

COUNTY OF SAN DIEGO
Department of Planning and Development Services (PDS)

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PURPOSE

To establish criteria for determining when proposed non-habitable space shown on building plans, will be reviewed as possible illegal dwelling unit, and potentially permitted as habitable space.

BACKGROUND

Section 1100 of the Zoning Ordinance defines a habitable space as an area in a structure for living (which includes leisure activities), sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage/utility space and similar areas are not by themselves considered habitable space under the code, but are typically found within or adjacent to habitable space. Occasionally, plans and applications for accessory structures are proposed as “non-habitable space,” but include some of the areas or uses listed above. Although the applicant may not intend to convert such space into habitable space, future owners may not understand the difference, thus causing a potential illegal build out. Therefore, a policy is needed to help applicants and plan checkers define when non-habitable space on building plans will be reviewed as habitable space.

POLICY

When building plans for non-habitable structures are proposed, they will be reviewed under this policy. An application for non-habitable space that exceeds the requirements listed below shall be considered habitable space and therefore plan checked and assessed fees accordingly. Further, it is the policy of PDS to NOT approve building plans that might result in illegal dwelling units or not allowed uses.

- A) Accessory Structures both detached and attached (e.g. garage, cabana, patio cover and enclosure, carport, storage building, workshop, hobby shop, Barns, Agricultural Buildings and other similar non-habitable uses) that include any one of the following it shall be reviewed as habitable space under the following conditions:
- a. Floor plan indicates more than three separate rooms.
 - b. The area is designed for use as a guest living quarter, recreation room, sunroom, or other possible living area.
 - c. Proposes a separate electric service drop or electric meter (unless allowed pursuant to DPLU policy TE-230-1).
 - d. Sliding Glass, French or other similar doors.
 - e. Full bathroom (water-closet, washbasin, and shower/tub) exceeding 5 ½’ by 5 ½’ in floor area.
 - f. Stubbing out of plumbing and/or sewer.
 - g. A fireplace, wood burning, gas, pellet stove, heating and/or air-conditioning
 - h. Attached covered porches (including but not limited to decks) or patio covers or patio enclosures
- B) Detached Poolhouses, Art or Music Studios, and Recreation Rooms: Pool houses, art or music studios, or recreation rooms shall not be designed as a potential dwelling unit or Guest Living Quarters, even though it is considered R-3 habitable space under the UBC. Pool houses, art or music studios, or recreation rooms that include any one of the following it shall be reviewed as dwelling units under the following conditions:

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- a. Floor plan indicates internal access to a storage room as the only access to the storage room.
- b. Floor plan indicates more than one room (excluding 1/2 Bathrooms, Sauna, and small changing/dressing room).
- c. Art or Music Studios, and Recreation Rooms that indicate a full bathroom, closet, and/or wet bar.
A wet bar may be allowed as long as the structure is not designed so that it could easily result in an unpermitted additional dwelling unit.

C) Crawlspaces as used in this policy are unfinished accessible spaces located below the first floor that is non-excavated, natural grade, with no slab; normally enclosed by foundation walls. The purpose is to provide sufficient access to otherwise concealed ductwork, piping, or wiring. Crawlspaces shall be reviewed as habitable space under the following conditions:

- a. Does not comply with Section A.
- b. Is not sloped and exceeds 5'-6" in height.
- c. Electrical outlets (except a single light fixture and switch or as required for special equipment, such as FAU)
- d. A height of more than 5'-6" on a flat surface feet (>6 feet in height is considered a story/basement, except on areas that contain significant slopes)
- e. Drywall, Insulation, or floor systems including concrete slab

D) Basements include that area below the first floor and have a height of more than 6 feet for more than 50% of the total perimeter. This area shall be reviewed as habitable space under the following conditions:

- a. Does not comply with Section A.
- b. Drywall, Insulation, or floor systems including concrete slab.

E) Attic Space: Attic space is considered that area between the upper surface of the ceiling joists of the highest story, and the bottom surface of the roof joists (soffate). These areas shall be reviewed as habitable space under the following conditions:

- a. Does not comply with Section A
- b. Full stair access
- c. Windows
- d. Build out with drywall and floor systems
- e. Electrical outlets (except a single light fixture and switch)

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