



# County of San Diego

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February 27, 2019

Update No. 100  
03-19

**TO:** Persons Holding Copies of the San Diego County Zoning Ordinance  
**FROM:** Planning & Development Services  
**RE:** AMENDMENT PAGES FOR THE COUNTY ZONING ORDINANCE

Attached are pages containing changes to the San Diego County Zoning Ordinance amended by adoption of Ordinance No. 10592 (N.S.), effective March 29, 2019. This Ordinance makes additions and amendments to the Basic Provisions, Development Regulations, General Regulations and Procedures. These amendment pages are known as Zoning Ordinance Update No. 31, POD-17-004, adopted by the Board of Supervisors on February 27, 2019.

Please substitute these pages in your copy of the Zoning Ordinance by removing the obsolete pages and adding the new pages as follows:

<b>REMOVE</b>	<b>ADD</b>	<b>SECTION CHANGES/DESCRIPTION</b>
1006 - 1006 Applicability of the Zoning Ordinance (2 pages)	1006 – 1006 Applicability of the Zoning Ordinance (2 pages)	Applicability of Zoning Ordinance amended
Def. N - Def. P (3 pages)	Def. N - Def. P (3 pages)	Pagination changes Definition of “Public Passive Park/Recreational Area” amended
Def. T - Def. T (1 page)	Def. T - Def. T (1 page)	Definition of “Trailer Coach” amended
1265 -1265 (1 page)	1265 - 1265 (1 page)	Group Residential amended
4010 - 4011 (1 page)	4010 - 4011 (1 page)	Specific Plans amended Legal Lots with Split Zoning amended
6156 - 6156 (6 pages)	6156 - 6156 (4 pages)	Residential and Agricultural Use Types: g. Detached Private Garages amended k. Guest Living Quarters amended x. Accessory Dwelling Units amended
6156 - 6156 (2 pages)	6156 - 6156 (3 pages)	ii. Accessory Unit Table amended II. Junior Dwelling Units added

6157 - 6157 (3 pages)	6157 - 6157 (3 pages)	f. Farm Employee Housing amended <i>(Note: paragraphs 6-10 deleted)</i>
6350 - 6375 (6 pages)	6350 - 6375 (7 pages)	Density Bonus Program, Title and Purpose amended Eligibility for Affordable Housing/Density Bonus Program and Permit amended Density Bonus amended Incentives amended Waiver of Development Standards: Parking Requirements amended Affordable Units and Replacement Units amended
6754 – 6754 (1 page)	6754 – 6754 (1 page)	Additional Parking Requirements for Accessory and Special Uses amended
6787 – 6787 (2 pages)	6787 – 6787 (2 pages)	Pagination changes Location of Parking and Bicycle Spaces on a Building Site amended
6903 – 6903 (1 page)	6903 – 6903 (1 page)	Lot Line Locations amended
6910 – 6910 (5 pages)	6910 – 6910 (5 pages)	Wholesale Limited, Boutique and Small Wineries: a. Wholesale limited winery amended b. Boutique Winery amended c. Small Winery amended
6983 – 6985 (4 pages)	6983 – 6985 (5 pages)	Definition S: Small Cell Wireless Facilities added 6984 A: Non-Discretionary Permit Requirements added 6984 B: Discretionary Application Requirements amended 6985 A: Non-Discretionary Application Processing added 6985 B Discretionary Application Processing amended
7400 – 7445 (3 pages)	7400 – 7445 (4 pages)	Title and Purpose amended Applicability amended Jurisdiction amended Application for the Granting of a Density Bonus/Affordable Housing Permit amended Finding Related to Incentives and Development Standards amended Density Bonus/Affordable Housing Agreement amended Appeal amended Expiration amended

		Density Bonus/Affordable Housing Permit to be Recorded and Provide Constructive Notice amended
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Upon insertion of these pages, we suggest you fill in the space provided for Update No. 100 inside the front cover of your Zoning Ordinance. This will serve as a record that your copy has been updated. If you have any questions regarding this update, please contact Tara Lieberman at (858) 495-5466.



Kathleen Flannery, Assistant Director  
Department of Planning & Development Services



# **THE ZONING ORDINANCE SAN DIEGO COUNTY**

**IMPORTANT NOTE:**

Zoning ordinances are continually undergoing additions, deletions and alterations. Up-to-date ordinance information is available at the Zoning Information Counter at Planning & Development Services. Any questions regarding possible changes in zoning ordinances should be directed to the Zoning Information Counter.

***COUNTY OF SAN DIEGO  
Planning & Development Services***

**THE ZONING ORDINANCE OF SAN DIEGO COUNTY**  
Ordinance No. 5281 (New Series)

Adopted -                   October 18, 1978  
Effective -                   December 19, 1978

**RECORD OF CHANGES TO THIS ORDINANCE**  
Note date and initial when replacement pages are inserted

UPDATE			UPDATE			UPDATE			UPDATE		
No.	Date	By	No.	Date	By	No.	Date	By	No.	Date	By
1	3-83	DPLU	33	10-89	DPLU	65	2-03	DPLU	97	11-14	PDS
2	6-83	"	34	1-90	"	66	6-03	"	98	5-16	"
3	10-83	"	35	5-90	"	67	9-03	"	99	4-17	"
4	12-83	"	36	7-90	"	68	2-04	"	100	3-19	"
5	5-84	"	37	8-90	"	69	8-04	"			
6	6-84	"	38	10-90	"	70	10-04	"			
7	11-84	"	39	9-91	"	71	2-05	"			
8	12-84	"	40	3-92	"	72	3-06	"			
9	1-85	"	41	6-92	"	73	3-07	"			
10	3-85	"	42	10-92	"	74	5-07	"			
11	5-85	"	43	12-92	"	75	4-08	"			
12	8-85	"	44	1-93	"	76	9-08	"			
13	9-85	"	45	3-93	"	77	1-09	"			
14	11-85	"	46	6-93	"	78	3-09	"			
15	12-85	"	47	7-93	"	79	4-09	"			
16	5-86	"	48	1-94	"	80	10-09	"			
17	6-86	"	49	7-94	"	81	2-10	"			
18	7-86	"	50	10-94	"	82	7-10	"			
19	8-86	"	51	1-95	"	83	9-10	"			
20	10-86	"	52	3-95	"	84	10-10	"			
21	11-86	"	53	11-95	"	85	1-11	"			
22	1-87	"	54	12-95	"	86	2-11	"			
23	6-87	"	55	8-96	"	87	9-11	"			
24	7-87	"	56	1-98	"	88	4-12	"			
25	9-87	"	57	5-98	"	89	7-12	PDS			
26	11-87	"	58	10-98	"	90	11-12	"			
27	2-88	"	59	7-99	"	91	3-13	"			
28	2-88	"	60	7-00	"	92	6-13	"			
29	6-88	"	61	4-01	"	93	10-13	"			
30	8-88	"	62	3-02	"	94	11-13	"			
31	2-89	"	63	1-03	"	95	2-14	"			
32	8-89	"	64	1-03	"	96	9-14	"			

## PART ONE: BASIC PROVISIONS

GENERAL PROVISIONS

## 1000 TITLE AND PURPOSE OF PART ONE.

The provisions of Section 1000 through Section 1999, inclusive, shall be known as the Basic Provisions of the Zoning Ordinance. The purpose of these provisions is to specify the title, purpose, basic structure and applicability of the Zoning Ordinance and to require conformity to this Ordinance. These provisions shall apply to the entirety of the Zoning Ordinance.

## 1001 TITLE OF THE ZONING ORDINANCE.

This Ordinance shall be known and cited as The Zoning Ordinance.

## 1002 PURPOSE OF THE ZONING ORDINANCE.

The purpose of the Zoning Ordinance shall be to serve the public health, safety and general welfare and to provide the advantages resulting from the implementation of the San Diego County General Plan.

## 1003 CONSISTENCY OF ZONING ORDINANCE WITH THE SAN DIEGO COUNTY GENERAL PLAN.

In the event that the Zoning Ordinance becomes inconsistent with the San Diego County General Plan by reason of the adoption of a new Plan, or by amendment of the existing Plan or any of its elements, the Zoning Ordinance shall be amended within a reasonable time so that it is consistent with the newly adopted Plan or remain consistent with the existing Plan as amended. Additionally, all Zoning Ordinance amendments other than those previously described shall be consistent with the San Diego County General Plan. The procedure for the amendment of the Zoning Ordinance is contained in Sections 7500 through 7549, inclusive.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

## 1004 OPEN SPACE ZONING ORDINANCE.

The Board of Supervisors hereby finds and declares that the zones containing the following Use Regulations and Special Area Regulations contained in this Zoning Ordinance constitute the Open Space Zoning Ordinance pursuant to the California Government Code: the A70 Limited Agriculture, A72 General Agriculture, S80 Open Space, S90 Holding Area, S92 General Rural, and S94 Transportation and Utility Corridor Use Regulations, and the Flood Plain, Historic/Archaeological Landmark and District, Scenic Area, Sensitive Resource Area, and Agricultural Preserve Special Area Regulations.

(Amended by Ord. No. 5330 (N.S.) adopted 12-13-78)

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)

(Amended by Ord. No. 8114 (N.S.) adopted 7-29-92)

(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)

1006

1006            APPLICABILITY OF THE ZONING ORDINANCE.

- a.     The Zoning Ordinance shall be applicable to all of the unincorporated areas of San Diego County. The use and employment of all land and any buildings or structures located upon the land and the construction, reconstruction, alteration, expansion, or relocation of any building or structure upon the land shall conform to all regulations applicable to the zone in which the land is located. No land, building, structure or premises shall be used for any purpose or in any manner other than is permitted in the zone in which such land, building, structure or premise is located.
- b.     The Zoning Ordinance shall not apply to the development, use, or improvement of new or existing County Parks (including public active or passive parks), County Libraries, or other County facilities such as Fire Stations or Sheriff Stations.
- c.     The Zoning Ordinance shall not apply to Indian Reservation lands within the County of San Diego. Such lands are defined as those parcels which are identified as Indian Reservation lands by an Act of the United States Congress.
- d.     The Zoning Ordinance shall not apply to federally-owned or state-owned public lands within the County of San Diego. Such lands are defined as those parcels which are identified as federally-owned or state-owned public lands by the San Diego County Assessor.
- e.     The Zoning Ordinance shall not apply to solid waste management projects undertaken by the County on County-owned land and the Administrative Permit Procedure at Section 7050 and following, the Site Plan Review Procedure at Section 7150 and following, and the Use Permit Procedure at Section 7350 and following, shall not apply to the development of the following uses on County-owned solid waste sites and associated buffer properties which would otherwise require a discretionary permit; photovoltaic solar energy systems; resource conversion projects using landfill gases to produce energy or other products; above ground wireless telecommunication facilities; or storage of operable vehicles and equipment; provided:
  1.     Any proposed lease (and associated environmental documents) for the use of any County-owned solid waste sites and associated buffer properties to a non-County entity for a use specified in this subsection shall be reviewed by the Director prior to final lease approval by the Department of General Services. All proposed uses (including potential future uses) of the leased property shall be specifically listed in the lease. Any uses that are not specifically listed in the lease shall be subject to the Administrative Permit Procedure at Section 7050 and following, the Site Plan Review Procedure at Section 7150 and following, and the Use Permit Procedure at Section 7350 and following, unless a new or revised lease is reviewed by the Director and approved by the Department of General Services.
  2.     All proposed uses shall conform to all other applicable regulations, performance standards and design standards of the Zoning Ordinance.

- f. The Zoning Ordinance shall not apply to the Departments of the County of San Diego during, immediately following or throughout the recovery efforts authorized by the County, related to an emergency declared by the Governor of the State of California or the Board of Supervisors of the County of San Diego. (Amended by Ord. No. 6615 (N.S.) adopted 6-22-83)

(Amended by Ord. No. 7036 (N.S.) adopted 9-18-85)  
 (Amended by Ord. No. 8340 (N.S.) adopted 12-15-93)  
 (Amended by Ord. No. 9553 (N.S.) adopted 5-21-03)  
 (Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)  
 (Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)  
 (Amended by Ord. No. 10035 (N.S.) adopted 1-27-10)  
 (Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)  
 (Amended by Ord. No. 10592 (N.S.) adopted 2-27-19)

#### 1007 RESPONSIBILITY FOR COMPLIANCE WITH THE ZONING ORDINANCE.

In addition to the provisions of Section 7703 VIOLATIONS AND PENALTIES, a property owner shall be considered to have allowed any use of property occupied by, or under the dominion and control of, the owner, and shall be responsible for the discontinuance and removal of any violation of The Zoning Ordinance. Said responsibility shall include property leased to other parties. A property owner shall also be responsible for the discontinuance and removal of any violation of The Zoning Ordinance that existed on the property prior to the current owners purchase of the property.

(Added by Ord. No. 8166 (N.S.) adopted 10-21-92)

#### 1008 INTERPRETATION AND APPLICATION OF THE ORDINANCE.

If ambiguity arises concerning the content or application of The Zoning Ordinance, it shall be the duty of the Director to ascertain all pertinent facts, render a decision on the interpretation, set forth findings and notify concerned persons. This decision may be appealed pursuant to the Administrative Appeal Procedure commencing at Section 7200.

(Amended by Ord. No. 6983 (N.S.) adopted 7-03-85)

#### 1010 INTERPRETATION OF CONFLICTING PROVISIONS.

In interpreting and applying the provisions of these regulations, they shall be held to be the minimum requirement for the promotion of the public health, safety, comfort, convenience and general welfare. It is not the intent of these regulations to interfere with or abrogate or annul any easement, covenant or other agreement between parties. When these regulations impose a greater restriction upon the use of buildings or land, or upon the height of buildings, or require larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provisions of these regulations shall control.

#### 1012 NO RELIEF FROM OTHER PROVISIONS.

Except as otherwise specifically provided, no provision of this Zoning Ordinance shall be construed as relieving any party to whom a site plan, permit or variance is issued from any other provision of state or federal law or from any provision, ordinance, rule, or regulation of the County of San Diego requiring a license, franchise, or permit to accomplish, engage in, carry on or maintain a particular business, enterprise, occupation, transaction or use.



1014

1014 SEVERABILITY OF PROVISIONS.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of these regulations, it being hereby expressly declared that this ordinance and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

1016 ORDINANCE SUPERSEDES EXISTING ZONING ORDINANCE.

This Zoning Ordinance supersedes Ordinance 1402, as amended, of the County of San Diego, including those provisions of Ordinance 1402 that apply specifically to the 37 zoning districts number 1, 4, 7, 8, 9, 12, 13, 15, 16, 19, 20, 23, 24, 26, 35, 37, 40, 41, 43, 44, 46, 48, 50, 51, 52, 53, 54, 56, 57, 58, 59, 60, 61, 62, 63, 64, and 65, referred to in Articles XXXVI to XCIX of said Ordinance, and to the extent that Ordinance 1402 is inconsistent with this Zoning Ordinance, it is hereby repealed. If any provisions of this Zoning Ordinance should be determined to be not applicable to land regulated by said Ordinance 1402, the provisions of Ordinance 1402 shall continue to apply. Nothing in this Ordinance shall be construed as validating or legalizing any land use or building or structure, conducted, constructed, erected, or maintained in violation of any County ordinance, and nothing in this ordinance shall prevent or bar the filing of a complaint or punishment of any in violation of said Ordinance 1402 or bar the bringing of any action or compel the discontinuance of any use or the removal of any building or structure conducted, constructed, erected, or maintained in violation of said Ordinance 1402. Insofar as the provisions of this ordinance impose the same regulations as imposed by said Ordinance 1402, this ordinance shall be construed as a continuation of said Ordinance 1402 and not as a new enactment.

(Amended by Ord. No. 7576 (N.S.) adopted 1-11-89)

1017

Notwithstanding any provision of Section 1016 to the contrary, any zone reclassification adopted pursuant to Ordinance No. 1402 (New Series) and prior to the operative date of this Zoning Ordinance shall on the effective date of said reclassifications be deemed automatically converted to the comparable zones under this ordinance, as said comparable zones are specified in Ordinance No. 5312 (New Series).

(Added by Ord. 5328 (N.S.) adopted 12-13-78)

1018 COMPLETION OF EXISTING BUILDINGS.

Nothing herein contained shall require any change in the plans, construction or designated use of a building or structure for which a building permit has been issued prior to the effective date of any amendment of these regulations provided that actual construction of such building or structure is commenced within one calendar year after the date of issuance of the building permit and is completed within three calendar years from issuance of said building permit and provided further that such construction and proposed use of such building or structure is not on said effective date in violation of any other ordinance or law. Actual construction is hereby defined for purposes of this section, to be the actual placing of construction materials in their permanent position, fastened in a permanent manner, except that where a basement is being excavated such excavating shall be deemed to be actual construction, or where demolition or removal of an existing structure has commenced preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction.

(Amended by Ord. No. 10068 (N.S.) adopted 8-4-10)

Motion Picture Theater: (See General Motion Picture Theater)

(Added by Ord. No. 5840 (N.S.) adopted 7-30-80)

Multiple-Residential Zone: A residential zone in which 3 or more units are allowed on a legal parcel.

(Added by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)

(Amended by Ord. No. 6940 (N.S.) adopted 4-10-85)

## DEFINITIONS (N)

Nacelle: Wind turbine component which typically houses internal mechanical and electrical parts, such as generators, gearboxes, drive trains, and brake assembly.

(Added by Ord. No. 10261 (N.S.) and Ord. No. 10262 (N.S.) adopted 5-15-13)

Negative Declaration: A notice issued by the appropriate San Diego County granting authority stating that a proposed project will not have substantial adverse effects on the environment.

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)

Net Lot Area: (See Lot Area, Net)

(Amended by Ord. No. 6855 (N.S.) adopted on 10-10-84)

Nonconforming Structure: A building, structure or facility, or portion thereof, which was lawfully erected or altered or maintained, but which, because of the application of this ordinance to it, no longer conforms to the specific regulations applicable to the zone in which it is located.

Nonconforming Use: The use of a building, structure, or site, or portion thereof, which was lawfully established and maintained, but which, because of the application of this ordinance to it, no longer conforms to the specific regulations applicable to the zone in which it is located.

Nonoperating Vehicles, Storage of: (See Storage of Nonoperating Vehicles)

Nudity: Devoid of an opaque covering which covers the genitals, vulva, pubis, pubis symphysis, pubic hair, buttocks, natal cleft, perineum, anus, anal region, or pubic hair region of any person or any portions of the breast at or below the upper edge of the areola thereof of any female.

(Added by Ord. No. 7106 (N.S.) adopted 3-19-86)

Nudist Facility: Any privately operated facility where nudity is permitted in common areas excluding sexually segregated restrooms or showers.

(Added by Ord. No. 7106 (N.S.) adopted 3-19-86)

Def. O

#### DEFINITIONS (O)

One-Hundred-Year Flood: (See Flood, One-Hundred-Year)

Open: (See Enclosure)

Open Space: (See Usable Open Space)

Open Space Easement: An easement established pursuant to Section 51050 or Section 51080 of the Government Code or an easement which ensures the permanent retention of land in open space.

Original Jurisdiction: Refers to the Director, Planning Commission or Board of Supervisors, whichever body has the authority to take action for approval or denial, regardless if that action is appealable or final.

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)

(Amended by Ord. No. 9676 (N.S.) adopted 9-22-04)

#### DEFINITIONS (P)

Parcel: A contiguous quantity of land in the possession of, or owned by, or recorded as the property of, the same person.

Parking Area: An open area, other than a street or alley, which contains motor vehicle parking spaces.

(Amended by Ord. No. 5976 (N.S.) adopted 1-28-81)

(Amended by Ord. No. 7432 (N.S.) adopted 01-06-88)

Parking Garage: A building other than a private or public garage used for the shelter or storage of operating motor vehicles and may, incidental thereto be used for the care, repair or equipping of such vehicles.

Parking Space: An unobstructed space or area other than a street or alley which is permanently reserved and maintained for the parking of one motor vehicle.

Parlor: (See Massage Parlor)

(Added by Ord. No. 5840 (N.S.) adopted 7-30-80)

Pasture: An area of one acre or larger surrounded on all sides by a fence, corral, pen, pipe, post, rail, wall or other barrier (or a combination) for use as a riding or grazing area, but not for the permanent keeping of animals. Such areas are not considered usable acreage under Horse Stable calculations and do not have to meet Animal Enclosure setbacks.

(Added by Ord. No. 10285 (N.S.) adopted 9-11-13)

**Patio Cover:** A one-story, open-sided shade structure consisting of a roof and structural supports, attached to or detached from the primary dwelling which is used only for recreational, outdoor living purposes and not as a carport, garage, storage room or habitable room. A patio cover may have enclosing walls in any configuration, provided the open area of the longer wall and one additional wall is equal to at least 65% of the area below a minimum of 6'-8" of each wall, measured from the floor. For the purposes of this definition, the term "open" includes the use of insect screen material.

(Added by Ord. No. 10006 (N.S.) adopted 9-16-09)

**Peep Show Device:** Any device which displays still or moving images in a peep show booth which depict specified anatomical areas or specified sexual activities upon payment of a fee or other consideration.

(Added by Ord. 8015 (N.S.) adopted 12-4-91)  
(Amended by Ord. 9469 (N.S.) adopted 6-12-02)

**Peep Show Booth:** Any room, booth, partial enclosure or partitioned area of any room in which a peep show device is located, with a seating capacity of five or fewer persons. It does not include an Adult Mini-Motion Picture Theater which has a seating capacity of more than five but less than fifty persons where still or motion images are regularly shown to an audience of more than five but less than fifty persons at any one time.

(Added by Ord. No. 8015 (N.S.) adopted 12-4-91)

**Penthouse:** A projection above the roof which when used only for the shelter of mechanical equipment or shelter of vertical shaft openings in the roof is not regarded as a story.

**Person:** Any individual, firm, copartnership, joint venture, association, syndicate, this and any other county, city and county, city, municipality, district or other political subdivision, or any group or combination acting as a unit.

**Photovoltaic Solar Energy System:** A type of solar energy system that converts solar energy into a usable form of electricity using Photovoltaic Solar Cells.

(Added by Ord. No. 10072 (N.S.) adopted 9-15-10)

**Planned Development:** A large, integrated development located on a single building site, or on 2 or more building sites which may be separated only by a street or other right-of-way. In such development, the land and structures shall be planned and developed as a whole in a single development operation or a series of operations in accordance with a detailed, comprehensive plan encompassing such elements as the location of structures, the circulation pattern, parking facility, open space, and utilities, together with a program for provision, operation and maintenance of all areas, improvements, facilities and services provided for the common use of the persons occupying or utilizing the property.

**Plot Plan:** A document or group of documents containing sketches, text, drawings, maps, photographs, and other material intended to present and explain certain elements of a proposed development, including physical design, siting and use of buildings and structures, interior

Def. P

vehicular and pedestrian access, the provision of improvements, and the interrelationship of these elements. The purpose of a plot plan is to establish a clear record of the development and use of the property.

(Added by Ord. No. 10204 (N.S.) adopted 3-28-12)

Ponds: (See Aquaculture)

(Added by Ord. No. 9935 (N.S.) adopted 4-23-08)

Porte Cochere: A covering over a driveway, (usually circular) or drive that allows a vehicle to continue onto another portion of the site, that provides temporary shelter to persons exiting a vehicle, but not serving as the only covered or enclosed vehicle shelter on-site.

(Added by Ord. No. 9935 (N.S.) adopted 4-23-08)

Pot-Belly Pig: A domesticated miniature Vietnamese, Chinese or Asian pot-bellied or pot-belly pig not exceeding one hundred twenty-five pounds in weight and not exceeding eighteen inches in height measured at the shoulder.

(Added by Ord. No. 10006 (N.S.) adopted 9-16-09)

Poultry: Chicken, turkey, duck, goose, fowl, pheasant, quail, and as otherwise defined by the California Retail Food Code.

(Added by Ord. No. 6268 (N.S.) adopted 4-14-82)

(Amended by Ord. No. 10463 (N.S.) adopted 4-14-17)

Premises: Any building, structure, place, lot or parcel of land or any number of contiguous lots or parcels of land, in the possession or control of any person or in the joint or common possession or control of more than one person.

(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

Principal Use(s): The primary use(s) for which land or a building is or may be intended, occupied, maintained, arranged or designed.

Private Garage: An accessory building or an accessory portion of the main building, designed and/or used for the shelter or storage of vehicles owned or operated by the occupants of the main building.

Psychiatric Facility: An institution in which care or treatment is given to persons suffering from mental illness, disease, disorder or ailment. Such facilities include, but are not limited to, psychiatric hospitals, day treatment hospitals, long term care facilities, resident treatment centers, family homes (mentally ill), alcoholism, hospital, and facility for admission of drug addicts all as defined in Article 2 of Subchapter 1 of the Title 9 of the California Administrative Code.

Public Active Park/Playground/Recreational Area: An outdoor area, along with its incidental buildings and structures, at least part of which is designed, developed, and intended for organized sport or athletic activities and/or other activities or events to which groups of people greater than the family unit might be attracted as participants or spectators.

(Added by Ord. No. 8340 (N.S.) adopted 12-15-93)

**Public Garage:** A building other than a private or parking garage in which specific spaces or stalls are rented to individual members of the public for the shelter or storage of private automobiles and other forms of private transportation or recreational vehicles, and which may include as a use incidental thereto, the storage of personal effects and personal household articles.

**Public Park/Playground/Recreational Area:** An outdoor area, along with its incidental buildings and structures, owned and/or operated by a public agency or a non-profit organization, which is designed, developed and intended to provide one or more recreational opportunities to the general public. Public Park/Playground/Recreational Area includes the following: Public Passive Park/Recreational Area, and Public Active Park/Playground/Recreational Area.

(Added by Ord. No. 8340 (N.S.) adopted 12-15-93)

**Public Passive Park/Recreational Area:** An outdoor area, along with minimal incidental buildings and structures designed, developed and intended for low intensity passive recreational use by individuals, families, or small groups. Public Passive Park/Recreational Areas may be of any size and may include, natural areas, ecological areas, landscaping, walkways paths, trail staging areas, trails, interpretive features, benches for seating, scattered picnic tables, children's play areas, scattered horseshoe pits, drinking fountains, safety/security lighting, off-street parking, restrooms, ranger residences, volunteer pads/caretaker residences, maintenance sheds, primitive camping, other park facilities/uses with activity levels consistent with the above listed uses.

(Added by Ord. No. 8340 (N.S.) adopted 12-15-93)  
(Amended by Ord. No. 10592 (N.S.) adopted 2-27-19)

## DEFINITIONS (R)

**Rap Parlor:** (See Massage Parlor)

(Added by Ord. No. 5840 (N.S.) adopted 7-30-80)

**Recreational Vehicles:** A motorhome, travel trailer, truck camper or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy, with a living area less than 200 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, bath and toilet rooms.

**Recycling Collection Facility, Drop-Off:** A facility consisting of bins, boxes, or other suitable receptacles for the acceptance (by donation) of recyclable materials from the public. In Residential Zones and Special Purpose Zones, the total capacity of collection receptacles shall not exceed 192 cubic feet.

(Added by Ord. No. 8058 (N.S.) adopted 4-15-92)

Def. R

**Recycling Facility:** A facility or portion of any premises used for the collection and/or processing of recyclable materials as that term is defined in this ordinance. Recycling facilities may include reverse vending machines, bulk reverse vending machines, mobile recycling units, kiosk type units and free-standing containers operated or placed in accordance with the standards established by this ordinance. Processing in a recycling facility may include baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding and cleaning. A recycling facility does not include storage containers or non-mechanical processing activity located on the premises of a residential use, or storage and processing activity located on the premises of a commercial or manufacturing use which is solely for the recycling of material generated by that residential property, business or manufacturer.

(Added by Ord. No. 8058 (N.S.) adopted 4-15-92)

**Recyclable Material:** Reusable material including but not limited to metals, glass, plastic and paper, which are intended for reuse, remanufacture, or reconstitution for sale or reuse. Recyclable material does not include refuse or hazardous materials. Recyclable material may include clean (uncontaminated) used motor oil and oil filters collected and transported in accordance with Section 25250.11 and 25143.2(b)(4) of the California Health and Safety Code.

(Added by Ord. No. 8058 (N.S.) adopted 4-15-92)

**Refuse Disposal Site:** An area devoted to the disposal of refuse, including incineration, reduction, or dumping of ashes, garbage, combustible or noncombustible garbage or refuse, offal or dead animals.

**Reserved Unit:** A dwelling unit that will be reserved for sale or rent to, and affordable to, very low, low, or moderate income households or reserved for sale or rent to qualifying senior citizen residents.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

**Residential Zone:** A zone including a use regulation set forth in Sections 2100 through 2299, inclusive.

(Added by Ord. No. 5508 (N.S.) adopted 5-16-79)

**Residual Background Sound Criterion (RBSCL<sub>90</sub>) for Wind Energy Facilities:** The Background Sound Level measured relative to A-weighting ( $L_{A90}$ ) plus 5 dBA.

(Added by Ord. No. 10262 (N.S.) adopted 5-15-13)

Swap Lot: A building, structure, enclosure lot or other area into which persons are admitted to display, exchange, barter, sell or bargain for new or used merchandise. carried on in a swap lot.

Swimming Pool: Any confined body of water exceeding 2 feet in depth and located either above or below the existing finished grade of the site, designed, used or intended to be used for swimming, bathing or therapeutic purposes.

#### DEFINITIONS (T)

Take-off and Landing Area: That area of any helicopter facility where the helicopter actually lands and takes off, and includes the touch down area.

(Added by Ord. No. 7058 (N.S.) adopted 10-30-85)

Trade School: (See School, Trade)

(Added by Ord. No. 10095 (N.S.) adopted 12-8-10)

Trailer Coach: Any vehicle, with or without motive power, designed or used for human occupancy for residential, recreational, industrial, professional, or commercial purposes and shall include camp car, and travel trailer.

(Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)

(Amended by Ord. No. 10592 (N.S.) adopted 2-27-19)

Transient Habitation Unit: Living quarters intended exclusively for occupation by transient persons. A transient habitation unit may include a hotel or motel room or suite of rooms, a cabin or a campground space.

Transitional Housing: Shall have the meaning prescribed in Health and Safety Code 50675.2(h). The design of the structures determines Family Residential or Group Residential Use Type.

(Added by Ord. No. 10035 (N.S.) adopted 1-27-10)

Tree: A perennial woody plant with one or more well defined stems or trunks which, at maturity, is largely kept clear of leaves and branches at least 5 feet above grade.

(Added by Ord. No. 7735 (N.S.) adopted 3-13-90; operative 10-01-90)

Trellis Tower: A structure made of interwoven pieces of wood, metal or synthetic material to support an object, such as a wind turbine or antenna array.

(Added by Ord. No. 10261 (N.S.) and Ord. No. 10262 (N.S.) adopted 5-15-13)

Triplex: (See Building Type; Residential Triplex)

(Added by Ord. No. 5508 (N.S.) adopted 5-16-79)



Def. U

## DEFINITIONS (U)

**U-Pick or Pick-Your-Own Operations:** An accessory use as part of a Commercial Agriculture operation such as a farm, orchard or grove where the customers themselves harvest the products grown on-site. (see Section 6157.b)

(Added by Ord. No. 10204 (N.S.) adopted 3-28-12)  
Amended by Ord. No. 10463 (N.S.) adopted 4-14-17)

**Ultralight Vehicle:** A powered or unpowered vehicle that is defined and described in Federal Aviation Regulations (FAR), Part 103, promulgated by the United States Government, Department of Transportation (DOT), Federal Aviation Administration (FAA), as that regulation is presently written or as it may be amended.

(Added by Ord. No. 7197 (N.S.) adopted 9-10-86)

**Unit, Base:** (See Base Units)

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

**Unit, Density Bonus:** (See Density Bonus Unit)

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

**Unit, Market Rate:** (See Market Rate Unit)

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

**Unit, Reserved:** (See Reserved Unit)

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

**Unlimited:** (See Building Type, Mixed Residential-Nonresidential)

**Usable Open Space:** One or more open areas adjacent to residential uses, the purpose of which is to provide an outdoor area designed for outdoor living and recreation, and which is located at, below, or above grade.

**Usable Open Space, Group:** Usable open space intended for common use by occupants of a development, either privately owned and maintained or dedicated to a public agency, normally including swimming pools, recreation courts, patios, open landscaped areas, and greenbelts with pedestrian walkways and equestrian and bicycle trails. Group usable open space does not include off-street parking and loading areas or driveways.

**Usable Open Space, Private:** Usable open space intended for use of occupants of one dwelling unit, normally including yards, decks, and balconies.

**Use:** The purpose for which land or a building is occupied, arranged, designed or intended, or for which land or a building is or may be occupied or maintained.

**Use, Accessory:** (See Accessory Use)

## RESIDENTIAL USE TYPES

### 1250 GENERAL DESCRIPTION OF RESIDENTIAL USE TYPES.

Residential use types include the occupancy of living accommodations on a wholly or primarily nontransient basis; but exclude institutional living arrangements involving those providing 24-hour skilled nursing or medical care and those providing forced residence, such as asylums and prisons. They also include certain uses accessory to the above, as specified in Section 6150, Accessory Use Regulations.

### 1260 FAMILY RESIDENTIAL.

The Family Residential use type refers to the residential occupancy of living units by families on a weekly or longer basis. Typical uses include occupancy of dwelling or apartment.

### 1265 GROUP RESIDENTIAL.

The Group Residential use type refers to the residential occupancy of living units by persons who do not live together as a single housekeeping unit but have a common kitchen facility. Typical uses include occupancy of sorority houses, retirement homes or boarding houses. If in addition to the common kitchen facility, any living unit includes a separate kitchen, that living unit shall be counted as a dwelling unit in calculating density pursuant to Section 4115, unless the Group Residential use is restricted to occupancy by seniors through a mechanism approved by the Director of Planning & Development Services.

Living units restricted by a grant deed for seniors may include a separate kitchen and shall not be counted as a dwelling unit in calculating density pursuant to Section 4115.

(Amended by Ord. No. 7220 (N.S.) adopted 10-22-86)

(Amended by Ord. No. 10592 (N.S.) adopted 2-27-19)

### 1280 MOBILEHOME RESIDENTIAL.

The Mobilehome Residential use type refers to the residential occupancy of mobilehomes by families on a weekly or longer basis. Typical uses include mobilehome parks or mobilehome condominiums.

1300

## CIVIC USE TYPES

### 1300 GENERAL DESCRIPTION OF CIVIC USE TYPES.

Civic use types include the performance of utility, educational, recreational, cultural, medical, protective, government, and other uses which are strongly vested with public or social importance. They also include certain uses accessory to the above, as specified in Section 6150, Accessory Use Regulations.

### 1310 ADMINISTRATIVE SERVICES.

The Administrative Services use type refers to consulting, record keeping, clerical or public contact services that deal directly with the citizen, together with incidental storage and maintenance of necessary vehicles.

### 1315 AMBULANCE SERVICES.

The Ambulance Services use type refers to the transportation of ill or injured persons to and from treatment facilities together with incidental storage and maintenance of necessary vehicles.

### 1320 CLINIC SERVICES.

The Clinic Services use type refers to providing non-profit medical services to persons afflicted with bodily or mental disease or injury without provision for on-site residence or confinement.

### 1325 COMMUNITY RECREATION.

The Community Recreation use type refers to recreational, social or multi-purpose uses within buildings with no fixed seats and occupancy limited to 500 persons.

### 1330 CULTURAL EXHIBITS AND LIBRARY SERVICES.

The Cultural Exhibits and Library Services use type refers to non-profit, museum-like preservation, exhibition of objects of permanent interest in one or more of the arts and sciences, gallery exhibition of works of art or library collection of books, manuscripts, etc., for study and reading.

### 1332 CHILD CARE CENTER.

The Child Care Center use type refers to the care of children in a state- licensed child care center, but excluding overnight care or uses classified as Group Care or Major Impact Services and Utilities. Typical uses include child care centers, preschools and day nurseries.

(Added by Ord. No. 6782 (N.S.) adopted 5-16-84)

**4009 MODIFICATION OF DEVELOPMENT REGULATIONS.**

Modification of regulations specified within the Development Regulations may be approved under the provisions of the Planned Development Standards commencing at Section 6600. Changes of designators specified within the Development Regulations shall be subject to the provisions of the Zoning Ordinance Amendment Procedure commencing at Section 7500.

(Amended by Ord. No. 5787 (N.S.) adopted 6-4-80)

**4010 SPECIFIC PLANS**

If any Specific Plan has been adopted and not expired for property which is also subject to either the Specific Plan Area General Plan Designation or the S88 Specific Planning Use Regulations, any provision of the Specific Plan relating to subjects contained in the part shall prevail over The Zoning Ordinance regulations to the extent of any conflict between them.

(Added by Ord. No. 8581 (N.S.) adopted 9-20-95)  
(Amended by Ord. No. 10592 (N.S.) adopted 2-27-19)

**4011 LEGAL LOTS WITH SPLIT ZONING**

Where a legal lot has split zoning, the Use Regulations for each separate zone shall apply. Where a use is bisected by a split zone line within a legal lot, the more restrictive Use Regulations shall apply. If a property has split zoning that includes residential and commercial zoning, parking for a commercial use may be located on the residentially zoned portion of the property, subject to the issuance of a Zoning Verification Permit. Landscaping and planting should be used to the maximum extent practical to screen unsightly parking areas from neighboring residential.

(Added by Ord. No. 9935 (N.S.) adopted 4-23-08)  
(Amended by Ord. No. 10592 (N.S.) adopted 2-27-19)



1. The total area of all detached accessory structures shall be limited to 25% of the living area of the principal residence, or as follows, whichever is greater:

Lot Size (gross)	Det. Accessory Structures in all Res, Ag & S92 Zones (formerly 6156.g and 6156.h)
< 1/2 ac	1,450 sf <i>(only in zones subject to a Residential Use Regulation and in the S88 Use Regulations where residential uses occur)</i>
< 1 ac	2,000 sf
1 ac - <2 ac	3,000 sf
2 ac - <4 ac	4,000 sf
4 ac - <8 ac	5,600 sf
8 ac - <12 ac	6,400 sf
12 ac - <16 ac	7,200 sf
16 ac or more	8,000 sf

(Note that detached accessory structures are subject to setbacks specified in Section 4842. Buildings not meeting the setback requirement of Section 4842 are limited to a combined area of 1000 square feet). Buildings proposed in the S88 Use Regulations shall conform to the requirements of any applicable Specific Plan.

2. Limited to one story not to exceed 12 feet maximum height. May have 2 stories and a height not exceeding 24 feet if the accessory structure meets the main building setbacks. If the structure is more than one story in height, that portion not used for the shelter or storage of vehicles shall be designed and used as habitable space defined by Section 6156.b or other approved use such as a guest living quarters. However, a one story accessory structure designed to store a recreational vehicle (RV) may exceed 12 feet in height, not exceeding 16 feet, if the accessory structure meets the main building setbacks.

3. Additional height may be permitted if in compliance with height/story limit specified by the applicable height/story designator, and additional area may be permitted by issuance of an administrative permit.
  4. For properties on which more than one detached residence is allowed per legal lot pursuant to Section 4310 (not including an Accessory Dwelling pursuant to subsection x.), the total attached garage area, based upon lot size, per a.1 above, shall be allowed for each residence.
- h. Barns and Agricultural Storage Buildings: see 6156.g.
- i. Offices. Offices are permitted only in zones subject to the A70, A72, S90, and S92 Use Regulations.
- j. Coops and Aviaries. Any enclosure or structure where poultry or birds are kept outside a dwelling, subject to the limitations of Section 3100. Coops and aviaries shall meet the setbacks for Animal Enclosures pursuant to Section 3112 and shall be included in the total square footage allowed pursuant to subsection h.
- k. Guest Living Quarters. In the A70, A72, RR, RS, RV, RU, RRO, S88, S90 and S92 Use Regulations, one guest living quarters is allowed on a legal lot. Guest living quarters are not permitting in other zones. Guest living quarters shall comply with all of the following requirements:
1. The total floor area of a guest living quarters shall not exceed thirty percent (30%) of the square footage of the primary dwelling up to a maximum of 600 square feet. Additional area, up to 50% of the square footage of the primary dwelling, may be permitted with the approval of an Administrative Permit.
  2. Only one electric meter to serve both the main dwelling and guest living quarters will be allowed.
  3. Guest living quarters shall not be allowed on a lot or parcel having an accessory dwelling unit, junior accessory dwelling unit, accessory apartment or accessory living quarters. Conversion of such a unit into guest living quarters is allowed provided all zoning and structural requirements are met. If said accessory unit was permitted by a discretionary permit, said permit shall be modified as required by the appropriate section of the Zoning Ordinance.
- See subsection ii. for an illustrative matrix comparing Accessory Dwelling Units and Guest Living Quarters.
- l. Accessory Living Quarters. Repealed.

- m. Home Occupations. Home occupations, including in-home offices, shall be permitted in compliance with the following conditions:
1. There shall be no exterior evidence of the conduct of a home occupation.
  2. A home occupation shall be conducted entirely within a dwelling, or an attached garage. However, a Cottage Foods Operation, as defined by Health and Safety Code Section 113758, shall be conducted only within a dwelling that contains the dwelling's kitchen and shall not be allowed in a garage or other accessory building.
  3. Electrical or mechanical equipment which creates visible or audible interference in radio or television receivers or causes fluctuations in line voltage outside the dwelling unit shall be prohibited.
  4. The residents of the dwelling unit, and no more than one non-resident employee, may be engaged in the home occupation.
  5. Limited indoor storage of goods or supplies (125 cubic feet maximum) may take place within no more than one room of the dwelling and/or in the attached garage (provided required parking on-site is maintained and properly located).
  6. There shall be no on-premise sale of goods except as allowed for a Cottage Food Operation by Health and Safety Code Section 114365 and with a valid County of San Diego Cottage Food permit from Department of Environmental Health. Occasional transport of goods from the premises for off-site sale may occur. Internet sales are not considered on-premise sale of goods.
  7. The establishment and conduct of a home occupation shall not change the principal character or use of the dwelling unit or property involved.
  8. There shall be no signs identifying or advertising the home occupation other than those permitted by Section 6252(d) of this ordinance.
  9. The required residential off-street parking shall be maintained.



10. A home occupation shall not create vehicular or pedestrian traffic in excess of that which is normal for the zone in which it is located.
  11. No more than six non-resident students at one time, and no more than 18 students during any one (1) day may be given tutoring in music, academics, dance, sports (such as swimming or tennis, notwithstanding subsection 1 and 2 above), or other subjects at a residence. No students may be given instruction between the hours of 9:00 p.m. and 8:00 a.m. All provisions of Noise Abatement and Control, Section 36.401 et seq. of the County Code, shall apply.
- n. Dog, Cat and Pot-Belly Pig Keeping. The keeping of dogs and cats (but not including kennels) and the keeping of up to two pot-belly pigs, provided that the keeping of more than two pot-belly pigs shall be subject to Section 3100, Large Animal regulations.
  - o. Day Care/Boarding. Day care, or boarding for 6 or fewer individuals, provided that no such day care or boarding facility may be owned, operated, managed, or leased by any person, as defined by these regulations, within one mile of any other such facility owned, operated, managed, or leased by the same person.
  - p. Family Care Homes. A family care home, provided that no family care home (other than a foster family home or a residential care facility for the elderly as referenced in Section 1520.5(f) of the California Health and Safety Code) may be operated within 300 feet of any other such home, family care institution or group care facility.
  - q. Roadside Sales of Agricultural Products. (see Section 6157.a)
  - r. Wild Animal Keeping. The keeping of not more than one wild animal kept and maintained in conformance with State and local requirements.
  - s. Earthworms or Vermiculture. The raising of earthworms or the practice of vermiculture provided that:
    1. No sales are advertised or made on the premises unless permitted by the use regulations.
    2. Odors and/or fly-breeding are not greater than customarily found at a well-maintained residence.
    3. The vermiculture area shall utilize household or garden waste or materials that are produced on the site. Importing of waste or other materials from another property shall be prohibited.
    4. The volume of raw or composted decomposable organic and bedding materials shall not exceed that which is reasonably necessary to the production of the worms raised on the site.

- t. Retail Sales of Stable Gear. The retail sale of stable gear, provided that such sales are incidental and subordinate to the use of conforming public stables or equestrian facilities on the premises, and there is no exterior advertising of the accessory use. No such accessory use shall occupy more than 10 percent (10%) or not to exceed 1,000 square feet, whichever is less, of the total floor area of enclosed buildings permitted by right and devoted to such public stable or equestrian facility. Where such public stables or equestrian facilities are permitted by use permit, the total floor area of the accessory use shall be regulated by such permit.
- u. Farm Employee Housing. (See 6157.f)
- v. Horticultural Sales. (see also 6157.a) In all residential and S88 Use Regulations, the retail sale of horticultural and floricultural products and their related gardening items in conjunction with and upon the premises of a growing nursery is permitted upon issuance of a Minor Use Permit.
- w. Accessory Apartments (Elderly/Handicapped/Family Member). Repealed.
- x. An Accessory Dwelling Unit (ADU) means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated.
  - 1. The legal lot must have an existing single-family residence, or the ADU is to be constructed concurrently with a primary single-family residence.
  - 2. The ADU is either attached to an existing dwelling, or located within the living area of the existing dwelling or detached and on the same legal lot.
  - 3. ADU may be rented but is not intended for sale separate from the primary residence.
  - 4. Lot does not have an existing guest living quarters, accessory living quarters, or accessory apartment. A conversion of a guest living quarters, accessory living quarters, or accessory apartment into an ADU is potentially permitted and requires approval of a building permit.
  - 5. The total floor area of an attached ADU shall not exceed 50 percent of the floor area of the existing SFD, up to a maximum floor area of 1,200 square feet.
  - 6. The total floor area of a detached ADU shall not exceed 1,200 square feet, independent of the square footage of the living area of the existing SFD.
  - 7. The "floor area" measurements are taken from the exterior dimensions of the outside walls.

8. Total floor area of a proposed garage attached to a detached ADU shall not exceed the allowable combined square footages per Section 6156.g.
9. No other rooms, additions, uses, etc. can be attached to a detached ADU, except a garage, or unless authorized by an approved Administrative Permit.
10. An ADU is limited to 24' in height.
11. For health, fire and life safety conditions, all ADU's must comply with the required front yard & exterior side yard setbacks. In addition, setbacks shall be provided as follows:
  - i. ADU's must provide side and rear setbacks that are consistent with the setbacks for the main dwelling, unless it is a conversion of an existing structure.
  - ii. A setback of five feet from the side and rear lot lines is required for a 2-story ADU.
  - iii. No setbacks are required if an existing and permitted garage is being converted into an ADU, except for Fire safety.
12. An ADU attached to the primary residence must comply with the required main building setbacks.
13. A new ADU shall provide one parking space. The parking space for the ADU may be located in an existing driveway as tandem parking but must comply with the required front yard and/or exterior side yard setback(s). If establishment of the ADU involves a garage conversion, replacement off-street parking for the SFD shall be provided concurrently. These parking requirements do not apply if the ADU meets any of the following:
  - i. Is within a half mile from transit.
  - ii. Is within an architecturally and historically significant historic district.
  - iii. Is part of an existing primary residence or an existing accessory structure.
  - iv. Is in an area where on-street parking permits are required, but not offered to the occupancy of the ADU.
  - v. Is located within one block of a car share area.
14. The applicant must provide evidence that there is sewer (or septic) service and water available, and that any applicable permits have been obtained and all applicable fees have been paid.

15. Separate sale or ownership of an ADU is prohibited, unless the lot is subdivided creating a separate lot for each dwelling.
16. Owner-occupancy of one of the dwellings on the lot is not required for the duration of use of the ADU for residential purposes.
17. Before a building permit is issued, the owner of the property shall submit a notarized and recorded copy of an agreement stating that the owner understands and will abide by the requirements of the Zoning Ordinance.
18. The ADU shall not be rented for less than 30 days.

See subsection ii. for an illustrative matrix comparing Accessory Dwelling Units and Guest Living Quarters.

y. Family Day Care Home For Children, Large (9 to 14 children). A large family day care home for children is a permitted accessory use upon issuance of an Administrative Permit provided the following conditions are complied with:

1. No such large family day care home for children may be located closer than 500 feet from any other lot containing a large family day care home for children with an Administrative Permit approved by the County of San Diego. The 500-foot distance shall be measured in a straight line connecting the closest points on the lot lines and without regard for intervening structures.
2. The plot plan for a family day care home for children shall show sufficient information to determine the following:
  - i. At least one on-site parking space will be available for any assistant provider or caregiver not a resident of the subject family day care home.
  - ii. Adequate provision will be made to reduce noise impacts on surrounding properties through measures or a combination of measures such as solid fencing six feet in height with or without landscaping around outside activity areas or location of an adequately sized outside activity area a suitable distance away from adjacent dwellings. Adequacy of outside activity areas shall be determined by considering the size of the area provided outside of the required sideyard setbacks and by considering the distance to noise sensitive receptors.
  - iii. There exists an adequate area on-site for temporary parking of a least two automobiles where children may be safely loaded and unloaded, or such area will be provided. This designated loading and unloading area shall remain free and clear of parked cars during hours of operation of the large family day care home.
  - iv. The large family day care home meets the standards and requirements established by the State Fire Marshall as enforced by the local fire authority having jurisdiction over the home.

6156

3. Notice shall be provided pursuant to Section 7060 c. Notwithstanding the Administrative Permit Procedures at Section 7060.d, no hearing is required unless requested by the applicant or other affected person.

The applicant or other affected person may appeal the decision as provided by the Administrative Appeal Procedure commencing at Section 7200. The appellant shall pay the cost, if any, of the appeal.

4. Every Administrative Permit approved pursuant to this section shall contain a condition that no sound amplification device be permitted in outdoor activity areas.
5. For large family day care homes served by on-site wastewater systems the Director of Environmental Health shall certify the adequacy of the on-site wastewater system for the proposed use.
6. No Administrative Permit shall be required for a large family day care home which qualifies for exemption under Section 1596.792 of the State Health and Safety Code.

- z. Small Wind Turbine. A small wind turbine shall be allowed in accordance with the Renewable Energy Regulations commencing at Section 6951.

3. Notice Required. Notice shall be provided pursuant to Section 7060 c.
  4. Findings Required. The Director may grant the Administrative Permit if the above criteria are complied with, and a finding is made that establishment of the host home will not adversely affect or be materially detrimental to existing neighborhood character, with consideration given to the generation of traffic and the suitability of the site for the type and intensity of the proposed use.
- cc. Family Day Care Home For Children, Small (8 or fewer children) is a permitted residential use when located in a single-family residence.
- dd. Poultry Manure Management. (see Section 6157.g)
- ee. Water Vending By Machine. In the Agricultural and Special Purpose zones, except those areas subject to the S80 Open Space and S81 Ecological Resource Area use regulations, the sale of water from coin or otherwise automatic vending machines shall be allowed, provided the volume does not exceed 5,000 gallons per any consecutive seven day period.
- ff. Recycling Collection Facility, Drop-off: Provided the total capacity of collection receptacle(s) shall not exceed 192 cubic feet per legal parcel.
- gg. Garage Sale. The sale of household articles or personal possessions incidentally accumulated during normal or conforming residential use of the property on which the sale is held is permitted, subject to the following restrictions:
1. Such sales shall not exceed three (3) consecutive days in duration;
  2. No more than four (4) such sales shall be held during any calendar year;
  3. No sale of vehicles (other than bicycles), industrial or commercial equipment, or items purchased for resale shall be permitted;
  4. The sale of personal items belonging to persons not residing on the property where the sale takes place, e.g., neighbors, is permitted.
- hh. Agricultural Homestay. (See 6157.c)

- ii. The following matrix compares Guest Living Quarters and Accessory Dwelling Unit provisions. Complete regulations can be found in subsections k. and x.

**Accessory Use Regulations**

<i>This Table is a summary only. For complete regulations see appropriate sections of the Zoning Ordinance. In case of conflict between the provisions graphically represented in this table and the provisions set forth in the text of the Zoning Ordinance, the provisions of the Zoning Ordinance text shall apply.</i>		<b>Guest Living Quarters (6156.k.)</b>	<b>Accessory Dwelling Unit (6156.x.)</b>
<b>LOCATION AND SIZE</b>			
<b>Applicable Use Types</b>	Residential	■	■
	Commercial	-	-
	Industrial	-	-
	Agriculture	■	■
	Special Purpose	■	■
<b>Net Lot Size Restrictions<sup>1</sup></b>	Must meet minimum required by zoning	-	■
	Must be 20,000 sf or larger	■	■
	<b>Administrative Permit Exceptions</b>		
	May be less than 20,000 sf	■	-
<b>Unit Size Restrictions</b>	Minimum zoning not met <sup>2</sup> but 1 acre or larger	-	-
	Must be equal or greater than 400 sf <sup>3</sup>	-	■
	May not exceed 30% of primary dwelling <sup>3</sup>	■	-
	May not exceed 600 sf <sup>3</sup>	■	-
	May not exceed 1,200 sf <sup>3</sup>	-	■
	<b>Administrative Permit Exceptions</b>		
Up to 50% of primary dwelling allowed	■	-	
May not exceed 1,200 sf	-	-	
<b>DESIGN AND USE</b>			
<b>Allowed Facilities</b>	Kitchen	-	■
	Wetbar	-	■
	Laundry	-	■
<b>Occupancy</b>	Employee	■	■
	Guests up to 30 days	■	■
	Guest more than 30 days	-	■
	Rental	-	■
<b>Attachment to Other Structures</b>	Primary Dwelling	■	■
	Detached garage/carport 480 sf or less	■	■
	Detached garage/carport greater than 480 sf	■	-
	Other habitable space	■	-
	Barn/agricultural storage building	■	-
	<b>Administrative Permit Exceptions</b>		
	Detached garage/carport greater than 480 sf	■	-
Barn/agricultural storage building	-	-	
<b>Electric Metering</b>	Separate Meter Allowed	-	■
<b>PARKING</b>			
<b>Off-Street Parking Requirements<sup>4</sup></b>	1 space per bedroom or unit	-	■
	2 spaces for units equal or greater than 640 sf	-	-

- Applicable
- Not Applicable

**Footnotes:**

1. If lot is Groundwater dependent, the lot must be twice the minimum size required per Groundwater Ordinance Section 67.722 A.1.
2. Lot must have met the minimum net area required by zoning at the time the lot was legally created, pursuant to Policy G-3.
3. Ministerially approved, provided all criteria of PDS (including Zoning/Building/Fire) and other County Departments are met.
4. Required spaces may not be in tandem with required spaces for primary dwelling. May not encroach into front or exterior side setbacks.

- jj. Meetings or Gatherings. The temporary gathering of individuals on private property for a non-commercial event which may involve eating, drinking, studying, or other similar activities, is allowed in compliance with the following provisions:
- a. Use of the Property. The primary use of the property must be residential.
  - b. Parking. All vehicles belonging to individuals attending the meeting or gathering shall be parked in compliance with all applicable laws and shall not impede the flow of traffic to and from the subject property or any other properties in the vicinity.
  - c. Nuisance. The gathering shall not create a public nuisance to surrounding properties, including noise, vibration, traffic or other disturbance. This section can be enforced pursuant to Section 16.205 of County Code of Regulatory Ordinances.
- kk. Agricultural Tourism. (see Section 6157.b)
- ll. Junior Accessory Dwelling Units (JADU) means a unit that is no more than 500 square feet in size and contained entirely within an existing single-family dwelling.
1. Junior accessory dwelling units shall comply with the following standards:
    - (a). A JADU must be created within the existing walls of an existing single-family dwelling and must include conversion of an existing bedroom.
    - (b). The total area of a JADU shall not exceed 500 square feet.
    - (c). Only one ADU or, JADU, may be located on any residentially zoned lot that permits a single-family dwelling. A junior accessory dwelling unit may only be located on a lot which already contains one existing single-family dwelling.
    - (d). The owner of a parcel proposed for a JADU unit shall occupy as a principal residence either the primary dwelling or the JADU.
    - (e). A separate exterior entry shall be provided to serve a junior accessory dwelling unit.
    - (f). The interior connection to the main living area must be maintained.
    - (g). The junior accessory dwelling unit shall include an efficiency kitchen, requiring and limited to the following components:
      - (i). A sink with a maximum waste line diameter of one-and-a-half (1.5) inches,
      - (ii). A cooking facility with appliance which do not require electrical service greater than one-hundred-and-twenty (120) volts or natural or propane gas, and
      - (iii). A food preparation counter and storage cabinets that are reasonable to size of the unit.



(h). No additional parking is required beyond that required when the existing primary dwelling was constructed.

(i). A JADU shall not be rented for less than 30 days.

2. Prior to obtaining a building permit for a junior accessory dwelling unit, a deed restriction, approved by the Director of PDS, shall be recorded with the County Recorder's office, which shall include the pertinent restrictions and limitations of a junior accessory dwelling unit identified in this Section. A copy of the recorded deed restriction shall be filed with the Department stating that:

(a). The junior accessory dwelling unit shall not be sold separately from the single-family dwelling unit;

(b). The junior accessory dwelling unit is restricted to the maximum size allowed per the development standards;

(c). The junior accessory dwelling unit shall be considered legal only so long as either the primary residence, or the accessory dwelling unit, is occupied by the owner of record of the property, except when the home is owned by an agency such as a land trust or housing organization in an effort to create affordable housing;

(d). The restrictions shall be binding upon any successor in ownership of the property and lack of compliance with this provision may result in legal action against the property owner, including revocation of any right to maintain a junior accessory dwelling unit on the property.

zz. Other Necessary and Customary Uses. Accessory uses and structures, in addition to those identified above, which are necessarily and customarily associated with, and are appropriate, incidental, and subordinate to principal use, as determined by the Director.

- (Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
- (Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)
- (Amended by Ord. No. 5912 (N.S.) adopted 10-22-80)
- (Added by Ord. No. 5935 (N.S.) adopted 11-19-80)
- (Amended by Ord. No. 5676 (N.S.) adopted 12-19-80)
- (Amended by Ord. No. 6134 (N.S.) adopted 7-22-81)
- (Amended by Ord. No. 6151 (N.S.) adopted & effective 8-25-81 - Urgency Ordinance)
- (Amended by Ord. No. 6188 (N.S.) adopted 11-18-81)
- (Amended by Ord. No. 6268 (N.S.) adopted 4-14-82)
- (Amended by Ord. No. 6284 (N.S.) adopted 5-5-82)
- (Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)
- (Amended by Ord. No. 6586 (N.S.) adopted 5-18-83)
- (Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)
- (Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)
- (Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)
- (Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)
- (Amended by Ord. No. 6857 (N.S.) adopted 10-10-84. Opr. 1-1-85)
- (Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)
- (Amended by Ord. No. 6983 (N.S.) adopted 7-03-85)
- (Amended by Ord. No. 7048 (N.S.) adopted 10-09-85)
- (Amended by Ord. No. 7110 (N.S.) adopted 4-02-86)
- (Amended by Ord. No. 7117 (N.S.) adopted 4-23-86)
- (Amended by Ord. No. 7160 (N.S.) adopted 6-18-86)

(Amended by Ord. No. 7220 (N.S.) adopted 10-22-86)  
 (Amended by Ord. No. 7306 (N.S.) adopted 5-20-87)  
 (Amended by Ord. No. 7363 (N.S.) adopted 8-19-87)  
 (Amended by Ord. No. 7432 (N.S.) adopted 1-06-88)  
 (Amended by Ord. No. 7515 (N.S.) adopted 7-13-88)  
 (Amended by Ord. No. 7576 (N.S.) adopted 1-11-89)  
 (Amended by Ord. No. 7740 (N.S.) adopted 3-28-90)  
 (Amended by Ord. No. 7743 (N.S.) adopted 3-28-90)  
 (Amended by Ord. No. 7768 (N.S.) adopted 6-13-90)  
 (Amended by Ord. No. 7790 (N.S.) adopted 08-01-90. This ordinance will expire on August 31,  
 1993, unless extended in connection with GPA 93-02)  
 (Amended by Ord. No. 7817 (N.S.) adopted 9-26-90)  
 (Amended by Ord. No. 8050 (N.S.) adopted 4-8-92)  
 (Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)  
 (Amended by Ord. No. 8086 (N.S.) adopted 6-16-92)  
 (Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)  
 (Amended by Ord. No. 8271 (N.S.) adopted 6-30-93)  
 (Amended by Ord. No. 8409 (N.S.) adopted 6-1-94)  
 (Amended by Ord. No. 8502 (N.S.) adopted 3-1-95)  
 (Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)  
 (Amended by Ord. No. 8599 (N.S.) adopted 10-11-95)  
 (Amended by Ord. No. 8698 (N.S.) adopted 7-17-96)  
 (Amended by Ord. No. 8805 (N.S.) adopted 6-4-97)  
 (Amended by Ord. No. 8897 (N.S.) adopted 3-18-98)  
 (Amended by Ord. No. 9156 (N.S.) adopted 6-14-00)  
 (Amended by Ord. No. 9377 (N.S.) adopted 8-8-01)  
 (Amended by Ord. No. 9470 (N.S.) adopted 6-12-02)  
 (Amended by Ord. No. 9569 (N.S.) adopted 7-9-03)  
 (Amended by Ord. No. 9596 (N.S.) adopted 9-17-03)  
 (Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)  
 (Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)  
 (Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)  
 (Amended by Ord. No. 9982 (N.S.) adopted 4-22-09)  
 (Amended by Ord. No. 10003 (N.S.) adopted 8-5-09)  
 (Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)  
 (Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)  
 (Amended by Ord. No. 10073 (N.S.) adopted 9-15-10)  
 (Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)  
 (Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)  
 (Amended by Ord. No. 10204 (N.S.) adopted 3-28-12)  
 (Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)  
 (Amended by Ord. No. 10261 (N.S.) adopted 5-15-13)  
 (Amended by Ord. No. 10285 (N.S.) adopted 9-11-13)  
 (Amended by Ord. No. 10359 (N.S.) adopted 10-29-14)  
 (Amended by Ord. No. 10463 (N.S.) adopted 4-14-17)  
 (Amended by Ord. No. 10592 (N.S.) adopted 2-27-19)

6156

- o) Notice shall be provided pursuant to Section 7060.c. No hearing is required unless requested by the applicant or other affected person pursuant to Section 7060.d.
- e. Creamery. The Creamery use type refers to an accessory use to a dairy on premises where cattle, goats, sheep or other animals are fed and kept for milking operations. The Creamery use may include the production of milk, butter, cream, cheese or other products made from milk or cream, for wholesale or on-site limited retail direct to consumers.

A Creamery shall comply with the following provisions:

1. A Dairy shall have a valid permit issued by the U. S. Department of Agriculture, and a current dairy license issued by the California Department of Food & Agriculture. The production and/or sale of any butter, cream, cheese or other products shall conform to all applicable requirements of the U.S. Department of Agriculture (USDA), California Food & Agriculture Code, Health & Safety Code, and shall obtain any other applicable permits.
2. A minimum of 50 percent of the milk/cream used at creamery must be produced by the animals raised and milked on the premises.
3. The maximum floor area of non-residential structure(s) used to for a creamery is limited to a maximum of 2,000 square feet where the lot is less than one gross acre. A maximum floor area of 3,000 square feet is allowed where the lot is one acre or more but less than two acres gross, and a maximum of 4,000 square feet of floor area is allowed where the lot is two to four acres gross. Additional area is allowed if the lot is over four acres. The structure shall conform to all setbacks pursuant to Section 4810. All areas accessed by the public must be permitted and constructed in compliance with the applicable commercial building code and shall comply with all applicable requirements of the Department of Environmental Health. No other structures on the property shall be used for on-site sales.
4. One retail sales room is allowed for the sale of dairy and creamery products produced on the premises subject to all applicable permits required by the Department of Environmental Health and the California Department of Food and Agriculture. The retail sales room shall be accessory to the operation and shall not exceed 30% of the total square footage of the structure used for the Creamery. All areas accessed by the public must comply with all permitting requirements and shall be constructed in compliance with the applicable commercial building code, including the requirements of the Americans with Disabilities Act.

5. The sale of pre-packaged food is allowed on the premises. Refrigeration shall be approved by the County of San Diego Department of Environmental Health. Catered food service is not allowed.
  6. A minimum of six parking spaces shall be provided for customers and a minimum of three spaces shall be provided for employees and operations. No parking for a Creamery is allowed off the premises.
  7. The on-site driveway and parking area shall not be dirt. The on-site driveway and parking area may be surfaced with Chip Seal, gravel, or an alternative surfacing material such as recycled asphalt suitable for lower traffic volumes.
  8. Signage: One on-premise sign, not to exceed four square feet, is allowed.
  9. Amplified sound is not allowed outside any building.
  10. All operations shall comply with the provisions of Section 36.401 et seq. of the San Diego County Code of Regulatory Ordinances relating to Noise Abatement and Control.
- f. Farm Employee Housing. Farm employee housing consisting of five or more farm employees is an allowed use and requires approval of a building permit from Planning & Development Services and approval of a permit to operate from the State of California to operate an Employee Housing facility.

Farm Employee Housing of up to four farm employees requires approval of a building permit from Planning & Development Services and is an allowed accessory use to an on-going commercial agriculture operation on that same parcel on which the housing is located or on another parcel under the same ownership, provided that:

1. The number of living units is reasonably related to the number of farm employees required for commercial agriculture on the parcel on which the farm employee housing is located and, where applicable, on other land owned or leased and farmed by the applicant.

2. The location of Farm Employee Housing shall comply with the required main building setbacks.
  3. Farm employee housing shall be occupied only by farm employees (and their families) engaged in Commercial Agricultural labor for an active Commercial Agricultural operation and shall not be otherwise occupied or rented.
  4. Farm employee housing shall be removed or converted to another allowed use at such time as the commercial agriculture to which it relates ceases operation for more than twelve consecutive months-following the date of occupancy on the building permit issued for the farm employee housing.
- g. Packing and Processing, General. In the A70, A72 and S92 Use Regulations, a Packing and Processing operation or facility, accessory to a Commercial Agriculture operation, may be allowed with an Administrative Permit and shall comply with the following provisions:
1. The operation shall be incidental to primary agricultural, horticultural or animal husbandry use, such that at least 50 percent of the total gross area of the premises shall be suitable and available for agricultural, horticultural, animal husbandry or open space use;
  2. The packing and processing operation or facility may be conducted within a structure or outdoors as required by the Enclosure Regulations (Section 6800 herein).
  3. For operations with a total area greater than 200 acres, at least 40 acres must be actual active agricultural, horticultural, or animal husbandry use.
  4. Signage: One on-premise sign, not to exceed four square feet, is allowed.
  5. Before an Administrative Permit may be granted or modified, it shall be found:
    - i. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:
      - 1) Harmony in scale, bulk and coverage;
      - 2) The availability of public facilities, services and utilities;
      - 3) The harmful effect, if any, upon desirable neighborhood character;
      - 4) The generation of traffic and the capacity and physical character of surrounding streets;

6157

- 5) The hours of operation and generation of noise of the proposed use;
  - 6) The suitability of the site for the type and intensity of use or development which is proposed; and to
  - 7) Any other relevant impact of the proposed use.
- ii. That the impacts, as described in paragraph "a" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan
  - iii. That the requirements of the California Environmental Quality Act have been complied with.
  - iv. That notice shall be pursuant to Section 7060.c. No hearing is required unless requested by the applicant or other affected person pursuant to Section 7060.d.
- h. Poultry Manure Management. Poultry manure management practices involving drying and disposal of manure produced on site or brought to a poultry ranch from another poultry ranch owned or operated by the same person(s), provided the receiving site is zoned with an animal regulations designator where the small animal raising animal use type is permitted without a limit on the number of poultry allowed.

(Added by Ord. No. 10463 (N.S.) adopted 4-14-17)  
(Amended by Ord. No.10592 (N.S) adopted 2-27-19)





6158

6158 CIVIC, COMMERCIAL, INDUSTRIAL, OR EXTRACTIVE USE TYPES.

Accessory structures and uses necessarily and customarily associated with, and appropriate, incidental and subordinate to the principal civic, commercial, industrial or extractive uses shall be permitted where the principal civic, commercial, industrial or extractive uses are permitted. As provided for in Section 6152, the Director shall determine whether proposed accessory uses and structures conform to the Accessory Use Regulations, and said determinations are subject to appeal pursuant to the Administrative Appeal Procedure commencing at Section 7200.

Subject to the restrictions and limitations specified, the following accessory buildings and uses shall be permitted in zones where Civic, Commercial, Industrial, or Extractive Use Types are permitted:

- a. Outdoor Café Seating and Sidewalk Cafés.
  1. Outdoor Café Seating. Outdoor café seating accessory to the Eating and Drinking Establishments use type is permitted in the Fallbrook Village Regulations, C32, C34, C35, C36, M50 and M52 use regulations, and outdoor café seating accessory to the Food and Beverage Retail Sales use type is permitted in the Fallbrook Village Regulations, C32, C34, C35, C36 and M50 use regulations, subject to the following conditions:
    - i. The outdoor seating area shall be limited in size as follows:
      - (a) In Eating and Drinking Establishments to no more than 200 square feet or 25 percent of the establishment's indoor floor area, whichever is greater.
      - (b) In Food and Beverage Retail Sales uses (e.g., bakeries, markets, etc.) to no more than 25 percent of the establishment's indoor floor area or 1000 square feet, whichever is less. However, any such Food and Beverage Retail Sales use that otherwise qualifies under Section 6158 a.1. may have an outdoor seating area of 200 square feet.

- c. Site Preparation and Development. Site preparation and development to facilitate the takeoff, landing and storage of ultralight vehicles on private property shall be in accordance with the following criteria:
1. All grading and clearing for runways shall comply with applicable grading and clearing regulations.
  2. Surfacing of runways is not required. However, measures shall be taken to prevent the blowing of dust, dirt or other objectionable material onto neighboring property in order to comply with the San Diego County Air Pollution Control District Rules and Regulations.
  3. Storage building(s), or hangar(s), shall not exceed 800 square feet for a single ultralight vehicle permanently stored at each site or 600 square feet each for multiple ultralight vehicles permanently stored at each site, in addition to those accessory buildings authorized by Section 6156. Additional square footage may be authorized by minor use permit as provided for in subsection "d" of this Section. All fuel shall be stored in compliance with the Uniform Fire Code.
  4. A maximum of three ultralight vehicles may be stored (kept on the property) for more than five consecutive days at each takeoff and landing area established pursuant to this Section.
- d. Minor Use Permit. A minor use permit may authorize ultralight vehicle takeoff and landing locations, operating characteristics or site preparation and development characteristics different from those stated in this Section, and may authorize takeoffs and landings closer than 1,000 feet from any dwelling and earlier or later than otherwise permitted by this Section.

(Added per Ord. No. 7197 (N.S.) adopted 9-10-86)  
(Amended by Ord. No. 7594 (N.S.) adopted 02-22-89)

6350

DENSITY BONUS PROGRAM

6350 TITLE AND PURPOSE.

The provisions of Sections 6350 through 6399, inclusive, shall be known as the Density Bonus Program/Affordable Housing Program. The purpose of these provisions is to implement the state requirements at Government Code Section 65915 et seq. and the policies and programs in the Housing Element of the San Diego County General Plan. As required by Government Code Section 65915 et seq., these provisions offer density bonuses and incentives or concessions for the development of housing that qualifies under Section 6355. The Density Bonus/Affordable Housing Permit Procedures, commencing at Zoning Ordinance Section 7400, shall apply to all density bonus/affordable housing projects except for housing under the County Affordable Senior Housing Program, which shall comply with the procedures found at Zoning Ordinance Section 6360 a.2.

In order to be eligible for a density bonus and other incentives or concessions, a proposed project shall comply with the following provisions of the Density Bonus/Affordable Housing Program and all other applicable local, state, and federal requirements.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)  
(Amended by Ord. No.10592 (N.S.) adopted 2-27-19)

6355 ELIGIBILITY FOR AFFORDABLE HOUSING/DENSITY BONUS PROGRAM AND PERMIT.

a. Income and Age Requirements. A housing development proposed to qualify for shall be designed and constructed so that it includes at least one of the following:

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1. At least five percent of the total number of base units are reserved as affordable for very low income households.
2. At least ten percent of the total number of base units are reserved as affordable for lower income households.
3. The project is a senior citizen housing development or is a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Civil Code Sections 798.76 or 799.5. No affordable units are required to receive a density bonus. Market rate age restricted units are not eligible for an incentive, waiver, or concession.
4. Ten percent of the total dwelling units in a common interest development, as defined in Civil Code Section 1351, for persons and families in a moderate income household provided that all units in the development are offered to the public for purchase.
5. At least ten percent of the total dwelling units in the development are reserved as affordable at a very low income level to transitional foster youth as defined in Section 66025 of the California Education Code, disabled veterans as defined in Section 18541 of the California Government Code, or homeless persons as described in the California McKinley Vento Homeless Assistance Act.

- i. For a development containing any occupied dwelling units, the development must contain at least the same number of replacement dwelling units, of equivalent size and bedrooms, and must be made affordable to and occupied by persons and families in the same or a lower income category as the occupied dwelling units. For unoccupied dwelling units in the development, the replacement dwelling units shall be made affordable to and occupied by persons and families in the same or lower income category as the last household in occupancy. If the income category of the last household is unknown, it is presumed, unless proven otherwise, that the dwelling units were occupied by lower income renter households in the same proportion of lower income renter households to all renter households within the County of San Diego, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database, and replacement dwelling units shall be provided in that same percentage.
- ii. If all of the dwelling units are vacant or have been demolished within the five years preceding the application, the development must contain at least the same number of replacement dwelling units, of equivalent size and bedrooms, as existed at the highpoint of those units in the five year period preceding the application, and must be made affordable to and occupied by persons and families in the same or a lower income category as those in occupancy at that same time. If the income categories are unknown for the highpoint, it is presumed, unless proven otherwise, that the dwelling units were occupied by very low income and low income renter households in the same proportion of very low income and low income renter households to all renter households within the County of San Diego, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database, and replacement dwelling units shall be provided in that same percentage.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)  
 (Amended by Ord. No. 10592 (N.S.) adopted 2-27-19)

6360 DENSITY BONUS.

- a. Density Bonus Allowance. A development that complies with the eligibility requirements of Section 6355 shall be entitled to a density bonus as follows:
  1. Density Bonus Table. The total number of base units, exclusive of the additional bonus units, shall be the basis for determining the percentage of affordable units. The total number of base units shall be calculated in accordance with Section 6360 b and be consistent with the maximum allowable residential density under the Zoning Ordinance and the Land Use Element of the General Plan. The density bonus shall be calculated based on the Density Bonus Table.

6. Under the County Affordable Senior Housing Program, one hundred percent of the units are reserved at an affordable rent, as defined in Health and Safety Code Section 50053, to very low, low, or moderate income senior citizens.
- b. Land Donation. An applicant for a tentative subdivision map, parcel map, or other residential development, who donates at least one acre of land to the County for very low income housing and has the appropriate General Plan designation, zoning, permits and approvals, and access to public facilities, shall be eligible for a density bonus.
  - c. Condominium Conversion Projects. An applicant who proposes to convert apartments to a condominium project, provides at least 33 percent of the total base units for moderate income households or at least 15 percent for lower income households, and meets the requirements of Government Code Section 65915.5 shall be eligible for a density bonus.
  - d. Child Care Facilities. A housing development that meets one of the eligibility requirements of subsections a.1. through a.4. and includes a child care facility located on the site of, as part of, or adjacent to, the development shall be eligible for a density bonus as defined in Government Code Section 65915(h).
  - e. Senior Citizen Housing. To meet the eligibility requirements of subsection a.3., a Senior Citizen Housing Development must have at least 35 dwelling units, exclusive of the bonus units.
- d. Ineligible Projects -- Required Replacement of Affordable Units.
    1. An applicant shall be ineligible for a density bonus or any other incentives or concessions under this section if: a) the development is proposed on any property that includes any existing affordable rental dwelling units occupied by lower or very low income households; b) if such affordable dwelling units have been vacated or demolished in the five-year period preceding the application; and c) such affordable dwelling units have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income. However, an applicant may establish eligibility if the proposed housing development replaces those units, and either of the following applies:
      - i. The proposed housing development, inclusive of the units replaced pursuant to this subsection (f)(2), contains affordable units at the percentages set forth in subsection a.
      - ii. Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low income household.
    2. The number and type of required replacement units shall be determined as follows:

**DENSITY BONUS TABLE**

Income Category	Reserved Units	Bonus		
		Minimum Bonus (% of Base Units)	Additional bonus for each 1% increase in reserved units	Maximum Bonus (% of Base Units)
Household Income Category of Affordable Units	Minimum % of Base Units that must be Reserved to qualify for Bonus			
Very Low Income	5%	20%	2.5%	35%
Low Income	10%	20%	1.5%	35%
Moderate Income (Ownership Units Only)	10%	5%	1%	35%
Age Restricted Senior Citizen Housing Development	100%	20%	--	20%
Transitional Foster Youth, Disabled Veterans, Homeless	10%	20%	--	20%
Land Donation for Very Low Income Housing	10% of Market-Rate Units	15%	1%	35%
Common Interest Development	10%	5%	1%	35%
Condominium Conversion				
Lower Income	15%	25%	--	25%
Moderate Income	33%	25%	--	25%
Child Care Facility	Must qualify under Section 6355 a.1. – a.4.	Additional residential space equal to or greater than the square footage of the child care facility or one additional incentive		
County Affordable Senior Housing Program (Rental Units Only)				
Very Low Income	100%	50% to a maximum of 45 units/acre*		
Low Income	100%	45% to a maximum of 45 units/acre*		
Moderate Income	100%	40% to a maximum of 45 units/acre*		
Commercial Development with Affordable Housing	Pursuant to Government Code 65915.7	Pursuant to Section 6365		

\* The density cap of 45 units per acre is calculated based on the net lot area.

- i. An Administrative Permit authorizing a density bonus for an affordable rental senior housing project may be approved in accordance with the Administrative Permit Procedure commencing at Section 7050 if the project meets the requirements of Section 6355 a.5. and this section and if it is found that the location, size, and design of the proposed use will not adversely affect or be materially detrimental to the San Diego County General Plan, adjacent uses, residents, buildings, structures, or natural resources, with consideration given to:
  - a) The type and density of the housing development would not have a harmful adverse effect on surrounding neighborhood character.
  - b) The site is physically suitable for the density of development proposed.
  - c) There is demonstrated capacity and service of sewer, water, schools (as may be required), fire, police protection and utilities available to the housing development.
  - d) The housing development and surrounding areas have adequate access to accommodate the generation of traffic.
  - e) The site has reasonable proximity and access to special support services (e.g., retail and convenience uses, public transit, emergency medical facilities, etc.) as may be required by the type and density of development proposed.
- ii. The County Affordable Senior Housing Program shall be available only to a housing development of five or more dwelling units, exclusive of the bonus units. The residents shall be persons 62 years of age or older or 55 years of age or older in a senior citizen housing development consisting of at least 35 dwelling units, exclusive of the bonus units.
- iii. The housing development must be located in an area with a General Plan density of at least 10.9 units per acre.
- iv. Density bonus calculations shall be made as specified in Section 6360 b.
- v. Bonus units must be reserved and rented to senior citizens at the same level of affordability as the proposed development.
- vi. The maximum density, including the bonus units, cannot exceed 45 units per acre based on the net lot area.
- vii. The applicant will be required to enter into a density bonus housing agreement with the County's Department of Housing and Community Development. The agreement shall be subject to and comply with the density bonus housing agreement provisions set forth in Section 7430.

- viii. A housing development located in a specific plan area shall not be allowed a density bonus which causes the overall maximum density of the specific plan to be exceeded.
  - ix. Parking requirements shall be met as specified in Section 6370.
  - x. Requested incentives are subject to the provisions of Zoning Ordinance Section 6365, except that the applicant shall not be required to submit a financial documents under Section 7410 b.2. An applicant for a project under the County Affordable Senior Housing Program shall receive up to four incentives, unless disapproved with written findings in accordance with Section 7420 a.
3. Land Donation For Very Low Income Units. When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to the County for very low income housing and meets the requirements of Government Code Section 65915(g), the applicant shall be entitled to a 15 percent minimum increase above the otherwise maximum allowable residential density.
- i. The donated land must have all permits and approvals necessary for the development of very low income housing units equal to at least 10 percent of the market rate units within the proposed development.
  - ii. If the proposed development also includes units reserved for affordable housing, the density bonus from the donated land shall be in addition to the density bonus permitted for the provision of housing reserved for very low, low, moderate, or senior households up to a maximum combined density increase of 35 percent.
4. Condominium Conversion Projects. A condominium conversion project which meets the requirements of Government Code Section 65915.5 shall receive either a density bonus of 25 percent or incentives of equivalent financial value unless the development previously received density bonus or other incentives, in which case it is ineligible for the Density Bonus Program/Affordable Housing Program.
5. Child Care Facilities. A housing development with a child care facility that meets the eligibility requirements of Section 6355 d. shall be entitled to one of the following subject to the requirements of Government Code Section 65915(h):
- iii. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility. Any additional amount of residential space that exceeds the amount of square feet in the child care facility must be approved by the approving authority. The additional square feet of residential space may be used for additional residential units that must meet the average square footage size of the other residential units in the development.



6360

- iv. An additional incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

b. Density Bonus Calculations.

1. Base Units. The number of base units shall not exceed the maximum allowable residential density as permitted by the County's Zoning Ordinance and General Plan.
  - i. The net lot area of the project site shall be the basis on which the number of base units is determined.
  - ii. The density bonus percentage shall be calculated using the total number of base housing units and shall not include the density bonus units.
  - iii. When calculating the maximum number of base dwelling units permitted on a project site any fraction of a base dwelling unit shall be rounded up to the nearest whole number of dwelling units.
  - iv. The maximum number of dwelling units permitted within the exterior boundary lines of any subdivision or a single lot, shall be reduced to an achievable number of dwelling units when such reduction is needed to comply with all applicable land use requirements. The resulting density shall be the Maximum Allowable Residential Density.
2. Density Bonus Units. When calculating the number of density bonus units to be granted to an applicant under Government Code section 65915, a fraction of a density bonus unit shall be rounded up to the nearest whole number.
3. Split Zones. If the housing development site is located in two or more zones, the number of dwelling units permitted in the development is the sum of the dwelling units permitted in each of the zones. Within the development, the permitted number of dwelling units may be distributed without regard to the zone boundaries.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

(Amended by Ord. No.10592 (N.S.) adopted 2-27-19)

6365 INCENTIVES.

- a. Types of Incentives. An applicant eligible for an Affordable Housing Permit pursuant to Section 6355 may qualify for one or more of the following incentives whether or not a density bonus is requested:

1. A reduction or deviation in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code. These may include, but are not limited to, a reduction in setback and square footage requirements, increased building heights, or a reduction in the ratio of vehicular parking spaces that would otherwise be required. These reductions or deviations shall result in identifiable and actual cost reductions, to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).
  2. Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.
  3. Other regulatory incentives proposed by the applicant or the County that will result in identifiable, actual cost reductions to provide for affordable housing costs as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).
- b. Proof of Cost Reduction. Proof of identifiable, actual cost reduction associated to reduce the cost of the housing development to provide for affordable housing costs may be required of the applicant pursuant to Section 7410.
- c. Permitted Number. The applicant shall receive the following number of incentives, unless disapproved in accordance with written findings as described in Section 7420 a:

#### INCENTIVES SUMMARY

Income Category of Reserved Units	% of Reserved Units		
Very Low Income	5%	10%	15%
Low Income	10%	20%	30%
Moderate Income (Ownership Units Only)	10%	20%	30%
County Affordable Senior Housing Program (Rental Units Only)	--	--	100%
<b>Maximum Number of Incentives</b>	2	3	4

- d Incentives for Commercial Development. Pursuant to Government Code Section 65915.7, an applicant for a commercial development that has entered into an agreement with an applicant for a residential development that provides at least 15 percent of the dwelling units as affordable to very low income households or at least 30 percent of the dwelling units as affordable to low income households shall be entitled to an incentive in accordance with Government Code Section 65915.7(b) provided that the agreement is approved by the Planning & Development Services Director and the commercial development will contribute to affordable housing in one of the following ways:
1. Directly constructing the affordable dwelling units on the commercial site or a site that is within the jurisdiction of the County, in close proximity to public amenities including schools and employment centers, and located within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code.
  2. Donating a portion of the commercial site or another site that meets the criteria in Section 6365 c.1. for development of the affordable dwelling units; or
  3. Financially contributing to the development of the affordable dwelling units.
- e. Nothing in this section requires the County to provide direct financial incentives for the housing development, including but not limited to, the provision of publicly owned land or the waiver of fees or dedication requirements.

This section does not supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code).

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)  
(Amended by Ord. No. 10592 (N.S.) adopted 2-27-19)

#### 6367 WAIVER OF DEVELOPMENT STANDARDS

- a. An applicant may submit a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a housing development at the densities or with the incentives permitted by the Density Bonus Program/Affordable Housing Program.
- b. Development standards that may be waived or reduced under this section include site or construction conditions that apply to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation, including, but not limited to the following:
  - i. A height limitation.
  - ii. A setback requirement.
  - iii. A floor area ratio.

- iv. An onsite open-space requirement.
  - v. A parking ratio that applies to a residential development.
- c. A proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development at the densities or with the incentives permitted by the Density Bonus/Affordable Housing Regulations shall be approved unless the approval authority makes a written finding to deny the proposal, based upon substantial evidence, as specified in Section 7420 b.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)  
 (Amended by Ord. No.10592 (N.S.) adopted 2-27-19)

#### 6370 PARKING REQUIREMENTS.

- a. **Applicability.** The following parking requirements apply to eligible developments in accordance with Section 6355. Affordable housing projects that also meet the requirements of Government Code 65913.4 and are processed through ministerial review consistent with Section 7400 are subject to the parking requirements of Government Code 65913.4(d) rather than those in this section. Any additional parking modifications will be considered an incentive pursuant to Section 6365.
- b. **Number Of Parking Spaces Required.**

The following maximum vehicular parking ratios apply for a project that meets the eligibility requirements of Section 6355, inclusive of parking for the disabled and guest parking.

#### PARKING REQUIREMENTS

Number of Bedrooms	Number of on-site parking spaces needed
0 – 1	1
2 – 3	2
4+	2.5

- c. Lower parking ratios also apply to the following projects:
  - 1. 0.5 space per bedroom for rental or for sale projects with at least 11% very low income or 20% lower income units, and within one-half mile of unobstructed access to a major transit stop as defined in subdivision (b) of Section 21155 of the Public Resources Code. Unobstructed access means if a resident is able to access the major transit stop without encountering natural or constructed impediments.
  - 2. 0.5 space per unit for rental projects that are 100% affordable to lower income households (exclusive of a manager's unit), and within one-half mile of unobstructed access to a major transit stop as defined in subdivision (b) of Section 21155 of the Public Resources Code.

6370

3. 0.5 space per unit for age-restricted rental senior projects that are 100% affordable to lower income households, and have paratransit service or are within one-half mile of accessible fixed bus route service operating at least eight times per day.
  4. 0.3 space per unit for special needs housing development as defined in Section 51312 of the Health and Safety Code, and have paratransit service or are within one-half mile of accessible fixed bus route service operating at least eight times per day.
- d. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number.
  - e. This Density Bonus Program/Affordable Housing Program does not preclude the County from reducing or eliminating a parking requirement for development projects of any type in any location.
  - f. Location of Parking. For purposes of this density bonus program, a development may provide on-site parking through tandem parking or uncovered parking, but not through on-street parking.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

(Amended by Ord. No. 10592 (N.S.) adopted 2-27-19)

6375 AFFORDABLE UNITS AND REPLACEMENT UNITS.

- a. Duration of Affordability.
  1. An applicant for new affordable housing shall agree to, and the County shall ensure, the continued affordability of all very low and low-income rental units that qualified the applicant for the award of the density bonus or incentives or other concessions for 55 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.
  2. Replacement units shall be subject to a recorded affordability restriction for 55 years or longer.
- b. Unit Affordability Requirements.
  1. Rental Units. Rents for the lower income and moderate income reserved units shall be set at an affordable rent as defined in Health and Safety Code Section 50053.
  2. Owner-occupied Units. Owner-occupied affordable units and replacement units shall be available at an affordable housing cost as defined in Health and Safety Code Section 50052.5.

- c. Occupancy and Resale of Moderate Income Common Interest Development Units.
1. An applicant shall agree to, and the County shall ensure, that the initial occupant of moderate income units that are directly related to the receipt of the density bonus in a common interest development, as defined in Civil Code Section 1351, are persons and families of moderate income, as defined in Health and Safety Code Section 50093, and that the units are offered at an affordable housing cost, as defined in Health and Safety Code Section 50052.5.
  2. The County shall enforce an equity sharing agreement as specified in California Government Code Section 65915(c)(2)
- d. Location and Type of Reserved Units.
1. Location/Dispersion of Units. Affordable units shall be reasonably dispersed throughout the development where feasible and shall contain on average the same number of bedrooms as the market rate units.
  2. Phasing. If a project is to be phased, the reserved units shall be phased in the same proportion as the market rate units or phased in another sequence acceptable to the County. The affordable units shall be constructed concurrently with or prior to construction of the market rate units.
  3. Exterior Appearance. The exterior appearance and quality of the reserved units shall generally be similar to the market rate units, with exterior materials and improvements similar to and architecturally compatible with the market rate units in the development.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)  
(Amended by Ord. No.10592 (N.S.) adopted 2-27-19)



## PARKING REGULATIONS

### 6750 TITLE AND PURPOSE.

Section 6750 through 6799, inclusive, shall be known as the County Parking Regulations. The purpose of these regulations is to provide functional, safe and aesthetically pleasing off-street parking and loading facilities for vehicles and bicycles for each type of land use. The spaces provided are required for use by the employees, tenants, customers and guests of the establishment providing the parking facilities.

(Amended by Ord. No. 6940 (N.S.) adopted 4-10-85. Formerly Sec. 3200.)

(Amended by Ord. No. 10251 (N.S.) adopted 2-6-13)

### 6753 GENERAL PARKING REQUIREMENTS.

- a. **New Uses and Structures.** A new use and/or structure shall provide the minimum number of parking and bicycle spaces specified in the Parking Schedules of the County Parking Regulations.
- b. **Existing Uses and Structures.** A previously permitted existing use and/or structure shall not reduce parking or bicycle spaces unless the reduced number of parking spaces still provided for the use and/or structure meets the minimum requirements of the County Parking Regulations for that use and/or structure.
- c. **Conversion, Alterations or Expansion of an Existing Use or Structure.** A previously permitted existing use and/or structure that is converted, altered or expanded shall provide additional parking spaces to accommodate the increase in capacity and/or intensity. This additional parking shall be provided unless the existing parking meets the parking requirements of the County Parking Regulations for the entire use and/or structure.
- d. **Availability.** Parking and Loading spaces shall be marked, maintained, and permanently available for the use they are intended to serve. Owners, lessees, tenants, or persons having control of the parking or loading spaces shall not prevent, prohibit or restrict the use of parking and loading spaces.
- e. **Usage.** Required parking and loading areas shall be used exclusively for the parking and loading of vehicles and shall not be used for the sale, lease, display, repair, or storage of vehicles, trailers, boats, campers, mobile homes, merchandise or equipment without a required County permit or approval, except where allowed by County Parking Regulations.
- f. **Exceptions.** Notwithstanding the general parking requirements set forth in subsections a. and c. above, parking requirements for uses conducted pursuant to a use permit, Historic District Site Plan, or community design review Site Plan in a Special Parking District, shall be determined in accordance with Sections 6782 and/or 6783. In communities with Village Zoning, such as Fallbrook, parking requirements shall be determined in accordance with the Parking Regulations for each zone. (See Section 8000 et seq. of the Zoning Ordinance).



6753

- g. Community Plan Policies. In the event that an applicable community plan contains policies relative to parking, those policies shall be considered when determining parking counts and design.

(Amended by Ord. No. 6940 (N.S.) adopted 4-10-85. Formerly Sec. 3203.)

(Amended by Ord. No. 8407 (N.S.) adopted 5-18-94.)

(Amended by Ord. No. 9620 (N.S.) adopted 12-10-03)

(Amended by Ord. No. 10251 (N.S.) adopted 2-6-13)

**6754 ADDITIONAL PARKING REQUIREMENTS FOR ACCESSORY AND SPECIAL USES.**

Parking standards for the following accessory and special uses shall be required as specified in the following sections of the Zoning Ordinance:

- Section 6156: Accessory Dwelling Units  
Family Day Care Home for Children, Large (9-14 Children)  
Bed & Breakfast Home  
Host Home
- Section 6157: On-Site Agricultural and/or Horticulture Sales  
Agricultural Tourism  
Agricultural Homestay  
Agricultural Microbrewery or Micro-Distillery  
Creamery
- Section 6370: Senior Projects and Density Bonus Projects
- Section 6910: Wineries
- Section 6911: Emergency Shelters
- Section 6912: Community Gardens
- Section 6970: Recycle Facilities

Parking standards for accessory uses not listed above shall be determined pursuant to the Parking Schedule of the County Parking Regulations and shall be required in addition to the parking requirements for the primary use.

(Added by Ord. No. 10251 (N.S.) adopted 2-6-13)

(Amended by Ord. No. 10463 (N.S.) adopted 4-14-17)

(Amended by Ord. No. 10592 (N.S.) adopted 2-27-19)

**6755 ACCESSIBLE PARKING REQUIREMENTS.**

The Americans with Disabilities Act (ADA) governs the construction and alteration of public places, commercial facilities, and state and local government facilities to accommodate and provide adequate facilities for persons with disabilities. Accessible parking spaces shall adhere to the requirements of the California Building Code (Chapter 11B) for Accessible Parking standards as found in Title 24 of the California Code of Regulations.

(Added by Ord. No. 10251 (N.S.) adopted 2-6-13)

3. **Parking Study.** The Director may require the applicant to submit a parking study, prepared by a qualified traffic or parking consultant, to assist the Director in determining the appropriate shared parking reduction. For existing development where new or different uses are proposed, the base parking demand may be based on either the County Parking Regulations parking ratio or on a detailed survey of actual parking demand for the active uses on the site. If a field survey approach is used, the study shall apply appropriate seasonal demand adjustments to determine the peak parking demand.
4. **Allowable Walking Distances For Shared Parking.** The shared parking arrangement will be more effective the closer shared parking spaces are to the uses they serve. The Director shall review and determine that the shared parking spaces are generally within the following desired maximum walking distances for customers/visitors and employees:
  - i. Customers/Visitors – 600 feet
  - ii. Employees – 1,000 feet

(Renumbered without substantive amendment by Ord. No. 6940 (N.S.) adopted 4-10-85. Formerly Sec. 3260.)  
 (Amended by Ord. No. 10251 (N.S.) adopted 2-6-13)

#### 6785 RELATIONSHIP OF REQUIRED PARKING TO BUILDING SITE.

All required parking and bicycle spaces shall be located on the same legal parcel with the use or structure they are intended to serve, unless the site on which they are located is subject to the Village Parking Regulations in Section 8000, meets the provisions of Section 6788, or the site meets all of the following conditions:

- a. There is a traversable pedestrian route, not more than 600 feet in length over and along public streets or walkways or permanently established easements between the parking or bicycle spaces and the uses or structures to be served.
- b. The site is already zoned S86 Parking Use Regulations or, all persons owning an interest in the site shall execute and record an agreement not to oppose a reclassification to the S86 Parking Use Regulations and then shall make application and pay the fees for this reclassification.

(Amended by Ord. No. 6940 (N.S.) adopted 4-10-85. Formerly Sec. 3272.)  
 (Amended by Ord. No. 10251 (N.S.) adopted 2-6-13)

6786

6786      **LOADING SPACES.**

Loading spaces shall be 10 feet wide by 35 feet long. All buildings containing commercial or industrial use types, hospitals, or institutions hereafter constructed, converted, established, or enlarged to increase their floor area shall be provided with loading spaces as follows:

a.      **Number of Loading Spaces.**

Total Floor Area on Parcel (Other than floor area devoted to office uses)	Number of Loading Spaces
Less than 5,000 square feet	0
5,000 to 19,999 square feet	1
20,000 to 39,999 square feet	2
40,000 to 79,999 square feet	3
80,000 square feet and over	4 plus 1 space for each additional 50,000 square feet

- b.      **Access.** Loading spaces shall have safe and adequate means of ingress and egress for trucks to and from a public street or alley and through the parking area.
- c.      **Exemptions.** Notwithstanding the provisions of this section, mini-warehouses shall be exempted from the loading space requirements.
- d.      **Exceptions.** Notwithstanding the requirements set forth in subsections a. and b. above, loading spaces for uses conducted pursuant to a use permit, Historic District Site Plan, or community design review Site Plan in a Special Parking District, shall be determined in accordance with Sections 6782 and/or 6783.

(Added by Ord. No. 10251 (N.S.) adopted 2-6-13. Formerly Sec. 6794.)

## 6787 LOCATION OF PARKING AND BICYCLE SPACES ON A BUILDING SITE.

- a. Open Parking. Except as provided in Paragraph d. below, open parking spaces shall be outside the ultimate right-of-way of any street. Refer to Section 6700 et seq. for fencing and screening requirements. Open parking spaces shall be located as follows:

<b>ZONE/USE REGULATION</b>	<b>PERMITTED LOCATION</b>
Residential & Agricultural Zones S80, S81, S88, S90, S92 Use Regulations	Anywhere except in a required front or exterior side yard.
C30, C31, C46 Use Regulations	Anywhere except in a required front yard.
Other Commercial Zones, Industrial Zones, S82, S86, and S94 Use Regulations.	Anywhere except in a required landscaped area.
Village Zones	See Section 8000 et seq.

- b. Covered Parking. Covered or enclosed parking spaces may be located anywhere on a building site where a structure may be located. In the Fallbrook Village Zones 1 through 4, covered or enclosed parking spaces shall be outside the ultimate right-of-way of any street and shall be located generally behind a building.
- c. Bicycle Spaces. Bicycle spaces shall be located:
1. No farther than 100 feet from the visitors' entrance and be readily visible. (Refer to 2010 California Green Building Standards Code Section 5.106).
  2. At least as close and accessible to the use or building served as is the most convenient motor vehicle parking (other than handicapped parking).
  3. As close to building entrances as is practical without interfering with pedestrian traffic.
  4. At ground level.
- d. Exceptions. A use permit, Variance, Administrative Permit, or historic district site plan may specify the location of parking areas and bicycle spaces in locations other than as required by Paragraphs a. and c. above with the required finding that the exception to the bicycle spaces or open parking regulations does not create a safety hazard with sight distance for access to the site.

6787

(Amended by Ord. No. 5976 (N.S.) adopted 1-28-81. Formerly Sec. 6756.)  
(Amended by Ord. No. 6940 (N.S.) adopted 4-10-85. Formerly Sec. 3275.)  
(Amended by Ord. No. 9620 (N.S.) adopted 12-10-03)  
(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)  
(Amended by Ord. No. 10251 (N.S.) adopted 2-6-13)  
(Amended by Ord. No. 10592 (N.S.) adopted 2-27-19)

**6788 COLLECTIVE PROVISION OF OFF-STREET PARKING AND ACCESS.**

Collective off-street parking facilities that serve two or more uses or structures sharing a common lot line in locations subject to commercial, industrial, or S86 Use Regulations are allowed subject to the following requirements:

- a. The total parking spaces in such collective off-street parking facilities shall not be less than the sum of the requirements for the individual buildings or uses computed separately in accordance with the County Parking Regulations, unless a permit approved pursuant to this section specifies another amount.
- b. **Collective Parking Agreement Is Required** – The applicant must submit a signed agreement between the applicant and the property owner(s) providing the collective parking spaces, with the County included as a third party beneficiary to the agreement. The agreement shall grant an easement(s) for public utility purposes, ingress and egress to and from adjacent public right-of-way, access and parking necessary to provide the required collective parking spaces. The agreement shall also provide for the use and maintenance of the collective parking area. The agreement, titled “Collective Parking Agreement,” shall be subject to the approval of the Director as to form and content and shall be recorded with the Office of the County Recorder. The Collective Parking Agreement shall meet recording requirements of state statutes and contain the Director’s signature as to form and content, current contact information, the property’s address, and the County Assessor’s parcel number for the property.
- c. **Parking Information.** The Director may require the applicant to submit parking information on the uses and the associated number of parking spaces required, by the County Parking Regulations, a permit or another parking agreement, for each of the properties involved in the collective parking agreement.

(Renumbered without substantive amendment by Ord. No. 6940 (N.S.) adopted 4-10-85. Formerly Sec. 3278.)  
Amended by Ord. No. 10251 (N.S.) adopted 2-6-13)

3. Specifications for the mechanisms and techniques to be used in the suppression of odors, air contaminants and flies at all times before, during and after the processing operation.
- e. Director of Environmental Health Review. The Director of Environmental Health shall review all applications and make recommendations thereon, including recommendations as to conditions deemed necessary to assure adequate suppression of odors, air contaminants, flies and other hazards of the public health.
- f. Water Quality Control Board Review. The Director shall send a copy of each application to the appropriate California Regional Water Quality Control Board for information and, if said Board so elects, for recommendation to the Approving Authority.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
 (Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)  
 (Amended by Ord. No. 8292 (N.S.) adopted 8-4-93)  
 (Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)  
 (Amended by Ord. No. 9676 (N.S.) adopted 9-22-04)

#### 6903 LOT LINE LOCATIONS

Lot lines shall not be relocated so as to do any of the following:

- a. Impair any legal access or create a need for new access to any adjacent lots or parcels.
- b. Impair any existing easements, create a need for any new easements serving any adjacent lots or parcels or cause any of the lots or parcels involved to be without safe and adequate access.
- c. Require substantial alteration of any existing public improvement or create a need for any new public improvements, unless approval is given by the Director, Department of Public Works.
- d. Adjust the boundary between lots or parcels for which a Covenant of Improvement Requirements has been recorded and all required improvements stated therein have not been completed unless the Director determines the proposed boundary adjustment will not significantly affect said Covenant of Improvement Requirements.
- e. Include any lots or parcels, which in the Director's judgment, based on design, size, or specification of the original document creating the parcel, were not intended as a building site.
- f. Negate any condition imposed or finding made in the original action or actions that created any or all of the lots involved in any such relocation of a lot line.
- g. Negate any action or measure imposed to mitigate environmental impacts at the time any or all of the lots involved in any such relocation of a lot line were created.

- h. Result in any lot or lots which utilize or propose to utilize an individual sewage disposal system, unless said lot or lots have been certified by the Director of Environmental Health as being approved for the installation of a sewage disposal system in accordance with the Septic Tank Ordinance, said certification to be dated no earlier than one year prior to the filing of said request for relocation of lot line(s). The Director of Environmental Health may exempt a boundary adjustment lot(s) from certification when the lot line changes will not impact the ability of the lot(s) to utilize an individual sewage disposal system.
- i. Result in any increase in noncompliance to the lot design requirements specified in Section 81.401 of the County Subdivision Ordinance.
- j. Result in any lot or lots which do not comply with all applicable zoning regulations, except that in the case of a lot or lots which did not conform to zoning regulations prior to the lot line relocation, the relocation may be approved if it does not result in any greater degree of nonconformity.
- k. Include any area determined by the Director of Public Works to be subject to flooding or inundation unless the limits of said area are delineated by a distinctive boundary line, clearly labeled, with an appropriate note stating said area is subject to flooding or inundation.
- l. Where the Director has made the determination referred to in Section 67.711 of the San Diego County Code, lot lines may not be relocated so as to result in lots zoned for residential use that are smaller than the minimum parcel sizes set forth in San Diego County Code Section 67.722.A (within the San Diego County Groundwater Ordinance), except that an existing parcel smaller than the applicable minimum parcel size set forth in said Section 67.722.A need not be made to conform to the minimum, so long as it is not further reduced in size by the Adjustment Plat.
- m. Include all or any portion of a lot that was created without a parcel map under Government Code Section 66428(a)(2).
- n. Result is a property with split commercial and residential zoning, whereby the purpose of the Adjustment Plat is to allow commercial parking in a residential zone as allowed by Section 4011 of the Zoning Ordinance.

(Amended by Ord. No. 9826 (N.S.) adopted 01-31-07)  
(Added by Ord. No. 7178 (N.S.) adopted 8-6-86)  
(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)  
(Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)  
(Amended by Ord. No. 10592 (N.S.) adopted 2-27-19)

6910 WHOLESALE LIMITED, BOUTIQUE AND SMALL WINERIES

The provisions of Section 6910 shall be known as the Wholesale Limited, Boutique and Small Wineries Regulations. The purpose of these regulations is to promote production of wine from fruit grown in San Diego County, to support local agriculture and to prescribe reasonable standards and procedures for the operation of wineries. Commercial activities not expressly allowed pursuant to the provisions of Section 6910 are prohibited.

- a. Wholesale Limited Winery. A Wholesale Limited Winery shall comply with the following provisions:
1. Prior to the occupancy of the winery structures and the production of wine, a Wholesale Limited Winery shall have a valid permit and bond issued by the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, if required by the Bureau, and a current 02 Winegrowers license issued by the California Department of Alcoholic Beverage Control. Licenses issued by the California Department of Alcoholic Beverage Control that allow other types of alcohol sales are prohibited.
  2. On-site sales to the public of wine and other goods from the winery, tasting rooms, and/or special events, including but not limited to weddings and parties, are prohibited. Internet sales, phone sales and mail-order sales are allowed.
  3. The maximum floor area of a production facility (non-residential structure(s) used to crush, ferment, store and bottle fruit, wine and other products and equipment used in winemaking, including shipping, receiving, laboratory, maintenance and offices) is limited as follows

Lot Size (gross)	Production Facility Size (cumulative max.)
< 1 ac	1,000 sf
1 ac - <2 ac	1,500 sf
2 ac - 4 ac	2,000 sf
For each acre over 4 acres	200 sf additional per acre, not to exceed 5,000 sf

No barns, agricultural storage buildings and/or other accessory structures permitted pursuant to Section 6156 shall be used as a production facility for the Wholesale Limited Winery Use.



4. A minimum of 25% of the winery’s production shall be from fruit grown on the premises. Up to 75% of the winery’s production may be from sourced fruit/juice from inside or outside San Diego County.

<b>SOURCE</b>	<b>PRODUCTION AMOUNT</b>	<b>GRAPES (FRUIT/JUICE)</b>	<b>WINE</b>
<b>On-site</b>	25% (min.)	Required	N/A
<b>Within/Outside San Diego County</b>	75% (max.)	Permitted	Prohibited
<b>TOTAL</b>	100%		

No wine produced off of the premises may be used in the winery’s production or sold from the premises.

- i. The owner of the winery shall keep records detailing the amount of fruit grown on the premises and the amount of fruit and/or juice imported from off the premises, to demonstrate compliance with this Section.
  - ii. The records shall indicate the dates of receipt and quantities of all imported fruit and/or juice and shall indicate the off-site growers name, address and location of the growing operation from which the fruit is imported.
  - iii. All records shall be provided within 14 days of request by County staff.
5. Wine production shall be less than 12,000 gallons annually.
  6. All operations shall comply with the provisions of Section 36.401 et seq. of the San Diego County Code relating to Noise Abatement and Control.
  7. A Wholesale Limited Winery shall demonstrate compliance with the adopted standards of the applicable fire service provider.
- b. Boutique Winery. A Boutique Winery shall comply with the following provisions:
1. Prior to the occupancy of the winery structures and the production of wine, a Boutique Winery shall have a valid permit and bond issued by the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, if required by the Bureau, and a current 02 Winegrowers license issued by the California Department of Alcoholic Beverage Control. Licenses issued by the California Department of Alcoholic Beverage Control that allow other types of alcohol sales are prohibited.
  2. Wine production shall be less than 12,000 gallons annually.

3. A minimum of 25% of the winery's production shall be from fruit grown on the premises. A minimum of 50% of the winery's production shall be from fruit grown in San Diego County or from sourced juice and/or wine produced in San Diego County with San Diego County grown grapes. No more than 25% of the winery's production may consist of fruit, juice or non-bottled bulk wine sourced from outside San Diego County.

<b>SOURCE</b>	<b>PRODUCTION AMOUNT</b>	<b>GRAPES (FRUIT/JUICE)</b>	<b>WINE</b>
<b>On-site</b>	25% (min.)	Required	N/A
<b>San Diego County</b>	50% (min.)	Permitted	Permitted
<b>Outside San Diego County</b>	25% (max.)	Permitted	Permitted
<b>TOTAL</b>	100%		

- i. The owner of the winery shall maintain records detailing the total annual production amount of fruit grown on the premises and the amount of fruit, juice and/or wine imported from off the premises, to demonstrate compliance with this Section.
  - ii. The records shall indicate the dates of receipt and quantities of all imported fruit, juice and/or wine and shall indicate the off-site growers name, address and location of the growing operation from which the fruit/juice and/or wine is imported.
  - iii. All records shall be provided within 14 days of request by County staff.
4. The maximum floor area of the production facility (non-residential structure(s)) used to crush, ferment, store and bottle fruit, wine and other products and equipment used in winemaking, including shipping, receiving, laboratory, maintenance and offices, is limited as follows:

<b>Lot Size (gross)</b>	<b>Production Facility Size (cumulative max.)</b>
< 1 ac	1,000 sf
1 ac - <2 ac	1,500 sf
2 ac - 4 ac	2,000 sf
For each acre over 4 acres	200 sf additional per acre, not to exceed 5,000 sf

No barns, agricultural storage buildings and/or other accessory structures permitted pursuant to Section 6156 shall be used as a production facility or tasting/retail sales area for the Boutique Winery.

5. The Boutique Winery structures permitted in Section 6910b.4 may contain one designated tasting/retail sales area in addition to the Boutique Winery structures permitted in 6910.b.4. The designated tasting/retail sales area shall be accessory to wine production, shall not exceed 30% of the total square footage of all permitted Boutique Winery production facility structures, and shall comply with the following:
  - i. All areas accessed by the public must be permitted and constructed in compliance with the applicable commercial building code, including the requirements of the Americans with Disabilities Act;
  - ii. Barns and agricultural storage buildings on the premises which are not permitted as part of the Boutique Winery production facility shall not be included for purposes of calculating the allowed area of the tasting/retail sales area;
  - iii. For the purposes of this Section, a tasting/retail sales area is defined as a room, cave, trellis and/or outdoor patio area (covered or uncovered) that is dedicated for wine tasting and sales of wines produced on-site and food related items;
  - iv. The California Retail Food Code and the food provisions of the County Code apply as provided in those codes.
  - v. Internet, phone and mail-order sales are allowed.
6. Events, including but not limited to weddings and parties, are prohibited except as provided in this Section. An event, for purposes of this Section, is defined as the use of the site for organized activities or gatherings (other than wine production, wine sales, wine tasting, agricultural instruction and educational tours), including any activities or gatherings that are advertised or promoted.

Pursuant to Section 6106 of the Zoning Ordinance, Community Events as defined in and as limited by Chapter 2 of Division 1 of Title 2 of the San Diego County Code (sections 21.201 – 21.208) may be allowed and subject to all applicable licenses required by the Sheriff pursuant to Chapter 1 of Division 1 of Title 2 of the San Diego County Code (sections 21.101 – 21.117).

7. The sale and consumption of pre-packaged food is allowed on the premises. Refrigeration shall be permitted by the County of San Diego Department of Environmental Health (DEH). Catered food service is allowed by a DEH-permitted caterer, but no food preparation is allowed at a Boutique Winery, except as described below in this Section. Catered food service includes the provision of food that is ready to eat and that has been prepared off the Boutique Winery premises.
  - i. One mobile food facility may be allowed on the Boutique Winery premises to serve the patrons of the tasting room during the approved hours of operation as specified in b.8;
  - ii. The mobile food facility shall not be parked in the required parking spaces for winery patrons or employees, nor shall it interfere with the safe ingress or egress to and from the premises;
  - iii. The mobile food facility shall have a valid Mobile Food Facility Health Permit from the Department of Environmental Health and shall conform to all requirements applicable to a mobile food facility, including access to a permitted commercial restroom.
8. A tasting/retail sales area in conjunction with a Boutique Winery may be open to the public seven days a week from 10 a.m. until legal sunset, or until 6 p.m. from November 1 through March 1.
9. A minimum of six parking spaces shall be provided for patrons using the Boutique Winery, and a minimum of three spaces shall be provided for Boutique Winery operations and employees. No parking for a Boutique Winery is allowed off the premises.
10. The on-site driveway and parking area used to access the Boutique Winery shall not be dirt. The on-site driveway and parking area may be surfaced with Chip Seal, gravel, or an alternative surfacing material such as recycled asphalt suitable for lower traffic volumes. Any disabled access parking stalls, access aisles, and accessible routes provided for compliance with California Building Code chapter 11B shall be stable, firm, and slip-resistant.
11. Outdoor amplified sound is not allowed.
12. All operations shall comply with the provisions of Section 36.401 et seq. of the San Diego County Code relating to Noise Abatement and Control.
13. Outdoor eating areas shall be limited to a combined maximum of five tables and seating for no more than 20 people and shall be used in conjunction with allowed Boutique Winery operations only during the hours specified in subsection b.8.

- 14. Vehicles with a capacity in excess of 15 passengers are not allowed to serve the Boutique Winery.
  - 15. A Boutique Winery shall demonstrate compliance with the adopted standards of the applicable fire service provider.
- c. Small Winery. A Small Winery shall comply with the following provisions:
- 1. Prior to the occupancy of the winery structures and the production of wine, a Small Winery shall have a valid permit and bond issued by the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, if required by the Bureau, and a current 02 Winegrowers license issued by the California Department of Alcoholic Beverage Control. The applicant shall disclose if any other licenses issued by the California Department of Alcoholic Beverage Control will be relied upon for operations at the Small Winery.
  - 2. Wine production shall be less than 120,000 gallons annually.
  - 3. A minimum of 25% of the winery's production shall be from fruit grown on the premises. An additional minimum of 25% of the winery's production shall be from fruit grown or juice/wine produced in San Diego County with San Diego County grown grapes. No more than 50% of the winery's production may consist of sourced fruit, juice or wine from outside San Diego County.

SOURCE	PRODUCTION AMOUNT	GRAPES (FRUIT/JUICE)	WINE
On-site	25% (min.)	Required	N/A
San Diego County	25% (min.)	Permitted	Permitted
Outside San Diego County	50% (max.)	Permitted	Permitted
<b>TOTAL</b>	<b>100%</b>		

- i. The owner of the winery shall maintain records detailing the amount of fruit grown on the premises (including properties pursuant to subsection iv) and the amount of fruit/juice and/or wine imported from off the premises, to demonstrate compliance with this Section.
- ii. The records shall indicate the dates of receipt and quantities of all imported fruit/juice and/or wine and shall indicate the off-site growers name, address and location of the growing operation from which the fruit/juice and/or wine is imported.
- iii. All records shall be provided within 14 days of request by County.

- iv. "Fruit grown on the premises," as that phrase is used above in c.3, may include fruit grown on a separate property or properties under the same ownership or lease as the Small Winery, provided all of the following criteria are met:
  - a) "Separate property" or "properties" shall mean parcels located within the County that are not contiguous to one another, are under the same ownership or lease as the Small Winery, and are part of the same Small Winery operation;
  - b) All properties shall be clearly delineated and included as part of the Small Winery Administrative Permit and shall be subject to all conditions of approval;
  - c) Only one of the parcels shall have the wine production facilities, tasting area and/or event areas. That parcel shall be a minimum of 4 acres in size;
  - d) For wineries smaller than 8 acres in size, at least 50% of the "fruit grown on the premises" shall be grown on the parcel which contains the wine production facilities and tasting area. For wineries 8 acres or larger in size, at least 25% of the "fruit grown on the premises" shall be grown on the parcel which contains the wine production facilities and tasting area;
  - e) Events of any kind are permitted only on the parcel which contains the production facility, tasting area, and approved event areas. No events shall be permitted on any of the other properties included as part of the Small Winery.
- 4. The California Retail Food Code and the food provisions of the County Code apply as provided in those codes. The sale and consumption of pre-packaged food is allowed on the premises. Refrigeration shall be permitted by the County of San Diego Department of Environmental Health (DEH). Catered food service is allowed by a DEH-permitted caterer, but no food preparation is allowed at a Small Winery, except as described below in this Section. Catered food service includes the provision of food that is ready to eat and that has been prepared off the Small Winery premises.
  - i. One mobile food facility may be allowed on the Small Winery premises to serve the patrons during the approved hours of operation;
  - ii. The mobile food facility shall not be parked in the required parking spaces for winery patrons or employees, nor shall it interfere with the safe ingress or egress to and from the premises;

- iii. The mobile food facility shall have a valid Mobile Food Facility Health Permit from the Department of Environmental Health and shall conform to all requirements applicable to a mobile food facility, including access to a permitted commercial restroom.
5. Events, including but not limited to weddings and parties, may be allowed as specified in the Administrative Permit upon the making of the findings in Section 6910.c.6. Events shall comply with the requirements of Section 21.201 et seq. of the County Code.

Pursuant to Section 6106 of the Zoning Ordinance, Community Events as defined in and as limited by Chapter 2 of Division 1 of Title 2 of the San Diego County Code (sections 21.201 – 21.208) are allowed and subject to all applicable licenses required by the Sheriff pursuant to Chapter 1 of Division 1 of Title 2 of the San Diego County Code (sections 21.101 – 21.117).

6. An Administrative Permit for a Small Winery is required and may be approved in accordance with the Administrative Permit Procedure commencing at Section 7050 if it is found:
- i. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:
    - a) Harmony in scale, bulk, coverage and density.
    - b) The availability of public facilities, services and utilities.
    - c) The harmful effect, if any, upon desirable neighborhood character.
    - d) The generation of traffic and the capacity and physical character of surrounding streets.
    - e) The suitability of the site for the type and intensity of use or development which is proposed.
    - f) Any other relevant impact of the proposed use.
  - ii. That the impacts, as described in paragraph "i" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.
  - iii. That the requirements of the California Environmental Quality Act have been complied with.

- iv. Notice shall be provided pursuant to Section 7060.c. No hearing is required unless requested by the applicant or other affected person pursuant to Section 7060.d.
7. A Small Winery shall demonstrate compliance with the adopted standards of the applicable fire service provider.

(Added by Ord. No. 9940 (N.S.) adopted 6-18-08)  
 (Amended by Ord. No. 10067 (N.S.) adopted 8-4-10)  
 (Amended by Ord. No. 10204 (N.S.) adopted 3-28-12)  
 (Amended by Ord. No. 10425 (N.S.) adopted 4-27-16)  
 (Amended by Ord. No. 10592 (N.S.) adopted 2-27-19)

#### 6911 EMERGENCY SHELTERS.

Emergency Shelters (See Section 1334) shall comply with the following provisions, in addition to all other applicable County codes and any requirements imposed by the State Department of Housing and Community Development:

- a. The maximum number of clients permitted to be served (eating, showering or sleeping) nightly shall not exceed 1 per 125 sq. ft. of floor area. There shall be one bed provided for each client.
- b. Off street parking shall be provided as follows: one parking space per employee on site at the same time and one additional space for every 6 client beds or portion thereof.
- c. The client waiting and/or intake areas shall be as follows:
  - 1. The interior waiting/intake area for a facility with 14 or fewer beds shall be no less than 125 sq. ft. and for a facility with 15 or more beds shall be no less than 200 sq. ft. in area.
  - 2. The exterior waiting/intake area shall be no less than 450 sq. ft. for facilities with 14 beds or fewer. The exterior waiting/intake area shall be no less than 900 sq. ft. for facilities with 15 beds or more. Exterior waiting/intake areas shall be screened from view from surrounding properties by solid fencing of not less than 6 feet in height. Fencing shall conform to the requirements of Section 6700 et. seq.
- d. An individual or individuals who do not utilize the homeless beds and/or services and who maintain their own residence off site may be eligible as on site manager(s). Each facility shall have manager(s) present onsite 24 hours per day, 7 days per week. At a minimum, one on site manager and one supporting staff member of the same sex shall be provided in each segregated sleeping area being used.



6911

- e. Segregated sleeping, lavatory and bathing areas shall be provided if the Emergency Shelter accommodates both men and women in the same building. Reasonable accommodation shall be made to provide segregated sleeping, lavatory and bathing areas for families.
- f. No Emergency Shelter shall be located within 300 feet of another Emergency Shelter.
- g. No client shall be allowed to stay more than 180 consecutive days or 300 overall days within any 12 month period of time.
- h. Lighting shall be provided in all parking areas, exterior intake and/or waiting areas and outside common areas. Outdoor lighting shall conform to all provisions of Section 6324 of this Zoning Ordinance and Section 51.201 and following of the San Diego County Code.
- i. Adequate security shall be provided on site during all hours of operation.
- j. For purposes of this section, "client" is defined as a person who utilizes the Emergency Shelter facilities to eat, shower or sleep but is not a staff member.

(Added by Ord. No. 10035 (N.S.) adopted 1-27-10)  
(Amended by Ord. No. 10204 (N.S.) adopted 3-28-12)

## 6912 COMMUNITY GARDENS

Community Gardens are allowed in all zones where Tree Crops or Row and Field Crops are permitted, subject to the following regulations:

- a. Hours of Operation. Hours of operation shall be limited to the hours between sunrise and sunset.
- b. Permitted structures. Accessory structures, such as storage sheds for tools and other supplies, greenhouses and/or an Agricultural Stand, may be allowed in a community garden pursuant to Section 6156.
- c. Parking. A minimum of 2 parking spaces shall be provided on the lot when there is no on-street parking allowed adjacent to the community garden property.
- d. Water Use. Wasting water is prohibited pursuant to County Code Section 86.725. Water efficient irrigation techniques such as drip irrigation and timers to control watering times are encouraged. All hoses shall be equipped with a trigger nozzle. Mulching of planted areas is encouraged to retain plant moisture.

- 1) Non-camouflaged facilities
- 3) Faux Trees
- 4) Any and all wireless facilities not defined as invisible or low visibility.
- 5) High Voltage Transmission Tower – a tower carrying transmission lines of at least 132 kilovolts.

- I. Industrial zones – are defined as consisting of the following zones: M50, M52, M54, M56, M58, and also S88 when the proposed site is in an industrial component of a Specific Plan.

Invisible – Facilities, including, but not limited to towers, antennas and equipment cabinets and any other ancillary equipment, that cannot be seen from any street and from all adjacent properties and that do not result in any apparent architectural changes or additions, including Community Identification Signs when the antennas are fully integrated into the sign. The addition of landscaping, walls, fences or grading as screening techniques does not meet the definition of invisible.

- L. Lattice Tower – A guyed or self-supporting three or four sided, open, steel frame support structure used to support telecommunications equipment.

Low Visibility – the following shall be considered Low Visibility facilities if they do not exceed the height schedule pursuant to Sections 4610 - 4620 of this Ordinance:

- 1) Whip antennas not exceeding six feet in length or height, including mounting, and measuring no more than 3 inches in diameter, located on existing structures including, but not limited to, water storage tanks, high-voltage transmission towers, utility towers and poles, sign standards, and roadway overpasses, if the addition, including any vertical mounting, does not result in an increase in height of the structure of more than 5 feet, and with equipment cabinets that are screened from view by means other than new walls or fences and have total dimensions no greater than 50 cubic feet and no dimension greater than 6 feet. Cabinets in underground vaults are not included in the size calculation.
- 2) Panel-shaped antennas that are flush-mounted to an existing building façade or other existing structure on at least one edge, extend a maximum of 24 inches from the building façade or other structure at any edge, do not exceed the height of the building or other structure by more than five (5) feet and are designed to blend with the color and texture of the existing building or structure, with no equipment cabinet visible.
- 3) Facilities, including equipment cabinets, that are camouflaged from public view through the use of architectural treatments, such as cupolas, faux water towers, windmills or other structures and which are consistent with existing development and community character.

- 4) Additions to existing permitted low-visibility facilities if the additions themselves meet the definition of low visibility and are designed to minimize visibility of both the facility and equipment cabinets that have total dimensions no greater than 50 cubic feet and no dimension greater than 6 feet and are screened from view by means other than new walls and fences. The equipment cabinet may be larger if contained inside a structure consistent with the architecture and character of the site.
  - 5) Changes to an existing building that are consistent with the building's architectural style and the equipment cabinet is not visible.
- M. Monopalm – a monopole camouflaged to resemble a palm tree.
- Monopine – a monopole camouflaged to resemble a pine tree.
- Monopole – A wireless communication facility consisting of a single pole constructed without guy wires and ground anchors.
- P. Panel Antenna - An antenna or array of antennas designed to concentrate a radio signal in a particular area. Also called directional antennas.
- Public Safety Communications facilities: Telecommunications facilities operated and maintained by public agencies that support Public Safety Communications Systems, which provide wireless communications to law enforcement, fire services, emergency medical services, and other public safety/service agencies. These facilities are considered Essential Services pursuant to Section 1335.
- R. Residential Zones – for purposes of this section, are defined as consisting of the following zones: RS, RD, RR, RM, RV, RU, RMH, RRO, RC, S80, S90, C30, C31, C46 and also S88 when the proposed site is in a residential component of a Specific Plan.
- Roof Mounted Antenna – Any antenna with its support structure placed directly on the roof of any building or structure.
- Rural Zones – are defined as consisting of the following zones; A70, A72 and S92.
- S. Service Area – The area served by a single telecommunications facility.
- Service Network – The telecommunications transmission system operated by a service provider in a community or jurisdiction.
- Special Purpose Zones - are defined as consisting of the following zones: S82, S86 and S94.

**Small Cell Wireless Facilities** – are facilities where each antenna shall be no more than three cubic feet in volume. The wireless equipment and any pre-existing associated equipment on the structure must be no more than 28 cubic feet in volume. Small cell wireless facilities shall be mounted on new or existing structures in the public right-of-way. Small cell wireless facilities are also permitted on private property when attached to existing public utility poles or existing permitted telecommunication facilities. Small cell facilities on private property not attached to public utility poles must comply with discretionary permit application requirements.

- T. **Telecommunications** – The transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

**Telecommunications Tower** - Any mast, pole, monopole, guyed tower, lattice tower, free standing tower or other structure designed and primarily used to support antennas.

**Tower** – See Telecommunications Tower

- W. **Whip Antenna** – An antenna that transmits signals in 360 degrees. Whip antennas are typically cylindrical in shape and are less than 3 inches in diameter and measure up to 6 feet in length, including the mounting. Also called omni-directional, stick or pipe antennas.

**Wireless Community Master Plan** – a Master Plan of preferred sites and designs for wireless facilities for a defined geographic area prepared in cooperation with one or more wireless service providers; formally submitted by the community planning group or sponsor group or by a homeowners association representing at least 4,000 residents and at least 5,000 acres to the Director; reviewed by the Director for such issues as aesthetics and community compatibility; and following public review, approved by the Director. A Community Master Plan can be applicable to all providers or to selected providers as defined in the Plan.

**Wireless Telecommunications Facility** – Any facility that transmits and/or receives electromagnetic waves, including, but not limited to, antennas, dish antennas and other types of equipment for the transmission or receipt of such signals, telecommunications towers or similar structures supporting said equipment, equipment buildings, parking area and other accessory development. Also known as a wireless communications facility. This definition does not apply to Amateur Radio Stations as defined by the Federal Communications Commission, Part 97 of the Commission's Rules nor to TV and radio transmission facilities, nor to Public Safety Communications facilities.

(Added by Ord. 9549 (N.S.) adopted 4-30-03)  
 (Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)  
 (Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)  
 (Amended by Ord. No. 10359 (N.S.) adopted 10-29-14)  
 (Amended by Ord. No.10592 (N.S.) adopted 2-27-19)

6984

6984.A NON-DISCRETIONARY PERMIT REQUIREMENTS

Small cell wireless facilities located within the public right-of-way or on private property and attached to new or existing utility poles shall be processed as non-discretionary permits. Plans submitted for non-discretionary review shall comply with the following requirements:

- a. A detailed site plan with sufficient detail to determine compliance with the requirements set forth below shall be submitted.
- b. Small cell wireless facilities on existing poles or structures shall be designed to visually and operationally blend into the surrounding area and shall be the same or similar color as the facility or structure to which they are attached.
- c. Small cell wireless facilities on new poles or structures shall be an earth tone color that blends with the surrounding environment and shall not be reflective or otherwise painted to attract attention.
- d. Small cell wireless facilities on new or existing poles or structures and related equipment shall not impair pedestrian use of sidewalks or pathways, shall be designed and sited in compliance with all ADA (Americans with Disabilities Act) accessibility requirements, and shall not inhibit equestrian activities on designated public or private trail systems.
- e. Small cell wireless facility equipment on new or existing poles or structures and related fixed equipment shall not be located within the recommended clear recovery zone alongside County roadways and shall not impede sight distance at intersections or driveways for all roadway users based on County Public Road Standards for these requirements.
- f. No net loss in required parking spaces shall occur as a result of the installation of any small cell wireless facility.
- g. Height: A small cell wireless facility shall comply with the following height requirements, whichever is least restrictive:
  1. no taller than 50 feet (including their antennas),
  2. no more than 10 percent taller than other structures in the area within 100 feet,
  3. or, where the small cell wireless facility is affixed to an existing structure, that structure is not extended in height by more than 10 percent as a result of the deployment.
  4. A small cell wireless facility allowed by Section 6985.a shall not increase the height of an existing telecommunications facility.
- h. When located on private property, small cell wireless facilities shall comply with all zoning requirements.

## 6984.B DISCRETIONARY APPLICATION REQUIREMENTS

In addition to meeting standard application submittal requirements for discretionary permits, all applicants for wireless telecommunications facilities shall provide 3 copies of the information listed below. One copy shall be distributed by the Department to the appropriate Planning or Sponsor Group. When a facility meets all requirements for processing under Tier 1, the requirements of Sections B and C 1 shall not be required. The Director may waive any of the submittal requirements listed below or require additional information based upon specific project factors:

- A. Geographic Service Area. Identify the geographic service area for the subject installation, including a map showing all the applicant's existing sites in the local service network associated with the gap the facility is meant to close. Describe how this service area fits into and is necessary for the company's service network.
- B. Visual Impact Analysis. A visual impact analysis shall be provided showing the maximum silhouette, viewshed analysis, color and finish palette and proposed screening. The analysis shall include photo simulations and other information as necessary to determine visual impact of the facility. A map depicting where the photos were taken shall be included.
- C. Narrative.
  - 1. Height. Show the height of the facility. Carriers must provide evidence that establishes that the proposed facilities have been designed to the minimum height required from a technological standpoint for the proposed site. If the tower will exceed the maximum permitted height limit, as measured from grade, a discussion of the physical constraints (topographical features, etc.) making the additional height necessary shall be required.
  - 2. Maintenance. Describe the anticipated maintenance and monitoring program for the antennas, back-up equipment and landscaping.
  - 3. Noise/Acoustical Information. As part of the Application for Environment Initial Study, provide manufacturer's specifications for all equipment such as air conditioning units and back-up generators, and a depiction of the equipment location in relation to adjoining properties.
  - 4. If the site is not a preferred site as described in Section 6986, provide the information required in Section 6986 B.
  - 5. Concept Landscape Plan. Provide a plan showing all proposed landscaping, screening and proposed irrigation with a discussion of how the chosen material at maturity will screen the site.
  - 6. Fire Service. Provide evidence of compliance with Fire Policy FP-2 or a service letter from the applicable fire district.
  - 7. Hazardous Materials. Listing of all hazardous materials to be used onsite.

6984

8. For all applications for facilities located in the public right of way, include on the plot plan the location of parking for maintenance personnel.
9. A letter stating the applicant's willingness to allow other carriers to co-locate on their facilities wherever technically and economically feasible and aesthetically desirable.
10. The lease area of the proposed facility on the plot plan.
11. For all applications for wireless facilities operating below 1200 megahertz, submit a copy of the Federal Communications Commission Licensing Application Form 601, Main Form, Pages 1 through 4, Schedule A, Page 1, Schedule D, Page 1 and Schedule H, Pages 1 through 3. The application shall be reviewed by the Sheriff's Wireless Services Unit to determine potential interference with the Regional Communication System. Interference with that system may be grounds for denial.

(Added by Ord. No. 9549 (N.S.) adopted 4-30-03)

(Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)

(Amended by Ord. No.10592 (N.S.) adopted 2-27-19)

#### 6985.A NON-DISCRETIONARY APPLICATION PROCESSING

Any small cell permit application that proposes to colocate on an existing approved Tier 1, Tier 2, Tier 3, or Tier 4 facility described below shall not require any further discretionary review if it complies with the application requirements of Section 6984.A.

## 6985.B DISCRETIONARY APPLICATION PROCESSING

Although a tier may be assigned at project intake, a re-evaluation of the project tier may occur at any point in the process, including, but not limited to, review by the Planner, Environmental Analyst or Hearing Officer.

- A. Applications will be processed based upon the following 4-tier permitting system, subject to the exceptions and general regulations found in Sections 6985 B and C:

### TIER 1 – ADMINISTRATIVE SITE PLAN

Facilities meeting any of the following criteria shall be processed as an ADMINISTRATIVE SITE PLAN:

#### **Industrial and Commercial Zones**

- Invisible facilities
- Facilities on:
  - CALTRANS structures, “cobra-style” streetlights and poles in the public right of way, or an existing park and ride light standard, when they meet all the following:
    - The antennas do not project more than 24 inches above the structure,
    - No more than a total of two antennas are located on a site
    - The equipment cabinet is no larger than 6 cubic feet.
    - The equipment cabinet is concealed from public view through the use of undergrounding or screening by means other than walls or fences.
- Façade mounted antennas integrated into the architecture in such a manner that no change to the architecture is apparent and no part of the facility can be seen from public view.
- Facilities not subject to the “B”, “D”, “H” or “J” Designators and are:
  - Hidden from public view through the use of architectural treatments (cupolas, etc.); and
  - Consistent with the existing building and community character.

#### **Any Zone**

- Antennas located on high voltage transmission towers if they increase the bulk and scale of the structure by less than 5 percent.



TIER 2 – SITE PLAN WITH COMMUNITY REVIEW

Facilities meeting any of the following criteria shall be processed as a SITE PLAN WITH COMMUNITY REVIEW:

**Commercial, Industrial and Special Purpose Zones**

- Low visibility facilities.

**All Zones**

- Facilities covered by a Wireless Community Master Plan when the design and siting are consistent with the plan.

TIER 3 – MINOR USE PERMIT

Facilities meeting any of the following criteria shall be processed as a MINOR USE PERMIT:

- All facilities other than those meeting the criteria of Tiers 1, 2, or 4.

TIER 4 – MAJOR USE PERMIT

**Facilities meeting the following criteria shall be processed as a MAJOR USE PERMIT:**

- Non-camouflaged towers greater than 60 feet, or 15 feet above the maximum allowed height limit in the zone, whichever is lower, shall require a Major Use Permit in all zones (except where they are prohibited).
- All facilities in Residential and Rural zones except as specified in Tiers 1 and 2.

B. Exceptions

1. In addition to all other requirements in Sections 6980 through 6991, any proposed facility on a structure currently subject to a Major or Minor Use Permit shall obtain approval of the facility through the modification of the permit in accordance with Section 7378 of this Ordinance for a Use Permit or by Minor Deviation in accordance with Section 7609 of this Ordinance when the facility is invisible.
2. Major Use Permits for Wireless Telecommunications Facilities shall be under the original jurisdiction of the Planning Commission.

C. General Regulations

1. Non-camouflaged monopoles, lattice towers and guyed towers are prohibited in Residential and Rural zones.
2. All buildings and structures built to contain equipment accessory to a facility may not exceed 10 feet in height measured from the base of the foundation unless a greater height is necessary to maximize architectural integration and shall be screened by landscaping.
3. No more than three facilities are allowed on any site or parcel in commercial, industrial, rural or special purpose zones. No more than one facility is allowed on any parcel or site in a Residential zone. This requirement may be waived by the Director if a finding is made that co-location of more facilities is consistent with community character.
4. Telecommunications towers located adjacent to a residential use shall be set back from the nearest residential lot line by a distance at least equal to its total height or 50 feet, whichever is greater. The setback shall be measured from that part of the tower that is closest to the neighboring property (i.e., the setback for a faux tree would be measured from the end of the branch closest to the neighboring property).
5. No tower or equipment shall be located in a front, rear or side yard setback in any zone and no portion of any antenna array shall extend beyond the property lines.
6. Noise from any equipment supporting the facility shall meet the requirements of the County's Noise Ordinance on an average hourly basis.

7. The Director may grant an exemption from the requirement to process a Site Plan permit pursuant to Section 7156 of this Ordinance if he or she finds that all of the purposes and requirements of the Site Plan have been or will be fulfilled by another discretionary permit, or where the Director finds the proposed development or improvement is minor in nature and that the public purpose for which the Site Plan permit would normally be required will not be harmed by granting a Site Plan permit exemption. The Director's decision may be appealed pursuant to Section 7200 of this Ordinance.
8. All facilities located on a utility pole shall be promptly removed at the operator's expense at the time a utility is scheduled to be undergrounded.
9. Maintenance vehicles servicing facilities located in the public or private right of way shall not park on the traveled way or in a manner that would obstruct traffic.
10. Equipment cabinets and antenna structures shall be secured to disallow unauthorized access.
11. Use Permits for high visibility facilities shall have a maximum term of 6 years for facilities valued at less than \$10,000; 10 years for facilities valued from over \$10,000 to \$500,000; and 15 years for facilities valued at \$500,000 or more. This may be extended for an additional period of time by modifying the permit if it is found that no smaller or less visible technology is available or feasible to replace the facility.
12. As a condition of approval, prior to use of the facility, submit evidence, such as photos, to the satisfaction of the Director to show proof that the facility is in conformance with photo simulations provided pursuant to Section 6984 (B) of this Ordinance.

(Added by Ord. No. 9549 (N.S.) adopted 4-30-03)  
(Amended by Ord. No. 10204 (N.S.) adopted 3-28-12)  
(Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)  
(Amended by Ord. No. 10592 (N.S.) adopted 2-27-19)

6986            PREFERRED SITES

- A. The County has determined that certain zones and locations are preferable to others for siting wireless facilities due to aesthetics and land use compatibility.
  1. The preferred zones are as follows:

DENSITY BONUS/AFFORDABLE HOUSING PERMIT PROCEDURE

## 7400 TITLE AND PURPOSE.

The provisions of Sections 7400 through 7449, inclusive, shall be known as Density Bonus/Affordable Housing Permit Procedures. The purpose of these provisions is to provide a review procedure for a density bonus or any associated incentive, waiver or modification of development standards as requested by an applicant pursuant to the Density Bonus/Affordable Housing Program at Zoning Ordinance Sections 6350 through 6399, except that these procedures shall not apply to the County Affordable Senior Housing Program at Section 6360 a.2.

Applications for a development that is subject to the streamlined, ministerial approval process shall be submitted in accordance with Government Code Section 65913.4.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)  
(Amended by Ord. No. 10592 (N.S.) adopted 2-27-19)

## 7402 APPLICABILITY.

The Density Bonus /Affordable Housing Permit procedures shall be applied as required by the Zoning Ordinance, the General Plan, a Specific Plan, Tentative Subdivision Map, Tentative Parcel Map, or other discretionary development approval.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)  
(Amended by Ord. No. 10592 (N.S.) adopted 2-27-19)

## 7405 JURISDICTION.

- a. Applications for granting or modifying an a Density Bonus/Affordable Housing Permit, any associated incentive, or a waiver or modification of development standards that are filed concurrently with any other discretionary project application shall be under the same original jurisdiction as the other discretionary project application.
- b. If no other discretionary project application is required, a Density Bonus/Affordable Housing Permit application shall be under the original jurisdiction of the Director.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)  
(Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)  
(Amended by Ord. No. 10592 (N.S.) adopted 2-27-19)

## 7410 APPLICATION FOR THE GRANTING OF A DENSITY BONUS/AFFORDABLE HOUSING PERMIT.

- a. Persons Eligible. The following persons shall be eligible to apply:
  1. A property owner, in which case the application shall be signed by all property owners or agents, as provided in Section 7017.
  2. A lessee upon written approval of the property owner, in which case the application shall be signed by all property owners or agents, as provided in Section 7017.

b. Required Documents.

The applicant shall submit an application for a Density Bonus/Affordable Housing Permit in accordance with the following requirements:

1. Application. A Density Bonus/Affordable Housing Permit application shall include the following information:
  - i. A description of the requested density bonus, incentive, concession, waiver or modification.
  - ii. Identification of the base project without the density bonus, number and location of all affordable units qualifying the project for a density bonus, level of affordability of all reserved units, and identification of the bonus units.
  - iii. In phased housing projects, for each construction phase, the Density Bonus/Affordable Housing application shall specify, at the same level of detail as the application for the residential development: the number, unit type, tenure, number of bedrooms and baths, approximate location, size, and design, construction and completion schedule of all affordable units, phasing of all affordable units in relation to market rate units, marketing plan, and intended rent or sale price and basis for calculation.
  - iv. If a density bonus or incentive is requested for a land donation, the application shall show the location of the land to be dedicated and provide evidence that each of the requirements for eligibility can be met.
  - v. If a density bonus or incentive is requested for a child care facility, the application shall show the location and square footage of the child care facility and provide evidence that the requirements for eligibility and the necessary qualifications can be met.
  - vi. If a mixed-use building or development is proposed, the application shall provide evidence that the eligibility requirements can be met.
2. Financial Data. If the applicant requests one or more incentives under the Density Bonus/Affordable Housing Program, financial data shall be submitted that meets the requirements of this section.

The financial document shall address:

- i. The actual cost reductions achieved through each incentive.
- ii. That the actual cost reduction achieved through each incentive is needed to provide for affordable housing costs.

3. An application for a Density Bonus/Affordable Housing Permit shall be submitted prior to or concurrently with the submittal of the application, if any, for a related discretionary permit (e.g., a tentative map, parcel map, or design review). The application shall be processed concurrently with all other applications required for the development.
  4. No discretionary project application that includes an application for a Density Bonus/Affordable Housing Permit shall be deemed complete unless a Density Bonus/Affordable Housing application is submitted, including financial data if required, that conforms to the requirements of this section.
  5. Upon submittal, the Director shall determine if the Density Bonus/Affordable Housing Permit application is complete and conforms to the provisions of this section.
- c. Application Form, Filing and Fee.
1. An application for the granting or modifying of a Density Bonus/Affordable Housing Permit shall be made on the prescribed form and shall be filed with the approving authority and shall be accompanied by the fee referenced in Section 7602.
  2. The cost of reviewing any required financial data submitted in support of a request for an incentive including, but not limited to, the cost to the County of hiring a consultant to review the financial data, shall be borne by the applicant.
  3. The granting of a Density Bonus/Affordable Housing Permit shall not be interpreted, in and of itself, to require a general plan amendment, coastal plan amendment, development permit, development permit, zoning amendment, or other discretionary approval.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)  
 (Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)  
 (Amended by Ord. No. 10592 (N.S.) adopted 2-27-19)

#### 7420 FINDINGS RELATED TO INCENTIVES AND DEVELOPMENT STANDARDS.

- a. Incentives. A requested incentive shall be approved unless the approval authority makes a written finding to deny the incentive, based upon substantial evidence, of at least one of the following:
  1. The incentive is not required in order to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5, or for rents, as defined in Health and Safety Code Section 50053, for the reserved units.

2. The incentive would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households.
  3. The incentive requested in the application would be contrary to state or federal law.
  4. The applicant has failed to submit required information or does not qualify for the requested incentive.
  5. Within the Coastal Zone, the incentive would be inconsistent with the resource protection standards of the Local Coastal Program, with the exception of density.
- b. Waivers or Reductions of Development Standards. A proposal by the permit applicant to waive or reduce development standards that have the effect of physically precluding the construction of a development at the densities or with the incentives permitted by the Density Bonus/Affordable Housing Program shall be approved unless the approval authority makes a written finding to deny the waiver or reduction, based upon substantial evidence, of one of the following:
1. The development standard does not have the effect of physically precluding construction at the densities or with the incentives permitted by the Density Bonus/Affordable Housing Program.
  2. The waiver or reduction of the development standard would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon health, safety, or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
  3. The waiver or reduction of the development standard would have a specific adverse impact on any real property that is listed in the California Register of Historical Resources.
  4. The waiver or reduction of the development standard would be contrary to state or federal law.
  5. The applicant has failed to submit required information or does not qualify for the requested waiver or reduction of development standards.
  6. Within the Coastal Zone, the incentive would be inconsistent with the resource protection standards of the Local Coastal Program, with the exception of density.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)  
(Amended by Ord. No. 10592 (N.S.) adopted 2-27-19)

## 7430 DENSITY BONUS/AFFORDABLE HOUSING AGREEMENT.

The provisions contained within a density bonus housing agreement shall be enforceable by the County, and a violation of the agreement shall constitute a violation of this Ordinance.

- a. Agreement Required. The applicant shall enter into a contract with the Department of Housing and Community Development, to the satisfaction of the Director of Planning and Development Services, agreeing to the specific terms and conditions of the Density Bonus/Affordable Housing Program and to periodic inspections of the housing by County employees. The property owner shall execute a Density Bonus/Affordable Housing Agreement prior to any of the following:
  1. A ministerial action by the County with regard to the project.
  2. A discretionary permit issued in conjunction with a Density Bonus/Affordable Housing application, including tentative maps. The permit shall contain a condition detailing the actions required for compliance with the Density Bonus/Affordable Housing Program and with the terms of the application.
  3. Each final map or parcel map shall bear a note indicating the method of compliance with the requirements of the Density Bonus/Affordable Housing Program and stating that an affordable housing agreement shall be recorded prior to issuance of a building permit with respect to each parcel created by the map.
  4. No building permit shall be issued for a residential unit until the applicant has demonstrated compliance with the Density Bonus/Affordable Housing Program through recordation of an Affordable Housing Agreement.
- b. Execution of Agreement.
  1. Following Board approval of the agreement and execution of the agreement by all parties, the County shall record the completed agreement on the parcels created by the final or parcel map at the County Recorder's Office.
  2. The approval and recordation shall take place at the same time as the final or parcel map or, where a map is not being processed, before issuance of a building permit.
  3. The agreement shall be binding on all future owners, developers, and/or successors-in-interest.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)  
 (Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)  
 (Amended by Ord. No. 10592 (N.S.) adopted 2-27-19)



7435

7435 APPEAL.

- a. Any decision regarding a Density Bonus/Affordable Housing application under the original jurisdiction of the Director may be appealed to the Planning Commission. Unless any concurrent discretionary permit is appealable to the Board of Supervisors, the decision of the Planning Commission shall be final and effective immediately.
- b. Any decision regarding a Density Bonus/Affordable Housing application under the original jurisdiction of the Planning Commission may be appealed to the Board of Supervisors.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

(Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)

(Amended by Ord. No. 10592 (N.S.) adopted 2-27-19)

7440 EXPIRATION.

- a. If not issued in conjunction with the approval of a subdivision map pursuant to the County Subdivision Ordinance, a Density Bonus/Affordable Housing Permit shall expire two years after its issuance unless construction and/or use of the property in reliance on the permit has commenced prior to its expiration; provided, however, that the period within which such construction and/or use must be commenced may be extended as provided in this section.
- b. If the Density Bonus/Affordable Housing Permit is issued in conjunction with the approval of a subdivision map pursuant to the County Subdivision Ordinance, the density bonus permit shall remain in full force and effect for the duration of the tentative approval for that subdivision map and, if the subdivision map does not receive final approval, expire upon expiration of the tentative approval. If the subdivision map receives final approval, the density bonus permit shall expire two years after recordation of the final or parcel map unless construction and/or use of the property in reliance on the permit has commenced prior to its expiration; provided, however, that the period within which such construction and/or use must be commenced may be extended as provided in this section.

- c. If prior to the expiration of a Density Bonus/Affordable Housing Permit, the applicant files a written application with the Department for an extension of time, the period within which construction or use of the property in reliance on the density bonus permit must be commenced may be extended by the Director at any time within 90 days of the date of expiration. The Director may grant one or more such extensions not to exceed a total of two years, subject to specified conditions and upon a finding that unusual circumstances have delayed such completion, creating a substantial hardship on the applicant.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

(Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)

(Amended by Ord. No. 10592 (N.S.) adopted 2-27-19)

#### 7445 DENSITY BONUS/AFFORDABLE HOUSING PERMIT TO BE RECORDED AND PROVIDE CONSTRUCTIVE NOTICE

Upon the approval of a Density Bonus/Affordable Housing Permit becoming final and effective, the Director shall cause a copy thereof to be filed with the San Diego County Recorder. The permit shall set forth the names of all owners of the property subject to the permit. The recording of the permit shall provide constructive notice to all purchasers, transferees, or other successors to the interests of the owners named in the permit, of the rights and obligations created by the permit.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

(Amended by Ord. No. 10592 (N.S.) adopted 2-27-19)

## Administrative Permit: Farm Employee Housing

EFFECTIVE 7/01/2018		FEES*	INITIAL DEPOSIT*
PDS PLANNING			\$3,409**
STORMWATER			\$871**
DEH	SEPTIC/WELL	\$778**	
	SEWER		
PDS TRAILS REVIEW			
VIOLATION FEE ( <i>not included in total</i> )		\$500	
<b>INITIAL DEPOSIT &amp; FEE TOTAL</b>			
<b>\$5,058**</b> (if on Septic/Well)			
<b>\$4,280**</b> (if on Sewer)			

\* Use our [Discretionary Permit Cost Guide](#) to estimate the majority portion of your project's cost.

\*\* Deposit/Fee may be waived; see Section 7602 of the [Zoning Ordinance](#).

Forms are available at: <http://www.sdcounty.ca.gov/pds/zoning/ZoningNumeric.html>, or the links below.

**Please follow all notes and instructions carefully to avoid delays in processing.**

### PART A:

Each item below must be saved as an electronic PDF file on a USB Flash Drive

- Plot Plan ([see Note 2](#)).
- Storm Water Management Document ([see Notes 2, 3](#)).

### PART B:

Each item below must be printed on paper, completed and have all required signatures.

- Plot Plans: **EIGHT (8)** copies ([see Note 4](#));
  - If in the Alpine Community Planning Group area: **NINE (9)** copies.
  - If in the (SDRIP) River Way Specific Plan area: **TEN (10)** copies.
- Public Notice Package ([see PDS-516](#) for Specific Requirements): **ONE (1)** copy.
- [126 Acknowledgement of Filing Fees and Deposits](#): **ONE (1)** copy ([see Note 1](#)).
- [305 Ownership Disclosure](#): **ONE (1)** copy.
- [320 Evidence of Legal Parcel](#) (and any Deeds): **ONE (1)** copy.
- [346 Discretionary Permit Application](#): **ONE (1)** copy ([see Note 1](#)).
- [346S Supplemental Application](#): **ONE (1)** copy.
- [399F Fire Availability](#): **ONE (1)** copy.
- [399S Sewer Availability](#): **ONE (1)** copy.
- [399SC School Availability](#): **ONE (1)** copy.
- [399W Water Availability](#): **ONE (1)** copy.
- [514 Public Notice Certification](#): **ONE (1)** copy.
- [524 Notice To Property Owners](#): **ONE (1)** copy.
- [915 Administrative Permit Checklist](#): **ONE (1)** copy.

#### Storm Water Management Documents:

- Step 1:** [Storm Water Intake Form for All Permit Applications](#): **ONE (1)** copy ([see Notes 2, 3](#)).
- Step 2:** As determined by the Intake Form above, complete the required SWQMP below.
- [Standard Project SWQMP](#): **ONE (1)** copy ([see Notes 2, 3](#)).

Or

- [Priority Development \(PDP\) SWQMP](#): **ONE (1)** copy ([see Notes 2, 3](#)).

**PART C:**

All items below are for your information. Please do not bring in these items.

- [090 Minimum Plot Plan Information](#)
- [209 Defense and Indemnification Agreement FAQs](#)
- [390 Farm/ Agricultural Employee Housing Application Procedures](#)
- [515 Public Notice Procedure](#)
- [516 Public Notice Applicant's Guide](#)
- [906 Signature Requirements](#)
- [Policy G-3: Determination of Legal Parcel](#)

**NOTES:**

**1. IMPORTANT:**

A Registered Property Owner **MUST SUBMIT** a **Signed Letter of Authorization** for an Agent if;  
An Authorized Agent signs the PDS-346 form and is not the registered owner of the parcel.  
Or, the parcel is owned by two or more registered owners.  
Or, not all of the registered owners are signing the PDS-346 form.  
Or, the Authorized Agent is not the Financially Responsible Party.  
Or, the parcel is owned by a Corporation.

**ADDITIONALLY:**

Financially Responsible Party **MUST SIGN** form PDS-126.  
Financially Responsible Party **INFORMATION MUST MATCH EXACTLY** on farm PDS-126  
Authorized Agent **may sign** form PDS-346 **ONLY IF ATTACHED** to a **Signed Letter of Authorization.**

2. Save each complete Study Report, Plot Plan Map, etc., as an electronic PDF file onto ONE (1) USB Flash Drive. Provide only ONE (1) USB Flash Drive. Submit only the requested files. Files CANNOT have any security restrictions or passwords. Please name each file on the USB Flash Drive based on the "Title or Type" of document being submitted (example: Plot Plan, Resource Protection Study, Grading Plan). Please note: the USB Flash Drive will not be returned.
3. The Storm Water Intake Form determines whether a project requires a Standard SWQMP or Priority Development Project (PDP) SWQMP. These forms and documents must be submitted on paper and as PDF files on the USB Flash Drive and have all required signatures.
4. Printed Plot Plans are to be stapled together by sheets and folded to 8½" x 11" with the lower right-corner exposed.
5. Applicants must indicate on form PDS-346S (Supplemental Application) under "**Description of Use**" the following information: The number of structure(s) proposed. The type of structure(s) proposed. The existing or proposed agricultural activity on the project site. The number of farm employees to be housed. The number of individuals within the farm employee's family to be housed.
6. Instruct the applicant to contact the Department of Housing and Community Development (HCD) at (858) 694-4801, for information concerning the **Contractual Agreement**. HCD is located at 3989 Ruffin Road, San Diego, California 92123.
7. Instruct the applicant to contact the Department of Agriculture, Weights and Measures (AWM) at (858) 694-2739, for information concerning obtaining a **Verification of Agricultural Operation**. AWM is located at 9325 Hazard Way, Suite 100, San Diego, California 92123.
8. Place "AFFORDABLE HOUSING EXPEDITED HANDLING CARD" on submittal before sending to PPS.
9. Project goes to local Community Planning Group and/or Design Review Board for recommendation.

10. Notice of the Administrative Permit application shall be given to all property owners within a distance of 300' (feet) from the applicant's property and a minimum of 20 different owners.
11. If project is a violation, plans must have Code Compliance Officer's stamp before accepting the application.
12. Your application package must be complete when you bring it in for submittal. The submittal process begins at the main "Check-In" counter on the first floor.
13. **Office Location and Hours:**  
5510 Overland Avenue, Suite 110 (First Floor), San Diego, CA 92123.  
Monday - Friday: 8:00 a.m. to 11:45 a.m. and 12:30 p.m. to 4:00 p.m. (Except County Holidays).

**VOID**



County of San Diego, Planning & Development Services  
**DENSITY BONUS FAQ's**  
**ZONING DIVISION**

**What is a density bonus?**

It is a density increase over the otherwise Maximum Allowable Residential Density.

**What does Maximum Allowable Residential Density mean?**

This is the maximum number of dwelling units that can be achieved after all applicable land use requirements have been satisfied. (see Zoning Ordinance Section 4115)

**What is a reserved unit?**

It is the dwelling unit that is reserved for rental or sale to a specific type of household. The types of qualifying households are very low, low, or moderate (sale units only) income households or senior households.

**How many reserved units do I need to get a density bonus?**

It depends on the type of household the reserved unit serves. If the reserved units are for very low income households, you must reserve at least 5% of the units in your project to be eligible for a bonus. For low and moderate income, the minimum is 10%. For seniors, the minimum is 100%.

**How can I figure out how many bonus units I get?**

As you increase the number of reserved units, your density bonus increases up to a maximum of 35% of your Maximum Allowable Residential Density.

Income Category	Reserved Units	Bonus		
		Minimum Bonus (% of Base Units)	Additional Bonus for each 1% increase in Reserved Units	Maximum Bonus (% of Base Units)
Household Income Category of Affordable Units	Minimum % of Base Units that must be Reserved to qualify for Bonus			
Very Low Income	5%	20%	2.5%	35%
Low Income	10%	20%	1.5%	35%
Moderate Income (Ownership Units Only)	10%	5%	1%	35%
Age Restricted Senior Citizen Housing Development	100%	20%	--	20%
Transitional Foster Youth, Disabled Veterans, Homeless	10%	20%	--	20%
<b>Land Donation</b> for Very Low Income Housing	10% of Market-Rate Units	15%	1%	35%
Common Interest Development	10%	5%	1%	35%
<b>Condominium Conversion</b>				
Lower Income	15%	25%	--	25%

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<http://www.sdcountry.ca.gov/pds>



**County of San Diego, PDS, Zoning Division  
DENSITY BONUS FAQ's**

*Continued*

Moderate Income	33%	25%	--	25%
<b>Child Care Facility</b>	Must qualify under Section 6355 a.1. - a.4.	Additional residential space equal to or greater than the square footage of the child care facility or one additional incentive.		
<b>County Affordable Senior Housing Program (Rental Units Only)</b>				
Very Low Income	100%	50% to a maximum of 45 units/acre*		
Low Income	100%	45% to a maximum of 45 units/acre*		
Moderate Income	100%	40% to a maximum of 45 units/acre*		

For example, your project has a Maximum Allowable Residential Density of 100 units. You reserve 8 units for rental to very low income households. This equals 8% of your project. You have met the 5% minimum and are entitled to a 20% density bonus (20 additional bonus units). In addition, you are 3% over the minimum (5%). Therefore, you are entitled to an additional bonus of 2.5% for each 1% over the minimum (2.5% multiplied by 3 = 7.5%). So your bonus is now 27.5% (the minimum of 20% plus the 7.5% increase) or 28 additional bonus units for a total of 128 units.

**What is an incentive?**

An incentive is a request from the applicant that the County waive or reduce a development requirement as defined in California Government Code Subsection 65915(k). The number of incentives that may be requested varies with the amount and type of reserved units.

Income Category of Reserved Units	% of Reserved Units		
Very Low Income	5%	10%	15%
Low Income	10%	20%	30%
Moderate Income (Ownership Units Only)	10%	20%	30%
County Affordable Senior Housing Program (Rental Units Only)	--	--	100%
<b>Maximum Number of Incentives</b>	2	3	4

**What incentives are available?**

The applicant may request incentives, such as a reduction in setback requirements or a reduction in private open space requirements that make the reserved units possible. The applicant must demonstrate that each requested incentive results in identifiable, financially sufficient, and actual cost reductions that contribute significantly to the economic feasibility of the reserved units.

**Why do I need a density bonus permit?**

The permit verifies eligibility for the density increase and provides notice to future owners. In addition, a Density Bonus Housing Agreement must be executed. If incentives are requested, the permit process verifies the necessity, validity, and approval of each incentive. The permit is filed with the County Recorder.

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**County of San Diego, PDS, Zoning Division  
DENSITY BONUS FAQ's**

*Continued*

**What is a pro-forma?**

A financial pro-forma is a form provided by the County that must be submitted as part of the Density Bonus Permit whenever the applicant has requested any incentives. The pro-forma requires financial information which compares the revenue, cost, and income of the project without reserved or bonus units with the revenue, cost, and income of the project with reserved and bonus units and with each requested incentive.

**Why do I need to do a pro-forma?**

The financial information submitted on the pro-forma demonstrates whether a requested incentive results in identifiable, financially sufficient, and actual cost reductions that contribute significantly to the economic feasibility of the reserved units. The cost of the County's analysis of the pro-forma will be passed on to the applicant.

**Why do I need to sign a Density Bonus Housing Agreement?**

All Density Bonus Permits will require the execution of an agreement. The agreement specifies the terms and conditions which apply in exchange for the density bonus. These terms will include the number and type of reserved units and the length of time for which they must be reserved. It also states that the owner must ensure that the residents of these reserved units meet eligibility requirements. This agreement is recorded with the County Recorder and is binding on all future owners.

**What happened to the 3.8 Mobile home park density bonus program?**

The 3.8 Program has been discontinued. Mobile home parks are still eligible for a density bonus under the same provisions and requirements as other developments.

**What happened to the I-79 density bonus program?**

This program is now located in the Zoning Ordinance as a component of the County's Density Bonus Program. It has been revised to make it compatible with the rest of the program. It requires an Administrative Permit in addition to the Density Bonus Permit but it does not require a pro forma.

Income Category	Reserved Units	Bonus		
		Minimum Bonus (% of Base Units)	Additional bonus for each 1% increase in reserved units	Maximum Bonus (% of Base Units)
Household Income Category of Affordable Units	Minimum % of Base Units that must be Reserved to qualify for Bonus			
<b>County Affordable Senior Housing Program (Rental Units Only)</b>				
Very Low Income	100%	50% to a maximum of 45 units/acre*		
Low Income	100%	45% to a maximum of 45 units/acre*		
Moderate Income	100%	40% to a maximum of 45 units/acre*		
Commercial Development with Affordable Housing	Pursuant to Government Code 65915.7	Pursuant to Section 6365		



RECORDED AT REQUEST OF  
PLANNING & DEVELOPMENT  
SERVICES

WHEN RECORDED, PLEASE MAIL TO:

PLANNING & DEVELOPMENT  
SERVICES

Mail Station O-650

Attn: Farm Employee Housing Coordinator

SPACE ABOVE THIS LINE FOR RECORDER'S USE

## FARM EMPLOYEE HOUSING AGREEMENT

THIS AGREEMENT is entered into on the \_\_\_\_\_ day of \_\_\_\_\_.

I, \_\_\_\_\_, (hereinafter referred to as "Farm Employee Housing Provider"), hereby represent that I am the owner of the following described real property and that I desire to provide Farm Employee Housing on said real property:

Assessor Parcel Number(s): \_\_\_\_\_

Number of Farm Employee Dwellings: \_\_\_\_\_

Address: \_\_\_\_\_

Farm Employee Housing Provider hereby covenants and agrees to the following duties:

1. To comply with all San Diego County regulations related to farm employee housing. These requirements include that farm employee housing shall be occupied only by farm employees (and their families) engaged in agricultural labor, and shall not be otherwise occupied or rented.
2. To comply with all federal and state farm employee housing regulations which apply to a Farm Employee Housing Provider, including the following:
  - a. Federal Migrant & Seasonal Agricultural Worker Protection Act;
  - b. California Department of Housing and Community Development Title 25 requirements;
  - c. California Industrial Welfare Commission's lodging provisions;
  - d. California Fair Employment and Housing Act; and
  - e. California Employee Housing Act.
3. To file a certificate with the County annually on a form provided by the County Department of Agriculture, Weights and Measures which verifies that the occupants of the housing are employed in an agricultural operation.
4. To notify the County within 10 days from the date the farm employee housing ceases to be occupied by farm employees for more than 12 consecutive months.
5. To remove the structures or to convert them to another permitted use within 30 days from the date the farm employee housing ceases to be occupied by farm employees for more than 12 consecutive months.

- 6. Failure to comply with the terms of this Agreement may result in the revocation of applicable permits requiring the grower to remove the structures, or convert them to another permitted use.
- 7. This Agreement shall be binding on all successors and assigns of the Farm Employee Housing Provider.
- 8. The covenants contained in this Agreement shall be deemed to be covenants running with the land.
- 9. All notices required or allowed under this document shall be deemed valid and effective five calendar days following deposit in the United States mail by certified and/or registered mail, postage prepaid, addressed to the following:

**Farm Employee Housing Provider:**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zipcode

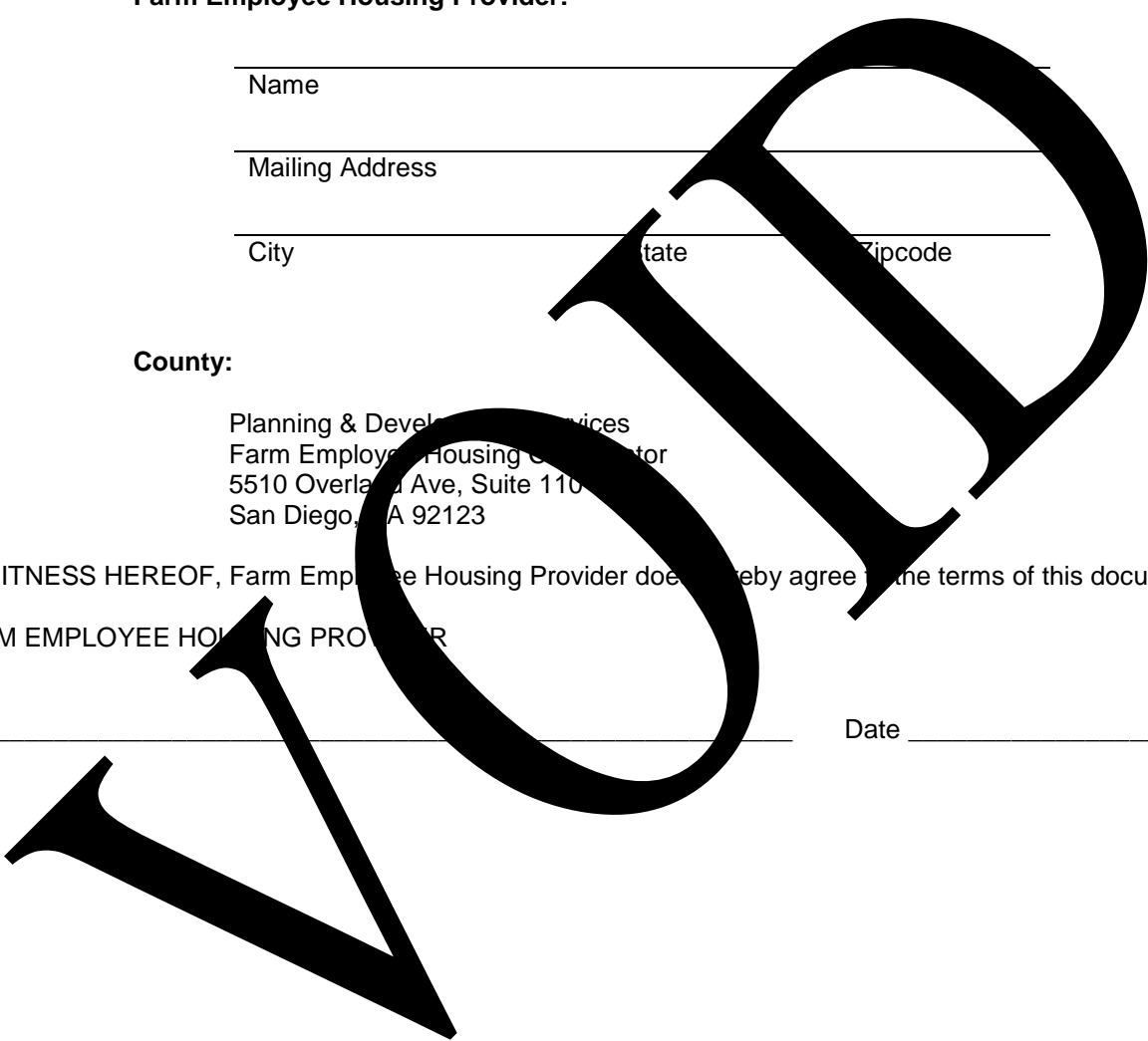
**County:**

Planning & Development Services  
 Farm Employee Housing Coordinator  
 5510 Overland Ave, Suite 110  
 San Diego, CA 92123

IN WITNESS HEREOF, Farm Employee Housing Provider does hereby agree to the terms of this document.

FARM EMPLOYEE HOUSING PROVIDER

By \_\_\_\_\_ Date \_\_\_\_\_



**ALL PURPOSE ACKNOWLEDGEMENT**

*A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not to the truthfulness, accuracy, or validity of that document.*

STATE OF CALIFORNIA }  
COUNTY OF \_\_\_\_\_ }

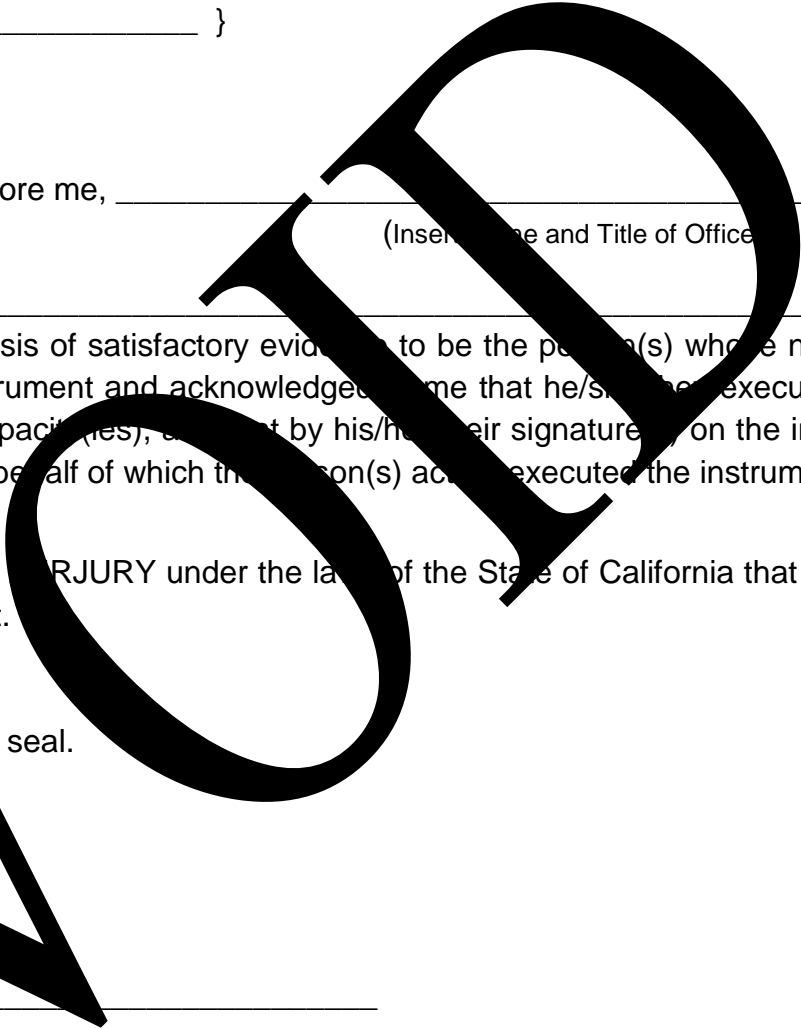
On \_\_\_\_\_ before me, \_\_\_\_\_,  
(Insert Name and Title of Officer)

Personally appeared \_\_\_\_\_,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same  
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the  
person(s) or the entity upon behalf of which the person(s) acted executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing  
paragraph is true and correct.

Witness my hand and official seal.

Signature \_\_\_\_\_



*(This area for official notarial seal)*



County of San Diego, Planning & Development Services  
**TYPES OF ACCESSORY UNITS**  
**ZONING DIVISION**

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Below are descriptions of accessory and temporary dwelling units allowed by the San Diego County Zoning Ordinance. Some may not be allowed in certain zones. Some may require approval of discretionary permits. Refer to The Zoning Ordinance Sections listed at the end of each description for information, conditions and restrictions regarding these permits.

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### **ACCESSORY DWELLING UNIT (ADU)**

An attached dwelling unit not exceeding 50% of the floor area of the primary dwelling, up to a maximum of 1,200 square feet, or a detached dwelling unit not exceeding 1,200 square feet, independent of the square footage of the living area of the existing primary dwelling.

**Shall not be rented for less than 30 days.** An ADU means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. *Shall not be on the same lot as a Guest Living Quarters, Second Dwelling Unit, Accessory Living Quarter, Junior Accessory Dwelling Unit, or Accessory Apartment.* A Park Model Trailer shall not be used as an Accessory Dwelling Unit. **See Section 6156.x. for complete information.**

Applicants are strongly encouraged to contact the appropriate Fire Dept. ASAP and Structural Engineers to ensure the ADU complies with the required side and rear setbacks.

### **JUNIOR ACCESSORY DWELLING UNIT (JADU)**

A junior accessory dwelling unit is a unit that is no more than 500 square feet in size and contained entirely within an existing single-family dwelling. Only one ADU or JADU may be located on any residentially zoned lot that permits a single-family dwelling and may only be located on a lot which already contains one existing single-family dwelling. In addition, the JADU shall include an efficiency kitchen and a separate exterior entry. **See Section 6156.ii for complete information.**

### **GUEST LIVING QUARTERS**

Living quarters, which have neither kitchen, wetbar nor laundry facilities, within an accessory building for the sole use of persons employed on the premises or for temporary use by guests of the occupants of premises. **May not be rented.** The total floor area of a Guest Living Quarters shall not exceed 30% of the square footage of the primary dwelling, up to a maximum of 600 square feet. An Administrative Permit must be approved for guest living quarters up to 50% of the square footage of the primary dwelling. *Shall not be on the same lot as an Accessory Apartment, Accessory Living Quarters, Junior Accessory Dwelling Unit, or Accessory Dwelling Unit.* A Park Model Trailer shall not be used as Guest Living Quarters. **See Section 6156.k. for complete information.**



## County of San Diego, PDS, Zoning Division TYPES OF ACCESSORY UNITS

Continued

### HEALTH CARE DWELLING (TEMPORARY)

A trailer coach or mobile home used exclusively for temporary occupancy by either: (a) providers of health services which are required by an occupant of the main dwelling, or (b) relatives of an occupant of the main dwelling who requires physical care. Interior floor area maximum is 800 square feet. A Park Model Trailer may be allowed as a Temporary Health Care Dwelling, provided that all requirements are met. **See Section 6118.b.3 for complete information.**

### FARM EMPLOYEE HOUSING

A Farm Employee Housing consisting of five or more farm employees is an allowable use and requires approval of a building permit from Planning & Development Services and approval of a permit from the State of California to operate an Employee Housing Facility.

Farm Employee Housing of up to four farm employees requires approval of a building permit from Planning & Development Services and is an allowed accessory use to an on-going commercial agriculture operation on that same parcel on which the housing is located or on another parcel under the same ownership; and which is located in the RR, A70, A72, S80, S87, S88, S90 and S92 zones provided that the provisions of Subsection f. of Section 6157 of the County Zoning Ordinance are met. Farm Employee Housing must meet main building setbacks. A Park Model Trailer may be allowed as Farm Employee Housing provided that all requirements of all applicable codes are met. **See Section 6157.f of the Zoning Ordinance and Section 17021.6 of the State Health & Safety Code.**

## ADDITIONAL INFORMATION

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### PARK MODEL TRAILERS

***Park Model trailers are not allowed for permanent use on private lots.*** Per Health and Safety Code Sections 18009.3 and 18010, which define Park Trailers and Recreational Vehicles, a Park Model Trailer is considered to be a recreational vehicle (RV), not a type of mobile home. RV's are not approved for permanent habitation. Per Section 635 of the Vehicle Code, a "trailer coach" is a vehicle, other than a motor vehicle, designed for human habitation or human occupancy for industrial, professional, or commercial purposes, for carrying property on its own structure, and for being drawn by a motor vehicle.

Also, per Section 56.211 of the County of San Diego Regulatory Ordinance: No person shall use or occupy a trailer coach in the unincorporated territory of the County except when authorized by the Zoning Ordinance of San Diego County and in accordance with a valid unexpired trailer coach installation permit issued and approved by the Director of Planning & Development Services pursuant to the provisions of this chapter; provided, however, that no trailer coach installation permit shall be required for the temporary use of a trailer coach while participating in a trailer roundup for which a permit has been issued by the Department of Environmental Health pursuant to the provisions of this chapter.

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**<http://www.sdcountry.ca.gov/pds>**



**County of San Diego, PDS, Zoning Division**  
**TYPES OF ACCESSORY UNITS**

*Continued*

Zoning Ordinance Section 6156 regulates temporary trailer uses and states that a Park Model trailer may only be used (with issuance of a Building Permit) as a temporary use on a private lot for one of the following: temporary health care, farm employee housing, or temporary occupancy during construction of a single-family residence.

**In conclusion, the County of San Diego will not issue a permit for the use of a Park Model Trailer on any property for permanent occupancy.**



County of San Diego, Planning & Development Services  
**FARM/ AGRICULTURAL EMPLOYEE  
HOUSING APPLICATION PROCEDURES**  
*ZONING DIVISION*

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Establishing farm employee housing for up to twelve dwelling units each designed for use by a single-family or household, or up to 36 beds in a group quarters requires a building permit. Additional permits and requirements such as grading and septic may be needed depending on the scope of the project. All applicants are required to a record document certifying that at least one family member who will occupy each housing unit is a farmworker as defined in the County's Zoning Ordinance prior to the issuance of a building permit.

The San Diego County Zoning Ordinance defines a Farm Employee as:

A person who derives more than half of their total livelihood in the service of another person as an employee engaged in active commercial agriculture. "Farm Employee" does not include the owner or lessee of a particular property, or a person engaged in construction, alteration, painting, or repair of a structure, logging, or land surveying. "Farm Employee" may include a person engaged in brush or timber clearing, land grading or leveling when such activity is being carried out in preparation for farming.

Farm employee housing consisting of five or more farm employees is an allowed use and housing units, requires approval of a building permit from Planning & Development Services and approval of a permit to operate from the State of California to operate an Employee Housing facility.

Farm Employee Housing of up to four farm employees housing units requires approval of a building permit from Planning & Development Services and is an allowed accessory use to an on-going commercial agriculture operation on that same parcel on which the housing is located or on another parcel under the same ownership provided that the provisions of Subsection f. of Section 6157 of the County Zoning Ordinance are met. Applicants should follow the **Pre-Application Process, and Building Permit Application Process** described in this document.

Farm employee housing projects must meet certain conditions. Summarized, the conditions are that: 1) There is a verified active agricultural enterprise on the property where the housing is located; 2) The housing is not subject to an active code violation; 3) A building permit has been approved (see "Pre-Application Process" for a list of required forms).

### **Requirements**

1. The number of living units is reasonably related to the number of farm employees required for commercial agriculture on the parcel on which the farm employee housing is located and, where applicable, on other land owned or leased and farmed by the applicant.
2. The location of Farm Employee Housing shall comply with the required main building setbacks.
3. Farm employee housing shall be occupied only by farm employees (and their families) engaged in Commercial Agricultural labor for an active Commercial Agricultural operation and shall not be otherwise occupied or rented.



**County of San Diego, PDS, Zoning Division**  
**FARM / AGRICULTURAL EMPLOYEE HOUSING APPLICATION PROCEDURES**

*Continued*

- 4. Farm employee housing shall be removed or converted to another allowed use at such time as the commercial agriculture to which it relates ceases operation for more than twelve consecutive months following the date of occupancy on the building permit issued for the farm employee housing.

Please carefully read all of the information in this guide and the forms required for the application package. An accurate and complete application will reduce delays in processing. **Please contact Planning & Development Services (PDS) at (858) 495-5201 if you have any questions or require assistance.**

**PRE-APPLICATION PROCESS**

Please complete these two steps prior to applying for a building permit with PDS.

- 1. **Department of Environmental Health (DEH) – 5500 Overland Ave, San Diego**  
Contact DEH at (858) 565-5173 to discuss proposed method of sewage disposal. If the project will not be connected to a sewer, a subsurface system may be required.

**PRE-APPLICATION PROCESS (cont.)**

- 2. **Department of Agriculture, Weights and Measures (AWM) – 9325 Hazard Way, Suite 100, San Diego, CA 92123-1217**  
Contact AWM at (858) 694-2739, for information concerning obtaining a **Verification of Agricultural Operation** available online at:  
[http://www.sandiegocounty.gov/content/sdc/awm/verification\\_ag.html](http://www.sandiegocounty.gov/content/sdc/awm/verification_ag.html).  
The completed and signed Agricultural Enterprises form must be submitted with your application package.

**BUILDING PERMIT APPLICATION PROCESS**

A building permit must be obtained for either the construction of a building for the housing or the installation of a manufactured home. Inquire at the Zoning Information Counter first to make sure that the proposed building site meets zoning requirements.

It is the responsibility of the property owner where the housing is sited to provide this documentation whether or not the farm employee is employed at that site.

- 1. **Planning & Development Services – 5510 Overland Ave., San Diego**

Submit **completed** application package to Building Permit Counter.

**Application Package:**

- i. Building Permit Application Form.....PDS-291
- ii. Mobilehome Installation Information, if applicable.....No Form No.

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**[www.sandiegocounty.gov/pds](http://www.sandiegocounty.gov/pds)**





County of San Diego, PDS, Zoning Division  
FARM / AGRICULTURAL EMPLOYEE HOUSING APPLICATION PROCEDURES

Continued

- iii. **Three (3)** copies of a Plot Plan..... PDS-090
- iv. Fees.....Variable

The Building Permit Counter staff will check for active code compliance action on the subject property. It is the responsibility of the owner of the property where the housing is proposed to be located to provide all required documentation.

**2. Department of Environmental Health – 5500 Overland Ave, San Diego**

If the project is not to be served by a public sewer service, submittal of a preliminary septic layout with DEH at the time the Building Permit application is submitted is required. The Building Permit cannot be approved until the septic system is deemed satisfactory by DEH. DEH may require an on-site inspection. DEH may require a well sample if water is supplied by a new or existing well.

**Additional Requirements**

- 1. **GRADING:** Any fill over a foot in depth will require a compaction report by a registered civil engineer certifying the fill is compacted to a minimum of 90 percent. If more than 200 cubic yards of earth will be moved or if a cut or fill depth exceeds 8 feet, a grading permit is required. Contact the Department of Public Works (DPW), (858) 694-3267 (5510 Overland Ave, San Diego) about obtaining a grading permit. Grading in conjunction with a building permit and submitted at the same time or after the plan check, which meets PDS minor grading requirements may be submitted through PDS. Contact the Building Division (858)-565-5920 (5510 Overland Ave., San Diego) for more information. If you are brushing or moving less than 200 cubic yards of earth, check with the Zoning Information County (858) 565-5981 (5510 Overland Ave., San Diego) about the need for a brushing/clearing permit. Before building permit may be issued, any required compaction report must be submitted or, in the case of a grading permit, rough grading approval must be obtained.
- 2. **DRAINAGE:** At time of pre-application review (required prior to plan check submittal), the Pre review Counter staff will check whether flood control fees are required. If so, after permit application submittal, the applicant will be referred to the Flood Control Counter (858) 694-3267, Department of Public Works, 5510 Overland Ave., San Diego). Flood Control Counter staff will determine the amount of drainage fees required to be paid by the project applicant at the time of the issuance of the building permit. The Drainage Fee Form (DPW-381) must be completed and signed by the Flood Control Counter staff. The completed form should be returned to the Building Permit Counter at the time the building permit is issued.
- 3. **FIRE:** Early coordination with the fire district that serves your area is strongly encouraged regarding fees and costs you may incur for fire protection requirements. These requirements for employee housing may have significant additional costs associated with fire hydrants, sprinkling systems, water storage tanks and/or other local regulations.



County of San Diego, PDS, Zoning Division  
FARM / AGRICULTURAL EMPLOYEE HOUSING APPLICATION PROCEDURES

*Continued*

A fire mitigation form is required prior to issuance of a building permit. The fire mitigation form (PDS-308A) will be provided by the Building Permit Counter at the time you submit your plans for plan check. The fire mitigation letter should be taken to the fire district to be signed by a fire district official indicating the amount of fire mitigation fees required to be paid by the project applicant at the time of issuance of the building permit. After the fire letter has been signed, it should be returned to the Building Permit Counter at the time the building permit is issued.

4. **WATER:** If the property is not served by a public water system, contact DEH at (858) 565-5173 (5500 Overland Ave., San Diego) regarding fees and regulations for the installation and use of a well. If the property is to be served by a public water system, a public water system letter is required before issuance of a building permit. The public water system letter (PDS-510) will be provided by the Building Permit Counter at the time you submit your plans for plan check. The water letter should be taken to the water district to be signed by a water district official indicating that all requirements of the district have been met and water service will be provided to the subject property. After the water letter is signed, it should be returned to the Building Permit Counter at the time the building permit is issued.
5. **SEWER:** A public sewer service letter is required before issuance of a building permit if the project is not going to be served by an on-site septic system. The sewer service letter (PDS-510) will be provided by the Building Permit Counter at the time you submit your plans for plan check. The sewer service letter should be taken to the sewer service agency to be signed by the agency official indicating that all requirements of the district have been met and sewer service will be provided to the subject parcel. After the sewer service letter is signed, it should be returned to the Building Permit Counter at the time the building permit is issued.
6. **SCHOOLS:** A school letter is required before issuance of a building permit. The school letter (PDS-510) will be provided by the Building Permit Counter at the time you submit your plans for plan check. The school letter should be taken to the school district(s) to be signed by a school official indicating all requirements of the district have been met and that any required school fees have been paid. After the school letter is signed, it should be returned to the Building Permit Counter before or at the time the building permit is issued.
6. **MANUFACTURED HOMES:** Only mobile homes constructed between September 15, 1971 and June 14, 1976; and manufactured homes constructed on or after June 15, 1976 that have been issued an insignia of approval by the state of California Department of Housing and Community Development (HCD) or have been certified under the National Mobilehome Construction and Safety Standards Act of 1974 (42 U.S.C Section 5401 et seq.) may be permanently located on a private lot only upon compliance with the requirements set forth in PDS Form 103. Please refer to PDS Form 103, available online at <http://www.sdcounty.ca.gov/pds/docs/pds103.pdf>, for more information on placing a certified manufactured home on a private lot.



**County of San Diego, Planning & Development Services**  
**DENSITY BONUS SUPPLEMENTAL**  
**APPLICATION**  
**ZONING DIVISION**

1. Submit a plot plan demonstrating the Maximum Allowable Residential Density per Zoning Ordinance Section 4115.
2. Submit a plot plan for the proposed project, identifying the reserved units, bonus units and, if applicable, any requested incentives.
3. Complete the following questions:
  - a. Type of Reserved Units: \_\_\_\_\_  
 (Very Low Income; Low Income; Moderate Income (Ownership Units Only); Age Restricted Senior Citizen Housing Development; Transitional Foster Youth, Disabled Veterans, Homeless; Land Donation for Very Low Income Housing; Common Interest Development; Condominium Conversion (Lower Income, Moderate Income, Child Care Facility); County Affordable Senior Housing Program (Rental Units Only, Very Low Income, Low Income, Moderate Income, Commercial Development with Affordable Housing))
  - b. Number of Reserved Units: ..... \_\_\_\_\_
  - c. Total Number of Project Units (excluding bonus units):..... \_\_\_\_\_  
 (Maximum Allowable Residential Density – See #1 above)
  - d. Percentage of Reserved Units:..... \_\_\_\_\_ %  
 (number of Reserved Units divided by Total Project Units)
  - e. Number of Bonus Units:..... \_\_\_\_\_
  - f. Number of Authorized Incentives:..... \_\_\_\_\_
4. If any incentive is requested, a completed financial pro-forma (PDS-340) must be submitted.
5. The number of incentives that can be requested is determined by the type and percentage of the reserved units. (Zoning Ordinance Section 6365) Please describe each incentive requested and how it makes the reserved units economically feasible. *Attached additional sheets if necessary.*

First Incentive:

Second Incentive:



**County of San Diego, PDS, Zoning Division  
Density Bonus Supplemental Application Form**

*Continued*

Third Incentive:

Fourth Incentive:



County of San Diego, Planning & Development Services  
**DEFINITIONS AND ACCESSORY USE  
REGULATIONS FOR GUEST LIVING  
QUARTERS**  
**ZONING DIVISION**

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EXCERPTS FROM THE ZONING ORDINANCE

**SECTION 1100 DEFINITIONS**

**Accessory Building:** A portion of a main building or a detached subordinate building located on the same lot as a main building which is devoted exclusively to an accessory use.

**Accessory Use:** A use customarily incidental and accessory to the principal use of the land or lot, or to a building or other structure located on the same lot as the accessory use.

**Guest Living Quarters:** Living quarters attached to a primary dwelling unit without interior access or within a detached accessory building, which are for the sole use of persons employed on the premises or for temporary use by guests of the occupants of premises. Individual guests may be accommodated for a period not to exceed thirty (30) calendar days in any calendar year. Guest living quarters have neither kitchen facilities, wetbars nor laundry facilities and are not rented or otherwise used as a separate dwelling.

**SECTION 6156 RESIDENTIAL AND AGRICULTURAL USE TYPES**

Subject to the restrictions and limitations specified, the following accessory buildings and uses shall be permitted in zones where Residential and Agricultural Use Types are permitted:

- k. **GUEST LIVING QUARTERS:** In the A70, A72, RR, RS, RV, RU, RRO, S88, S90 and S92 Use Regulations, one guest living quarters is allowed on a legal lot. Guest living quarters shall comply with all of the following requirements:
1. The total floor area of a guest living quarters shall not exceed thirty percent (30%) of the square footage of the primary dwelling up to a maximum of 600 square feet. Additional area, up to 50% of the square footage of the primary dwelling, may be permitted with the approval of an Administrative Permit.
  2. Only one electric meter to serve both the main dwelling and guest living quarters will be allowed.
  3. Guest living quarters shall not be allowed on a lot or parcel having an accessory dwelling unit, second dwelling unit, junior accessory dwelling unit, accessory apartment or accessory living quarters. Conversion of such a unit into guest living quarters is allowed provided all zoning and structural requirements are met. If said accessory unit was permitted by a discretionary permit, said permit shall be modified as required by the appropriate section of the Zoning Ordinance.

WHEN RECORDED MAIL TO:  
(Property Owner)

SPACE ABOVE IS FOR RECORDER'S USE ONLY

## JUNIOR ACCESSORY DWELLING UNIT AGREEMENT

THIS AGREEMENT is made on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

I/We, \_\_\_\_\_, the Owner(s) of the hereinafter described real property:

Address \_\_\_\_\_ Assessor Parcel No.(s) \_\_\_\_\_

Desire(s) to construct a "junior accessory dwelling unit" (JADU) as defined by the San Diego County Zoning Ordinance for the purpose of providing rental housing pursuant to Section 6156.II of said Zoning Ordinance. In consideration of the permission granted by the County of San Diego by a building permit (as may be applicable) to construct a JADU, I/we hereby covenant and agree that:

1. I/We are the owner(s) and occupants(s) of the existing (or to be constructed concurrently) primary residence located on the above described property.
2. I/We shall continuously occupy either the primary unit or the JADU for as long as the unit that is not owner occupied is used or maintained for use as a separate dwelling unit. I/We will discontinue the residential use of the JADU at and during any time that owner occupancy of the property ceases, except as may be otherwise permitted by the Zoning Ordinance.
3. No other accessory living quarter, whether legally or illegally established, does now or shall ever exist on the above-described property.
4. No expansion of the JADU or the primary dwelling unit shall occur without first obtaining the required ministerial and/or discretionary permit(s) from the County of San Diego.
5. I/We will abide by all of the requirements and standards of Section 6156.II of the Zoning Ordinance (or renumbering thereof) as it exists on the date of this Agreement, and which hereby is incorporated herein by reference.
6. The JADU unit shall not be sold separately from the single- family dwelling unit.

This Agreement shall run with the land. If the subject property is conveyed to any other person, firm, or corporation, the instrument that conveys title or any interest in or to said property, or any portion thereof, shall contain a restriction limiting the use of the junior accessory dwelling unit per the terms of this Agreement. Any violation of this Agreement is grounds for the County, pursuant to Section 7703 of the Zoning Ordinance, to revoke the permission for use of the Junior Accessory Dwelling Unit for residential purposes and may result in penalties being imposed upon the property owner as prescribed in said Section 7703.

\_\_\_\_\_  
Owner(s) Signature

\_\_\_\_\_  
Owner(s) Signature

**ALL PURPOSE ACKNOWLEDGEMENT**

*A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not to the truthfulness, accuracy, or validity of that document.*

STATE OF CALIFORNIA }  
COUNTY OF \_\_\_\_\_ }

On \_\_\_\_\_ before me, \_\_\_\_\_,  
(Insert Name and Title of Officer)

Personally appeared \_\_\_\_\_,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s)  
is/are subscribed to the within instrument and acknowledged to me that he/she/they executed  
the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the  
instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the  
instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the  
foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature \_\_\_\_\_ (This area for official notarial seal)



County of San Diego, Planning & Development Services  
**DEFINITIONS AND ACCESSORY USE  
 REGULATIONS FOR NON-HABITABLE  
 STRUCTURES (ATTACHED & DETACHED)**  
 ZONING DIVISION

EXCERPTS FROM THE ZONING ORDINANCE

**SECTION 1100 DEFINITIONS**

**Accessory Building:** A portion of a main building or a detached, subordinate building located on the same lot as a main building which is devoted exclusively to an accessory use.

**Accessory Use:** A use customarily incidental and accessory to the principal use of the land or the building site or to a building or other structure located on the same building site as the accessory use.

**Barn:** A building used for the shelter of livestock raised on the premises, the storage of agricultural products produced or consumed on the premises, or the storage and maintenance of farm equipment and agricultural supplies used for the agricultural operations on the premises. A barn may be located within or adjacent to an Animal Enclosure, but a barn is not considered an Animal Enclosure. A Barn is considered an accessory residential or agricultural use.

**Private Garage:** An accessory building or an accessory portion of the main building, designed and/or used for the shelter or storage of vehicles owned or operated by the occupants of the main building.

**SECTION 4841 REQUIRED DISTANCE BETWEEN DETACHED ACCESSORY BUILDINGS AND MAIN BUILDINGS.**

No detached accessory building walls shall be closer than 6 feet to any main building walls or other accessory building walls on the same lot or building site and no detached accessory building eaves shall be closer than 4 feet to any main building eaves or other accessory building eaves on the same lot or building site. When the distance between either the walls or the eaves of a detached accessory building and a main building or living unit are less than specified in this section, the buildings are deemed attached for the purpose of determining setbacks and both must meet the setbacks prescribed for a main building.

**SECTION 4842 SETBACKS FOR DETACHED ACCESSORY BUILDINGS AND STRUCTURES.**

- a. No detached accessory building shall be located with walls closer than 3 feet or eaves closer than 2 feet from interior side or rear property lines.
- b. No detached accessory building authorized by Section 6156.g exceeding 1,000 square feet in area shall be located within a required setback pursuant to Section 4810.
- c. The combined area of all detached accessory buildings authorized by Section 6156.g, having any portion within the required setback pursuant to Section 4810, shall not exceed 1,000 square feet.

**SECTION 6156 RESIDENTIAL AND AGRICULTURAL USE TYPES**

Subject to the restrictions and limitations specified, the following accessory buildings and uses shall be permitted in zones where Residential and Agricultural Use Types are permitted:

- a. **ATTACHED PRIVATE GARAGES AND CARPORTS, STORAGE BUILDINGS, WORKSHOPS, HOBBY SHOPS, AND OTHER SIMILAR NON-HABITABLE USES**
  - 1. The total area allowed on a lot shall be limited to 25% of the living area of principal residence, or as follows, whichever is greater:

Lot Size (gross)	Att. Accessory Structure area
< 1 ac	1,000 sf





**County of San Diego, PDS, Zoning Division**  
**ACCESSORY USE REGULATIONS FOR NON-HABITABLE STRUCTURES**

*Continued*

Lot Size (gross)	Att. Accessory Structure area
1 ac - <2 ac	1,500 sf
2 ac - <4 ac	2,000 sf
4 ac or larger	3,000 sf

2. If the portion of the structure in which the attached garage or carport is located is more than one story in height, that portion not used for the shelter or storage of vehicles shall be designed and used as an integral part of the principal residence or approved habitable use such as guest living quarters.
3. Additional area may be permitted by issuance of an Administrative Permit with notice provided pursuant to Section 7060c. and findings pursuant to Section 7358, subsections a. 1, 3, 5, and 6.
4. For properties on which more than one detached residence is allowed per legal lot pursuant to Section 4310 (not including an Accessory Dwelling Unit pursuant to subsection x.), the total attached garage area, based upon lot size, per a.1 above, shall be allowed for each residence.

g. **Detached Private Garages and Carports, Storage Buildings, Workshops, Hobby Shops, Barns, Agricultural Buildings and other similar non-habitable uses (non business purposes).** Only one electric service drop and one electric meter to serve both the main dwelling and structure allowed by this subsection will be permitted. The combined area of all such structures, together with the structures authorized by subsection b above, shall be limited as follows:

Lot Size (gross)	Det. Accessory Structures in all Res, Ag & S92 Zones (formerly 6156.g and 6156.h)
< 1/2 ac	1,450 sf <i>(only in zones subject to a Residential Use Regulation and in the S88 Use Regulations where residential uses occur)</i>
< 1 ac	2,000 sf
1 ac - <2 ac	3,000 sf
2 ac - <4 ac	4,000 sf
4 ac - <8 ac	5,600 sf
8 ac - <12 ac	6,400 sf
12 ac - <16 ac	7,200 sf
16 ac or more	8,000 sf



County of San Diego, PDS, Zoning Division  
**ACCESSORY USE REGULATIONS FOR NON-HABITABLE STRUCTURES**

*Continued*

(Note that detached accessory structures are subject to setbacks specified in Section 4842. Buildings not meeting the setback requirement of Section 4842 are limited to a combined area of 1000 square feet.)

Buildings proposed in the S88 Use Regulations shall conform to the requirements of any applicable Specific Plan

2. Limited to one story not to exceed 12 feet maximum height. May have 2 stories and a height not exceeding 24 feet if the accessory structure meets the main building setbacks. If the structure is more than one story in height, that portion not used for the shelter or storage of vehicles shall be designed and used as habitable space defined by Section 6156.b or other approved use such as a guest living quarters. However, a one story accessory structure designed to store a recreational vehicle (RV) may exceed 12 feet in height, not exceeding 16 feet, if the accessory structure meets the main building setbacks.
3. Additional area, height and story may be permitted if in compliance with height/story limit specified by the applicable height/story designator, and additional area may be permitted by issuance of an administrative permit.
4. A barn or agricultural building is not considered an animal enclosure. Therefore the animal enclosure area on a property is not included in the calculation of total barn square footage. A barn used as part of a commercial Horse Stable use is not considered an accessory structure for purposes of this section and therefore not included in or limited by this section.

**j. Coops and Aviaries.** Any enclosure or structure where poultry or birds are kept outside a dwelling, subject to the limitations of Section 3100. Coops and aviaries shall meet the setbacks for Animal Enclosures pursuant to Section 3112 and shall be included in the total square footage allowed pursuant to subsection h (see subsection g).

**NOTE:**

If a garage and carport, storage building, workshop, hobby shop, and other non-habitable similar uses are attached to a poolhouse, art or music studio, or recreation room, the entire structure must meet main building setbacks. If the garage and carport, storage building, workshop, hobby shop, and other non-habitable similar uses portion of the structure exceed the size limits stated in paragraph g.1 above, the more restrictive setback shall apply to the whole structure.

WHEN RECORDED MAIL TO:  
(Property Owner)

SPACE ABOVE IS FOR RECORDER'S USE ONLY

### ACCESSORY DWELLING UNIT AGREEMENT

THIS AGREEMENT is made on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

I/We, \_\_\_\_\_ the Owner(s) of the hereinafter described real property:

Address \_\_\_\_\_

Assessor Parcel No.(s) \_\_\_\_\_

Desire(s) to construct an "accessory dwelling unit" as defined by the San Diego County Zoning Ordinance for the purpose of providing rental housing pursuant to Section 6156.x of said Zoning Ordinance. In consideration of the permission granted by the County of San Diego by a building permit (as may be applicable) to construct an Accessory Dwelling Unit, I/we hereby covenant and agree that:

1. I/We are the owner(s) and occupier(s) of the existing (or to be constructed concurrently) primary residence located on the above described property.
2. I/We shall continuously occupy either the primary unit or the accessory dwelling unit for as long as the unit that is not owner occupied is used or maintained for use as a separate dwelling unit. I/We will discontinue the residential use of the accessory dwelling unit at and during any time that the primary occupancy of the property ceases, except as may be otherwise permitted by Section 6156.x of the Zoning Ordinance.
3. No other accessory living unit, whether legally or illegally established, does now or shall ever exist on the above-described property.
4. No expansion of the accessory dwelling unit or the primary dwelling unit shall occur, nor shall any other work on the premises be done that requires a ministerial or discretionary permit(s) without first obtaining the required ministerial and/or discretionary permit(s) from the County of San Diego.
5. I/We will abide by all of the requirements and standards of Section 6156.x of the Zoning Ordinance (or renumbering thereof) as it exists on the date of this Agreement, and which hereby is incorporated herein by reference.

This Agreement shall run with the land. If the subject property is conveyed to any other person, firm, or corporation, the instrument that conveys title or any interest in or to said property, or any portion thereof, shall contain a restriction limiting the use of the accessory dwelling unit per the terms of this Agreement. Any violation of this Agreement is grounds for the County, pursuant to Section 7703 of the Zoning Ordinance, to revoke the permission for use of the Accessory Dwelling Unit for residential purposes, and may result in penalties being imposed upon the property owner as prescribed in said Section 7703.

Owner(s) Signature

Owner(s) Signature

**ALL PURPOSE ACKNOWLEDGEMENT**

*A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not to the truthfulness, accuracy, or validity of that document.*

STATE OF CALIFORNIA }  
COUNTY OF \_\_\_\_\_ }

On \_\_\_\_\_ before me, \_\_\_\_\_,  
(Print Name and Title of Officer)

Personally appeared \_\_\_\_\_,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s)  
is/are subscribed to the within instrument and acknowledged to me that he/she/they executed  
the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the  
instrument the person(s) or the entity on behalf of which the person(s) acted, executed the  
instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the  
foregoing paragraphs are true and correct.

Witness my hand and official seal.

Signature \_\_\_\_\_

*(This area for official notarial seal)*