet, and complies with the maximum height limitations of the underlying zoning district.
- iii. One or more accessory dwelling units on a lot with an existing multifamily dwelling converted from non-livable space (including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages), provided that each unit complies with state building standards. The greater of one accessory dwelling unit or accessory dwelling units totaling not more than twenty-five percent of the existing dwelling units in a multifamily dwelling structure may be permitted on lots with existing multifamily dwelling structures in any residential or mixed-use zone.
- iv. Up to two detached accessory dwelling units located on a lot with an existing or proposed multifamily dwelling, provided that each unit has side and rear setbacks of not less than four feet and complies with the height limitations of the underlying zoning district. The two accessory dwelling units allowed by this subsection may be created from converting space within an existing accessory structure that is detached from the primary residential structure(s), provided that setbacks are sufficient for fire safety as determined by the fire marshal or the building official. If the existing multifamily dwelling has a rear or side setback of less than four feet, modifications to the existing multifamily dwelling shall not be required.

f. Parking.

- i. New or additional parking spaces shall not be required for the creation of accessory dwelling units.
- ii. Where provided, parking spaces for accessory dwelling units shall comply with Chapter 24.04 (Parking) of the Municipal Code, including, but not limited to, the design requirements of the parking standards adopted by city council resolution no. 17128, or as those standards may be amended or modified by city council action.
- iii. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, any required parking spaces removed shall not be required to be replaced.

g. Utilities.

- i. Accessory dwelling units shall not be considered new residential uses for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, except that an accessory dwelling unit proposed to be constructed with a new single-family residence may be considered a new residential use for the purposes of calculations connection fees or capacity charges.

Created: 2024-04-29 14:48:39 [EST]

-
- ii. For an accessory dwelling unit that is contained wholly within the space of an existing or proposed single-family residence or an existing accessory structure, plus any expansion of the accessory structure as allowed by Section 24.05.020D8e(i), has independent exterior access from the existing residence and the side and rear setbacks are sufficient for fire safety, no new or separate utility connection directly between the accessory dwelling unit and the utility shall be required and no related connection fee or capacity charge shall be imposed, unless the accessory dwelling unit is proposed to be constructed with a new single-family residence.
 - iii. For an accessory dwelling unit that does not meet the criteria of Municipal Code Section 24.05.020D8c(ii) and where the physical characteristics of the lot on which the accessory dwelling unit is proposed preclude connection to the existing utility connection of the primary dwelling, a new or separate connection directly to the utility shall be required and related connection fees and capacity charges shall be imposed.
 - iv. For attached or detached accessory dwelling units constructed on the same lot as an existing multifamily dwelling structure as described in Section 24.05.020D8e(iii) and (iv), a new or separate utility connection may be required between the accessory dwelling unit and the utility. The connection may be subject to a connection fee and/or capacity charge.
 - v. Connection fees and capacity charges shall be imposed for accessory dwelling unit projects that voluntarily propose a new or separate connection directly between the accessory dwelling unit and the utility.
 - vi. When connection fees and/or capacity charges are imposed, the fee and/or charge shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its area or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code, upon the water or sewer system. The fee and/or charge shall not exceed the reasonable cost of providing this service.
 - vii. Prior to approval of an accessory dwelling unit on properties with a private sewage system, approval by the County of San Diego Department of Environmental Health, or any successor agency, shall be required.
- h. Permit and Review Requirements.
- i. Not more than one attached accessory dwelling, one detached accessory dwelling unit, and one junior accessory dwelling unit shall be permitted on a lot with an existing or proposed single-family dwelling.
 - ii. Not more than two detached, new construction accessory dwelling units shall be permitted on a lot with an existing or proposed multifamily dwelling.
 - iii. Applications for accessory dwelling units conforming to the requirements of this section shall be considered ministerially without discretionary review or a hearing, and the city shall approve or deny such applications within sixty calendar days after receiving the application, if there is an existing single-family or multifamily dwelling on the lot. If a permit application for an accessory dwelling unit is submitted with an application for a new single-family or multifamily dwelling on the same lot, approval or denial of the accessory

dwelling unit shall be delayed until the city approves or denies the permit application for the single-family or multifamily residence. If the applicant requests a delay, the sixty-day time period shall be extended for the period of the delay.

- iv. The correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and that are not affected by the construction of the junior accessory dwelling unit shall not be required for approval of a building permit for an accessory dwelling unit.
 - v. No impact fees shall be imposed for an accessory dwelling unit that is less than seven hundred fifty square feet in area. Any impact fees charged for an accessory dwelling unit that is seven hundred fifty square feet in area or greater shall be assessed proportionately in relation to the square footage of the primary dwelling unit. "Impact fee" as used herein does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.
 - vi. Any demolition permit required for or associated with an application for construction of an accessory dwelling unit shall be reviewed with the application for the accessory dwelling unit and issued at the same time.
 - vii. A certificate of occupancy for an accessory dwelling unit shall not be issued before issuance of a certificate of occupancy for the primary dwelling.
 - viii. At the request of the owner of an accessory dwelling unit, enforcement of state building standards related to the accessory dwelling unit shall be delayed, subject to compliance with Section 17980.12 of the Health and Safety Code, provided that the accessory dwelling unit was built prior to January 1, 2020.
 - ix. Accessory dwelling units shall not be considered in the application of any ordinance, policy, or program to limit residential growth.
- i. Conveyance and Rental.
- i. The rental of an accessory dwelling unit created under Section 24.05.020D8e shall be for terms longer than thirty days.
 - ii. An accessory dwelling unit shall not be sold or otherwise conveyed separately from the primary residence, but may be rented.
 - iii. An accessory dwelling unit may be sold or conveyed separately from the primary residence to a qualified buyer provided that all of the following apply:
 - (1) The ADU or primary dwelling was built or developed by a qualified nonprofit corporation.
 - (2) There is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code.
 - (3) The property is held pursuant to a recorded tenancy in common agreement that includes all of the following:

-
- (a) The agreement allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling each qualified buyer occupies.
 - (b) A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the property if the buyer desires to sell or convey the property.
 - (c) A requirement that the qualified buyer occupy the property as the buyer's principal residence.
 - (d) Affordability restrictions on the sale and conveyance of the property that ensure the property will be preserved for low-income housing for forty-five years for owner-occupied housing units and will be sold or resold to a qualified buyer.
- (4) If the tenancy in common agreement is recorded after December 31, 2021, it shall also include all of the following:
- (a) Delineation of all areas of the property that are for the exclusive use of a cotenant. Each cotenant shall agree not to claim a right of occupancy to an area delineated for the exclusive use of another cotenant, provided that the latter cotenant's obligations to each of the other cotenants have been satisfied.
 - (b) Delineation of each cotenant's responsibility for the costs of taxes, insurance, utilities, general maintenance and repair, improvements, and any other costs, obligations, or liabilities associated with the property. This delineation shall only be binding on the parties to the agreement, and shall not supersede or obviate the liability, whether joint and several or otherwise, of the parties for any cost, obligation, or liability associated with the property where such liability is otherwise established by law or by agreement with a third party.
 - (c) Procedures for dispute resolution among the parties before resorting to legal action.
- (5) A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded in the Office of the San Diego County Recorder. A Preliminary Change of Ownership Report shall be filed concurrently with this grant deed pursuant to Section 480.3 of the Revenue and Taxation Code.
- (6) Notwithstanding Section 24.05.020D8c, if requested by a utility providing service to the primary residence, the accessory dwelling unit shall have a separate water, sewer, or electrical connection to that utility.

j. For the purposes of this section, the following definitions apply:

- i. "Accessory dwelling unit" shall be as defined in Municipal Code Section 24.01.100.
- ii. "Living area" shall mean the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

Created: 2024-04-29 14:48:39 [EST]

(Supp. No. 23, Update 1)

ATTACHMENT B

-
- iii. "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.
 - iv. "Objective standards" means standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.
 - v. "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
 - vi. "Public transit" shall mean a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
 - vii. "Qualified buyer" means persons and families of low or moderate income, as that term is defined in Section 50093 of the Health and Safety Code.
 - viii. "Qualified nonprofit corporation" means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.

9. Junior Accessory Dwelling Units:

- a. One junior accessory dwelling unit may be permitted in conjunction with an existing or proposed single-family residence on lots zoned for single-family or multifamily residential use.
- b. A junior accessory dwelling unit may be permitted on the same lot as one accessory dwelling unit.
- c. A junior accessory dwelling unit shall not be sold separately from the primary residence.
- d. A junior accessory dwelling unit may be rented, but only with a rental agreement with terms greater than thirty days.
- e. The owner of a lot with a junior accessory dwelling unit shall occupy as a principal residence either the primary dwelling or the junior accessory dwelling unit, except where the primary dwelling and junior accessory dwelling are held by an agency such as a land trust or housing organization in an effort to create affordable housing.
- f. Junior accessory dwelling unit development standards:
 - (i) A junior accessory dwelling unit shall not exceed five hundred square feet in total floor area.
 - (ii) A junior accessory dwelling unit shall be contained entirely within an existing or proposed single-family residence. Attached, enclosed uses, including garages, are considered a part of the proposed or existing single-family residence. For purposes of this subsection, "attached" shall mean that the enclosed use shares a common wall with interior, habitable living space of the primary dwelling unit.

-
- (iii) A junior accessory dwelling unit shall be provided with a separate exterior entry.
 - (iv) A junior accessory dwelling unit shall include an efficiency kitchen, with the following components:
 - (1) A cooking facility with appliances.
 - (2) A food preparation counter and storage cabinets that are reasonable to the size of the unit.
 - (v) No additional parking shall be required for a junior accessory dwelling unit other than that required when the existing primary residence was constructed.
 - (vi) A junior accessory dwelling unit may share bathroom/sanitation facilities with the primary residence or may provide separate facilities. If the junior accessory dwelling unit shares sanitation facilities with the primary residence, an interior entry to the primary residence's main living area shall be maintained to provide access to the sanitation facilities.
 - g. Except as provided herein, a junior accessory dwelling unit shall comply with all local building and fire code requirements, as appropriate.
 - h. The correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and that are not affected by the construction of the junior accessory dwelling unit shall not be required for approval of a building permit for a junior accessory dwelling unit.
 - i. Junior accessory dwelling units shall not be required to provide fire sprinklers or fire attenuation specifications if they are not required for the primary residence. An inspection to confirm that the junior accessory dwelling unit complies with development standards may be assessed.
 - j. No sewer or water connection fees shall be required for the development of a junior accessory dwelling unit. An inspection to confirm that the junior accessory dwelling unit complies with development standards may be assessed.
 - k. Prior to issuance of a building permit for a junior accessory dwelling unit, a covenant shall be recorded between the owner and the city of La Mesa agreeing to the terms stipulated in this chapter. The covenant shall specifically mention that:
 - (i) The junior accessory dwelling unit shall not be sold separately from the primary dwelling unit.
 - (ii) The junior accessory dwelling unit may be rented, but only with a rental agreement with terms greater than thirty days.
 - (iii) The junior accessory unit is limited to the size and attributes set forth by this section.
 - (iv) The owner of record of the property shall occupy the primary dwelling unit or the junior accessory dwelling unit, except where the primary dwelling and junior accessory dwelling are held by an agency such as a land trust or housing organization in an effort to create affordable housing.
 - (v) The covenant shall be binding upon any successors in interest or ownership of the property and lack of compliance with the provisions thereof may result in

Created: 2024-04-29 14:48:39 [EST]

legal action against the property owner, including revocation of the right to maintain a junior accessory dwelling unit on the property.

- l. Applications for junior accessory dwelling units conforming to the requirements of this section shall be considered ministerially without discretionary review or a hearing, and the city shall approve or deny such applications within sixty calendar days after receiving the application if there is an existing single-family dwelling on the lot. If a permit application for a junior accessory dwelling unit is submitted with an application for a new single-family dwelling on the same lot, the approval or denial of the junior accessory dwelling unit shall be delayed until the city approves or denies the permit application for the single-family residence. If the applicant requests a delay, the sixty-day time period shall be extended for the period of the delay.
 - m. Projects solely proposing a junior accessory dwelling unit shall be exempt from the requirements for public right-of-way dedication and improvement.
- 10. Accessory Uses and Structures by Conditional Use Permit:
 - a. Tennis, handball or similar courts. (As part of the original construction of a PRD, condominium or apartment development, such court may be approved through the normal project review, providing the judgment is made that its location, lighting and use will not be disruptive to adjacent residential properties.)
 - b. Columbarium cabinets with a capacity to store more than two hundred urns, in conjunction with a church use. All such cabinets shall only be installed inside enclosed buildings.
 - c. The construction of large objects unrelated to the premises such as boats or airplanes on a one-time basis.
 - d. Non-conventional antennas, and satellite dish antennas over three feet in diameter which do not comply with the provisions of Section 24.05.020.D.1.
- 11. Commercial residential use within a detached single-family residence with six or fewer adult residents upon issuance of a business license, when the following provisions are met:
 - a. A minimum of two hundred square feet of living area shall be provided per adult resident.
 - b. One parking space shall be provided per adult resident. A maximum of two spaces may be provided in tandem to other required parking spaces (such as in a driveway to a garage), when no more than one vehicle is parked behind one other vehicle and no more than fifty percent of the front setback area is paved.
 - c. A minimum of two bathrooms, each including either a bathtub or shower, shall be provided.
- 12. Unattended storage containers for recyclable materials occupying less than fifty square feet located on the premises of residential property and used solely for the recycling of material generated by the residential property, or unattended storage containers for recyclable materials on permitted institutional uses in residential districts for the donation of recyclable materials for noncommercial purposes. Such storage containers shall be located in the general vicinity of other trash collection facilities on the site.
- 13. Small family day care homes located in a single-family residence.
- 14. Large family day care homes located in a single-family residence when the following criteria are met:

Created: 2024-04-29 14:48:39 [EST]

(Supp. No. 23, Update 1)

ATTACHMENT B

-
- a. A minimum of one off-street parking stall shall be provided for the unloading/loading of children.
 - b. All outdoor play areas shall be enclosed within a minimum four-foot high fence.
 - c. A plot plan shall be furnished to the planning department with the business license application clearly showing how items a. and b. are being met.
 - d. The fire department has conducted an inspection of the property prior to issuance of the business license to ensure that all Fire Codes applicable to such a facility are being met.
15. Columbarium cabinets or columbaria, with a capacity limited to store two hundred urns or less, in conjunction with a church use. All such cabinets shall only be installed inside enclosed buildings.
 16. Exterior lighting shall be compatible with residential use. All lighting shall be designed, installed and maintained to project the light primarily on the owner's property. This may require the use of shields, and may limit the location, type and height of light fixtures. Any light falling on adjacent properties shall be minimal and incidental. Lighting shall be focused directly on the owner's property, and shall not be focused on adjacent properties.

(Ord. 2263; May 19, 1981: Ord. 2421 §§ 2, 3; March 11, 1986: Ord. 2446 § 1; January 27, 1987: Ord. 2484 § 2; November 10, 1987: Ord. 2528 § 1; June 13, 1989: Ord. 2557 §§ 3, 4; March 27, 1990: Ord. 2569 §§ 1, 2; January 22, 1991: Ord. 2583 §§ 3, 4; June 11, 1991: Ord. 2598 § 2; March 24, 1992: Ord. 2600 §§ 16-18; April 28, 1992: Ord. 2643 §§ 2, 3; May 24, 1994: Ord. 2646 § 1; June 28, 1994: Ord. 2658 §§ 1—3; May 9, 1995: Ord. 97-2684 §§ 2—7; October 14, 1997: Ord. 2001-2714 § 2; November 13, 2001: Ord. 2002-2720 § 1 (part); June 11, 2002: Ord. 2002-2723 § 2; September 24, 2002: Ord. 2003-2736 § 1; October 14, 2003: Ord. 2003-2741 § 1; November 12, 2003: Ord. 2003-2743 § 1; November 25, 2003: Ord. 2014-2832 §§ 2—4; April 8, 2014: Ord. 2016-2845 §§ 2, 3; February 9, 2016: Ord. 2019-2865, §§ 2C, D, March 12, 2019; Ord. 2019-2866, § 2C, March 12, 2019; Ord. 2020-2877, § 1, January 28, 2020; Ord. 2020-2879, § 2C, D, April 14, 2020; Ord. 2020-2880, § 2A, April 14, 2020; Ord. 2022-2894, § 6, February 8, 2022; Ord. No. 2023-2903, §§ 2B, C, March 14, 2023; Ord. No. 2023-2904, § 2, March 14, 2023)

24.05.020 Permitted structures and uses.

The following structures and uses are permitted on each building and site in the residential zones as stated below, subject to the provisions of this chapter and Chapter 24.04, Vehicle Parking.

A. Permitted Principal Uses and Structures.

1. In Zones R1E, R1R, R1S and R1:
 - a. Agriculture other than the raising of animals or fowl.
 - b. One, one-family dwelling unit per lot.
 - c. Mobilehomes and homes manufactured offsite, installed on a permanent foundation in accordance with Section 65852.3 of the California Government Code.
 - d. Residential care facility, licensed by the state of California, serving six or fewer persons.
 - e. Two-unit residential development in accordance with Section 24.05.032.
2. In zone R1A:
 - a. One, one-family dwelling unit per lot; except that, on a lot of at least nine thousand square feet in area, one additional detached one-family dwelling is permitted; or
 - b. Residential care facility, licensed by the state of California, serving six or fewer persons.
 - c. Two-unit residential development in accordance with Section 24.05.032.
3. In zone R2:
 - a. One-family dwelling or two-family dwellings.
 - b. Residential care facility, licensed by the state of California, serving six or fewer persons.
4. In zone R3 and RB:
 - a. One-family dwellings.
 - b. Apartments.
 - c. Residential care facility, licensed by the state of California, serving six or fewer persons.
5. In zone RB:
 - a. Professional and corporate offices (operations not involving the fabrication, sale or storage of merchandise, the delivery of merchandise, or the parking or dispatching of vehicles for a service. This category shall not include banks, savings and loans or loan and thrifts, and shall not include consumer services.)
 - b. Retail sales from shops with a GFA of not more than three thousand square feet.
 - c. Barber and beauty shops for humans.
 - d. Medical, dental laboratories (providing services directly to clinical medical and dental practice.)

B. Permitted Uses With Approved Site Development Plan. The following uses may be permitted by the planning commission upon its determination that the development goals and objectives of the city have been achieved.

1. In any R zone: planned residential developments.

2. In any R zone: mobilehome parks, as described in Section 65852.7, Cal. Admin. Code. The density limit of any such park shall be that of the park site's zoning. All development standards of the site's zoning shall also apply, in addition to the requirements of the Cal. Admin. Code, Part II, Title 25.
 3. The following if located on a building site which has direct vehicular access to major or collector street:
 - a. In any R zone:
 1. A church or similar place of public worship on a building site of two acres or more;
 2. Any use or structure proposed by a local agency of the state of California including public schools.
 - b. In zones R2 or R3: Day nurseries; residential care facilities licensed by the state of California serving more than six persons.
 - c. In zone R2: apartments, upon determination by the commission that such buildings are compatible with development in the vicinity said apartments shall not exceed a land area to dwelling unit ratio of one unit for each three thousand square feet of net land area.
 4. The outdoor display of produce and flowers in the RB zone in conformance with the design guidelines adopted by city council resolution.
- C. Conditionally Permitted Uses and Structures. The following uses and structures are permitted with the granting of a conditional use permit.
1. Accessory parking to an adjacent business use may be permitted if the proposed site either adjoins the site on which the business is located or is located on the opposite side of the street. Such parking shall be subject to all the development standards required for a commercially zoned lot adjoining a residential zone. (See 24.04)
 2. The following when located on a site having frontage on a major or collector street:
 - a. Church or similar place of public worship on a building site of less than two acres.
 - b. Private educational institution, day nurseries.
 - c. In other than the R2 or R3 zones, residential care facilities licensed by the state of California serving more than six persons.
 - d. Public utility substation or equipment building required for service to the surrounding residential area.
 3. In the RB zone, those uses principally permitted in the CN zone; banks, savings and loans, loan and thrifts; clubs; and service organizations, when the planning commission makes the following findings:
 - a. The subject property is adjacent to commercial zoned property; and
 - b. Any adverse effect on adjacent residential property is mitigated through project design.
 4. In any R zone when located within a single detached single-family dwelling, a commercial residential use with seven or greater adult residents upon issuance of a business license, when the following provisions are met:
 - a. A minimum of two hundred square feet of living area shall be provided per adult resident.

- b. One parking space shall be provided per adult resident. A maximum of two spaces may be provided in tandem to other required parking spaces (such as in a driveway to a garage), when no more than one vehicle is parked behind one other vehicle and no more than fifty percent of the front setback area is paved.
 - c. A minimum of two bathrooms, each including either a bathtub or shower, shall be provided.
- 5. In any R zone, the following uses when located within a locally designated historical landmark:
 - a. Professional offices (including medical).
 - b. Retail sales when such sales are found to be compatible with the historical status of the building. Accessory manufacture of crafts for sale on site may be permitted when no special equipment or materials incompatible with the residential neighborhood are needed.
 - c. Bed and breakfast inns.
 - d. Restaurant.
 - e. Apartments or condominiums.

The parking requirements for such uses may be modified through the conditional use permit review in accordance with Section 24.04.020I.

- 6. Wireless communications facilities, either freestanding or attached to a building or structure, shall be subject to the requirements of the urban design program and approval by the design review board and city council in accordance with Resolution No. 15540, as well as approval of a conditional use permit. Conditional use permits for wireless communications facilities shall expire ten years from the date of approval, unless amended or extended by the planning commission.

Facilities (consisting of a single antenna) under three feet in width and height and located no higher than five feet above the building roofline are exempt from this review when serving residential uses on the subject property.

- D. Permitted Accessory Uses and Structures. Accessory uses and structures are those which are subordinate, clearly incidental and customarily appropriate to the operation of the principal use and are permitted in all residential zones. Those permitted accessory uses and structures shall be limited to:
 - 1. Accessory structures including: garages, carports for vehicles, and swimming pools; those structures used in landscaping and beautification of the building site including storage sheds, arbors, trellises, fences and flagpoles; and
 - a. Temporary fabric shade structures assembled with non-permanent fasteners and without a foundation that comply with the following standards:
 - (1) Only one permitted on a lot developed with a single-family residence.
 - (2) The structure shall be no larger than four hundred square feet in size.
 - (3) The structure shall not block or cover a required vehicle access easement, driveway, garage, carport, or required off-street parking.
 - (4) The structure must comply with the height limit for detached accessory structures.
 - (5) The structure must comply with all applicable building and fire safety requirements, and development standards as approved by the city. The

property owner shall certify that they are abiding by the requirements and development standards.

- (6) The structure shall be maintained on the property for a maximum period of ninety consecutive days in a twelve-month period.
 - (7) The structure may not encroach in any required setback. Exception: The structure may be located within a setback and anywhere else on the lot for special events not to exceed a total of forty-eight hours within any seven day time period. No other setback exceptions shall apply.
 - (8) The structure may not be located in a front yard area as defined by Section 24.01.100. EXCEPTION: The development standards set forth above shall apply except as modified by approval of a special permit by the planning commission for the following: 1) exceeding the maximum ninety-day time period; 2) encroaching in setbacks or front yard areas; or 3) exceeding the size and height limitations.
- b. Conventional (open-grid or open-wire) television/radio receiving antennas, and satellite dish antennas which comply with the following standards:
- (1) Maximum dish diameter shall not exceed twelve feet.
 - (2) Maximum overall height of fifteen feet from base to top of the antenna and all ancillary equipment in an operative position.
 - (3) Dish antennas must be ground mounted.
 - (4) Dish antennas must not be located between a building and an exterior property line abutting a public right-of-way (i.e., not located in front yards). This shall not preclude locating dish antennas in side yards of corner lots, rear yards of through lots, or other locations generally not visible from an adjacent street.
 - (5) Dish antennas shall not be located within a required setback area from primary structures within the underlying zone district.
 - (6) The area within which the antenna is located must be enclosed by a solid fence or wall of five to six feet in height (an existing perimeter backyard fence can be used to meet this requirement).
 - (7) A maximum of one satellite dish antenna per residential lot.
 - (8) Landscaping shall be installed in close proximity to the satellite dish antenna to screen the nonreceiving side of an antenna which will be clearly visible from an adjacent property. Landscaping materials installed to meet this requirement shall be of a size, type, quality, and located to reasonably screen the antenna within a three-year time period from the date of installation.
 - (9) All dish antennas over three feet in diameter shall obtain a building permit as required by the building division.
 - (10) Satellite dish antennas three feet in diameter or less shall be exempt from the screening requirements and may be located on a roof provided they are not greater than five feet above the height of the roof on which they are mounted.
 - (11) All proposed dish antennas which do not comply with the above standards shall require a conditional use permit as provided in Section 24.05.020(D)(8)(d).

2. In zones R2, R3 and RB zones, for the sole use and pleasure of the family occupying the premises, animals may be kept as follows, subject in addition to all applicable limitations and regulations of Title 8:
 - a. Two adult dogs per multi-family dwelling unit and up to five adult dogs for a single-family dwelling unit.
 - b. Two adult cats per dwelling unit. The number of adult cats may be increased, to a maximum of ten, if those cats exceeding the first two are spayed or neutered.
 - c. Two adult potbellied pigs per dwelling unit.
 - d. Ordinary household pets (no limits except for those listed above).
 - d. Ordinary household pets (no limits except for those listed above).
 - e. There shall be no boarding or keeping of animals for others.
 - f. In the R2 and R3 zones only, on lots developed with one single-family residence, a minimum of two chickens, excluding roosters, per two thousand square feet of lot area, up to a maximum of twenty. Enclosures shall be covered and comply with all setback requirements and located no less than twenty-five feet from any neighboring dwelling unit. Feed shall be stored in a secured sealed container. For purposes of this section, "enclosure" shall mean any covered structure in which chickens are kept. The area of a lot shall be computed pursuant to Section 24.01.100 of this code.
3. In zones R1E, R1R, R1S, R1, and R1A, for the sole use and pleasure of the family occupying the premises, animals may be kept as follows, subject in addition to all applicable limitations and regulations of Title 8:
 - a. Two adult dogs per multi-family dwelling unit and up to five adult dogs for a single-family dwelling unit.
 - b. Two adult cats per dwelling unit. The number of adult cats may be increased, to a maximum of ten, if those cats exceeding the first two are spayed or neutered.
 - c. Two adult potbellied pigs per dwelling unit.
 - d. Ordinary household pets (no limits except for those listed above).
 - e. A minimum of two chickens, excluding roosters, per two thousand square feet of lot area, up to a maximum of twenty. Enclosures shall be covered and comply with all setback requirements and located no less than twenty-five feet from any neighboring dwelling unit. Feed shall be stored in a secured sealed container. For purposes of this section, "enclosure" shall mean any covered structure in which chickens are kept. The area of a lot shall be computed pursuant to Section 24.01.100 of this code.
 - f. In the R1R and R1E zones only, the following additional animals may be kept:
 - (1) Bees may be kept in conformance with the regulations of San Diego County Department of Agriculture.
 - (2) On lots over one-half acre in size, one horse, goat, or sheep.
 - g. There shall be no boarding or keeping of animals for others.
4. In Zones R1E, R1R, R1S, R1, and R1A, for the sole use and pleasure of the persons occupying the premises, racing or homing pigeons may be kept as follows, subject in addition to all applicable limitations and regulations of Title 8 (excepting therefrom location requirements with respect to specific distances from adjoining residences):

- a. The number of birds may not exceed one hundred.
 - b. The birds shall be kept confined in aviaries except when exercising for short periods.
 - c. The aviaries shall observe the setbacks required for principal buildings within the zone, but in no case be located within thirty feet of any residence on an adjoining lot.
 - d. The owner shall be affiliated with a certified racing pigeon club or organization.
 - e. The cages and food supplies shall be kept clean and clear of pests.
5. Uses customarily enjoyed by a family such as gardening, horticulture, and hobbies. Hobbies shall not be construed to mean the manufacture of goods or services provided in connection with a home occupation or any use set forth in paragraph 7 below.
6. Fences, walls and retaining walls, as per the development standards of this chapter.
7. Home occupations operated by residents of the property, conducted wholly within the dwelling unit.
8. Accessory Dwelling Units, Attached and Detached.
- a. Development and Use Standards.
 - i. One attached or one detached accessory dwelling unit may be permitted in conjunction with an existing or proposed dwelling on lots zoned for single-family or multifamily residential use.
 - ii. The floor area of an attached or detached accessory dwelling unit shall not exceed one thousand two hundred square feet.
 - iii. An additional five percent of lot coverage above that established for the underlying zoning designation shall be allowed for accessory dwelling units only for lots of ten thousand square feet or less and where there is an existing single-family residence.
 - iv. An accessory dwelling unit may be permitted on the same lot as a junior accessory dwelling unit.
 - v. Except as provided herein, attached and detached accessory dwelling units shall comply with the development standards of the underlying zone and/or overlay zone, and all other ordinances, regulations, and policies, applicable to the development of residential dwelling units.
 - vi. No lot coverage limitation, front setback, minimum open space requirement, or minimum lot size requirement shall preclude the development of an accessory dwelling unit that is at least eight hundred square feet in area with side and rear setbacks of not less than four feet, provided that all other development standards are met.
 - vii. Except as provided herein, attached and detached accessory dwelling units shall comply with all local building and fire code requirements, as appropriate.
 - viii. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.

- ix. Projects solely proposing the development of an accessory dwelling unit shall be exempt from public right-of-way dedication and improvement requirements.
- b. Setbacks for Accessory Dwelling Units.
 - i. Except as provided herein, attached and detached accessory dwelling units shall comply with the setbacks required for the primary dwelling as established by the underlying zoning designation or overlay zone, as applicable.
 - ii. Notwithstanding the setbacks established by the underlying zoning designation or overlay zone, attached or detached accessory dwelling units shall have a setback of not less than four feet from side and rear property lines, or from the interior edge of adjacent access easements, whichever is more restrictive, except where the underlying zoning allows a lesser setback.
 - iii. Any accessory dwelling unit that is created by new construction, including additions to existing structures, that does not comply with the setbacks established by the underlying zoning designation or overlay zone shall be maintained as an accessory dwelling unit and shall not be converted to or used for any other purpose without express authorization of the city.
 - iv. Building appendages for accessory dwelling units shall comply with Municipal Code Section 24.05.030G.
- c. Historical Sites and Districts.
 - i. An accessory dwelling unit may be allowed on designated historical sites and within historical districts provided that the location and design of the accessory dwelling unit meets corresponding historical preservation requirements in place at the time the accessory second dwelling unit is built and complies with the requirement of this section.
 - ii. Detached accessory dwelling units shall be located behind the primary residence and/or historic structure.
 - iii. The construction of the accessory dwelling unit shall not result in the removal of any other historically significant accessory structure, such as garages, outbuildings, stables or other similar structures.
 - iv. The accessory dwelling unit shall be designed in substantially the same architectural style and finished materials composition as the primary residence or historic structure.
 - v. Construction of an accessory dwelling unit shall not result in demolition, alteration or movement of the primary residence/historic house and any other on-site features that convey the historic significance of the house and site.
 - vi. If the historic house/site is under a Mills Act contract with the city, the contract shall be amended, as needed, to authorize the introduction of the accessory dwelling unit on the site.
- d. Overlay Zones.
 - i. The requirements of Municipal Code Chapter 24.09, Scenic Preservation Overlay Zone, shall apply to the development of accessory dwelling units, except that planning commission review shall not be required for a project that solely proposes an accessory dwelling unit.

- ii. Projects proposing solely the development of an accessory dwelling unit shall not be subject to the requirements of Municipal Code Chapter 24.11, Urban Design Overlay Zone, or the requirements of the Urban Design Program.
 - iii. The requirements of Municipal Code Chapter 24.13, Hillside Overlay Zone, shall apply to the development of accessory dwelling units, except that planning commission review shall not be required for a project that solely proposes an accessory dwelling unit.
 - iv. Within the Bowling Green Overlay Zone, any tree that was required to be planted pursuant to Municipal Code Section 24.17.030D that is disturbed by a project to construct an accessory dwelling unit shall be preserved in place, or replaced in kind on the subject property if disturbed by the project.
- e. Notwithstanding subsections a. through d. above, a building permit shall be ministerially approved for accessory dwelling units in a residential or mixed-use zone when it falls into one of the four categories listed below as provided by California Government Code section 65852.2(e):
 - i. One accessory dwelling unit on a lot with an existing or proposed single-family dwelling created from converting existing or proposed space within a single-family dwelling, or existing accessory structure, provided that the accessory dwelling unit has exterior access from the existing or proposed single-family dwelling and setbacks are sufficient for fire safety as determined by the fire marshal or the building official. Accessory dwelling units converted from an existing accessory structure may include an expansion of not more than one hundred fifty square feet beyond the same physical dimensions as the existing accessory structure solely for the purpose of accommodating ingress and egress.
 - ii. One detached, new construction, accessory dwelling unit on a lot with an existing or proposed single-family dwelling, provided that the accessory dwelling unit is at least eight hundred square feet in area, has side and rear setbacks of not less than four feet, and complies with the maximum height limitations of the underlying zoning district.
 - iii. One or more accessory dwelling units on a lot with an existing multifamily dwelling converted from non-livable space (including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages), provided that each unit complies with state building standards. The greater of one accessory dwelling unit or accessory dwelling units totaling not more than twenty-five percent of the existing dwelling units in a multifamily dwelling structure may be permitted on lots with existing multifamily dwelling structures in any residential or mixed-use zone.
 - iv. Up to two detached accessory dwelling units located on a lot with an existing or proposed multifamily dwelling, provided that each unit has side and rear setbacks of not less than four feet and complies with the height limitations of the underlying zoning district. The two accessory dwelling units allowed by this subsection may be created from converting space within an existing accessory structure that is detached from the primary residential structure(s), provided that setbacks are sufficient for fire safety as determined by the fire marshal or the building official. If the existing multifamily dwelling has a rear or side

setback of less than four feet, modifications to the existing multifamily dwelling shall not be required.

f. Parking.

- i. New or additional parking spaces shall not be required for the creation of accessory dwelling units.
- ii. Where provided, parking spaces for accessory dwelling units shall comply with Chapter 24.04 (Parking) of the Municipal Code, including, but not limited to, the design requirements of the parking standards adopted by city council resolution no. 17128, or as those standards may be amended or modified by city council action.
- iii. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, any required parking spaces removed shall not be required to be replaced.

g. Utilities.

- i. Accessory dwelling units shall not be considered new residential uses for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, except that an accessory dwelling unit proposed to be constructed with a new single-family residence may be considered a new residential use for the purposes of calculations connection fees or capacity charges.
- ii. For an accessory dwelling unit that is contained wholly within the space of an existing or proposed single-family residence or an existing accessory structure, plus any expansion of the accessory structure as allowed by Section 24.05.020D8e(i), has independent exterior access from the existing residence and the side and rear setbacks are sufficient for fire safety, no new or separate utility connection directly between the accessory dwelling unit and the utility shall be required and no related connection fee or capacity charge shall be imposed, unless the accessory dwelling unit is proposed to be constructed with a new single-family residence.
- iii. For an accessory dwelling unit that does not meet the criteria of Municipal Code Section 24.05.020D8c(ii) and where the physical characteristics of the lot on which the accessory dwelling unit is proposed preclude connection to the existing utility connection of the primary dwelling, a new or separate connection directly to the utility shall be required and related connection fees and capacity charges shall be imposed.
- iv. For attached or detached accessory dwelling units constructed on the same lot as an existing multifamily dwelling structure as described in Section 24.05.020D8e(iii) and (iv), a new or separate utility connection may be required between the accessory dwelling unit and the utility. The connection may be subject to a connection fee and/or capacity charge.
- v. Connection fees and capacity charges shall be imposed for accessory dwelling unit projects that voluntarily propose a new or separate connection directly between the accessory dwelling unit and the utility.

- vi. When connection fees and/or capacity charges are imposed, the fee and/or charge shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its area or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code, upon the water or sewer system. The fee and/or charge shall not exceed the reasonable cost of providing this service.
 - vii. Prior to approval of an accessory dwelling unit on properties with a private sewage system, approval by the County of San Diego Department of Environmental Health, or any successor agency, shall be required.
- h. Permit and Review Requirements.
- i. Not more than one attached accessory dwelling, one detached accessory dwelling unit, and one junior accessory dwelling unit shall be permitted on a lot with an existing or proposed single-family dwelling.
 - ii. Not more than two detached, new construction accessory dwelling units shall be permitted on a lot with an existing or proposed multifamily dwelling.
 - iii. Applications for accessory dwelling units conforming to the requirements of this section shall be considered ministerially without discretionary review or a hearing, and the city shall approve or deny such applications within sixty calendar days after receiving the application, if there is an existing single-family or multifamily dwelling on the lot. If a permit application for an accessory dwelling unit is submitted with an application for a new single-family or multifamily dwelling on the same lot, approval or denial of the accessory dwelling unit shall be delayed until the city approves or denies the permit application for the single-family or multifamily residence. If the applicant requests a delay, the sixty-day time period shall be extended for the period of the delay.
 - iv. The correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and that are not affected by the construction of the junior accessory dwelling unit shall not be required for approval of a building permit for an accessory dwelling unit.
 - v. No impact fees shall be imposed for an accessory dwelling unit that is less than seven hundred fifty square feet in area. Any impact fees charged for an accessory dwelling unit that is seven hundred fifty square feet in area or greater shall be assessed proportionately in relation to the square footage of the primary dwelling unit. "Impact fee" as used herein does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.
 - vi. Any demolition permit required for or associated with an application for construction of an accessory dwelling unit shall be reviewed with the application for the accessory dwelling unit and issued at the same time.
 - vii. A certificate of occupancy for an accessory dwelling unit shall not be issued before issuance of a certificate of occupancy for the primary dwelling.
 - viii. At the request of the owner of an accessory dwelling unit, enforcement of state building standards related to the accessory dwelling unit shall be delayed,

subject to compliance with Section 17980.12 of the Health and Safety Code, provided that the accessory dwelling unit was built prior to January 1, 2020.

- ix. Accessory dwelling units shall not be considered in the application of any ordinance, policy, or program to limit residential growth.

i. Conveyance and Rental.

- i. The rental of an accessory dwelling unit created under Section 24.05.020D8e shall be for terms longer than thirty days.
- ii. An accessory dwelling unit shall not be sold or otherwise conveyed separately from the primary residence, but may be rented.
- iii. An accessory dwelling unit may be sold or conveyed separately from the primary residence to a qualified buyer provided that all of the following apply:
 - (1) The ADU or primary dwelling was built or developed by a qualified nonprofit corporation.
 - (2) There is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code.
 - (3) The property is held pursuant to a recorded tenancy in common agreement that includes all of the following:
 - (a) The agreement allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling each qualified buyer occupies.
 - (b) A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the property if the buyer desires to sell or convey the property.
 - (c) A requirement that the qualified buyer occupy the property as the buyer's principal residence.
 - (d) Affordability restrictions on the sale and conveyance of the property that ensure the property will be preserved for low-income housing for forty-five years for owner-occupied housing units and will be sold or resold to a qualified buyer.
 - (4) If the tenancy in common agreement is recorded after December 31, 2021, it shall also include all of the following:
 - (a) Delineation of all areas of the property that are for the exclusive use of a cotenant. Each cotenant shall agree not to claim a right of occupancy to an area delineated for the exclusive use of another cotenant, provided that the latter cotenant's obligations to each of the other cotenants have been satisfied.
 - (b) Delineation of each cotenant's responsibility for the costs of taxes, insurance, utilities, general maintenance and repair, improvements, and any other costs, obligations, or liabilities associated with the property. This delineation shall only be binding on the parties to the

agreement, and shall not supersede or obviate the liability, whether joint and several or otherwise, of the parties for any cost, obligation, or liability associated with the property where such liability is otherwise established by law or by agreement with a third party.

(c) Procedures for dispute resolution among the parties before resorting to legal action.

(5) A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded in the Office of the San Diego County Recorder. A Preliminary Change of Ownership Report shall be filed concurrently with this grant deed pursuant to Section 480.3 of the Revenue and Taxation Code.

(6) Notwithstanding Section 24.05.020D8c, if requested by a utility providing service to the primary residence, the accessory dwelling unit shall have a separate water, sewer, or electrical connection to that utility.

j. For the purposes of this section, the following definitions apply:

- i. "Accessory dwelling unit" shall be as defined in Municipal Code Section 24.01.100.
- ii. "Living area" shall mean the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.
- iii. "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.
- iv. "Objective standards" means standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.
- v. "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
- vi. "Public transit" shall mean a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
- vii. "Qualified buyer" means persons and families of low or moderate income, as that term is defined in Section 50093 of the Health and Safety Code.
- viii. "Qualified nonprofit corporation" means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.

9. Junior Accessory Dwelling Units:

- a. One junior accessory dwelling unit may be permitted in conjunction with an existing or proposed single-family residence on lots zoned for single-family or multifamily residential use.

- b. A junior accessory dwelling unit may be permitted on the same lot as one accessory dwelling unit.
- c. A junior accessory dwelling unit shall not be sold separately from the primary residence.
- d. A junior accessory dwelling unit may be rented, but only with a rental agreement with terms greater than thirty days.
- e. The owner of a lot with a junior accessory dwelling unit shall occupy as a principal residence either the primary dwelling or the junior accessory dwelling unit, except where the primary dwelling and junior accessory dwelling are held by an agency such as a land trust or housing organization in an effort to create affordable housing.
- f. Junior accessory dwelling unit development standards:
 - (i) A junior accessory dwelling unit shall not exceed five hundred square feet in total floor area.
 - (ii) A junior accessory dwelling unit shall be contained entirely within an existing or proposed single-family residence. Attached, enclosed uses, including garages, are considered a part of the proposed or existing single-family residence. For purposes of this subsection, "attached" shall mean that the enclosed use shares a common wall with interior, habitable living space of the primary dwelling unit.
 - (iii) A junior accessory dwelling unit shall be provided with a separate exterior entry.
 - (iv) A junior accessory dwelling unit shall include an efficiency kitchen, with the following components:
 - (1) A cooking facility with appliances.
 - (2) A food preparation counter and storage cabinets that are reasonable to the size of the unit.
 - (v) No additional parking shall be required for a junior accessory dwelling unit other than that required when the existing primary residence was constructed.
 - (vi) A junior accessory dwelling unit may share bathroom/sanitation facilities with the primary residence or may provide separate facilities. If the junior accessory dwelling unit shares sanitation facilities with the primary residence, an interior entry to the primary residence's main living area shall be maintained to provide access to the sanitation facilities.
- g. Except as provided herein, a junior accessory dwelling unit shall comply with all local building and fire code requirements, as appropriate.
- h. The correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and that are not affected by the construction of the junior accessory dwelling unit shall not be required for approval of a building permit for a junior accessory dwelling unit.
- i. Junior accessory dwelling units shall not be required to provide fire sprinklers or fire attenuation specifications if they are not required for the primary residence. An inspection to confirm that the junior accessory dwelling unit complies with development standards may be assessed.

- j. No sewer or water connection fees shall be required for the development of a junior accessory dwelling unit. An inspection to confirm that the junior accessory dwelling unit complies with development standards may be assessed.
 - k. Prior to issuance of a building permit for a junior accessory dwelling unit, a covenant shall be recorded between the owner and the city of La Mesa agreeing to the terms stipulated in this chapter. The covenant shall specifically mention that:
 - (i) The junior accessory dwelling unit shall not be sold separately from the primary dwelling unit.
 - (ii) The junior accessory dwelling unit may be rented, but only with a rental agreement with terms greater than thirty days.
 - (iii) The junior accessory unit is limited to the size and attributes set forth by this section.
 - (iv) The owner of record of the property shall occupy the primary dwelling unit or the junior accessory dwelling unit, except where the primary dwelling and junior accessory dwelling are held by an agency such as a land trust or housing organization in an effort to create affordable housing.
 - (v) The covenant shall be binding upon any successors in interest or ownership of the property and lack of compliance with the provisions thereof may result in legal action against the property owner, including revocation of the right to maintain a junior accessory dwelling unit on the property.
 - l. Applications for junior accessory dwelling units conforming to the requirements of this section shall be considered ministerially without discretionary review or a hearing, and the city shall approve or deny such applications within sixty calendar days after receiving the application if there is an existing single-family dwelling on the lot. If a permit application for a junior accessory dwelling unit is submitted with an application for a new single-family dwelling on the same lot, the approval or denial of the junior accessory dwelling unit shall be delayed until the city approves or denies the permit application for the single-family residence. If the applicant requests a delay, the sixty-day time period shall be extended for the period of the delay.
 - m. Projects solely proposing a junior accessory dwelling unit shall be exempt from the requirements for public right-of-way dedication and improvement.
10. Accessory Uses and Structures by Conditional Use Permit:
- a. Tennis, handball or similar courts. (As part of the original construction of a PRD, condominium or apartment development, such court may be approved through the normal project review, providing the judgment is made that its location, lighting and use will not be disruptive to adjacent residential properties.)
 - b. Columbarium cabinets with a capacity to store more than two hundred urns, in conjunction with a church use. All such cabinets shall only be installed inside enclosed buildings.
 - c. The construction of large objects unrelated to the premises such as boats or airplanes on a one-time basis.
 - d. Non-conventional antennas, and satellite dish antennas over three feet in diameter which do not comply with the provisions of Section 24.05.020.D.1.
11. Commercial residential use within a detached single-family residence with six or fewer adult residents upon issuance of a business license, when the following provisions are met:

- a. A minimum of two hundred square feet of living area shall be provided per adult resident.
 - b. One parking space shall be provided per adult resident. A maximum of two spaces may be provided in tandem to other required parking spaces (such as in a driveway to a garage), when no more than one vehicle is parked behind one other vehicle and no more than fifty percent of the front setback area is paved.
 - c. A minimum of two bathrooms, each including either a bathtub or shower, shall be provided.
- 12. Unattended storage containers for recyclable materials occupying less than fifty square feet located on the premises of residential property and used solely for the recycling of material generated by the residential property, or unattended storage containers for recyclable materials on permitted institutional uses in residential districts for the donation of recyclable materials for noncommercial purposes. Such storage containers shall be located in the general vicinity of other trash collection facilities on the site.
- 13. Small family day care homes located in a single-family residence.
- 14. Large family day care homes located in a single-family residence when the following criteria are met:
 - a. A minimum of one off-street parking stall shall be provided for the unloading/loading of children.
 - b. All outdoor play areas shall be enclosed within a minimum four-foot high fence.
 - c. A plot plan shall be furnished to the planning department with the business license application clearly showing how items a. and b. are being met.
 - d. The fire department has conducted an inspection of the property prior to issuance of the business license to ensure that all Fire Codes applicable to such a facility are being met.
- 15. Columbarium cabinets or columbaria, with a capacity limited to store two hundred urns or less, in conjunction with a church use. All such cabinets shall only be installed inside enclosed buildings.
- 16. Exterior lighting shall be compatible with residential use. All lighting shall be designed, installed and maintained to project the light primarily on the owner's property. This may require the use of shields, and may limit the location, type and height of light fixtures. Any light falling on adjacent properties shall be minimal and incidental. Lighting shall be focused directly on the owner's property, and shall not be focused on adjacent properties.

(Ord. 2263; May 19, 1981: Ord. 2421 §§ 2, 3; March 11, 1986: Ord. 2446 § 1; January 27, 1987: Ord. 2484 § 2; November 10, 1987: Ord. 2528 § 1; June 13, 1989: Ord. 2557 §§ 3, 4; March 27, 1990: Ord. 2569 §§ 1, 2; January 22, 1991: Ord. 2583 §§ 3, 4; June 11, 1991: Ord. 2598 § 2; March 24, 1992: Ord. 2600 §§ 16-18; April 28, 1992: Ord. 2643 §§ 2, 3; May 24, 1994: Ord. 2646 § 1; June 28, 1994: Ord. 2658 §§ 1—3; May 9, 1995: Ord. 97-2684 §§ 2—7; October 14, 1997: Ord. 2001-2714 § 2; November 13, 2001: Ord. 2002-2720 § 1 (part); June 11, 2002: Ord. 2002-2723 § 2; September 24, 2002: Ord. 2003-2736 § 1; October 14, 2003: Ord. 2003-2741 § 1; November 12, 2003: Ord. 2003-2743 § 1; November 25, 2003: Ord. 2014-2832 §§ 2—4; April 8, 2014: Ord. 2016-2845 §§ 2, 3; February 9, 2016: Ord. 2019-2865, §§ 2C, D, March 12, 2019: Ord. 2019-2866, § 2C, March 12, 2019: Ord. 2020-2877, § 1, January 28, 2020: Ord. 2020-2879, § 2C, D, April 14, 2020: Ord. 2020-2880, § 2A, April 14, 2020: Ord. 2022-2894, § 6, February 8, 2022: Ord. No. 2023-2903, §§ 2B, C, March 14, 2023: Ord. No. 2023-2904, § 2, March 14, 2023)

Appendix B: Sites Inventory

Lot Consolidation: While the sites inventory includes potential for lot consolidation because they are contiguous parcels, lot consolidation is not needed to achieve the units and income level as projected in this inventory. Opportunity sites only include parcels that are already under common ownership or with developer interest to consolidate.

Table B-1. Prior Cycle Sites Remaining (as of February 14, 2023)										
APN	General Plan Designation	Zoning	Density (du/ac)	Acres	Current Use	Lot Consolidation Group	Realistic Capacity (units)	Infrastructure Capacity	On-site Constraints	Income Level
4643101700	Urban Residential	R1	10	0.18	Vacant		2	yes	none	AM
4643102600	Urban Residential	R1	10	0.29	Vacant		2	yes	none	AM
4643900200	Local Serving Commercial	C		1.21	Parking Lot		0	yes	none	AM
4644011700	Urban Residential	R1	10	0.45	Vacant		4	yes	none	AM
4644800100	Urban Residential	R1	10	2.32	Vacant		20	yes	none	AM
4684911600	Urban Residential	R1	10	0.07	Vacant	o	1	yes	none	AM
4684912400	Urban Residential	R1A	10	0.34	Vacant	o	3	yes	none	AM
4690201200	Multiple Unit Residential	R3	23	1.73	Vacant		34	yes	none	AM
4692505600	Urban Residential	R1	10	0.21	Backyard	s	2	yes	none	AM
4692505900	Urban Residential	R1	10	0.24	Vacant	s	2	yes	none	AM
4692506000	Urban Residential	R1	10	0.20	Vacant	s	2	yes	none	AM
4692506100	Urban Residential	R1	10	0.28	Vacant	s	2	yes	none	AM
4692605800	Urban Residential	R1	10	0.08	Vacant		1	yes	none	AM
4694201800	Urban Residential	R1	10	0.09	Driveway		1	yes	none	AM
4694202400	Urban Residential	R1	10	0.29	Vacant		2	yes	none	AM
4700114400	Mixed Density Residential (7-23 Du/Acre)	R1	23	0.14	Vacant		3	yes	none	AM
4700310300	Mixed Density Residential	R1	23	0.15	Vacant		3	yes	none	AM
4700321600	Mixed Density Residential	RB	23	0.06	Vacant		1	yes	none	AM

Table B-1. Prior Cycle Sites Remaining (as of February 14, 2023)

APN	General Plan Designation	Zoning	Density (du/ac)	Acres	Current Use	Lot Consolidation Group	Realistic Capacity (units)	Infrastructure Capacity	On-site Constraints	Income Level
4701000200	Mixed Use Urban (24-40 Du/Acre)	R2	40	0.15	Vacant		5	yes	none	AM
4701421600	Mixed Use Urban	R3	40	0.10	Vacant		3	yes	none	AM
4701810300	Mixed Use Urban	C	40	0.09	Landscaping/ Parking lot		3	yes	none	AM
4701820100	Road	C		0.05	Parking Lot		0	yes	none	AM
4701820200	Road	C		0.06	Parking Lot		0	yes	none	AM
4701901600	Mixed Use Urban (24-40 Du/Acre)	RB	40	0.05	Parking		2	yes	none	AM
4702002100	Mixed Density Residential	R2	23	0.16	Misc structures		3	yes	none	AM
4702003400	Mixed Density Residential	R2	23	0.07	Side Yard		1	yes	none	AM
4702621300	Urban Residential	R1	10	0.18	Vacant		2	yes	none	AM
4703100600	Urban Residential	R1	10	0.69	Vacant	t	6	yes	none	AM
4703100800	Urban Residential	R1	10	0.44	Vacant	t	4	yes	none	AM
4703202100	Urban Residential	R1	10	0.22	Vacant	t	2	yes	none	AM
4703621600	Mixed Use Urban	C	40	0.14	Parking lot		5	yes	none	AM
4703822000	Urban Residential	R1	10	0.22	Vacant	r	2	yes	none	AM
4703825600	Urban Residential	R1	10	0.17	Vacant	r	1	yes	none	AM
4704411000	Urban Residential	R1	10	0.17	Backyard/ Pool		1	yes	none	AM
4704413800	Urban Residential	R1	10	0.22	Vacant	q	2	yes	none	AM
4704413900	Urban Residential	R1	10	0.23	Vacant	q	2	yes	none	AM
4704502700	Urban Residential	R1	10	0.47	Vacant		4	yes	none	AM
4704710100	Urban Residential	R1	10	0.23	Vacant		2	yes	none	AM
4704922600	Urban Residential	R1	10	0.14	Vacant	x	1	yes	none	AM
4705420500	Urban Residential	R1	10	0.14	Vacant		1	yes	none	AM
4705520200	Urban Residential	R1	10	0.16	Vacant		1	yes	none	AM

Table B-1. Prior Cycle Sites Remaining (as of February 14, 2023)

APN	General Plan Designation	Zoning	Density (du/ac)	Acres	Current Use	Lot Consolidation Group	Realistic Capacity (units)	Infrastructure Capacity	On-site Constraints	Income Level
4705820400	Restricted Multiple Unit Res (14 Du/Acre)	CD	14	0.05	Vacant		1	yes	Landlocked	AM
4705822400	Restricted Multiple Unit Residential	R2	14	0.20	Landscaping/ Parking lot		2	yes	none	AM
4706624700	Urban Residential	R1	10	0.39	Vacant	w	3	yes	none	AM
4706624800	Urban Residential	R1	10	0.37	Vacant	w	3	yes	none	AM
4741440100	Mixed Use Urban	RB	40	0.14	Vacant	bb	5	yes	none	AM
4741440200	Mixed Use Urban	RB	40	0.13	Vacant	bb	4	yes	none	AM
4741441700	Urban Residential	RB	10	0.15	Vacant	bb	1	yes	none	AM
4741700600	Mixed Use Urban	R3	40	0.17	Vacant		6	yes	none	AM
4743530500	Urban Residential	R1	10	0.45	Vacant		4	yes	none	AM
4751800600	Urban Residential	R1	10	0.82	Vacant	ii	7	yes	none	AM
4752221400	Suburban Residential	R1S	4	0.94	Vacant		3	yes	none	AM
4753011600	Urban Residential	R1	10	0.15	Driveway	n	1	yes	none	AM
4753011700	Urban Residential	R1	10	0.06	Vacant	n	1	yes	none	AM
4753017000	Urban Residential	R1	10	0.19	Vacant	p	2	yes	none	AM
4753017200	Urban Residential	R1	10	0.24	Vacant	p	2	yes	none	AM
4753512700	Suburban Residential	R1S	4	0.13	Vacant	c	0	yes	Hillside	AM
4753512800	Suburban Residential	R1S	4	0.23	Vacant	c	1	yes	none	AM
4753512900	Suburban Residential	R1S	4	0.32	Vacant	c	1	yes	none	AM
4753513000	Suburban Residential	R1S	4	0.37	Vacant	c	1	yes	none	AM
4753521400	Multiple Unit Residential	R3	23	0.11	Vacant		2	yes	none	AM
4755620700	Suburban Residential	R1S	4	0.22	Vacant		1	yes	none	AM
4756001900	Suburban Residential	R1S	4	0.54	Vacant		2	yes	Street access	AM

Table B-1. Prior Cycle Sites Remaining (as of February 14, 2023)

APN	General Plan Designation	Zoning	Density (du/ac)	Acres	Current Use	Lot Consolidation Group	Realistic Capacity (units)	Infrastructure Capacity	On-site Constraints	Income Level
4756213200	Suburban Residential	R1S	4	0.70	Driveway/ slope runoff infrastructure	ii	2	yes	Hillside	AM
4756311900	Suburban Residential	R1S	4	1.37	Vacant		5	yes	none	AM
4756402800	Suburban Residential	R1S	4	0.09	Vacant	c	0	yes	Hillside	AM
4864912600	Urban Residential	R1	10	0.13	Vacant		1	yes	none	AM
4864932700	Urban Residential	R1	10	0.25	Vacant		2	yes	Landlocked	AM
4868400100	Suburban Residential (4 Du/Acre)	R1S	4	0.62	Vacant		2	yes	none	AM
4868400200	Suburban Residential (4 Du/Acre)	R1S	4	0.24	Vacant		1	yes	none	AM
4902102900	Restricted Multiple Unit Residential	R2	14	0.56	Park		7	yes	Existing park	AM
4902610300	Railroad/Trolley	C		1.71	Vacant		0	yes	Very sloped	AM
4902830800	Restricted Multiple Unit Residential	R2	14	0.14	Vacant		2	yes	none	AM
4904035900	Suburban Residential (4 Du/Acre)	R1S	4	0.06	Vacant		0	yes	none	AM
4904036100	Suburban Residential	R1S	4	0.26	Vacant	l	1	yes	none	AM
4904036200	Suburban Residential	R1S	4	0.27	Vacant	l	1	yes	none	AM
4904040500	Suburban Residential	R1S	4	0.29	Vacant		1	yes	none	AM
4904042200	Suburban Residential (4 Du/Acre)	R1S	4	0.10	Vacant		0	yes	none	AM
4904361100	Freeway	CM		1.02	Parking Lot		0	yes	none	AM
4904721100	Mixed Use Urban (24-40 Du/Acre)	R3	40	0.17	Parking Lot		6	yes	none	AM

Table B-1. Prior Cycle Sites Remaining (as of February 14, 2023)										
APN	General Plan Designation	Zoning	Density (du/ac)	Acres	Current Use	Lot Consolidation Group	Realistic Capacity (units)	Infrastructure Capacity	On-site Constraints	Income Level
4904721200	Mixed Use Urban (24-40 Du/Acre)	C	40	0.16	Parking Lot		5	yes	none	AM
4904722900	Mixed Use Urban (24-40 Du/Acre)	R2	40	0.31	Parking Lot		11	yes	none	AM
4906602900	Urban Residential (7-10 Du/Acre)	R1	10	1.09	Vacant		9	yes	none	AM
4912600900	Suburban Residential	R1S	4	0.17	Partially parking lot	g	1	yes	none	AM
4912601000	Suburban Residential	R1S	4	0.30	Partially parking lot	g	1	yes	none	AM
4917900100	Suburban Residential (4 Du/Acre)	R1S	4	0.18	Vacant		1	yes	none	AM
4917900200	Suburban Residential (4 Du/Acre)	R1S	4	0.23	Vacant		1	yes	none	AM
4918001200	Road	R1S		0.20	Vacant		0	yes	none	AM
4918002800	Rural Residential	R1E	2	0.41	Vacant		1	yes	none	AM
4918003700	Suburban Residential (4 Du/Acre)	R1S	4	0.12	Vacant		0	yes	none	AM
4940911400	Urban Residential	R1	10	0.28	Vacant		2	yes	none	AM
4941600800	Urban Residential	R1	10	0.14	Vacant		1	yes	none	AM
4941701100	Urban Residential	R1	10	0.11	Vacant		1	yes	none	AM
4942020300	Urban Residential (7-10 Du/Acre)	R1	10	0.05	Fence/ Sideyard	pp	0	yes	none	AM
4942020500	Urban Residential (7-10 Du/Acre)	R1	10	0.05	Backyard/ Driveway	pp	0	yes	none	AM
4942200900	Road	C		0.15	Vacant		0	yes	none	AM
4942910500	Mixed Use Urban	C	40	0.18	Vacant	aa	6	yes	none	AM
4942911800	Mixed Use Urban	C	40	0.17	Vacant	aa	6	yes	none	AM

Table B-1. Prior Cycle Sites Remaining (as of February 14, 2023)

APN	General Plan Designation	Zoning	Density (du/ac)	Acres	Current Use	Lot Consolidation Group	Realistic Capacity (units)	Infrastructure Capacity	On-site Constraints	Income Level
4943402300	Suburban Residential	R1S	4	0.22	Vacant		1	yes	none	AM
4944325400	Urban Residential (7-10 Du/Acre)	R1	10	0.13	Vacant		1	yes	none	AM
4944720700	Suburban Residential	R1S	4	0.52	Gardens, Misc		2	yes	none	AM
4944810400	Suburban Residential	R1S	4	0.25	Vacant	k	1	yes	none	AM
4944810500	Suburban Residential	R1S	4	0.31	Vacant	k	1	yes	none	AM
4945120200	Suburban Residential	R1S	4	0.44	Vacant		2	yes	none	AM
4945211700	Suburban Residential	R1S	4	0.32	Vacant		1	yes	none	AM
4946611200	Urban Residential (7-10 Du/Acre)	R1	10	0.04	Vacant		0	yes	Landlocked	AM
4946612000	Urban Residential	R1	10	0.19	Trailer/ Driveway		2	yes	none	AM
4947002700	Suburban Residential	R1S	4	0.29	Vacant		1	yes	none	AM
4947122200	Suburban Residential	R1S	4	0.35	Trailer/ Driveway		1	yes	none	AM
4947303600	Suburban Residential	R1S	4	0.24	Vacant		1	yes	none	AM
4947603000	Suburban Residential	R1S	4	0.25	Vacant		1	yes	none	AM
4948200600	Urban Residential	R1	10	0.23	Vacant		2	yes	none	AM
4948500100	Urban Residential (7-10 Du/Acre)	R1	10	0.14	Parking Lot		1	yes	none	AM
4948712600	Urban Residential	R1	10	0.51	Vacant		4	yes	none	AM
4950501900	Suburban Residential (4 Du/Acre)	R1S	4	0.34	Vacant		1	yes	none	AM
4950507700	Suburban Residential (4 Du/Acre)	R1S	4	0.27	Vacant		1	yes	none	AM
4950901500	Suburban Residential	R1S	4	0.61	Vacant		2	yes	none	AM
4951515100	Suburban Residential	R1S	4	0.59	Vacant		2	yes	none	AM
4951602800	Suburban Residential	R1S	4	0.24	Vacant		1	yes	Street access?	AM

Table B-1. Prior Cycle Sites Remaining (as of February 14, 2023)

APN	General Plan Designation	Zoning	Density (du/ac)	Acres	Current Use	Lot Consolidation Group	Realistic Capacity (units)	Infrastructure Capacity	On-site Constraints	Income Level
4951730500	Suburban Residential	R1S	4	0.99	Vacant		3	yes	none	AM
4951821400	Rural Residential	R1E	2	0.41	Vacant		1	yes	none	AM
4951902000	Rural Residential	R1E	2	0.47	Vacant		1	yes	none	AM
4952321800	Freeway	R1S		0.30	Vacant		0	yes	none	AM
4952501800	Suburban Residential	R1S	4	0.22	Vacant		1	yes	none	AM
4953208000	Suburban Residential (4 Du/Acre)	R1S	4	0.45	Vacant		2	yes	none	AM
4953320500	Suburban Residential	R1S	4	0.24	Vacant		1	yes	none	AM
4953322900	Suburban Residential	R1S	4	0.45	Vacant		2	yes	none	AM
4954705200	Suburban Residential	R1S	4	0.23	Vacant		1	yes	none	AM
4964200200	Rural Residential	R1E	2	1.07	Vacant		2	yes	none	AM
4964201700	Rural Residential	R1E	2	1.00	Vacant		2	yes	none	AM
4990100800	Railroad/Trolley	R1S		1.04	Vacant		0	yes	none	AM
4990304900	Suburban Residential	R1S	4	0.26	Vacant		1	yes	none	AM
4991712500	Suburban Residential (4 Du/Acre)	R1S	4	0.08	Vacant		0	yes	none	AM
4991712600	Suburban Residential	R1S	4	0.75	Vacant	j	3	yes	none	AM
4991712800	Suburban Residential	R1S	4	1.03	Vacant	j	3	yes	none	AM
4991713400	Suburban Residential	R1S	4	0.87	Vacant	j	3	yes	none	AM
4991912600	Suburban Residential	R1S	4	0.37	Vacant	j	1	yes	none	AM
4992112100	Suburban Residential (4 Du/Acre)	R1S	4	0.25	Vacant		1	yes	none	AM
4994911000	Suburban Residential	R1S	4	0.62	Vacant		2	yes	none	AM
4994922300	Semi-Rural Residential	R1R	3	0.40	Vacant		1	yes	none	AM
4994924500	Semi-Rural Residential	R1R	3	0.46	Vacant	b	1	yes	none	AM
4994924600	Semi-Rural Residential	R1R	3	0.51	Vacant	b	1	yes	none	AM
4994924800	Semi-Rural Residential	R1R	3	0.67	Vacant	b	2	yes	none	AM

Table B-1. Prior Cycle Sites Remaining (as of February 14, 2023)										
APN	General Plan Designation	Zoning	Density (du/ac)	Acres	Current Use	Lot Consolidation Group	Realistic Capacity (units)	Infrastructure Capacity	On-site Constraints	Income Level
4994926100	Semi-Rural Residential (3 Du/Acre)	R1R	3	0.64	Vacant		2	yes	none	AM
4994926200	Semi-Rural Residential (3 Du/Acre)	R1R	3	0.17	Vacant		0	yes	none	AM
4994926300	Semi-Rural Residential (3 Du/Acre)	R1R	3	0.12	Vacant		0	yes		AM
4994926400	Semi-Rural Residential (3 Du/Acre)	R1R	3	0.28	Vacant		1	yes		AM
4994926500	Semi-Rural Residential (3 Du/Acre)	R1R	3	0.55	Vacant		1	yes		AM
4995001400	Semi-Rural Residential (3 Du/Acre)	R1R	3	0.21	Vacant		1	yes		AM
4995009100	Semi-Rural Residential	R1R	3	0.67	Vacant		2	yes	none	AM
4995009200	Semi-Rural Residential (3 Du/Acre)	R1R	3	0.51	Vacant		1	yes	none	AM
4995233500	Semi-Rural Residential (3 Du/Acre)	R1R	3	0.96	Vacant		2	yes	none	AM
Total Units							342			