

ORDINANCE NUMBER O- 16034 (New Series)

Adopted on SEP 12 1983

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 4, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 101.0455.3 AND 101.0455.4, RELATING TO SMALL LOT OVERLAY ZONE.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter X, Article 1, Division 4, of the San Diego Municipal Code be, and the same is hereby amended by amending Sections 101.0455.3 and 101.0455.4 to read as follows:

SEC. 101.0455.3 PERMITTED USES

Those uses permitted in the R-1 Zone, provided that all single-family dwellings, both attached and detached, shall observe one zero-foot side yard.

SEC. 101.0455.4 PROPERTY DEVELOPMENT REGULATIONS

No buildings or portion thereof shall be erected, constructed, converted, established, altered, enlarged, or used; nor shall any lot or premises be used unless the lot or premises and buildings or portions thereof shall comply with the following requirements and special regulations:

A. Minimum Lot Size and Dimensions.

1. The minimum lot size and dimensions (expressed in linear feet) shown in Table I, shall apply in the SL Zone.

TABLE I

<u>MINIMUM AREA IN SQ. FT.</u>	<u>MINIMUM STREET FRONTAGE</u>	<u>WIDTH (INTERIOR)</u>	<u>WIDTH (CORNER)</u>	<u>DEPTH</u>
3750 Attached	37.5	37.5	42.5	85
3750 Detached	39.0	39.0	42.5	85

2. No change.

B. Minimum and Maximum Yard Dimensions and Maximum Yard Slopes.

1. No change.

2. In all cases, any zero side yard shall abut other property in the Small Lot Overlay Zone.

3. 4. No change.

5. Common Walls. The provisions for a zero side yard setback is not intended to permit the usage of a common wall for attached units. Abutting walls shall be utilized.

C. No change.

D. Parking Regulations.

1. - 4. No change.

5. For attached units, no driveway shall be located within two feet of the zero side yard property line.

6. Driveways for detached units shall be located in such a manner that an on-street parking space is provided for each lot.

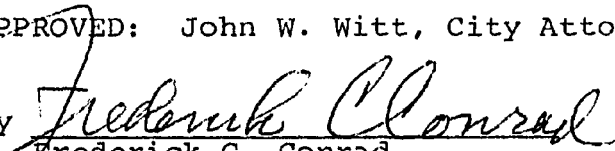
7. The required off-street parking space which may be unenclosed shall be a minimum size of 7.5 feet by 15 feet.

E. No change.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: John W. Witt, City Attorney

By



Frederick C. Conrad
Chief Deputy City Attorney

FCC:ib:630
06/28/83
Or.Dept:Plan.
O-83-262
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SEC. 101.0455.3 PERMITTED USES

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 • all single-family dwellings, both attached and detached, shall observe one zero-foot side yard.

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2. No change.

B. Minimum and Maximum Yard Dimensions and Maximum Yard Slopes.

1. No change.

• 2. In all cases, any zero side yard shall abut other property in the Small Lot Overlay Zone.

3. 4. No change.

5. Common Walls. The provisions for a zero side yard setback is not intended to permit the usage of a common wall for attached units. Abutting walls shall be utilized.

C. No change.

D. Parking Regulations.

1. - 4. No change.

5. For attached units, no driveway shall be located within two feet of the zero side yard property line.

6. Driveways for detached units shall be located in such a manner that an on-street parking space is provided for each lot.

7. The required off-street parking space which may be unenclosed shall be a minimum size of 7.5 feet by 15 feet.

E. No change.

SEC. 101.0454-E

8-81

9. The decision of approving or denying the application shall include the findings of fact relied upon by the Planning Director or Planning Commission. The decision shall be filed with the City Clerk, the Zoning Administrator, Engineering and Development Department, and the Building Inspection Department, and a copy shall be mailed to the applicant.

10. The decision of the Planning Commission shall be final on the fifteenth day from the date of the Commission's decision except when an appeal is taken to the City Council as provided in paragraph "F." of this section.

F. APPEAL FROM DECISION OF THE PLANNING COMMISSION

The decision of the Planning Commission shall be final on the 7th day following action by the Planning Commission unless a request to be heard on appeal is filed in the office of the City Clerk.

When a request to be heard on appeal is filed with the City Clerk, it shall be placed on the Council docket for the limited purpose of determining whether the City Council will hear the appeal. The City Council will accept an appeal for hearing when any of the following situations are found to exist:

1. The appellant was denied the opportunity to make full and complete presentation to the Planning Commission;
2. New evidence is now available that was not available at the time of the Planning Commission hearing;
3. The Planning Commission decision was arbitrary because no evidence was presented to the Planning Commission that supports the decision;
4. The development presents a City-wide planning issue on which guidance of the City Council is required and the matter is of City-wide significance;
5. The decision of the Planning Commission is inconsistent with applicable community plans or the General Plan for those areas not having a community plan; or
6. The Planning Commission decision was in conflict with adopted Council policy or the Municipal Code.

The City Council shall rely upon the record of the proceedings before the Planning Commission and the written appeal. No oral presentations shall be made to the City Council by proponents or opponents of the project. A vote on a motion to set the appeal for hearing shall not constitute a vote on the merits of the appeal. If at least five (5) members of the Council vote in favor of hearing the appeal, the City Clerk shall set the appeal for hearing before the City Council and give notice of the appeal in the manner required by the Municipal Code.

(Old Sec. 101.0504 - LOTS LARGER THAN PERMITTED UNDER ZONING - Incorp. 1-22-52 by Ord. 5046 N.S., contained in Ord. 4843 N.S. adopted 6-26-51; Amended 7-23-53 by Ord. 5707 N.S.; Renumbered 2-6-58 by Ord. 7751 N.S. - formerly Sec. 101.0407; Repealed 5-13-65 by Ord. 9216 N.S.; See Chapt. X, Art. 2, Div. 5.)

(New Sec. 101.0454 - LC ZONE (LAND CONSERVATION) Added 1-19-71 by Ord. 10483 N.S.)

(Amended 9-28-72 by Ord. 10932 N.S.)

(Amended 6-19-75 by Ord. 11640 N.S. which changed title also to HR Zone [Hillside Review] .)

(Amended 6-19-78 by Ord. 12375 N.S.)

(Amended 12-5-78 by Ord. 12516 N.S.)

(Amended 8-6-79 by Ord. 12716 N.S.)

(Amended 6-15-81 by Ord. 0-15526 N.S.)

SEC. 101.0455 SL OVERLAY ZONE (SMALL LOT)

There is hereby established the Small Lot Overlay Zone.

(Added 11-9-77 by Ord. 12204 N.S.)

SEC. 101.0455.1 PURPOSE AND INTENT

The purpose of the SL Zone is to provide for the development of R-1-5 zoned lots under modified, optional land use regulations which are consistent with General Plan objectives while protecting the public health, safety and general welfare. The SL Zone is an overlay zone intended to expand the choice, range, and type of single-family housing and to implement Community Plan objectives wherever densities in the 5-10 dwelling-units-per-acre range are therein prescribed.

It is the intent that the application of the SL Overlay Zone be made in such a manner that would assure that there would be no overconcentration of the type of single-family housing allowed by the Zone anywhere within the City of San Diego.

In general, it is intended that R-1-5 zoned land be considered for application of the SL Overlay Zone in locations, taken as a whole within each Community Plan area, which will most likely achieve the Plan objectives, those locations which will most likely result in development consistent with the Progress Guide and General Plan of The City of San Diego, and in areas having a natural or finished gradient of less than 20 percent.

(Added 11-9-77 by Ord. 12204 N.S.)

SEC. 101.0455.2 INITIATION

The establishment or repeal of part or of all of the SL Overlay Zone may be initiated by the Planning Commission or by the City Council. The establishment of the SL Zone may also be initiated by a property owner in accordance with the procedures contained in Division 2 of the Planning and Zoning Regulations.

(Added 11-9-77 by Ord. 12204 N.S.)

SEC. 101.0455.3 PERMITTED USES

Those uses permitted in the R-1 Zone, provided that all single-family dwellings shall observe one zero-foot side yard.

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2. Special Regulation - Street Frontage.

The minimum street frontage required for any parcel or lot which fronts principally on a turnaround or curving street having a radius of curvature of less than 100 feet, shall be 28.5 feet.

B. Minimum and Maximum Yard Dimensions and Maximum Yard Slopes.

1. The minimum and maximum yard dimensions shown in Table II and expressed in linear feet shall apply in the SL Zone.

~~2. The provisions of this paragraph are applicable only to pairs of parcels where construction will occur at the same time.~~

TABLE II

<u>MINIMUM FRONT YARD</u>	<u>MAXIMUM INTERIOR SIDE YARD</u>	<u>MINIMUM STREET SIDE YARD</u>	<u>MINIMUM REAR YARD</u>
15	0, with opposite side yard a Minimum of 10 feet	10	20

3. Exceptions.

a. Minimum front yard. Where there are more than four contiguous dwelling units constructed under one map, variable front yard setbacks shall be required, with approximately 1/3 of the units set back a minimum of 14 linear feet, 1/3 a minimum of 17 feet, and 1/3 a minimum of 20 feet. No front yard setback of less than 15 feet shall be permitted on a lot adjacent to property not in the SL Overlay Zone.

b. Opposite side yards and rear yards. These required yards shall not exceed 10 percent slope.

4. Special Optional Regulations.

Certain minimum yard dimensions listed in Table II may be reduced to the minimum dimensions indicated in Table III for portions of the dwelling unit, provided that the total yard area which would be required by application of Table II is observed; and further provided that the length of any continuous exterior dwelling unit wall located in a yard area required by Table II shall not exceed 15 feet in the case of the rear yard, and 35 feet in the case of the side yard. (See Figures A through C.)

TABLE III

MINIMUM
"OPPOSITE"
SIDE YARD

4

MINIMUM
REAR
YARD

10

Figure A:

Application
Table II

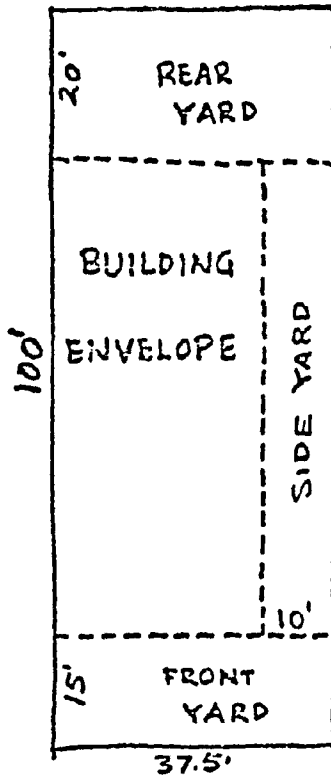


Figure B:

Application
of Table III

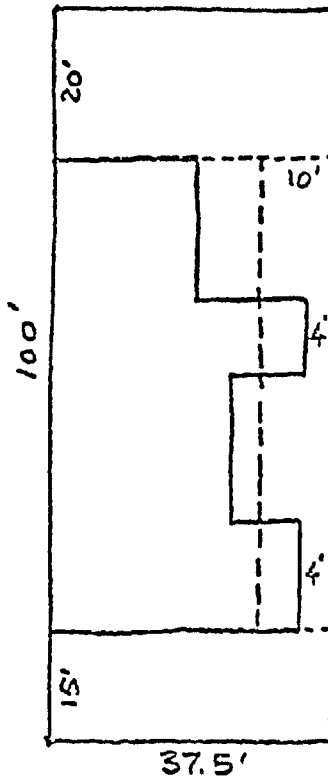
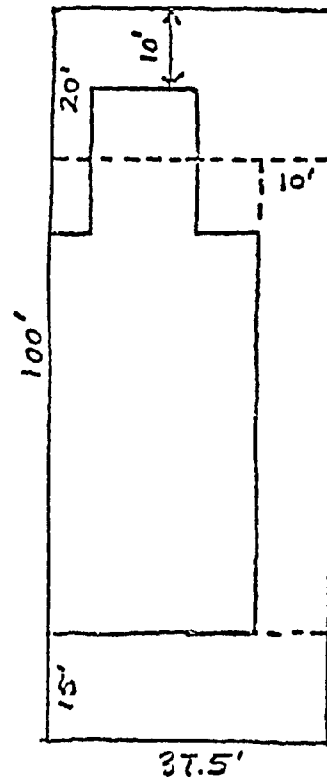


Figure C:

Application
of Table III



5. Common Walls. The provision for a zero side yard setback is not intended to permit the usage of a common wall. Abutting walls shall be utilized.

C. Floor Area Ratio.

The Floor Area Ratio shall be .60.

D. Parking Regulations.

1. Every premises shall be provided with a minimum of permanently maintained off-street parking spaces in a parking area or private garage on the same premises as follows:

a. For each dwelling unit - 2.0 spaces, at least one of which shall be completely enclosed.

b. For each two lodgers - 1.0 space.

2. Rear parking shall be mandatory for more than two contiguous units on premises abutting a dedicated alley, unless the rear of the premises is inaccessible. Accessibility shall be determined by the Traffic Engineer.

3. Off-street parking facilities shall be constructed, maintained, and operated in compliance with Division 8 of this Article.

4. A common driveway shall be permitted for those units utilizing rear parking without a contiguous rear alley.

5. No driveway shall be located within two (2) feet ~~of the front 15 feet~~ of the zero side yard property line.

7. ~~6.~~ The required off-street parking space which may be unenclosed, shall be a minimum size of 7.5 feet by 15 feet.

E. Landscaping.

1. Prior to the issuance of any building permits, a landscaping plan shall be submitted to the Zoning Administrator for approval.

2. Prior to approval of final inspection of any premises, the entire required front and street side yards shall be suitably landscaped, except for those areas approved to be occupied by driveways and walkways. Each premises shall be provided three trees of 5-gallon size or equivalent, and whenever the driveway of adjacent premises are closer than six feet, appropriate balanced planting in the intervening space shall be provided for visual relief from the adjacent expanses of concrete. No fencing shall be permitted between such driveways.

3. Substantial conformance shall be determined by the Zoning Administrator, with said determination subject to appeal in the manner set forth in Chapter X, Article 1, Division 5, of the San Diego Municipal Code.

4. Each premises shall be provided with an attached sprinkler system manifold with three (3) anti-siphon valves.

(Added 11-9-77 by Ord. 12204 N.S.)

SEC. 101.0459 CONSTRUCTION OF ZONE MAP – BOUNDARIES

Where uncertainty exists with respect to the boundaries of zones, as shown on said zone map, the following rules shall apply:

(a) The zone boundaries are either streets or alleys unless otherwise shown, and where the colors of said zone map are approximately bounded by a street or alley line, said street or alley shall be construed to be the boundary of such zone.

(b) Where the zone boundaries are not shown to be streets or alleys, and where the property has been or may hereafter be divided into blocks and lots, the zone boundaries shall be construed to be the lot lines, and where the colors on said zone maps are approximately

Passed and adopted by the Council of The City of San Diego on SEP 12 1983,
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Jane A. Blackwell, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

AUG 16 1983

SEP 12 1983

and on _____.

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Jane A. Blackwell, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-16034 Adopted SEP 12 1983

CERTIFICATE OF PUBLICATION

CITY OF SAN DIEGO
ATTN: JUNE A. BLACKNELL
202 C St., 12th Floor
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

ORDINANCE NO. O-16034

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(New Series)
AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1,
DIVISION 4, OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTIONS 101.0455.3 AND 101.0455.4,
RELATING TO SMALL LOT OVERLAY ZONE.
The present ordinance does not permit the development of
detached single family dwelling units on property to which has
been zoned the Small Lot Overlay Zone. The amendment allows
for such development under provisions provided by the amend-
ment.
A complete copy of the ordinance is available for inspection in
the Office of the City Clerk of the City of San Diego, 12th floor, City
Administration Building, 202 "C" Street, San Diego, CA 92101.
Introduced on August 16, 1983.
Passed and adopted by the Council of The City of San Diego
on September 12, 1983.
AUTHENTICATED BY:
ROGER HEDGECOCK,
Mayor of The City of San Diego, California.
CHARLES G. ABDELNOUR,
City Clerk of The City of San Diego, California.
(SEAL)
By JUNE A. BLACKNELL, Deputy.
Published Oct. 24, 1983 60-1500

I, Carrie Gedeon, am a citizen
of the United States and a resident of the County aforesaid; I am over the
age of eighteen years, and not a party to or interested in the above-entitled
matter. I am the principal clerk of the San Diego Daily Transcript, a
newspaper of general circulation, printed and published daily, except
Saturdays and Sundays, in the City of San Diego, County of San Diego, and
which newspaper has been adjudged a newspaper of general circulation by
the Superior Court of the County of San Diego, State of California, under
the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NO. O-16034
(New Series)

4 1/4" x 8.87 = 37.70

is a true and correct copy of which the annexed is a printed copy and was
published in said newspaper on the following date(s), to wit:

October 24, 1983

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 24th day of Oct., 19 83.

Carrie Gedeon
(Signature)

01061