

(O-84-177)  
REV. 4/20/84  
REV. 6/11/84

ORDINANCE NUMBER O-**16198** (New Series)

Adopted on **MAY 7 1984**

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3,  
DIVISION 5 OF THE SAN DIEGO MUNICIPAL CODE BY  
AMENDING SECTIONS 103.0526.2, 103.0526.4,  
103.0526.5, 103.0526.6, 103.0526.7, 103.0526.9,  
103.0526.13, 103.0526.16, 103.0528.1, 103.0528.3,  
103.0528.4, 103.0528.5, 103.0528.6, 103.0528.11,  
103.0528.13 AND 103.0545; AND BY ADDING SECTION  
103.0538, RELATING TO THE MISSION BEACH PLANNED  
DISTRICT ORDINANCE.

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

Section 1. That Chapter X, Article 3, Division 5 of the  
San Diego Municipal Code be, and the same is hereby amended by  
amending Sections 103.0526.2, 103.0526.4, 103.0526.5,  
103.0526.6, 103.0526.7, 103.0526.9, 103.0526.13, 103.0526.16,  
103.0528.1, 103.0528.3, 103.0528.4, 103.0528.5, 103.0528.6,  
103.0528.11, 103.0528.13 and 103.0545, to read as follows:

SEC. 103.0526.2 DENSITY REGULATIONS

One dwelling unit shall be allowed, including  
lodging and boarding units, per 1,200 square feet of  
lot area; except that "R-S" lots of 2,000 square feet  
shall be entitled to a maximum of two dwelling units  
if such lots are developed separately. Also, an "R-N"  
lot or lots totalling between 1,800 and 2,400 square  
feet shall be temporarily entitled to a maximum of two  
dwelling units, provided any building permit for two

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units on such lots must be applied for on or before June 30, 1985. SEC. 101.0211 (PROCEDURE FOR DETERMINING RESIDENTIAL DWELLING UNIT DENSITY) of the Municipal Code shall not apply to any property regulated by this planned district ordinance.

SEC. 103.0526.4 MINIMUM YARDS FOR BAYSIDE AND OCEAN FRONT WALKS

A. The minimum yards for Bayside and Ocean Front Walks shall be as follows:

1. "R-N" Subdistrict, Bayside Walk - five feet.

2. "R-N" Subdistrict, Ocean Front Walk - seven feet for the first story and for additional stories above the first story; three feet for 50 percent of the lot fronting on the walk and five feet for the remaining 50 percent.

3. "R-S" Subdistrict, Bayside and Ocean Front Walks - 10 feet.

4. Exception. A yard abutting Bayside Walk shall have an additional setback beginning 20 feet above grade in the "R-S" Subdistrict and 15 feet above grade in the "R-N" Subdistrict sloping back at a 45 degree angle. The angle is measured in a horizontal plane perpendicular to and away from the building wall in either direction. See Illustration A below.

SEC. 103.0526.5 MINIMUM YARDS FOR COURTS AND PLACES

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A. - No change.

Illustration A - No change.

B. Buildings facing a Court, Place, Bayside or Ocean Front Walk shall not be wider than 25 feet in the "R-N" Subdistrict or 30 feet in the "R-S" Subdistrict, unless a vertical offset in the facade is provided. The vertical offset extending full height shall be a minimum of three feet in depth not less than 45 degrees for not less than 50 percent of the building. The following option is permitted when providing the required vertical offset. The building may encroach into the required yard a maximum of 18 inches for a width not more than one-half of the total building width. However, for all yard encroachment an equal area must be left vacant behind the required setback line adjacent to the Court, Place, or Walk. See Illustration B below.

Illustration B - No change.

#### SEC. 103.0526.6 MINIMUM INTERIOR YARDS

A. Three feet for structures whose facade is a maximum of 20 feet in height abutting the yard. Any portion of the structure's facade exceeding 20 feet in height shall observe an additional setback for the remainder of the structure by sloping away from the plane of the facade at an angle of 45 degrees. (See Illustration A on the preceding page.) Dormers shall be permitted to encroach into the 45 degree setback,

provided that they shall be setback a minimum of five feet from the property line, shall not exceed a total width of 25 percent of the length of the roof abutting the interior yard, that each dormer shall not exceed a width of eight feet, and that there shall be a minimum of two feet between each dormer. When two lots are developed at the same time with common wall construction (combined total of units shall not exceed four) or when two or more lots are consolidated, each opposite side yard shall be six feet or 10 percent of the total width of the lots whichever is greater.

B. Five feet for structures whose facade abutting the yard exceeds 20 feet in height.

SEC. 103.0526.7 MINIMUM YARDS ON STREETS AND ALLEYS

Yards abutting Strandway and Bayside Lane and alleys shall not be required.

SEC. 103.0526.9 MINIMUM REAR YARDS

No rear yard is required except where the rear yard abuts an interior or rear yard of an adjacent lot; then, the regulations under MINIMUM INTERIOR YARDS, SEC. 103.0526.6, shall apply.

SEC. 103.0526.13 LANDSCAPING

One hundred percent of all required yards except interior yards and rear yards shall be landscaped with a minimum of at least 50 percent and shall be a combination of trees, shrubs and ground cover. The remaining 50 percent may include, but is not

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provided that they shall be setback a minimum of five feet from the property line, shall not exceed a total width of 25 percent of the length of the roof abutting the interior yard, that each dormer shall not exceed a width of eight feet, and that there shall be a minimum of two feet between each dormer. When two lots are developed at the same time with common wall construction (combined total of units shall not exceed four) or when two or more lots are consolidated, each opposite side yard shall be six feet or 10 percent of the total width of the lots whichever is greater.

B. Five feet for structures whose facade abutting the yard exceeds 20 feet in height.

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SEC. 103.0526.13 LANDSCAPING

One hundred percent of all required yards except interior yards and rear yards shall be landscaped with a minimum of at least 50 percent and shall be a combination of trees, shrubs and ground cover. The remaining 50 percent may include, but is not

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restricted to, fountains, reflecting pools, art objects, decorative walkways, screens, walls, fences, benches, and decks not exceeding three feet in height and paved areas.

Landscaping located within the required yards for Courts and Places shall protect pedestrian view corridors by emphasizing tall trees with canopy areas and ground cover. Landscaping materials shall not encroach or overhang into the Courts and Places rights-of-way below a height of 10 feet above the right-of-way.

SEC. 103.0526.16 PARKING

A. - No change.

1. 2.0 spaces per dwelling unit; except in "R-S" Subdistricts when a unit is added to a lot with an existing single-family unit and the lot has less than 34 feet of frontage on a street or alley, then the requirement shall be 1.5 spaces per dwelling unit, and in the "R-N" Subdistrict where the requirement shall be one space per dwelling unit for lots abutting Ocean Front Walk or Bayside Walk with less than 10 feet of vehicular access on a street or alley.

2. - No change.

B. through F. - No change.

G. Where off-street parking access is perpendicular to an alley or street, it shall be a

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minimum of 21 feet measured from the opposite edge of the right-of-way. This 21-foot distance may be reduced one foot for each six-inch increase in parking space width but shall not be less than 18 feet.

SEC. 103.0528.1 PERMITTED USES

No building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot or premises be used except for one or more of the following purposes:

A. PRIMARY USES

1. Those primary uses and density set forth in SEC. 103.0526.1 (PERMITTED USES) and SEC. 103.0526.2 (DENSITY REGULATIONS) except that residential uses shall not be permitted within the first story of any building on any lot abutting Mission Boulevard; and for lots exclusively developed residentially, that development is subject to all regulations of the appropriate residential subdistrict.

2. Business Offices (not including hiring halls) provided, however, that business offices shall not be permitted within the first story of any building on any lot within the "VC-N" and "VC-S" Subdistricts and further provided that 50 percent of the ground floor area of the first story shall be reserved for those uses permitted in paragraph "A.3." of this section.

3. through 5. - No change.

B. - No change.

SEC. 103.0528.3 MINIMUM INTERIOR YARDS

A. Three feet for structures whose facade is a maximum 20 feet in height abutting the yard. Any portion of the structure's facade height exceeding 20 feet in height shall observe an additional setback for the remainder of the structure by sloping away from the vertical plane of at least 45 degrees. Five feet for structures whose facade abutting the yard exceeds 20 feet in height. Dormers shall be permitted to encroach into the 45 degree setback, provided that they shall be setback a minimum of five feet from the property line, shall not exceed a total width of 25 percent of the length of the roof abutting the interior yard, that each dormer shall not exceed a width of eight feet, and that there shall be a minimum of two feet between each dormer. When two lots are developed at the same time with common wall construction (combined total of units shall not exceed four) or when two or more lots are consolidated, each opposite side yard shall be six feet or 10 percent of the total width of the lots whichever is greater.

B. A yard shall not be required for lots abutting Mission Boulevard, Ventura Place and West Mission Bay Drive.

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C. A yard, consistent with paragraph "A." of this section, shall be required along any portion of a lot line which abuts a property in a residential subdistrict.

SEC. 103.0528.4 MINIMUM YARDS ON STREETS AND ALLEYS

Yards abutting Strandway and Bayside Lane and alleys shall not be required.

SEC. 103.0528.5 MINIMUM YARDS ON BAYSIDE AND OCEAN FRONT WALKS IN "NC-N," "NC-S," "VC-N" AND "VC-S"

A. The minimum yard for Bayside and Ocean Front Walks shall be as follows:

1. "NC-N" and "VC-N" Subdistricts, Bayside Walk - five feet.

2. "NC-N" and "VC-N" Subdistricts, Ocean Front Walk - seven feet for the first story and for any additional stories above the first story; three feet for 50 percent of the lot fronting on the walk and five feet for the remaining 50 percent.

3. "NC-S" and "VC-S" Subdistricts, Bayside and Ocean Front Walks - 10 feet.

4. Exception: A yard abutting Bayside Walk shall have an additional setback beginning 20 feet above grade in the "NC-S" and "VC-S" Subdistricts and 15 feet above grade in the "NC-N" and "VC-N" Subdistricts sloping back at a 45 degree angle. The angle is measured in a

horizontal plane perpendicular to and away from  
the building wall in either direction.

SEC. 103.0528.6 MINIMUM YARDS ON COURTS AND PLACES IN  
"VC-N," "VC-S," "NC-N" AND "NC-S"

The minimum yard requirement shall be those set  
forth in SEC. 103.0526.5 (MINIMUM YARDS FOR COURTS AND  
PLACES).

SEC. 103.0528.11 PARKING

A. For hotels and motels, there shall be  
provided 1.2 parking spaces for each guest room or  
suite. For hotels and motels with kitchenettes, there  
shall be provided 1.5 parking spaces for each unit  
containing one bedroom or less and 2.0 spaces per each  
unit containing two or more bedrooms.

B. - No change.

C. For business and professional office uses,  
there shall be provided one parking space for each 500  
square feet of gross floor area.

D. Where off-street parking access is  
perpendicular to the alley or street, it shall be a  
minimum of 21 feet measured from the opposite edge of  
the right-of-way. This 21-foot distance may be  
reduced one foot for each six-inch increase in parking  
space width but shall not be less than 18 feet.

SEC. 103.0528.13 FENCES

Fences and walls shall be permitted/required as  
follows:

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A. through D. - No change.

E. Prior to the use or occupancy of any premises, a wall not less than six feet in height shall be constructed along all portions of said property that abuts property within a residential subdistrict; provided, however, that within any required yards for Bayside and Ocean Front Walks, Courts, and Places such walls shall be reduced in height to three feet.

SEC. 103.0545 CONDITIONAL USE PERMIT GRANTED BY THE  
PLANNING COMMISSION

A. USES WHICH MAY BE CONSIDERED

The Planning Commission shall have the authority to permit by conditional use permit the following uses in any commercial subdistrict except as specified in paragraphs "A.4.," "A.6.," "A.7." and "A.8."

1. through 7. - No change.

8. Video arcades limited to the visitor commercial subdistricts only.

a. The Planning Commission shall consider the following criteria in their review and decision for a conditional use permit for a video arcade.

1. The video arcade is so constructed that it mitigates for adverse noise.

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2. The facility will be adequately supervised during hours of operation.

3. Hours of operation shall be restricted to be consistent with the surrounding uses.

4. Adequate lavatory facilities will be provided.

5. Bicycle racks are provided within 25 feet of the video arcade.

b. In order to approve the permit, after considering the criteria above, the Planning Commission shall make findings consistent with SEC. 101.0506 paragraph "D." of the Municipal Code.

c. An approved conditional use permit for a video arcade may be revoked for failure to conform to or comply with conditions or requirements of the conditional use permit pursuant to SEC. 101.0508 of the Municipal Code.

Section 2. That Chapter X, Article 3, of the San Diego Municipal Code, be and the same is hereby amended by adding Section 103.0538, to read as follows:

SEC. 103.0538 ENCROACHMENTS/OCEAN FRONT WALK

No permit or any development or redevelopment on any lot abutting the Ocean Front Walk public right-of-

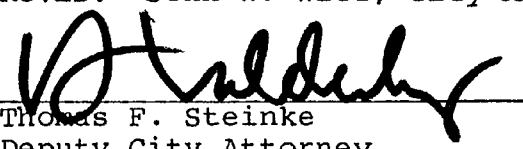
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way or any public right-of-way shall be issued, unless an encroachment permit, pursuant to Chapter VI, Article 2, Division 3 of the Municipal Code, has been obtained for any existing or proposed encroachments into the public right-of-way.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage, and no building permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefor was made prior to the date of adoption of this ordinance.

APPROVED: John W. Witt, City Attorney

By

*for*   
Thomas F. Steinke  
Deputy City Attorney

TFS:ta:605.3.1  
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Or.Dept:Plan.  
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Form=o.none

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Passed and adopted by the Council of The City of San Diego on MAY 7 1984,  
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 Ellen Boward, 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

APR 23 1984

MAY 7 1984

~~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 Ellen Boward, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-16198 Adopted MAY 7 1984

SAN DIEGO, CALIF.

$$6'' \times 8.87 = 53.22$$