(0-91-121) REV. 1

ORDINANCE NUMBER O- 17605 (NEW SERIES)

ADOPTED ON MAR 0 4.1991

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 1, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 101.0101.21, 101.0101.25, 101.0101.48, 101.0101.63, 101.0101.64, 101.0101.65, 101.0101.68, 101.0101.70, 101.0101.72, AND 101.0101.88; BY ADDING SECTIONS 101.0101.24, 101.0101.97, 101.0101.98 AND 101.0101.99; AND BY REPEALING SECTIONS 101.0101.66 AND 101.0101.69 RELATING TO PLANNING AND ZONING DEFINITIONS AND INTERPRETATIONS.

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

Section 1. That Chapter X, Article 1, Division 1, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 101.0101.21, 101.0101.25, 101.0101.48, 101.0101.63, 101.0101.64, 101.0101.65, 101.0101.68, 101.0101.70, 101.0101.72, and 101.0101.88, to read as follows:

SEC. 101.0101.21 FLOOR AREA RATIO

Floor Area Ratio is the numerical value obtained by dividing the total Gross Floor Area of building(s) by the total area of the lot or premises.

SEC. 101.0101.25 GROSS FLOOR AREA

Gross Floor Area is the total horizontal square footage of existing, proposed or potential floors of building(s) or portion thereof, included within the exterior surface of the surrounding exterior walls.

The Gross Floor Area is calculated in relationship to the structure and GRADE (Section 101.0101.24) adjacent to the exterior walls of a building.

Gross Floor Area shall also include:

- A. ATRIUMS (Section 101.0101.97); provided, however, that in commercial and industrial zones, only proposed or existing floors shall be included in the calculation of gross floor area.
- B. BASEMENTS except as defined by Section 101.0101.68.

[Place here the following illustrations which are attached hereto and made a part hereof:

ILLUSTRATION "A" OF SECTION 101.0101.25 Paragraph B, GROSS FLOOR AREA

ILLUSTRATION "B" OF SECTION 101.0101.25 Paragraph B, <u>BASEMENT/GROSS FLOOR AREA</u>

ILLUSTRATION "C" OF SECTION 101.0101.25 Paragraph B, <u>DOUBLE BASEMENTS</u>]

- C. Enclosed exterior stairwells and enclosed exterior elevator shafts.
- D. Exterior balconies, entrances, porches, canopies, rigid awnings, stoops openly supported stairways and sun shades which are constructed and maintained with less than 40 percent of the vertical surface permanently open.
- E. FIRST-STORIES as defined in Section 101.0101.64.
- F. HALF-STORIES (ATTICS), except as specifically excluded by the provisions of Section 101.0101.65.

- G. Interior shafts such as elevator shafts, ventilation shafts, and other similar vertical shafts, interior stairwells, ramps and mechanical equipment rooms. Gross floor area shall include the horizontal projection of each floor in plan view served by the elevator, shaft, stairwell or ramp.
- H. On or above-grade (per Section 101.0101.24)
 parking structures, garages, and carports containing
 three or more surfaces. Surfaces shall mean any floor,
 wall, door, or roof associated with the carport
 structure. However, any wall or roof, which is more
 than 75 percent completely open, shall not be
 considered a surface for purposes of this definition.

[Place here the following illustration which is attached hereto and made a part hereof: ILLUSTRATION "D" OF SECTION 101.0101.25

Paragraph H, CARPORTS]

- I. POTENTIAL FLOORS. Gross floor area shall include any extended floor area and other potential floors which may be used as habitable floor area. These floors shall be calculated by the horizontal projection of an adjacent floor(s) or shall be based on minimum vertical height necessary to accommodate a floor, defined as follows:
 - 1. Residential Zones or for residential development. For purposes of defining minimum vertical height, the height between finished floors, or the height between a finished floor and

the highest point of the finished roof shall not exceed 15 feet. Any such height exceeding 15 feet shall be considered to be more than one floor for purposes of calculating gross floor area. Each seven-foot, six-inch increment, or portion thereof, of height above the 15-foot height shall be counted as an additional floor.

[Place here the following illustrations which are attached hereto and made a part hereof:

ILLUSTRATION "E" OF SECTION 101.0101.25 Paragraph I.1., POTENTIAL FLOOR

ILLUSTRATION "F" OF SECTION 101.0101.25 Paragraph I.1., POTENTIAL FLOOR

ILLUSTRATION "G" OF SECTION 101.0101.25 Paragraph I.1., POTENTIAL FLOOR

- 2. Under Floor Area. For sloping lots with a minimum slope of five percent, a floor shall be calculated for each minimum five-foot area and maximum seven-foot, six-inch area increment or portion thereof, of vertical height between grade and the finished floor above.
- 3. Interior Balconies, Mezzanines and
 Lofts. For single-family residential zones a
 floor shall be calculated by a horizontal
 projection of a plane where the vertical distance
 between the floor of the interior balcony,
 mezzanine or loft and the surface of the floor or
 the highest point of the finished roof immediately
 above exceeds seven feet, six inches.

[Place here the following illustration which is attached hereto and made a part hereof:

ILLUSTRATION "H" OF SECTION 101.0101.25
Paragraph I.5., <u>INTERIOR BALCONIES</u>,
<u>MEZZANINES & LOFTS</u>]

- J. PENTHOUSES (Section 101.0101.71) except as specifically excluded by the provisions of Section 101.0101.62 HEIGHT (BUILDING).
- K. ROOF DECK except as specifically excluded by the provisions of Section 101.0101.99.
- L. UNDERGROUND PARKING STRUCTURES (Section 101.0101.48); those portions where at any point a vertical distance between the surface of the floor immediately above GRADE (Section 101.0101.24), is more than two feet, six inches. An opening for vehicular access not to exceed a maximum width of 16 feet for single-family residential zones, 18 feet for multi-family residential zones, 20 feet for commercial zones, and 25 feet for industrial zones, is excepted from the determination of grade, provided there is a maximum of two such openings per premises and provided there is not more than one such opening per 50 feet of lot frontage.

GROSS FLOOR AREA shall not include those areas occupied by the following:

- M. INTERIOR COURTS (Section 101.0101.98).
- N. SOLAR SYSTEMS as defined in Section 101.1202.
- O. ARCHITECTURAL PROJECTIONS. Buttresses, pilasters, wing walls and similar architectural

embellishments are not included within the exterior surface or the surrounding exterior walls; provided, however, that the total volume of said architectural embellishments shall not exceed an average of three inches added to the total exterior surface of the surrounding exterior walls.

SEC. 101.0101.48 UNDERGROUND PARKING STRUCTURE

A parking structure constructed so that no more than two feet, six inches of the vertical height of the uppermost story or roof of the parking structure is above grade.

Those portions of such structure lying entirely below grade are not subject to the lot coverage or yard regulations specified in this chapter. Those portions of such structure lying partially above grade, but not exceeding three feet above grade, are subject to the yard requirements defined in Section 101.0101.50.1

YARD, FRONT, and Section 101.0101.50.2 YARD, STREET SIDE. Those portions of such a structure lying more than three feet above grade shall be subject to all appropriate lot coverage and yard regulations specified in this chapter.

[Place here the following illustration which is attached hereto and made a part hereof:

ILLUSTRATION "A" OF SECTION 101.0101.48, UNDERGROUND PARKING STRUCTURE]

SEC. 101.0101.63 STORY

Story is the area between finished floors, the area between finished floor and finished roof and the area between GRADE (Section 101.0101.24) and finished floor.

Story shall mean that portion of a building included between the finished surfaces of any two consecutive floors. The topmost story shall be that portion of a building included between the finished floor and the surface of the peak of the roof above. For the purpose of establishing yard setbacks by story, the maximum vertical height of one-story shall be 12 feet; provided, however that any story exceeding 12 feet but not exceeding 20 feet in vertical height shall be considered two stories, with each additional 10 feet or portion thereof of floor to floor vertical height or floor to peak of the roof vertical height counting as an additional story. If the finished floor level directly above a usable or unused underfloor space is more than six feet above grade for more than 50 percent of the total perimeter or is more than 12 feet above such grade as defined herein at any point, such usable or unused underfloor space shall be considered a story. Any such area, 12 feet to 20 feet in vertical height above grade, shall be counted as two stories; with any additional 10-foot increment or portion thereof counting as an additional story.

[Place here the following illustration which is attached hereto and made a part hereof:

ILLUSTRATION "A" OF SECTION 101.0101.63, STORY

Story shall include:

- A. HALF-STORIES (ATTICS) except as specifically excluded by the provisions of Section 101.0101.65.
- B. UNDERGROUND PARKING GARAGE (Section 101.0101.48), or BASEMENT (Section 101.0101.68) which has a vertical distance, at any point, of six feet or greater, between the lower of pre-existing or finished grade (as defined in Section 101.0101.24) and the surface of the floor next above. An on-grade opening for vehicular access not to exceed a maximum width of 16 feet for single-family residential zones, 18 feet for multi-family residential zones, 20 feet for commercial zones, and 25 feet for industrial zones is excepted from the determination of grade, provided there is a maximum of two such openings per premises and provided there is not more than one such opening per 50 feet of lot frontage.
- C. PENTHOUSE (Section 101.0101.71), except as specifically excepted by the provisions of Section 101.0101.62 HEIGHT (BUILDING).
- D. ROOF DECK (Section 101.0101.99) except where specifically excluded.
- E. A detached/attached one-story accessory building not used for living purposes covered in

Section 101.0601 may not exceed 10 feet in height for flat roofs and 12 feet in height for peaked roofs.

For purposes of determining incremental yard requirements based on stories, the provisions of Section 101.0101.70 INCREMENTAL YARDS shall be utilized.

SEC. 101.0101.64 STORY, FIRST

First story shall mean the lowest story or ground story of any building, the floor of which is not more than two feet, six inches above GRADE (Section 101.0101.24) measured to the finished surface of said floor.

SEC. 101.0101.65 STORY, HALF (ATTIC)

Half-story shall mean an area under a peaked roof with a minimum pitch from eave to peak of approximately 3:12 (three feet vertical to twelve feet horizontal) and has a height less than seven feet, six inches, at any point from finished floor to the finished roof above and has a floor area not in excess of one-half of the floor area of the first full story below.

[Place here the following illustration which is attached hereto and made a part hereof:

ILLUSTRATION "A" OF SECTION 101.0101.65, HALF-STORY]

Any half story with a mansard or similar roof is considered a full story. A half-story which utilizes DORMERS (Section 101.0101.88) projecting from the sloping roof of said half-story shall be considered a

full-story, except as exempted by Section 101.0101.88, DORMER. A half-story which has a vertical height of seven feet, six inches or greater measured from the finished floor to the peak of the finished roof above shall be considered to be a full story (as defined in Section 101.0101.63 STORY) for purposes of determining GROSS FLOOR AREA (Section 101.0101.25) and incremental yard requirements as defined in INCREMENTAL YARDS (Section 101.0101.70).

When the proposed floor area exceeds one-half of the floor situated immediately below, the area shall be deemed as a story and the entire floor area of such shall be included as GROSS FLOOR AREA (Section 101.0101.25).

SEC. 101.0101.68 BASEMENT (CELLAR)

A building area which is wholly or partially below grade so that the vertical distance between GRADE (Section 101.0101.24) and the finished floor immediately above, at any point, is no greater than two feet, six inches.

SEC. 101.0101.70 INCREMENTAL YARDS

Incremental, or sliding-scale yards, the dimensions of which are directly related to increases, by story, in building height and are correspondingly increased in horizontal width, depth, or length as yards are required by the provisions of this Chapter.

For purposes of determining incremental yard requirements, the maximum distance measured from grade to finished floor height before said area is counted as a story shall be two feet, six inches for a flat lot and six feet for a maximum of 50 percent of the perimeter on a minimum 5 percent sloping lot. The maximum grade to finished floor or finished floor to finished floor or finished peak of the roof shall be 12 feet. Any such area of 12 feet but not exceeding 20 feet in height shall be counted as two stories, with each additional 10 feet or portion thereof counting as an additional story.

A HALF-STORY not in compliance with the provisions of Section 101.0101.65 HALF-STORY shall be considered to be a story for purposes of computing incremental yard requirements.

An UNDERGROUND PARKING STRUCTURE (Section 101.0101.48) and BASEMENT (Section 101.0101.68) shall be considered to be a story for purposes of computing incremental yard requirements if any portion exceeds a vertical height of six feet measured on the exterior of the building from grade to finished floor immediately above. An opening for vehicular access not to exceed a maximum width of 16 feet for single-family residential zones, 18 feet for multi-family residential zones, 20 feet for commercial zones, and 25 feet for industrial zones is excepted from the determination of grade,

provided there is a maximum of two such openings per premises and provided there is not more than one such opening per 50 feet of lot frontage.

A PENTHOUSE (Section 101.0101.71) except as specifically excluded by the provisions of Section 101.0101.62 HEIGHT (BUILDING), shall be considered to be a story for purposes of computing incremental yard requirements.

Areas on roofs, as defined in Section 101.0101.99
ROOF DECK, which are enclosed, by wall, fence or guard rail open or solid in excess of an average of 42 inches in height, or exceeds 54 inches in height at any point, shall be included in the calculations of incremental yards except as specifically exempted by said definitions.

SEC. 101.0101.72 FLOOR

A horizontal, continuous, supporting or non-supporting surface. A floor shall be considered to be a continuous plane and shall include interior elevator shafts, interior stairwells, other similar interior spaces, and those items set forth in Section 101.0101.25 GROSS FLOOR AREA.

SEC. 101.0101.88 DORMER

A roofed structure projecting from a sloping roof and usually housing a window or ventilating louver. Where a dormer provides a minimum clearance of seven feet, six inches from its finished floor immediately below to the finished roof of the dormer, and together with the HALF-STORY or ATTIC (Section 101.0101.65) or other similar area, and can be utilized as a habitable area, then the entire combined area shall be deemed a STORY (Section 101.0101.63) and shall be included in the calculation of GROSS FLOOR AREA (Section 101.0101.25) and INCREMENTAL YARDS (Section 101.0101.70). Where a dormer is designed exclusively for ventilation and is not accessible from a habitable area, such dormer shall not be included in the calculation of gross floor area and incremental yards.

Section 2. That Chapter X, Article 1, Division 1, of the San Diego Municipal Code be and the same is hereby amended by adding Sections 101.0101.24, 101.0101.97, 101.0101.98, and 101.0101.99, to read as follows:

SEC. 101.0101.24 GRADE

Grade is the elevation of the surface of the ground of a premises, whether pre-existing or finished, whichever is lower in elevation.

Pre-existing grade is the ground elevation of a premises which existed prior to modifications for development or redevelopment. Reference to the grade on adjacent properties may be utilized to assist in establishing pre-existing grade when the presence of said grade is not readily apparent on the subject premises.

Finished grade is the elevation that will exist when all cut, fill or improvements, including but not limited to, pathways, pavements, hardscape or landscaping, are complete.

SEC. 101.0101.97 ATRIUM

An atrium is a roofed, interior building area, which is open vertically through two or more floor levels; and does not include enclosed stairways, elevators, escalators, plumbing, electrical, air conditioning or other equipment.

SEC. 101.0101.98 COURT, INTERIOR

An interior court is an unroofed space, located at, below or above grade and bounded on all sides by the interior or exterior walls of a building(s) or portions of a building(s).

SEC. 101.0101.99 ROOF DECK

For residential zones only, a roof deck is an enclosed or partially enclosed area, with or without an overhead structure, cover or roof, including a deck which is located on a flat or relatively flat roof. Where any portion of the deck's parapet, guardrail, wall or fence (open or solid) enclosing the area exceeds an average of 42 inches in height, or exceeds 54 inches in height at any point, this area shall be included in calculations of the following: Section 101.0101.25 GROSS FLOOR AREA, Section 101.0101.63 STORY, and Section 101.0101.70 INCREMENTAL YARDS. Any

walled area erected exclusively to screen mechanical equipment shall not be considered to be a roof deck.

[Place here the following illustration which is attached hereto and made a part hereof:

ILLUSTRATION "A" OF SECTION 101.0101.99, ROOF DECK]

Section 3. That Chapter X, Article 1, Division 1, of the San Diego Municipal Code be and the same is hereby amended by repealing Sections 101.0101.66 and 101.0101.69.

Section 4. This ordinance shall take effect and be in force on the thirtieth day from and after its passage, however, the provisions of this ordinance shall not be applicable within the Coastal Zone until the thirtieth day following the date the California Coastal Commission unconditionally certifies this ordinance as a local coastal program amendment. If this ordinance is not certified, or is certified with suggested modifications by the California Coastal Commission, the provisions of this ordinance shall be null and void within the Coastal Zone.

Section 5. In areas of the City of San Diego other than the Coastal Zone, any project, meeting any one of the criteria set forth below, and submitted prior to February 1, 1991, shall be exempt from the provisions of this ordinance.

A. Any project for which plans have been submitted to the Building Inspection Department of The City of San Diego, which plans comply with the minimum requirement as established by the Building Inspection Department.

B. Any project for which plans have been submitted for a discretionary permit (or permits) subject to Chapter X of this Code; provided, however, that all plans submitted to the Building Inspection Department shall be consistent with the approved discretionary permit or permits.

Section 6. Within the Coastal Zone, no permits for development inconsistent with the provisions of this ordinance shall be issued after the date on which this ordinance becomes effective within the Coastal Zone, as specified in Section 4 of this ordinance, unless an application for a Coastal Development Permit was made prior to February 1, 1991.

APPROVED: JOHN W. WITT, City Attorney

Βv

Frederick C. Conrad

Chief Deputy City Attorney

FCC:lc 02/05/91

02/28/91 REV. 1 Or.Dept:Plan.

0-91-121

Form=o+t

ILLUSTRATION "A" of Section 101.0101.25 Paragraph B GROSS FLOOR AREA

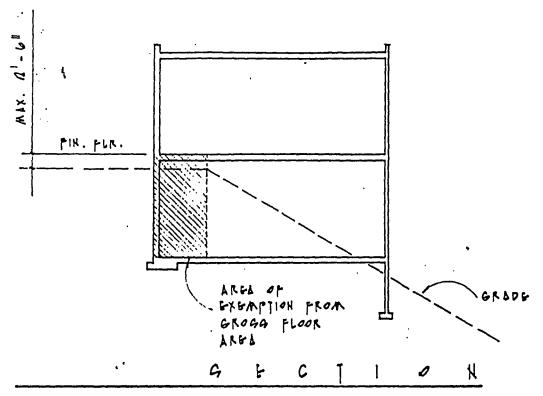


ILLUSTRATION "B" of Section 101.0101.25 Paragraph B

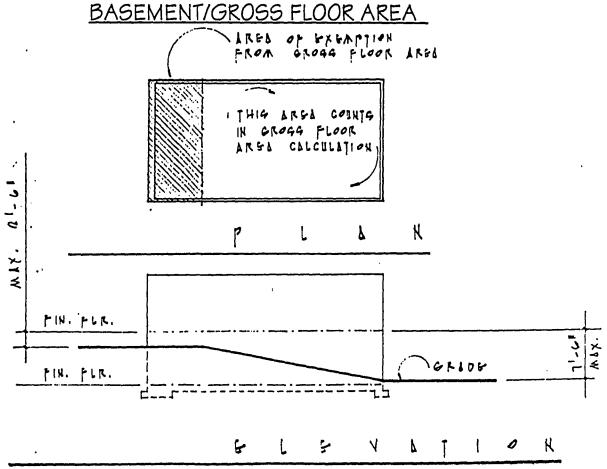
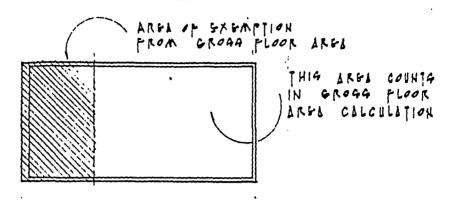
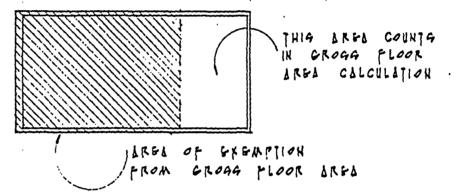


ILLUSTRATION "C" of Section 101.0101.25 Paragraph B. DOUBLE BASEMENTS

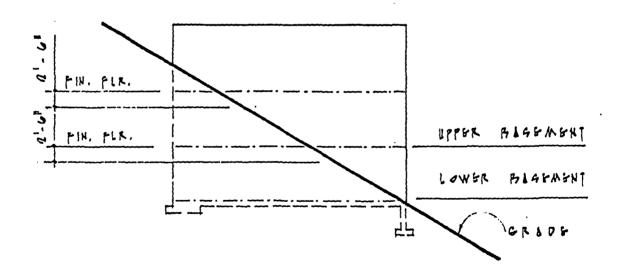


UPPER BASEMENT PLAN

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LOWER BASEMENT PLAN



ELEVATION

ILLUSTRATION "D" of Section 101.0101.25 Paragraph. H

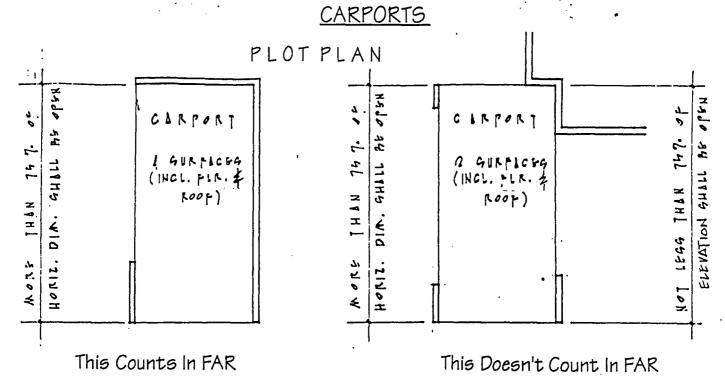


ILLUSTRATION "E" of Section 101.0101.25 Paragraph I.1. POTENTIAL FLOOR

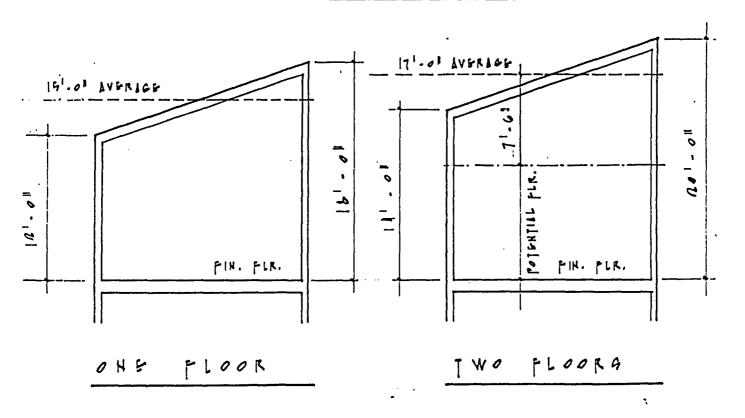


ILLUSTRATION "F" of Section 101.0101.25 Paragraph I.1. POTENTIAL FLOOR

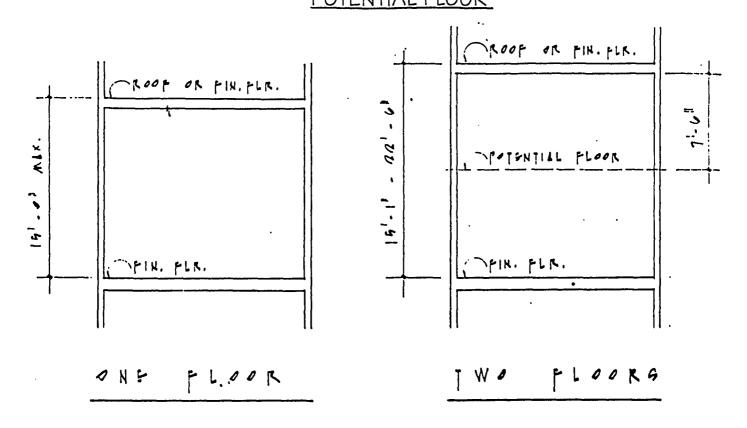


ILLUSTRATION "G" of Section 101.0101.25 Paragraph I.1.

POTENTIAL FLOOR

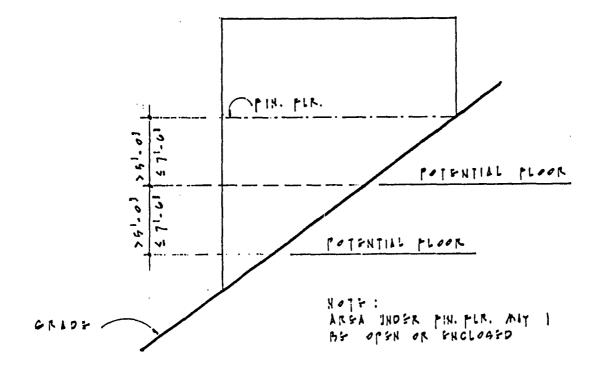


ILLUSTRATION "H" of Section 101.0101.25 Paragraph 1.5.. INTERIOR BALCONIES, MEZZANINES & LOFTS

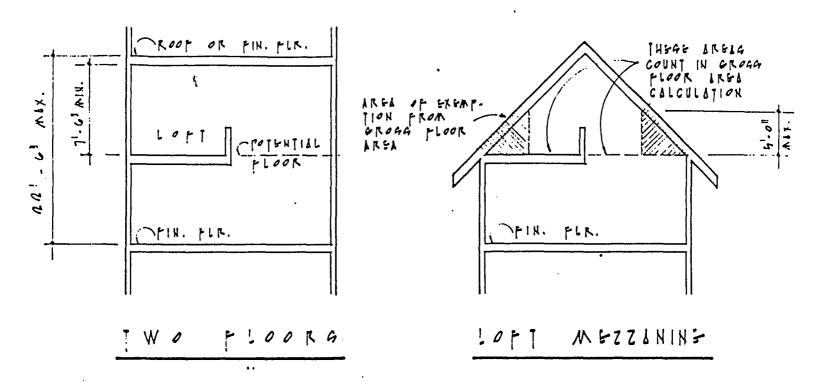
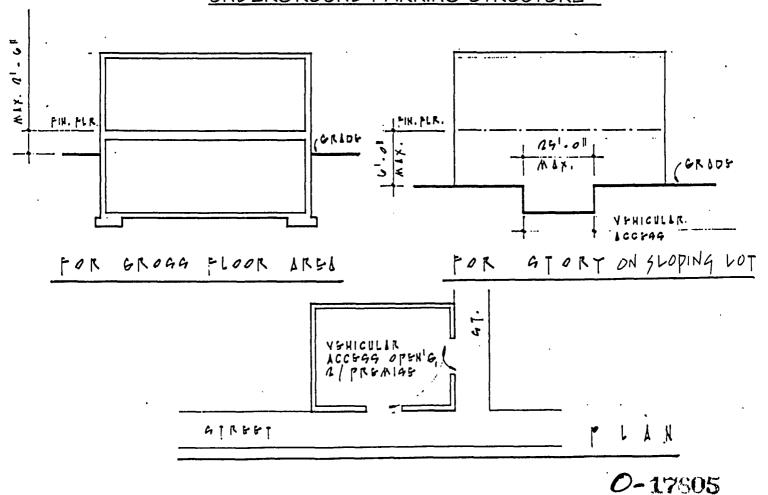
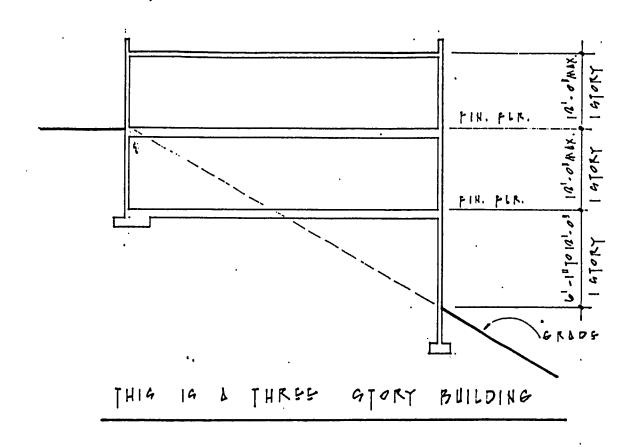


ILLUSTRATION "A" of Section 101.0101.48 UNDERGROUND PARKING STRUCTURE



LLUSTRATION "A" of Section 101.0101.63. <u>STORY</u>



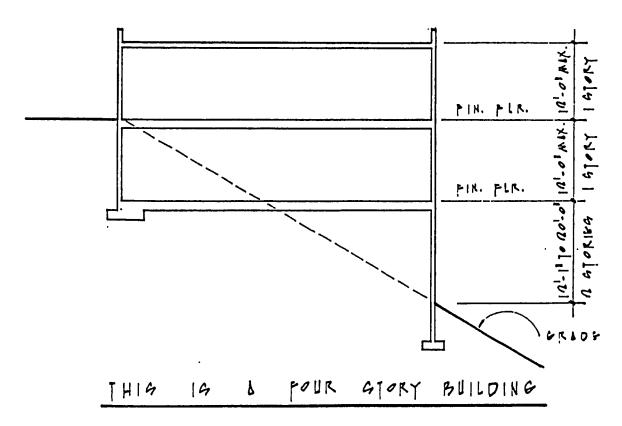


ILLUSTRATION "A" of Section 101.0101.65 HALF-STORY

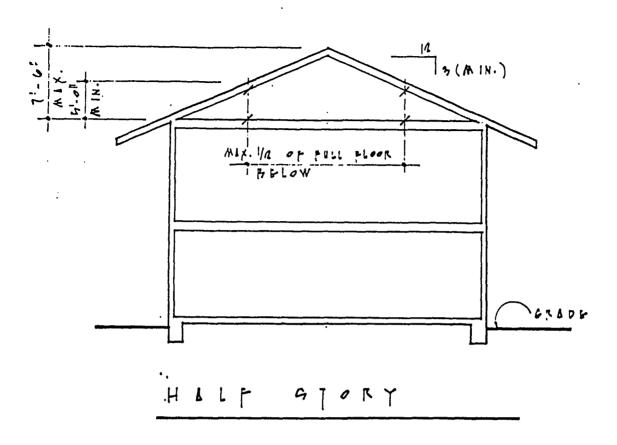
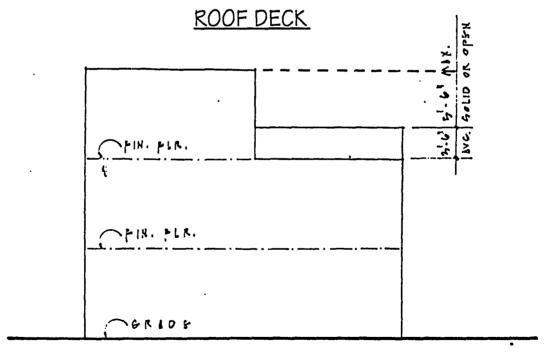


ILLUSTRATION "A" of Section 101.0101.99



FIFVATION . ROOF DECK

# C	-
Passed and adopted by the Council of The City of San Diego on	
Council Members Yeas Nays Not Present Ineligible Abbe Wolfsheimer Ron Roberts John Hartley H. Wes Pratt Linda Bernhardt J. Bruce Henderson Judy McCarty Bob Filner Mayor Maureen O'Connor	
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 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 FEB 19 1991 , and on MAR 0 4 1991	
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. By By Deputy.	
Office of the City Clerk, San Diego, California Ordinance 0-17605 MAR 0 4 1991	

STF (323) PM \$ 26

CERTIFICATE OF PUBLICATION

CITY CLERK'S OFFICE CITY ADMN. BLDG. 202 C ST. SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 1, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 101.0101.21, 101.0101.48, 101.0101.70, 101.0101.72 AND...

ORDINANCE NUMBER 0-17605

AN ORDINANCE AMENDING CHAPTER X. ARTICLE 1, DIVISION 1: OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 101.0101.21, 101.0101.25, 101.0101.48, 101.0101.69, 101.0101.79, 101.0101.72, AND 101.0101.85, 101.0101.85, 101.0101.79, 101.0101.72, AND 101.0101.89, AND MODING SECTIONS 101.0101.24, 101.0101.87, 101.0101.98 AND 101.0101.99, AND 8Y REPEALING SECTIONS 101.0101.86 AND 101.0101.89 RELATING TO PLANNING AND ZONING DEFINITIONS AND INTERPRETATIONS.

This ordinance amends the Municipal Code by amending the definition of floor area ratio and related definitions that would revise the method of calculating the floor area ratio and the relationship of structures to grade. A complete copy of the Ordinance is available for inspection in the Office of the City Clerk, City of San Diego, 2nd floor, City Administration Building, 202 C Street, San Diego, CA 92101.

INTRODUCED ON FEB 19 1991

Passed and Adopted by the Council of The City of San Diego on MAR 04

hish March 18

AUTHENTICATED BY: MAUREEN O'CONNOR Mayor of The City of San Diego, CA
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, CA

By Linda Lugano, Deputy

215051

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 0-17605

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:

MAR. 18

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

Dated at San Diego, California this 18TH day of MAR, 1991.

RECEIVED CITY CLERK'S OFFICE

91 MAR 22 AM 9: 43 SAN DIEGO, CALIF.