

(O-87-239)

ORDINANCE NUMBER O- 16892 (NEW SERIES)

ADOPTED ON JUL 13 1987

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 7, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 101.0700, 101.0701, 101.0702, 101.0703, 101.0704, 101.0705, 101.0706, 101.0707 AND 101.0708 RELATING TO CITY-WIDE LANDSCAPE REGULATIONS.

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

Section 1. That Chapter X, Article 1, Division 7, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 101.0700, 101.0701, 101.0702, 101.0703, 101.0704, 101.0705, 101.0706, 101.0707 AND 101.0708, relating to City-wide Landscape Regulations, to read as follows:

SEC. 101.0700 PURPOSE AND INTENT

The purpose and intent of this Division is to improve the appearance, quality and quantity of landscaping visible from public rights-of-way and adjacent properties. The emphasis is on landscaping adjacent to or visible from the public street.

New structures, certain modifications to existing structures that require ministerial permits, and certain site improvements will conform to this Division, thereby implementing the aesthetic and environmental goals of the General Plan.

SEC. 101.0701 ADMINISTRATIVE REGULATIONS

The provisions of this Division shall constitute the landscaping requirements for all zones except the R-1 (Single-family Residential), A-1 (Agricultural) zones and Planned Districts which do not specifically reference these regulations. For Planned Districts which reference these regulations the following provisions shall apply unless noted otherwise: When a subdistrict emphasis is commercial the landscape provisions of the C zone shall apply. When a subdistrict emphasis is multi-family residential the landscape provisions of the R zone shall apply. When a subdistrict emphasis is industrial the landscape provisions of the M-LI zone shall apply.

This Division shall be applied to any construction, establishment, alteration, enlargement or change in use that results in the following:

A. In commercial zones and for commercial uses in any zone, this Division shall apply to any increase in the gross floor area on a site by 10 percent or 1,000 square feet, whichever is less.

B. In industrial zones, this Division shall apply to any increase in the gross floor area on a site by 20 percent or 5,000 square feet, whichever is less.

C. In multi-family residential zones and for multi-family use in any zone, this Division shall apply to any increase in the gross floor area on a site by 20 percent or 1,000 square feet, whichever is less.

This Division shall also apply to all sites being developed for the provision of parking as a primary use or for any improvement which results in the provision of or an increase in parking.

This Division shall also apply to any addition, alteration or repair to existing structures (Municipal Code Section 91.02.0104) which results in a change in the occupancy classification as listed in Table No. 5-A of the Uniform Building Code. The Planning Director may prorate the requirements herein, based upon the nature and extent of alterations and additions.

For projects as indicated above, no certificate of occupancy, demolition permit, or encroachment permit shall be issued unless:

A. Such development project is found to be in conformance with this Division; or

B. Such development project was granted a discretionary permit, including:

1. Planned Residential Developments (Municipal Code Section 101.0900).

2. Planned Commercial Developments (Municipal Code Section 101.0910).

3. Planned Industrial Developments (Municipal Code Section 101.0920).

4. Conditional Use Permits granted by the Zoning Administrator (Municipal Code Section 101.0510).

5. Conditional Use Permits granted by the Planning Commission (Municipal Code Section 101.0510).

6. Conditional Use Permits granted by the City Council (Municipal Code Section 101.0510).

7. Development conducted under a Development Agreement where such agreement specifies the final design of structures and landscaping (Municipal Code Section 105.0101).

8. Any other discretionary permit as identified by the Planning Director.

SEC. 101.0702 ALTERNATIVE COMPLIANCE

The Planning Director or a designated representative shall administer this Division. In a case where a landscape plan does not comply with the provisions of this Division, the Planning Director or a designated representative may approve a plan in accordance with the policies and procedures of Chapter X, Article 1, Division 5 of the Municipal Code. In a case where a landscape plan does not comply with the provisions of this Division, the Planning Director or a designated representative may approve the plan if the following findings can be made:

A. The proposed improvements will fulfill an individual and/or community need and will not adversely affect the General Plan or the Community Plan;

B. The proposed improvements, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity; and

C. The proposed improvements will meet the purpose and intent of this Division. The Alternative Compliance provision may be applied to large commercial, and industrial projects and projects on difficult sites, that are unable to meet the requirements as stated in this Division. In all cases, projects approved within this framework must satisfy the findings described above.

Under these circumstances, an advertised public hearing shall not be required.

SEC. 101.0703 DEFINITIONS

The following definitions shall apply only for the purposes of this Division.

A. Landscaped Area

An area not subject to vehicular traffic, which consists of living and nonliving landscape material.

B. Street Wall

Any wall fronting a street.

C. Street Wall Line

A line used to delineate the street yard. Such line extends outward, from the outermost points of each building's street wall, parallel to the street, until such extensions of said line intersects the side and/or rear property line or encircles the building. Such street wall line shall follow and include the indentations of the building. If a building has a rounded front, the street wall line corners shall be the points closest to the side property lines. Porches more than three feet above grade and site walls integral in material, design and placement with the building (which maintain a minimum height of four feet) may be included in determining the street wall line of the structure.

D. Street Yard

The area of a lot which lies between the property line abutting a street and the street wall line of a building. If there is no building on a lot or if total building coverage is less than 10 percent of the gross site area or 5,000 square feet,

whichever is less, the entire lot shall be considered street yard.

On corner lots, the street yard shall consist of all the area of such lot between the property line abutting the streets and their corresponding street wall lines. Such lines are extended in the manner provided above. When there are multiple buildings on a lot, the street yard shall consist of all the area of the lot between the property line abutting a street and the outermost points of each building's major street wall.

Isolated buildings such as fast food restaurants in a shopping center, photo processing drop-offs, bank drive-thrus, etc., constituting less than 25 percent of the site's total ground level gross floor area, shall not be considered in delineating the street yard. The site area occupied by isolated buildings may be excluded in calculating the street yard area.

Yards adjacent to Freeways shall not be considered street yards.

E. Remaining Yard

All of the required yard area within the interior side and rear yards as established in each underlying zone, that does not fall within the defined street yard.

F. Vehicular Use Area

All areas subject to vehicular traffic including accessways, driveways, loading areas, service areas, and parking stalls for all types of vehicles. This definition does not include covered parking structures or underground parking lots.

G. Trees

A self-supporting woody plant having at least one well defined stem or trunk and normally attaining a mature height and spread of at least 15 feet, and having a trunk that may, at maturity, be kept clear of leaves and branches at least six feet above grade.

H. Shrub

A woody or perennial plant with multiple stems.

I. Living Landscape

Low growing woody or herbaceous groundcover, turf, shrubs, and trees.

J. Nonliving Landscape

Unattached unit pavers e.g., brick), loose organic and inorganic materials e.g., wood chips, pebbles), architectural landscape elements and hardscape.

1. Architectural Landscape Elements

Built improvements (i.e., water features, overhead trellis, fixed seating, and unenclosed building canopies that are supported by posts and columns).

2. Hardscape

Patterned paving material (i.e., tile or mortared pavers, wood timbers, colored patterned concrete providing a tile, brick or stone appearance), or an integral continuation of patterned paving material with enhanced concrete such as exposed aggregate, colored or salt finished.

SEC. 101.0704 REQUIREMENTS FOR ALL STREET YARDS

A. R and RV Zones

The minimum required landscape area is 80 percent of the total street yard. The street yard shall be planted with a combination of trees and shrubs to achieve an average of .06 points per square foot of total street yard area.

B. CP, CR, CO, CC, CN, CV, CA, CA-RR, C-1, C, and CBD Zones

The minimum required landscape area is 22 percent of the street yard. The street yard shall be planted with a combination of trees and shrubs to achieve a minimum of .025 points per square foot of total street yard area.

C. M-IP, M-LI, and SR Zones

The minimum required landscape area is 30 percent of the street yard. The street yard shall be planted with a combination of trees and shrubs to achieve a minimum of .025 points per square foot of total street yard area.

D. M-1, M-1A, M-1B, M-2, and M-2A Zones:

The minimum required landscape area is 25 percent of the street yard. The street yard shall be planted with a combination of trees and shrubs to achieve a minimum of .25 points per square foot of total street yard area.

SEC. 101.0705 REQUIREMENTS FOR ALL REMAINING YARDS

A. R and RV Zones

The minimum required landscape area is 60 percent of the remaining yards. The remaining yards shall be planted with a combination of trees and shrubs to achieve an average of .03 points per square foot of total remaining yard area.

B. CP, CR, CO, CC, CN, CV, CA, CA-RR, C-1, C, and CBD Zones

The minimum required landscape area is 40 percent of the remaining yards. The remaining yards shall be planted with a combination of trees and shrubs to achieve a minimum of .02 points per square foot of total remaining yard area.

C. M-LI, M-IP and SR Zones

The minimum required landscape area is 60 percent of the remaining yard. This area shall be planted with a combination of trees and shrubs to achieve a minimum of .02 points per square foot of total remaining yard area.

D. M-1A, M-1B, M-1, M-2, and M-2A Zones

The minimum required landscape area is 40 percent of the remaining yards. This area shall be planted with a combination of trees and shrubs to achieve a minimum of .02 points per square foot of total remaining yard area.

SEC. 101.0706 LANDSCAPING REQUIREMENTS FOR FOR ALL ZONES

The following additional landscaping requirements apply to all zones:

A. Vehicular Use Areas

1a. For vehicular use areas located in the street yard and greater than 6,000 square feet, an area equivalent to a minimum of five percent of the total vehicular use area shall be landscaped. The required landscape area shall be provided within the vehicular use area.

1b. For vehicular use areas located in the street yard and 6,000 square feet or less, a combination of trees and shrubs shall be planted in either the vehicular use area, or

within five feet of the perimeter, or both, to achieve the minimum street yard points as required by the underlying zone.

2a. For vehicular use areas located outside of the street yard and greater than 6,000 square feet, an area equivalent to three percent of the total vehicular use area shall be landscaped. The required landscape area shall be provided within the vehicular use area.

2b. For vehicular use areas outside the street yard and 6,000 square feet or less a combination of trees and shrubs shall be planted in either the vehicular use area, or within five feet of the perimeter, or both, to achieve a minimum of .015 points per square foot of total vehicular use area.

3. Tree spacing shall be such that no designated parking space is more than 30 feet from the trunk of a tree.

4. All landscaped areas in or adjacent to a vehicular use area shall be protected from vehicular damage by a raised concrete or other curb of at least six inches in height.

5. Landscaped areas less than five feet in width shall be protected from potential automobile intrusion by wheel stops placed at least two feet from the landscaped areas.

6. Wherever a vehicular use area is located adjacent to a street, it shall be separated from the street curb by a landscaped area(s) other than hardscape of a depth totaling no less than eight feet measured perpendicular to the curb. This area must contain an effective visual screen for a minimum of 80 percent of the vehicular use area frontage on a street from which public access may be taken. This screen

must be at least 30 inches in height, as measured from the vehicular use area or the street curb, whichever is higher, and may be achieved through the use of berms, walls or plant material or any combination thereof.

This landscaped area may be reduced to a depth of three feet if a site wall measuring at least three feet in height is provided. The wall height shall be measured from the vehicular use area or the street curb, whichever is higher.

7. In multi-family residential zones the vehicular use area must terminate at least four feet from any exterior building wall, excluding vehicular access ways to the building.

8. In commercial and industrial zones the vehicular use area must terminate at least four feet from the street wall of a structure, excluding vehicular access ways to the building.

B. Dimensional Criteria

Areas less than 40 square feet in size or having an average dimension of less than three feet, shall not be included for purposes of calculating the required landscape area in the vehicular use area.

C. Street Tree Planting

A minimum of .85 points per linear foot of street frontage must be achieved in the public right-of-way. This point requirement shall be met through the provision of trees.

D. Maintenance

All required landscape areas shall be maintained free of debris and litter and all plant material shall be maintained in a healthy growing condition. Diseased or dead plant material shall be satisfactorily treated or replaced within 30 days with material of an equivalent point value.

Any reductions to required landscape areas and plant materials as determined by this Division must receive prior approval.

E. Irrigation

An irrigation system shall be provided as required for proper irrigation, development and maintenance of the vegetation. The design of the system shall provide adequate support for the vegetation selected.

F. Multi-Family Residential Development

For multi-family residential development in zones other than multi-family zones (R and RV), the multi-family residential requirements of this Division shall apply.

G. Mixed and Multi-Use Development

For mixed and multi-use development containing a residential component, the landscape area requirements for the underlying zone shall apply and the landscape point requirements for the multi-family residential zones shall apply.

H. Commercial Development

For any commercial use or business and professional office use in industrial zones, the landscape requirements of the M-LI Zone shall apply.

I. Residential Buffering

For commercial or industrial remaining yards abutting residential zones, the area shall be planted with a combination of trees and shrubs to achieve a minimum of .05 points per square foot of total remaining yard.

SEC. 101.0707 MEASURED COMPLIANCE

The following point schedule and conditions apply to required landscaping in all zones:

A. The following point schedule shall be used in determining achieved points for required planting. Point values for bare root and balled-and-burlapped stock are available from the Planning Director.

Trees

48-inch box and larger	100 points
42-inch box	65 points
36-inch box	50 points
30-inch box	32 points
24-inch box	20 points
15-gallon	6 points
5-gallon	2 points

Shrubs

24-inch box and larger	15 points
15-gallon	4 points
5-gallon	2 points
1-gallon	.5 points

Palms

Dwarf Palms	5 points per brown trunk ft.
Feather Type Palms	3 points per brown trunk ft.
Fan Type Palms	1.5 points per brown trunk ft.

Points for specimen palms will be assigned on a case-by-case basis.

B. Existing indigenous, native tree species (e.g., Torrey Pine, Oak, Sycamore), two inches in caliper or greater will be assigned 150 points. Other trees two inches in caliper or

greater will be assigned 50 points. Existing palms will be assigned points on a case-by-case basis.

C. A minimum of 50 percent of all required points shall be achieved through tree plantings.

D. All trees in the interior of the vehicular use area shall be 24-inch box size or greater.

E. For plant material provided in the public right-of-way and within 5 feet of the street curb increase points to 130 percent of the scheduled value. Any excess points achieved in the public right-of-way may be used to meet the street yard requirement.

F. Any landscaped area in the public right-of-way other than hardscape, may be counted towards fulfillment of the required street yard landscaped area.

G. In commercial zones, for living landscape material provided between the vehicular use area and the building street wall increase points to 130 percent of the scheduled value.

H. For all zones except commercial the landscape area requirement for the street yard may not be achieved through the provision of hardscape.

I. Only the first 15 feet of required side and/or rear yard setback(s) shall be considered when calculating the remaining yard requirement in commercial and industrial zones. Any landscaping provided between the property line and the maximum required side and/or rear yard setback(s) may be counted towards the remaining yard landscape requirement.

J. In multi-family residential zones, landscaped area and plant material provided within 10 feet of the interior side

property line(s) may be counted towards the remaining yard landscape requirements.

K. In multi-family residential zones, lots with alley access may apply any landscaped area and plant material provided within four feet of the rear exterior building wall towards the remaining yard landscape requirements.

L. In any single required landscape area, a point score in excess of that required may be used to reduce the required landscaped area at a rate of one square foot per excess point up to a maximum reduction of 25 percent.

SEC. 101.0708 SUBMITTAL PROCEDURES

A. Submittals for landscape approval shall comply with the provisions of Chapter 3 of the California Business and Professions Code regulating the practice of landscape architecture and shall include separate planting plans, irrigation plans, site plans, grading plans, and any supplementary information as required to establish conformance.

B. A fee in accordance with established cost recovery funding procedures shall be paid by the applicant to cover all costs associated with administration of the landscape approval process.

C. Any deviations from the approved landscape plan must receive approval prior to installation.

D. Prior to the issuance of a certificate of occupancy, the applicant will provide verification that the landscape improvements are in substantial conformance with the approved landscape plan.

E. If, at the time a certificate of occupancy is sought, the required landscaping is not yet in place, the Planning Director may, at his discretion, require the owner to make fiscal arrangements by bond or certificate of deposit, or a nonrevocable letter of credit to ensure that the landscaping is installed. This option shall be considered by the Planning Director only in cases when demonstrated extenuating circumstances prevent the installation of landscape improvements before the issuance of the occupancy permit. The fiscal arrangements shall reflect the cost of required landscaping not yet in place to ensure that such landscaping is installed. Any owner wishing to make such fiscal arrangements must also grant license to the City or its licensed and contracted agent, to enter upon the land for the purposes of installing the required landscaping, in the event that such landscaping is not in place by the date specified in the agreement. Such fiscal arrangements shall be released when landscape improvement verification is received.

Section 2. 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 Frederick C. Conrad
Frederick C. Conrad
Chief Deputy City Attorney

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JUL 13 1987

Passed and adopted by the Council of The City of San Diego on.....
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Celia Ballesteros	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By *June G. Blackhall*, 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

JUN 30 1987

JUL 13 1987

....., 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 *June G. Blackhall*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-16892 Adopted JUL 13 1987

CERTIFICATE OF PUBLICATION

CITY OF SAN DIEGO
202 C STREET, 2ND FLOOR
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION
7, OF THE SAN DIEGO MUNICIPAL CODE

ORDINANCE NUMBER O-16892 (NEW SERIES)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 7, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 101.0700, 101.0701, 101.0702, 101.0703, 101.0704, 101.0705, 101.0706, 101.0707 AND 101.0708 RELATING TO CITY-WIDE LANDSCAPE REGULATIONS.

This ordinance amends the City-wide Landscape regulations by clarifying the administrative regulations and establishing definitions of projects to which the regulations apply. The definitions of terms utilized in the regulations are revised to eliminate unnecessary terms and provide more precise definitions. Landscape requirements for various zones street yards are revised and combined. Landscape requirements for remaining yards are revised. Landscape requirements for all zones are revised to provide greater specificity and clarity. The provisions of the ordinance which provide values to be assigned to various landscape elements and materials are revised.

A complete copy of the ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.

Introduced on JUNE 30 1987

Passed and adopted by the Council of The City of San Diego on JULY 13 1987.

AUTHENTICATED BY: MAUREEN O'CONNOR

Mayor of The City of San Diego, California

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California

By JUNE A. BLACKNELL, Deputy

Pub. August 24

88970

I, THOMAS D. KELLEHER, 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

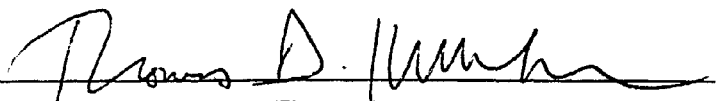
ORDINANCE NUMBER O-16892 (NEW SERIES)

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:

AUG. 24

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

Dated at San Diego, California this 24 day of AUG., 19 87.


(Signature)

(2 3/4" x 10.78 x 2 = \$59.30) 30 x .98 x .93 = \$58.80